

memo

To Sydney West Central Planning Panel
From Blacktown City Council
Date 13 December 2016
Topic Amendment to conditions for DA-15-2411
File No DA-15-02411

1. The Sydney West Central Planning Panel is to consider 2016SYW034 DA – DA-15-2411 on 21 December 2016.
2. The applicant has reviewed the draft conditions and requested amendments to conditions. Council officers have reviewed the applicant's request and amended the conditions were appropriate. A copy of the applicant's request and Council officer response is included in Attachment A. Attachment B provides revised conditions, with amendments highlighted in red.

Regards

A handwritten signature in blue ink, appearing to read "Judith Portelli".

Judith Portelli

Manager Development Assessment

Attachments

- A. Summary of condition amendment requests
- B. Revised conditions of consent with red mark-up

Contested condition	Applicant's request	Council response
<p>2.1.2 This consent grants approval for the following, subject to full compliance with all other conditions of this consent:</p> <p>(a) 4 x 1 bedroom apartments (b) 20 x 2 bedroom apartments (c) 2 x 3 bedroom apartments</p>	<p>Condition 2.1.2 : Incorrect number of apartments and no mention of Retail shops</p>	<p>Council agrees to amend condition as follows:</p> <p>2.1.2 This consent grants approval for the following, subject to full compliance with all other conditions of this consent:</p> <p>(a) 6 x 1 bedroom apartments (b) 14 x 2 bedroom apartments (c) 2 x 3 bedroom apartments (d) 7 retail premises as per approved plans.</p>
<p>4.1.1 The following amendments are to be made to the plans prior to the release of a construction certificate:</p> <p>(a) The terraces for the residential units U2, U3 and U4 on the first floor must not extend to more than 2 metres from the eastern boundary. The 2 metres wide section between these terraces and the eastern boundary must be utilized for two parallel planter boxes, each 1 metre wide, to a point 10 metres from the northern property boundary. The eastern planter box along the property boundary must be 0.6m deep. The planter box adjacent to the terrace must be 1.2 metres deep. A solid barrier to a height of 2 metres above the level of the terrace must be erected on the wall between the two planter boxes, parallel to and 1 metre distant from the boundary. The 2 metres high barrier must not extend to the north beyond a point 10 metres from the northern property boundary. From a point 10 metres from the northern property boundary there must be only be one planter box with a width on 2 metres. The planter boxes must be densely vegetated.</p>	<p>Condition 4.1.1 (a) The terraces for the residential units U2, U3 and U4 on the first floor must not extend to more than 2 metres from the eastern boundary.</p>	<p>Council does not agree to amend condition. Condition imposed to ensure building separation requirements under the Apartment Design Guide between the development and the adjoining B1 zone are met, as the existing Prospect Village could be redeveloped in a similar fashion. Balconies associated with the dwellings are still ample in size.</p>
<p>(d) The section of the building immediately to the south of Shops 6 and 7 must be redesigned to create a prominent entrance and foyer for the residences within the building. The entrance to the building must be visible within the western façade of the building. The foyer must have access from the on ground car parking area by way of a ramp that satisfies AS1428.</p>	<p>Condition 4.1.1 (d) The section of the building immediately to the south of Shops 6 and 7 must be redesigned to create a prominent entrance and foyer for the residences within the building.</p>	<p>Agree to delete condition as creation of new foyer may create an undesirable outcome by encouraging residents to use at-grade car parking designated for residents.</p>

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 Separate development consent may be required from Council prior to the use of each individual unit/the approved building(s). The applicant is advised to contact Council's Development Services Unit in this regard.

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

1.2.3 Separate approval is required prior to the fit out of each of the retail units on the ground floor. The applicant is advised to contact Council's Development Services Unit in this regard.

1.2.4 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 the existing dwelling and associated structures. 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.

1.2.5 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.

1.3 Other Approvals

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary development not approved by this consent, including:
- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
 - (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) the erection of any advertising sign, not being "Exempt Development" within the State Environmental Planning Policy (Exempt and Complying Development) 2008, and
 - (e) the use or fit-out of any shop or commercial premises not being "Exempt Development" within the State Environmental Planning Policy (Exempt and Complying Development) 2008, and
 - (f) the installation of a vehicular footway crossing servicing the development.
 - (g) separate Council approval under the Roads Act 1993 is required for any crane used to construct this development that swings over public air space.
- 1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.3.4 The demolition or removal of the existing building(s) or structure(s) is not approved by this consent. The applicant is required to lodge either a separate Development Application for Council's consideration, or a separate Complying Development Certificate where permitted by the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, for the demolition of the existing dwelling and associated structures.

1.4 Services

- 1.4.1 The applicant is advised to consult with:

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

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

All approved building construction plans attached to the Construction Certificate

These conditions are imposed for the following reasons:

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should be submitted to 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 are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 1.4.2 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.3 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.
- 1.4.4 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.

1.5 Tree Planting and Service Locations

- 1.5.1 In order to facilitate street tree planting that does not impact on public utilities, the applicant is advised to liaise with the relevant service authorities regarding the location and use of their specific service allocation within the public road reserve.
- 1.5.2 The proposed street tree planting shall be reviewed in relation to the existing / proposed street lighting layout to ensure that the intended tree planting does not interfere with the street light spill. Documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting shall be submitted to Council prior to the issue of a Construction Certificate relating to the approved development.

