

Council assessment of Clause 4.6 request

1 5-part test assessment of Clause 4.6 variation request

The Land and Environment Court has established the following 5-part test for a consent authority to take into consideration when deciding whether to grant concurrence to a variation to a development standard:

- i. **The objectives of the standard are achieved notwithstanding non-compliance with the standard**

Height

The objectives of Clause 4.3 Height of buildings are as follows:

- (a) *To establish maximum height controls for buildings as a means of controlling the density and scale of buildings.*
- (b) *To nominate heights that will provide a transition in built form and land use intensity.*
- (c) *To define focal points by way of nominating greater building heights in certain locations.*
- (d) *To provide sufficient space for development for the purposes of retail premises, commercial premises and residential accommodation.*
- (e) *To allow sun access to the public domain and ensure that specific areas are not overshadowed.*
- (f) *To ensure that buildings and public areas continue to receive satisfactory exposure to the sky and sunlight.*
- (g) *To minimise any visual impact on, or loss of solar access to, land in the vicinity of proposed development as a result of that development.*
- (h) *To minimise any loss of privacy to residential land as a result of proposed development.*
- (i) *To ensure that there is an appropriate interface between commercial centres and land in any adjoining residential zone or in any adjoining public land.*

- **Maximum height**

The maximum height limit on the site is 56 m. Although the development exceeds the permissible height by 4 m at the plant and equipment points only, the development does not achieve an additional residential level. The increase in height therefore does not impact on the density / floor area of the development. The increased height also has no impact on the scale of the development, as it is point encroachments of plant and equipment. The additional height simply provides a larger base to the building which improves the overall look and design of the development.

- **Solar access to buildings and open space of adjoining development and land**

The additional shadow impacts are negligible. The majority of the overshadowing caused by the non-compliance is due to the lift overruns and rooftop plant and equipment which is captured within the roof space itself.

- **Range of building heights in appropriate locations**

The site is considered suitable for the development given its proximity to the Blacktown railway station and the Blacktown CBD. The additional height does not result in any additional yield and does not result in an additional storey. The proposed number of storeys, being 18 in total, is consistent with other shop top housing developments proposed in the 56 m height limit area (e.g. JRPP-15-467 at 16 Third Avenue, JRPP-15-1263 at 2 Second Avenue, JRPP-15-02533 at 20 Second Ave and JRPP-15-2087 at 2 - 10 First Avenue). A reduction to the height of the building would compromise the design of the building (i.e. at the commercial base).

- **Privacy impacts**

The building height variation does not result in any additional privacy impacts on adjoining properties. The rooftop area will not be used for open space purposes.

ii. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary

The purpose of the standard is still considered relevant to the proposal. However, 100% compliance in this circumstance is considered unreasonable.

iii. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable

The purpose of the development standard would not be defeated if compliance was required. However, 100% compliance is considered unreasonable as the variation is acceptable based on merit. The objectives of the standard, as outlined above, will still be achieved despite the variation.

iv. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable

Variations to the height development standard have been previously supported in the CBD. Council officers have also consistently allowed the lift overruns and rooftop area to encroach above the permissible height limit.

Developments of a similar scale to this DA (i.e. 18 storeys only) have been approved within the Northern Precinct of the CBD, with variations to the height, including the development at 28 Second Avenue (JRPP-14-2593) and the development at 2 - 10 First Avenue (JRPP-15-2087).

- v. The compliance with the development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone**

The development site is currently vacant. Full compliance with the development controls can therefore be achieved. The variation, however, does not increase residential density. Given the site's context within the Blacktown CBD and the limited site area, variations in order to create usable space for the benefit of future residents and a better designed building is considered acceptable.

In addition, in June 2016, Blacktown City Council resolved to review the planning controls within BLEP 2015 in the Blacktown CBD. For the subject site, Council resolved to support the deletion of the FSR controls within the CBD precinct and increase the maximum building height to 80 m. While the changes are still in their infancy, the recommendations have been forwarded to the Department of Planning and Environment for its consideration. In the circumstances of this strategic change by Council, it is considered unreasonable to require strict compliance with the building height control, which in the medium term is likely to be removed.