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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1.6 Identification Survey

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

2 GENERAL

2.1 Scope of Consent

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

Drawing No.	Dated	Council's File Enclosure No.
Site/ Ground Floor Plan ALD-15 1/6B	Sept 16	94A
First Floor Plan ALD-15 2/6A	Sept 16	81J
Second Floor Plan ALD-15 3/6A	Sept 16	81K
Basement Floor Plan ALD-15 4/6C	Sept 16	98C
Roof Plan ALD-15 5/6A	Sept 16	81M
Elevations/ Section ALD-15 6/6C	Nov 16	97C
Truck Swept Path Inbound ALD-15 TR 1/2	Sept 16	96D
Waste Rooms and Bin Travel Paths ALD-15WS 1/1	Sept 16	96C
Landscape Plan L-01 and L-02 Issue B	11/05/16	81O

*Unless modified by any conditions of this consent.

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

- (a) 6 x 1 bedroom apartments
- (b) 14 x 2 bedroom apartments
- (c) 2 x 3 bedroom apartments
- (d) 7 retail premises as per approved plans.

2.2 Suburb Name

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 2.2.1 The land the subject of this consent is known to be located in the following suburb.
This suburb name shall be used for all correspondence and property transactions:

Suburb: PROSPECT

2.3 Compliance with BASIX Certificate

- 2.3.1 All commitments listed in the BASIX Certificate number: 657077M_03 dated 18 May 2016 shall be complied with.

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: Prospect

- 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: Prospect

2.6 Engineering Matters

2.6.1 Definitions

- 2.6.1.1 Any Construction Certificate covering Engineering Works must include and address the following:

- Design of specified Engineering Works as required by this consent.
- Any ancillary works necessary to make the construction effective

If both Building and Engineering works are required, separate construction certificates can be issued for the following works:

- Construction Certificate for Building Works
- Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent)

Works which require approval under the Roads Act 1993 or Local Government Act 1993 CAN NOT be privately certified. Examples of these works are, but not limited to:

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- Works in public areas (i.e. Road Reserve, Public Reserves)
- Inter-allotment drainage (i.e. drainage outside the boundary of the land being developed)

Engineering works (as nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent) can be included within a Construction Certificate for Building works, provided that:

- All Engineering Works are specifically mentioned on the Construction Certificate
- The Certifier holds relevant qualifications to issue a Construction Certificate for the Engineering works. Appropriate accreditation qualifications must be shown on Construction Certificate.

2.6.1.2 All works requiring approval under the Roads Act 1993 or Local Government Act 1993 must be approved PRIOR to the issue of any Construction Certificate.

2.6.2 Design and Works Specification

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (d) Blacktown City Council On Site Detention General Guidelines and Checklist
- (e) 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.

2.6.3 Payment of Engineering Fees

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 2.6.3.1 If it is the applicant's intention to engage Council to undertake the checking of the engineering design plans and the issue of the Construction Certificate for the engineering works nominated in the "Prior to Construction Certificate (Engineering)" section, it will be necessary to submit the relevant engineering plans to obtain a quote for this service.

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

- 2.6.3.2 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.

2.6.4 Other Fee and Bond/Securities

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

(a) Vehicular Crossing Application and Inspection Fee: \$140.

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.

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

2.7 Other Matters

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

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

- 2.7.3 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of the Department of Environment and Climate Change (National Parks and Wildlife Service) and a member of each of the Western Sydney

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Aboriginal Stakeholder Groups is to be contacted.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

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

3.2 Road Deposit/Bond

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

- (a) Road inspection fee of \$169.00;
- (b) Road maintenance bond of \$5000.00; and
- (c) Road maintenance bond administration fee of \$80.00

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

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

3.3 DCP 2015

- 3.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Development Control Plan 2015.

3.4 Services/Utilities

- 3.4.1 Separate documentary evidence from a recognised energy provider shall be provided stating that the requirements of that Authority have been met with regard to the nearby high voltage transmission line.

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

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

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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3.5 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

- 3.5.1 No construction certification must be issued unless all design verifications have been provided in accordance with Clause 143A of the Environmental Planning and Assessment Regulation 2000, a certifying authority must not issue a construction certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of [State Environmental Planning Policy No 65—Design Quality of Residential Flat Development](#).

3.6 Other Matters

- 3.6.1 A Construction Traffic Management Plan (CTMP) must be prepared for the development by a suitably qualified person prior to the release of the Construction Certificate. The CTMP must detail construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control methods.
- 3.6.2 A dilapidation report shall be carried out for any of the potentially affected existing buildings surrounding the proposed development. A copy of the report shall be submitted to Council prior to construction commencing.

3.7 Acoustic Measures

- 3.7.1 The recommended acoustical treatments detailed in the Traffic, Business Zone and Noise Impact Assessment prepared by Acoustic Noise and Vibration Solutions Pty Ltd (Ref No. 2015-408) dated 29 October 2015 are to be detailed on the Construction Certificate Plans.