Based on the above assessment, the requested variation under Clause 4.6 is considered reasonable, well founded and are recommended for support.

PART 1

**‘Deferred Commencement’ Conditions pursuant to
Section 80 (3) of the Environmental Planning and Assessment Act 1979**

1 Deferred Commencement Matters

1.1 This Development Consent is not to operate until such time as:

1.1.1 Advisory Notes

1.1.1.1 This proposal has been considered and conditioned in two separate stages, being described as:

STAGE 1

(described as works located on, within or as required to be consolidated):

Lot 96 DP11157

Lot 97 DP11157

Lot 98 DP11157

STAGE 2

(described as works located on or within):

Lot 99 DP 11157

1.1.2 Other Drainage Matters

1.1.2.1 An Engineer's Flood Study & Report is to be provided to the satisfaction of Council's Manager Asset Design as the development is affected by flows draining from an upstream catchment extending to Gordon Street. Consider flows down:

STAGE 1

Second Avenue and flows in Third Avenue continuing around the corner into Prince Street.

STAGE 2

Second Avenue and whether the flows in Third Avenue that continues around the corner into Prince Street impact the tailwater levels.

1.1.2.2 The Engineer's Flood Study & Report will need to:

- (i) Provide a post development flood model.
- (ii) Set floor levels for the new development. Floor levels are to be a minimum of 0.3m above the 1 in 100 year ARI flood levels and the driveway ramp to the below ground garage floor levels to be a minimum of 0.3 m above the 1 in 100 year ARI flood level.

Note: The basement is to be floodproofed to 0.3 m above the 1 in 100 year ARI critical flood level.

- (iii) Base the Flood Study hydrology on the local catchment draining to the site typically using a simplified DRAINS model. Undertake an on-site inspection to clearly determine accurate flow paths particularly how much flow from Third Avenue continues around into Prince Street. Maximum travel time is 14 minutes.
- (iv) Assume the 600 mm pipe in Second Avenue and 375 mm pipe in Third Avenue are 50 % blocked.
- (v) Use a hydraulic model such as HEC-RAS to assess flood levels and velocities. The HEC-RAS section locations are to be clearly shown on the plans. Show all obstructions. Consider only the flow area between street boundaries.
- (vi) Allow for a minimum Mannings n generally of 0.05 for landscape nature strips and a Mannings n of 0.025 for hard paved areas and roadways.
- (vii) Provide the electronic copy of the flood models to Council for assessment together with the report.
- (viii) A separate application to Council may provide additional information to assist in flood assessment at this site such as catchment boundaries, or Aerial Laser Survey (ALS) for a fee. Email Glenys.Reedy@blacktown.nsw.gov.au for further information.

1.1.2.3 Submit amended architectural plans to meet the new floor levels.

1.1.2.4 Pay to Council an amount of:

STAGE 1

\$510 for assessment of the deferred Flood Study by Asset Design (3 hrs Design and Development Item 4 (g) (i))

STAGE 2

\$170 for assessment of the deferred Flood Study by Asset Design (1 hr Design and Development Item 4 (g) (i))

- 1.2 All of the requirements listed in the above condition must be completed within 24 months of the date of this 'Deferred Commencement' consent. Should these matters not be completed to Council's satisfaction within this time period, this 'Deferred Commencement' consent will lapse.

PART 2 – General Conditions

2 ADVISORY NOTES

2.1 Terminology

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

2.2 Scope of Consent

- 2.2.1 Separate approval is required prior to the fit out of each of the 3 commercial units on the ground floor. The applicant is advised to contact Council's Development Services Unit in this regard.

- 2.2.2 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.

2.3 Other Approvals

- 2.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 2.3.2 The 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.
 - (b) Any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development.
 - (c) Demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
 - (d) The erection of any advertising sign, not being 'Exempt Development' within the State Environmental Planning Policy (Exempt and Complying Development) 2008.
 - (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.
 - (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.
- 2.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

2.4 Services

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

the approved use.

- 2.4.2 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 2.4.3 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.
- 2.4.4 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.

2.5 Identification Survey

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

2.6 Services

- 2.6.1 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

2.7 Engineering Notes

2.7.1 Engineering matters

- 2.7.1.1 This proposal has been considered and conditioned in 2 separate stages, being described as:

STAGE 1

(described as works located on, within or as required to be consolidated):

Lot 96 DP11157
Lot 97 DP11157
Lot 98 DP11157

STAGE 2

(described as works located on or within):

Lot 99 DP 11157

2.7.1.2 Unless specifically nominated within a condition of this consent, that condition shall apply to both STAGE 1 and STAGE 2

2.7.2 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:

- 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.

2.7.3 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.

2.8 Payment of Engineering Fees

2.8.1 If the applicant wishes for Council to issue the Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)') the applicant must:

- Complete application form
- Submit all relevant plans produced by a suitably qualified person and in accordance with Councils Standards.

A quote will be provided verbally generally within 6 weeks followed by confirmation in writing.

2.8.2 If the applicant wishes for Council to undertake Construction inspections and issue a Compliance Certificate for engineering works, the applicant must:

- Complete application form
- Submit all relevant plans produced by a suitably qualified person
- If plans are privately certified, applicant must supply Construction Certificate covering the required works.

A quote will be provided verbally generally within 6 weeks, followed by confirmation in writing.

3 General

3.1 Scope of Consent

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

Drawing No.	Dated	Council's File Enclosure No.
Site Plan DA04 Issue B	21/06/16	42G
Stage 1 Basement DA05 Issue C	22/08/16	42H
Stage 1 Ground Floor DA06 Issue F	11/04/17	46B
Stage 1 Levels 1 and 2 DA07 Issue D	11/04/17	46C
Stage 1 Levels 3 – 17 and roof DA08 Issue D	11/04/17	46D
Stage 1 Section DA09 Issue D	04/11/16	42L
Stage 1 Elevations South, West DA10 Issue B	21/06/16	42M
Stage 1 Elevations East, North DA11 Issue A	14/03/16	42N
Stage 2 – Basement – Level 2 DA13 Issue E	11/04/17	46E
Stage 2 – Level 3-17, Sections DA14 Issue D	11/04/17	46F
Stage 2 – Elevations South, East DA15 Issue C	22/08/16	42R
Stage 2 – Elevations North, West DA16 Issue C	22/08/16	42S
Façade Sections DA19 Issue A	14/03/16	42V
Finishes Board DA20 Issue A	14/03/16	42W
Stage 1 Landscape Concept Plan DA-L101 – L102 Rev P	05/02/16	1MM – 1NN

Drawing No.	Dated	Council's File Enclosure No.
Stage 2 Landscape Concept Plan DA-L101 – L102 Rev P1	05/02/16	100 - 1PP
Plan of Management for serviced apartments	August 2016	30D

*Unless modified by any conditions of this consent.

**** Note:** This plan does not endorse street tree planting or path paving on Council road reserve. Separate approval is required in accordance with the conditions of this consent.

3.2 Staging

- 3.2.1 This proposal has been considered and conditioned in two separate stages, being described as:

STAGE 1 - construction of an 18 storey mixed use building including ground floor retail, 1 level of serviced apartments and 16 levels of residential apartments on top consisting of 227 units as well as 4 levels of basement car parking and associated landscaping on the following lots.(described as works located on, within or as required to be consolidated):

Lot 96 DP11157

Lot 97 DP11157

Lot 98 DP11157

STAGE 2 - construction of an 18 storey mixed use building including ground floor retail, commercial premises on the first and second floors and 15 levels of residential apartments on top consisting of 59 units as well as basement car parking and associated landscaping on the following lots: (described as works located on or within):

Lot 99 DP 11157

3.3 Suburb Name

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

Suburb: Blacktown

3.4 Compliance with BASIX Certificate

- 3.4.1 All commitments listed in the BASIX Certificate number:

- (i) Stage 1 - 700042M dated 21 March 2016
- (ii) Stage 2 – 699851M dated 16 March 2016

shall be complied with.