3.8 Salinity and Aggressive Soil Management

- 3.8.1 A Salinity and Geotechnical 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.

3.9 Environmental Health

- 3.9.1 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)

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 dB(A)

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

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

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

3.9.3 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.

3.9.4 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.

3.9.5 All areas potentially/contaminated shall be remediated in accordance with the Remedial Action Plan prepared by SLR (Report Number 610.14727-R1) dated 30 September 2015. Upon completion of remediation an appropriately qualified geoscientist shall prepare a validation report. The validation report shall be carried out in accordance with;

- o NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (1997)
- o NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995).
- o Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (1992).

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- National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013

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.

3.10 Street Tree Planting and CBD Pavement Treatment

- 3.10.1 Prior to the issue of a Construction Certificate relating to the approved development, full detail plans in relation to the proposed street tree planting and landscaping consistent with Council's adopted Street Tree Guidelines shall be submitted to and approved by Council's Manager Civil and Park Maintenance. The Street Tree Plan shall observe the species palette identified by Council's Street Tree Guidelines for Street Trees in the CBD and will include the following:

- cross-sections showing dimensions of tree pits
- minimum of 100 litre containers or a species to be nominated by Council
- details of root protection barriers
- soil specifications
- location of tree pits in relation to any awning within the street setback, services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

These shall be submitted to Council for the approval of Council's Manager Civil and Park Maintenance. NOTE: Any tree planting to be undertaken as part of the approved development shall be available to Council for inclusion in future carbon sequestration programs.

- 3.10.2 Prior to the issue of any Construction 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. The Applicant is to undertake the planting and maintenance of street tree/s at no cost to Council and obtain any necessary clearances from relevant Service Authorities.

The Applicant is to lodge a tree bond of \$250.00 per tree with Council to ensure the health and vigour of the tree/s. This bond shall be returned six (6) months after the completion of the development (i.e. issue of the final Occupation Certificate) if the trees are in a state of good health and vigour to Council's satisfaction.

- 3.10.3 Prior to the issue of a Construction Certificate relating to the approved development, full detail plans in relation to the pavement treatment along the Aldgate Street pavement shall be submitted to and approved by Council's Manager Civil Maintenance. This shall be at the full cost of the Applicant.

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3.11 Adaptable Housing Units

- 3.11.1 A minimum of 10% of the units within each residential flat building are to be designed in accordance with the Australian Adaptable Housing Code (AS 4299-1995) which includes "pre-adaptation" design details to ensure visitability is achieved.

3.12 Awnings

- 3.12.1 Details of the proposed awnings over Council's road reserve, including colour samples of the materials / finishes from brochures or the like are to be submitted for the separate approval of Council's Maintenance Engineers. The height and width of the proposed footpath awning is to comply with the following requirements:

- (a) The general provisions applicable to awnings under the Local Approvals Policy 2015 Parts A, E, E1 and E2.
- (b) It must not cover, obstruct or interfere with facilities essential to the function or occupation of any building (e.g. ventilation ducts/openings and architectural features).
- (c) Must have a minimum horizontal distance of 600mm from the road kerb/shoulder.
- (d) Must have a minimum height of 3.2 m to the underside of the awning (i.e. measured above the adjacent finished / proposed footway level).
- (e) Must have a maximum height of 5 m to the upper side of the awning (excluding the overhead support components).

- 3.12.2 Under awning lighting is to be provided to enhance pedestrian amenity and safety.

- 3.12.3 Certification is to be provided by a NPER engineer as to the structural integrity of the awning and compliance with the BCA and other relevant standards.

3.13 Endeavour Energy

- 3.13.1 The conditions of Endeavour Energy letter dated 14 October 2015 and signed by the applicant are to be met.

3.13.2 Network Capacity / Connection

The applicant for the development of the site will need to submit an application for connection of load for the additional buildings via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount or indoor / chamber substations will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please find attached for the applicant's reference is a copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's

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Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm.

3.13.3 Earthing

The construction of any building or structure (including fencing) that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with AS/NZS 3000:2007 'Electrical installations' to ensure that there is adequate connection to the earth. Inadequate connection to the earth places persons and the electricity network at risk.

3.13.4 Noise

The electricity network is operational 24/7/365 ie. all day, every day of the year. Overhead power lines can produce an audible sound or buzz as a side effect of carrying electricity. The sound can be louder if there is increased moisture (during rain, fog, frost etc.) or pollutants in the air. The sound usually occurs at the poles at the insulators supporting the power lines. The transformer in substations may emit a hum – especially when under heavy load say in the summer peak when use of air conditioning is at its highest. These sounds are generally not an issue in non-urban / non-residential areas but with increasing density and building heights Endeavour Energy believes it is worth considering. Where development is proposed in the vicinity of electricity infrastructure, Endeavour Energy is not responsible for any acoustic / noise amelioration measures for such noise that may impact on the nearby proposed development.

The 'Acoustic Report for Lot. 102, Aldgate St, Prospect Reference No.: 2015-408' makes reference in section 3.2 to Clause 102 of the State Environmental Planning Policy – (Infrastructure) 2007 – 'Impact of Road Noise or Vibration on Non-road Development'. Whilst the Policy does not make reference to noise or vibration in relation to electricity transmission or distribution networks, for the purposes of a building for residential use, the same guidance LAeq levels are not exceeded in relation to any electrical infrastructure.

3.13.5 Electric and Magnetic Fields (EMF)

Endeavour Energy recognises that a causal link between power-line EMF exposure and demonstrated health effects has not been established, even after much scientific investigation throughout the world. There are no state or federal exposure standards for 50/60- hertz (Hz) EMF based on demonstrated health effects. Nor are there any such standards world-wide. Among those international agencies that provide guidelines for acceptable EMF exposure to the general public, the International Commission on Non-Ionizing Radiation Protection established a level of 1000 milligauss (mG). Endeavour Energy recognises that timely additional research is unlikely to prove the safety of power-line EMF to the satisfaction of all.

Endeavour Energy is committed to ensuring that its activities and assets conform to all relevant International and Australian Standards, National Health and Medical Research Council (NH&MRC) Standards, Energy Networks Association (ENA)

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Standards and NSW legislation. This includes a commitment to a policy of prudent avoidance as endorsed by the ENA with regard to the location of assets and electric and magnetic fields. Please find attached a copy of ENA's 'Electric & Magnetic Fields – What We Know, January 2014' which can also be accessed via the ENA's website at <http://www.ena.asn.au/>.

3.13.6 Public Safety

The development will involve work on or near electricity infrastructure, workers run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

3.14 Intersection treatment of Aldgate Street and Blacktown Road

- 3.14.1 Prior to the release of any Construction Certificate on the site, the developer is to obtain approval for the design of a right-turn seagull bay at the intersection of Aldgate Street and Blacktown Road from the Local Traffic Committee.

The design and construction of the seagull bay is to be at full cost of the applicant/ developer.

3.15 Waste management

- 3.15.1 Roads and driveways for the path of travel of trucks servicing the development must be rated for at least 24 tonne trucks.
- 3.15.2 The applicant must demonstrate that the residential waste room can accommodate all required bins for the site without stacking them in tandem fashion (i.e. all 1100L bulk waste bins and all 240L recycling bins) as residents will be accessing this room. The design of the residential waste room is to be endorsed by Council's Waste Services Section prior to the release of a Construction Certificate.
- 3.15.3 The development is to be designed so that waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Necessary plan amendments

- 4.1.1 The following amendments are to be made to the plans prior to the release of a construction certificate:

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- (a) The terraces for the residential units U2, U3 and U4 on the first floor must not extend to more than 2 metres from the eastern boundary. The 2 metres wide section between these terraces and the eastern boundary must be utilized for two parallel planter boxes, each 1 metre wide, to a point 10 metres from the northern property boundary. The eastern planter box along the property boundary must be 0.6m deep. The planter box adjacent to the terrace must be 1.2 metres deep. A solid barrier to a height of 2 metres above the level of the terrace must be erected on the wall between the two planter boxes, parallel to and 1 metre distant from the boundary. The 2 metres high barrier must not extend to the north beyond a point 10 metres from the northern property boundary. From a point 10 metres from the northern property boundary there must be only be one planter box with a width on 2 metres. The planter boxes must be densely vegetated.
- (b) Ground level areas identified as 'common open space' must be available at all times for the exclusive use of residents for open space and recreation purposes. This space constitutes part of the common property. As such the common open space to the west of Shop 7 must not be used by or in conjunction with any of the occupants of the shops on the ground floor.
- (c) The size of the courtyards for apartments U2 and U14 must be increased by incorporating into each courtyard the respective adjacent areas nominated as common open space that are unsuitable for that purpose. The planter box along the northern edge of the courtyard for U2 must be moved 2.6 metres to the north so that the planter box forms part of the balustrade for the courtyard. The northern courtyard wall for U14 must be removed, and the eastern courtyard wall projected northwards to include a gate from the common open space into the enlarged courtyard. A 1 metre wide planter box must be incorporated along the western side of the courtyard for U14.
- ~~(d) The section of the building immediately to the south of Shops 6 and 7 must be redesigned to create a prominent entrance and foyer for the residences within the building. The entrance to the building must be visible within the western façade of the building. The foyer must have access from the on-ground car parking area by way of a ramp that satisfies AS1428.~~
- (d) An acoustic barrier must be constructed parallel to the western boundary of the site at a distance of not less than 100 mm from that boundary. The acoustic barrier must have a height of 2.1 metres and be constructed of lapped and capped hardwood timber.

4.2 Section 94 Contributions

- 4.2.1 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 Subdivision Certificate.

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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 up to \$10,000.00 only. Any payments above \$10,000.00 must be made by cheque. Payments above \$10,000.00 cannot be split between different credit or EFTPOS cards.

Contribution item	Amount	Relevant CP
i. Stormwater Quality	\$38,532	19
ii. Traffic Management – Medium to High Density	\$32,276	19
iii. Traffic Management – All residential development	\$45,158	19
iv. Open Space – Medium to High Density	\$156,152	19
v. Open Space – All residential development	\$43,257	19
vi. Community Facilities	\$11,313	19

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

Copies of the following relevant Contributions Plan 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 Contributions have been based on the potential additional population nominated below. Should the final plan of survey indicate any change to the potential additional population, the Section 94 Contributions will be adjusted accordingly.