3.5 Engineering Matters

3.5.1 Design and Works Specification

3.5.1.1 All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (f) Blacktown City Council On Site Detention General Guidelines and Checklist
- (g) 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 documents.

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

3.5.1.2 The Applicant is required to submit to Council, Bonds and/or Contributions for works associated with the development in conjunction with the civil engineering works required to be constructed as part of this development. Works may include:

- Path Paving construction

These matters will be individually addressed within the consent

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

3.5.1.4 Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council controlled lands (i.e. Roads, drainage reserves, parks, etc)

A copy of this notice must be provided to Council's Co-ordinator of Engineering Approval.

3.5.2 Other Necessary Approvals

3.5.2.1 A separate application will be required for the following approvals, under the *Local Government Act 1993* and/or the *Roads Act 1993*.

- Vehicular Crossing – See Industrial Vehicle Crossing Application Form
- Works on or occupation of existing public roads - not including works covered by a Roads Act Approval

3.6 Other Matters

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

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

3.7 Other Drainage Section Matters

3.7.1 Each year by the first business day on or after 1 September the registered proprietor/owners corporation is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the rainwater tank in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.

3.7.2 Payment of Engineering Fees

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

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

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

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

3.7.3 Other Fee and Bond/Securities

3.7.3.1 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: \$280.

Note: This amount is valid until the 30 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.

3.8 Other Matters

- 3.8.1 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.
- 3.8.2 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.
- 3.8.3 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 Aboriginal Stakeholder Groups is to be contacted.

4 Prior to Demolition Works

4.1 Safety/Health/Amenity

- 4.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words 'DANGER - DEMOLITION IN PROGRESS', or similar message shall be fixed to the fencing at appropriate places to warn the public.
- 4.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 4.1.3 Should the demolition work:
 - (a) Be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place.
 - (b) Be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient.
 - (c) Involve the enclosure of a public place.

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

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

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

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

Each toilet provided shall be:

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

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

4.2 Tree Protection

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

4.3 Site Investigation

A qualified environmental geoscientist accredited by NSW Department of Environment and Conservation (under the provisions of the Contaminated Land Management Act 1997) shall be engaged to undertake an investigation of the land to ascertain if the site has been affected by any contaminants (including, but not limited to, asbestos, organochlorins, arsenic, lead, petroleum residues and the like) that may be detrimental to the health of any future occupants and/or workers. The report shall identify the contaminants (if applicable) and shall make recommendations on the method of remediation of the land.

4.4 Other Matters

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

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

5 DURING DEMOLITION WORKS

5.1 Safety/Health/Amenity

- 5.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the words 'DANGER - DEMOLITION IN PROGRESS', or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 5.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 5.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 5.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 5.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 5.1.6 Any excavation and/or backfilling associated with the demolition works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 5.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos' – National Occupational Health and Safety Commission:2002 (if applicable)
- 5.1.8 The remaining portions of each structure being demolished shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, shoring, bracing or guys, or any combination of these, shall be provided for stability, where necessary.
- 5.1.9 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 5.1.10 At least one access and egress route shall be made available connecting any undemolished floor to an open space well clear of the structure being demolished. The egress route shall be clearly identified as an emergency exit and maintained clear of obstructions at all times.
- 5.1.11 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 5.1.12 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.

- 5.1.13 Should any excavation associated with the demolition works extend below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- (a) Must preserve and protect the building from damage.
 - (b) If necessary, must underpin and support the building in an approved manner.
 - (c) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

- 5.1.14 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.

- 5.1.15 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.

5.2 Nuisance Control

- 5.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the demolition works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 5.2.2 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7 am and 6 pm, Monday to Friday, and 8 am to 1 pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.
- 5.2.3 The waste material sorting, storing and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of the demolition works.

5.3 Tree Protection

- 5.3.1 The measures required to effectively protect trees on the land shall be maintained throughout the demolition works.

6 Completion of Demolition Works

6.1 Final Inspection

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

6.2 Hazardous Materials and Waste

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

7 Prior to Construction Certificate (General)

7.1 DA Plan Consistency

- 7.1.1 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.