Additional Population: 46.2 persons
Developable area: 0.4477 hectares

4.3 Aesthetics/Landscaping

- 4.3.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.
- 4.3.2 All landscaping must be in accordance with the landscape details approved by condition 2.1.1 of this development consent.
- 4.3.3 All common open space areas are to be appropriately illuminated by the use of suitable outdoor lighting or the like, to provide for the safety of residents at night. Details of all outdoor lighting are to be identified on the Construction Certificate plans. Note: If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining residential properties/units are to be protected.

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- 4.3.4 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.

4.4 Access/Parking

- 4.4.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.

The loading facility must be designed so that trucks do not interfere with resident's vehicles during loading/unloading operations.

- 4.4.2 The layout of the car parking areas (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking dimensions) should be in accordance with AS2890.1-2004 and AS2890.6-2009.

- 4.4.3 A total of 78 parking spaces are to be provided on site, being 41 commercial car parking spaces, 26 residential car parking spaces and 11 resident visitor car parking spaces. Suitable bicycle parking must also be provided as indicated on the approved plans.

- 4.4.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009.

5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

5.1 Building Code of Australia Compliance

- 5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by :

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which :
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).

- 5.1.2 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 3.2 Protections of openings within 3 metres of an Fire Source Feature

5.2 Site Works and Drainage

These conditions are imposed for the following reasons:

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- 5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 5.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:
- (a) be in accordance with Australian Standard 3500.3, and
 - (b) provide for drainage discharge to an existing Council drainage system, and
 - (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.
- 5.2.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.
- 5.2.4 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:
- (a) Preserved and protected from damage, and
 - (b) Underpinned and supported.

Such details shall accompany the Construction Certificate.

5.3 Fire Services

- 5.3.1 Where any external on-site fire hydrant or hydrant booster assembly is to be located within any building setback from a boundary, the hydrant or booster assembly shall be located or protected in accordance with the requirements of AS 2419.1.
- 5.3.2 Where any external on-site water storage tank is required by AS 2118.1 or AS 2419.1, details of the location and type of any proposed tank are to be submitted to and approved by Council prior to the issue of the relevant Construction Certificate.

5.4 Internal Works

- 5.4.1 A separate application for development consent shall be lodged with Council for any proposed fit out of a commercial and industrial building (which includes any fixed internal partition wall/display/storage racking/machinery /equipment and the like) that was not approved by this Notice of Determination. This condition does not

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apply to work or development that is Exempt Development or Complying Development under the State Environment Planning Policy (Exempt and Complying Development Codes) 2008.

5.5 BASIX Certificate Compliance

The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 657077M_03 dated 18 May 2016.

6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

6.1 Compliance with Conditions

6.1.1 All conditions in the "Prior to Construction Certificate (Engineering)" Section and the relevant conditions in the "General" Section of this consent, must be complied with prior to the issue of any Construction certificates.

6.1.2 All fees for Construction and Compliance Certificates, Roads Act 1993 and Local government Act 1993 approvals must be paid to Council prior to the issue of any of the above certificates or approvals.

6.2 Drainage

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

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

6.3 Erosion and Sediment Control

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

6.4 On-Site Detention

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

6.4.2 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.

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6.4.3 A certificate from a Professional Civil Engineer/Registered Surveyor must be obtained verifying that the On Site Detention system will function hydraulically in accordance with the requirements of Upper Parramatta River Catchment Trust and Council's current development guide.

6.4.4 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.)

6.5 Asset Management

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

6.6 Scope of Engineering Works

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

6.6.1 Road and Drainage works

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

6.6.1.2 Inter-allotment drainage must be provided where any part of any lot does not drain to a public road. The inter-allotment drainage design must include the

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disposal of stormwater from upstream properties. Where inter-allotment drainage pipelines have already been constructed stormwater slope junction connection points are to be provided to serve the proposed lots. (For infill residue lots subdivision ONLY)

6.6.1.3 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.

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

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

6.6.2 On Site Stormwater Detention System

6.6.2.1 On-Site Detention

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

Nominated Minimum Storage: 470 cu.m/ha

Nominated Maximum Discharge: 80 L/s/ha

(B) Council acknowledges the submission of On-site Stormwater Detention concept plan reference No 2015408 by ANAcivil PTY. LTD dated 12.08.16(Council file DA-15-02411). The Construction Certificate issued in this regard must be generally in accordance with this concept plan.

(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 the Upper Parramatta River Catchment Trust and Council's Policy.

(E) The concept plan referred to above is for Development Application purposes only and is not to be used for construction.

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(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 system.

6.6.3 Vehicular Crossings

- 6.6.3.1 Construction of Council's standard residential vehicular footway and gutter (layback) crossing(s) to each of the following nominated lot(s) in accordance with Council's plan A(BS)102S but thickened to 150mm and reinforced with F82 steel reinforcing fabric. The construction standard for this work may be reduced if the house construction precedes the crossing construction.

Nominated Lot(s): Minimum 4.0 metres x 2 (Aldgate), Prospect.

6.6.4 Footpaths

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

7 PRIOR TO DEVELOPMENT WORKS

7.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

- (a) the name, address and telephone number of the principal certifying authority for the work, and
- (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and

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- (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

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

7.1.3 Should the development work:

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

a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

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

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

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

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

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

7.1.8 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

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

7.2 Notification to Council

7.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

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

7.3 Tree Protection

7.3.1 Any tree not approved for removal or more than 3m from the building perimeter is to be effectively protected against damage.

7.4 Home Building Act

7.4.1 The construction of *residential building work* within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

(a) in the case of work for which a principal contractor is required to be appointed:

- (i) the name and licence number of the principal contractor, and
- (ii) the NSW Home Building Compensation Fund "Statement of Cover" under Part 6 of that Act,

(b) in the case of work to be done by an owner-builder:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under Part 3 of the Act, the number of the owner-builder permit.

7.5 Sydney Water Authorisation

7.5.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal

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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. For further information please refer to the "Developing Your Land" section of the website: www.sydneywater.com.au, or telephone 1300 082 746 for assistance.

7.6 Roads and Traffic Authority

- 7.6.1 Written evidence shall be obtained from the Roads & Traffic Authority indicating compliance with its requirements, including the payment of any necessary works supervision fees. A copy of such approval shall be lodged with Council.

7.7 Adjoining Owners

- 7.7.1 Written permission from the respective owner(s) must be obtained to:

- (a) discharge stormwater onto adjoining owner's land.
- (b) carry out works on adjoining land.
- (c) drain the site across land owned by others.

A copy of such written permission shall be lodged with Council.

7.8 Construction Details

- 7.8.1 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

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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7.9 Other Necessary Approvals

- 7.9.1 Prior to any earthworks or removal of topsoil being undertaken on the site, it will be necessary for the applicant to contact the Western Sydney Aboriginal Stakeholder Groups to arrange for the initial earthworks to be monitored for the presence of any archaeological artefacts.

A minimum of 14 days notice shall be given to the group which is engaged to carry out the monitoring.

Upon completion of the monitoring process, written evidence shall be submitted by the applicant to Council, from the group concerned, documenting the inspection and their findings. This is to be done prior to any further construction works commencing.

7.10 Other Matters

- 7.10.1 Any temporary structure (such as a stage, tent or Marquee for entertainment purposes, or the like) not complying with the provisions of the Exempt Activity Table of Council's current Local Approvals Policy and the provisions of State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) shall be subject to a separate Development Application for the proposal.

7.11 Use of Crane

- 7.11.1 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.
- 7.11.2 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.

8 DURING CONSTRUCTION (BUILDING)

8.1 Safety/Health/Amenity

- 8.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 8.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

- (c) the name, address and telephone number of the principal certifying authority for the work, and
- (d) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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- hours, and
(e) stating that unauthorised entry to the work site is prohibited.

8.1.3 Should the development work:

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

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

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

8.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.

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

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

8.1.7 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

8.1.8 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

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

8.1.9 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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8.2 Building Code of Australia Compliance

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

8.3 Surveys

- 8.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.
- 8.3.2 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.

8.4 Nuisance Control

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

8.5 Waste Control

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

8.6 Construction Inspections

- 8.6.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):
- (a) After excavation for, and prior to placement of, any footings; and
 - (b) Prior to pouring any in-situ reinforced concrete building element; and
 - (c) Prior to the covering of the framework for any floor, wall roof or other building

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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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.

8.7 Site Contamination

8.7.1 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.

8.7.2 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.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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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.

8.8 During the course of works to be undertaken on site, the following conditions shall be complied with at all times:

- (a) All truck movements should be by truck or by "truck and dog trailer" not exceeding a length of 19m. No B-Doubles will be permitted to transport fill material on Blacktown City Council roads.
- (b) All truck movements in the Blacktown LGA must be on designated heavy vehicle roads, as listed in the RTA's road register (see the RTA's website for regular updates) and as agreed to by Council.

8.9 Aboriginal Archaeology

8.9.1 Should any archaeological material be uncovered during construction activities on any location within the approved development, then all works are to cease immediately and representatives of the Office of Environment & Heritage (OEH) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

8.10 Salinity and Aggressive Soil Management

8.10.1 All salinity management measures provided in the Geotechnical and Salinity Assessment Report required by condition 5.9.1 of this consent shall be implemented during construction.

9 DURING CONSTRUCTION (ENGINEERING)

9.1 Notice of work Commencement

9.1.1 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.

9.1.2 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.

9.2 Service Authority Approvals

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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- 9.2.1 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.

9.3 Compaction Requirements

- 9.3.1 Land shall be filled where necessary. All fill including existing fill shall be compacted in accordance with the Council's "Works Specification - Civil (current version)". A compaction certificate shall be obtained from a Registered Engineer (NPER) verifying that the correct compaction requirements have been met.
- 9.3.2 Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with the current version of Council's "Works Specification - Civil".