7.2 Road Deposit/Bond

- 7.2.1 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 \$180.00
 - (b) Road maintenance bond of \$5000.00
 - (c) Administration fee of \$100.00.

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

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

7.3 Services/Utilities

- 7.3.1 The following documentary evidence shall accompany any Construction Certificate:
- (a) A 'Notification of Arrangement' Certificate from energy provider, 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.

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

- 7.4.1 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.

7.5 Other Matters

- 7.5.1 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.
- 7.5.2 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.

7.6 Waste

- 7.6.1 All roads, ramps and driveways for the path of travel of the waste collection vehicle are to be rated for at least a 24 tonne truck.

7.7 Wind Impact Mitigations

- 7.7.1 The recommendations of the Wind Impact Assessment prepared by Windtech Consultants Pty Ltd (Stage 1 – Report No. WD290-01F02 (Rev0) dated 1 September 2016 and Stage 2 – Report No. WD289-01F02 (Rev0) dated 1 September 2016) are to be implemented for each stage. Any mitigation measures are to be identified on the construction certificate plans.

Note: Should any external modifications be made to the development, then a Section 96 application may be required.

7.8 Salinity and Aggressive Soil Management

- 7.8.1 A Salinity Assessment, including the preparation of a Salinity Management Plan is to be undertaken by a suitably qualified person and any recommendations are to be identified on the construction certificate plans for each stage.

7.9 Acoustic impact

- 7.9.1 The recommendations of the acoustic impact assessment prepared by Acoustic Logic (Stage 1 - Project No. 20151635.1 dated 14/01/16 and Stage 2 – 20151760.1 dated 21/01/16) is to be implemented for each stage. Note: Acoustic validation that the recommendations have been implemented in required prior to the release of an Occupation Certificate.

7.10 Site contamination

- 7.10.1 Prior to the release of any construction certificate on the site an EPA recognised geoscientist is to certify the site as suitable for residential development in accordance with the strict residential use criteria as set out in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.

7.11 Street Tree Planting and CBD Pavement Treatment

- 7.11.1 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 to 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.

- 7.11.2 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.

7.12 Awnings

- 7.12.1 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 600 mm 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).

- 7.12.2 Under awning lighting is to be provided to enhance pedestrian amenity and safety.
- 7.12.3 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.

7.13 Construction Environmental Management Plan

- 7.13.1 Prior to the release of a Construction Certificate, an appropriately qualified person is to prepare a comprehensive Environmental Management Plan (EMP). The EMP is to be submitted to Council for separate approval.

The operational measures at a minimum should include the following:

- (a) Proposed schedule of works
 - (b) Proposed hours of work
 - (c) Noise and vibration controls
 - (d) Salinity Management Plan
 - (e) Erosion and Sedimentation Control Plan
 - (f) Hazardous building materials survey
 - (g) Procedures for validation of imported fill material and the proposed means of disposing overburden
 - (h) Waste and materials re-use on-site
 - (i) Community response and management procedure outlining the course of action to be undertaken following receipt of a complaint
 - (j) Proposed means of controlling of any activity that could potentially cause a pollution incident as defined by the Protection of the Environmental Operations Act 1997.
 - (k) Dust (air quality) management strategy noting that any stockpiled soil is to be stored on plastic sheeting in an area that is securely bunded with a silt fence and hay bales to prevent surface-water run-off. Plastic sheeting must be placed over the stockpile to minimise wind-blown dust.
- 7.13.2 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.

8 Prior to Construction Certificate (Planning)

8.1 Section 94 Contributions

- 8.1.1 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.

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.