9.4 Maintenance of Soil Erosion Measures

- 9.4.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.
- 9.4.2 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.
- 9.4.3 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.

9.5 Filling of Land & Compaction

- 9.5.1 Land shall be filled where necessary. All fill including existing fill must be compacted in accordance with the Council's "Works Specification - Civil (Current Version)". A compaction certificate is to be obtained from a practising Civil Engineer verifying that the correct compaction requirements have been met.
- 9.5.2 Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with Councils "Works Specification - Civil (Current Version)".
- 9.5.3 Regular wetting down of the site must be undertaken during the course of works being carried out in order to control wind blown dust from the site.
- 9.5.4 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.
- 9.5.5 Trucks transporting fill must have their loads covered.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 9.5.6 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.
- 9.5.7 Site filling and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 9.5.8 Provisions of "Shaker Pads" and wash-down areas for trucks leaving the site details are to be shown on plans.
- 9.5.9 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.
- 9.5.10 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.
- 9.5.11 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.
- 9.5.12 Only clean fill shall be deposited on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site.

9.6 Inspections of Works

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

(i) Soil Erosion and Sediment Control

- (a) Implementation of erosion and sediment control
- (b) Revegetation of disturbed areas
- (c) Construction of major controls (i.e gabions mattresses shotcreting etc)
- (d) Removal of sediment basins/ fencing etc.
- (e) Internal sediment/ pollution control devices
- (f) Final Inspection

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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(ii) Traffic Control

- (a) Implementation of traffic control
- (b) Maintenance of traffic control during works
- (c) Removal of traffic control

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

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

(iv) Provision of Street Furniture

- (a) Street Furniture (including street signs guideposts guardrail etc)
- (b) Erection of fencing adjoining public/ drainage reserves

(v) Footpath Works

- (a) Footpath Trimming and/or turfing (to ensure 4% fall)
- (b) Pathway construction (cycle/ link pathways)
- (c) Path-paving construction
- (d) Service Adjustments
- (e) Final Inspection

(vi) Construction of on-site detention system

- (a) Steel and Formwork for tank/ HED control pit
- (b) Completion of HED control pit
- (c) Pit formwork
- (d) Pipes upstream/ downstream of HED control pit before backfilling
- (e) Completion of OSD system

(ix) Traffic Control

- (a) Implementation of traffic control
- (b) Maintenance of traffic control during works

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

(a) All road drainage

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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(xi) Final overall Inspections

- (a) Preliminary overall final inspection
- (b) Overall final inspection

ALTERNATIVELY, one comprehensive Inspection Certificate or Compliance certificate may be issued to include all of the above-mentioned stages of construction.

Where Council is appointed as the Principal Certifying Authority for the development (e.g. all Torrens Title subdivisions), only Compliance Certificates issued by accredited certifiers will be accepted at the completion of the above-mentioned stages. Any Compliance Certificate must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction certificate.

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

9.7 Public Safety

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

9.8 Site Security

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

9.9 Traffic Control Plan

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

10 PRIOR TO OCCUPATION CERTIFICATE

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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10.1 Road Damage

- 10.1.1 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.

10.2 Compliance with Conditions

- 10.2.1 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.
- 10.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

10.3 Service Authorities

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

- 10.3.2 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.

10.4 Engineering Matters

10.4.1 Surveys/Certificates/Works As Executed plans

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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10.4.1.1 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.

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

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

10.4.2 Easements/Restrictions/Positive Covenants

10.4.2.1 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.

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

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

10.5 Temporary Facilities Removal

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

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

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 10.5.3 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.
- 10.5.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 10.5.5 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.

10.6 Fire Safety Certificate

- 10.6.1 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).
- 10.6.2 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).

10.7 External Finishes

- 10.7.1 The development approved by Council is to be constructed in accordance with the approved schedule of materials, finishes and colours. All landscaping, fencing, retaining walls and driveways are to be provided in accordance with the approved plans, and the details submitted and approved as part of the Construction Certificate.

10.8 Landscaping

- 10.8.1 All landscaping and common open space areas 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.
- 10.8.2 All common open space areas and internal driveways shall be appropriately illuminated by the use of suitable outdoor lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night. The loading dock area and car parking areas must also be provided with sufficient lighting to enhance the safety of users.

10.9 Car Parking

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 10.9.1 Off-street commercial, resident and resident visitor car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability for residents and their visitors.
- 10.9.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 10.9.3 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.6. - 2009
- 10.9.4 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. In this regard, a minimum 78 car parking spaces are to be provided on site.
- 10.9.5 Car parking throughout the development is to be line-marked to identify its intended purpose for residential, residential visitor or commercial car parking. In this regard, the basement car parking is only to be designated for residential, residential visitor and commercial tenants car parking. At-grade car parking is to be used for commercial visitor car parking. No commercial visitor car parking is to be provided in the basement.
- 10.9.6 Access to the basement is to be secured by a key-accessed roller door or similar to secure the car park and to ensure its use for the intended purposes.
- 10.9.7 The car parking allocation is to be incorporated into a Parking Management Strategy which will also include the following responsibilities for the Managing Agent/future Body Corporate:
- (a) Measures to ensure a clear segregation between the commercial, residential and non-residential parking spaces is maintained at all times.
- 10.9.8 Bicycle racks are to be provided on site.
- 10.9.9 On-site waste collection areas, loading areas and manoeuvrability paths are to be suitably line-marked and sign-posted to ensure areas are kept clear of obstructions that may prohibit their future use.
- 10.10 Ancillary Work**
- 10.10.1 Each dwelling unit is to be provided with a mechanical drying appliance within the unit.
- 10.10.2 Mail boxes are to be provided on site in accordance with the requirements of Australia Post.

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10.10.3 The awning must be constructed in accordance with the those details submitted as part of the Construction Certificate. The height and width of the awning must comply with the requirements of Council's Maintenance Section.

10.10.4 Plumbing services are to be provided to the commercial tenancy to enable the installation of a potential kitchen.

10.11 Street Tree Planting

10.11.1 Prior to the issue of any Occupation Certificate, all required street tree planting and payments of bonds are to be completed to Council's Manager Civil and Park Maintenance satisfaction.

10.12 Pavement Treatment and Awnings

10.12.1 Prior to the issue of any Occupation Certificate, the pavement treatment along the Aldgate Street frontage are to be completed to Council's Manager Civil and Park Maintenance satisfaction.

10.12.2 The awnings must be constructed in accordance with the details submitted as part of the Construction Certificate. The height and width of the awning must comply with the requirements of Council's Civil and Park Maintenance section.

10.13 Other Matters

10.13.1 All commitments listed in the BASIX Certificate number: 657077M_03 dated 18 May 2016 shall be complied with prior to the issue of an Occupation Certificate for the development.

10.13.2 All fencing, landscaping, clotheslines, hot water systems, TV antennae, mailboxes, driveways and the common open space area are to be completed in accordance with the approved plans and conditions of this consent to Council's satisfaction prior to the release of the Occupation Certificate.

10.13.3 A post-construction dilapidation report shall be carried out for any of the potentially affected existing buildings surrounding the proposed development. A copy of the report shall be submitted to Council prior to issue of Occupation Certificate.

10.13.4 Directional signage is to be provided opposite the entry of the car park, indicating the loading bay and garbage collection to the left and the car park to the right.

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

10.14.1 No occupation certification must be issued unless all design verifications have been provided in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000, a certifying authority must not issue a construction certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which

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the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of [State Environmental Planning Policy No 65—Design Quality of Residential Flat Development](#).

10.15 Graffiti Management Plan

10.15.1 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 "early" 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; and
- (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

10.15.2 The Owners Corporation is to manage the graffiti management plan. The recommendations of the plan are to be integrated into a Strata Management Agreement/by-laws.

10.16 Intersection treatment of Aldgate Street and Blacktown Road

10.16.1 Prior to the release of any Occupation Certificate on the site, the right-turn seagull bay at the intersection of Aldgate Street and Blacktown Road approved by the Local Traffic Committee to satisfy condition 3.14.1 of this consent must be constructed and operational to the satisfaction of Council's Manager Transport and Access.

The design and construction of the seagull bay is to be at full cost of the applicant/developer.

10.17 Acoustic validation

10.17.1 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.

10.18 Lighting

10.18.1 All lighting is to comply with relevant Australian Standards, including Australian Standard 4282 to ensure no spillage of light affecting the amenity of adjoining residential properties.

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10.19 Waste Management

10.19.1 Prior to the release of an Occupation Certificate, the strata manager is to sign the 'Agreement for Onsite Waste Collection' form and submit it to Council for their records.

10.19.2 Any future 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.

11 OPERATIONAL (PLANNING)

11.1 Graffiti Removal

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

11.2 Access/Parking

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

11.2.2 All loading and unloading operations shall take place at all times wholly within the confines of the land. All vehicles must enter and exit the site in a forward direction at all times.

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

11.3 General

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

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

11.3.3 If artificial lighting is proposed full details are to be submitted indicating the manner

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in which adjoining properties are to be protected.

11.3.4 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.

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

11.4 Landscaping

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

11.4.2 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.

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

11.5 Use of Premises

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

11.6 Waste Management

11.6.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.

11.6.2 All waste generated on site must be disposed of in accordance with the approved Waste Management Plan.

11.6.3 The Owners Corporation will be responsible for ensuring that clear access is provided to Council collection trucks entering the property.

11.7 Emergency Procedures

11.7.1 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.

11.8 Clothes Drying

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 11.8.1 Clothes drying is to be conducted in the mechanical dryers. The drying of clothes on balconies (where visible from a public place) is prohibited. If the development is to be strata subdivided, a clause is to be included in the Plan of Strata Management prohibiting the drying of clothes on balconies (where visible from a public place).

11.9 Awnings

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

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

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

11.10 Hours of Operation

- 11.10.1 The ground floor retail premises are approved for the following hours of operation:

Monday to Sunday: 9 am to 5 pm.

Any operation outside of these hours will require the separate approval of Council.

12 OPERATIONAL (ENVIRONMENTAL HEALTH)

12.1 Environmental Management

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

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

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

- 12.1.4 To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10pm and 7am.

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- 12.1.5 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.

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