Stage 1

Contribution item	Amount	Relevant CP
i. Flood Mitigation	\$6,890	19
ii. Stormwater Quality	\$27,223	19
iii. Traffic Management – Medium to High Density	\$341,288	19
iv. Traffic Management – All residential development	\$477,501	19
v. Open Space – Medium to High Density	\$1,651,149	19
vi. Open Space – All residential development	\$457,396	19
vii. Community Facilities	\$119,627	19
viii. Local Road Construction	\$262,861	19
ix. Streetscape Facilities	\$199,675	19
x. Traffic Management – Residential Development	\$394,130	19
xi. Traffic Management – Commercial/Office Development	\$130,043	19
xii. Traffic Management – Retail Development	\$138,120	19

Stage 2

Contribution item	Amount	Relevant CP
i. Flood Mitigation	\$2,175	19
ii. Stormwater Quality	\$8,595	19
iii. Traffic Management – Medium to High Density	\$93,829	19
iv. Traffic Management – All residential development	\$131,278	19
v. Open Space – Medium to High Density	\$453,945	19
vi. Open Space – All residential development	\$125,750	19
vii. Community Facilities	\$32,889	19
viii. Local Road Construction	\$42,840	19
ix. Streetscape Facilities	\$32,542	19
x. Traffic Management – Residential Development	\$102,439	19
xi. Traffic Management – Commercial/Office Development	\$119,984	19
xii. Traffic Management – Retail Development	\$34,972	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.

Stage 1

Commercial/office area: 1,086 sqm
Retail area: 391 sqm
Additional Population: 479.4 persons
Road Frontage: 112.225 m

Stage 2

Commercial/office area: 1,002 sqm
Retail area: 99 sqm
Additional Population: 131.8 persons
Road Frontage: 18.29 m

8.2 Necessary Plan Amendments

8.2.1 Council is particularly concerned about the appearance of the development. Accordingly, the following additional information is required to be submitted for Council's separate approval prior to the issue of any Construction Certificate for the approved development:

- (a) Details of the proposed awning over Council's road reserve, including colour samples of the materials/finishes from brochures or the like. Note: The height and width of the proposed footpath awning is to comply with the requirements of Council's Maintenance Engineers.
- (b) The plant and equipment and lift overrun on each building is to be redesigned as an architectural roof feature comprising of a decorative element on the uppermost portion of the building.

8.3 Building Materials and Finishes

- 8.3.1 The development is to be constructed in accordance with the approved materials, finishes and colours submitted as part of the approved colours and finishes schedule.
- 8.3.2 The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the relevant requirements of the Building Code of Australia and National Construction Code.
- 8.3.3 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20%, must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.

- 8.3.4 All bathrooms, WC or laundry windows in the external walls and the building shall be fitted with translucent glazing.

8.4 Communal Open Space and Landscaping

- 8.4.1 A detailed landscape plan is to be submitted which reflects the concept landscape plan and it is to include details for tree and landscape species.
- 8.4.2 All landscaping, recreation features and furniture, BBQ facilities, children's play equipment and clothes drying facilities shall be of a high quality and detailed on the approved landscaping design plans.

8.5 Access/Parking

- 8.5.1 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.

- 8.5.2 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.
- 8.5.3 A total of 359 parking spaces are to be provided on site for Stage 1, being 13 retail car parking spaces, 22 spaces for the serviced apartments, 278 residential car parking spaces and 46 resident visitor car parking spaces and 1 service / courier parking space and a total of 111 parking spaces are to be provided on site for Stage 2, being 38 retail and commercial car parking spaces, 61 residential car parking spaces and 12 resident visitor car parking spaces. Suitable bicycle parking must also be provided as indicated on the approved plans.
- 8.5.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009.

8.6 Adaptable Housing Units

- 8.6.1 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.

9 Prior to Construction Certificate (Building)

9.1 Building Code of Australia Compliance

- 9.1.1 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).

9.1.2 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
- (b) Part D
- (c) Part E

9.2 Site Works and Drainage

9.2.1 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.

9.2.2 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.
- (b) Provide for drainage discharge to an existing Council drainage system.
- (c) Ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.

9.2.3 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.

9.2.4 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
- (b) Underpinned and supported.

Such details shall accompany the Construction Certificate.

9.3 Fire Services

9.3.1 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.

9.3.2 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.

9.4 Demolition

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

9.5 BASIX Certificate Compliance

The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Numbers:

- i Stage 1 - 700042M dated 21 March 2016
- ii Stage 2 – 699851M dated 16 March 2016

10 Prior to Construction Certificate (Engineering)

10.1 General

- 10.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.
- 10.1.2 All fees for Construction, *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. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.
- 10.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
Stage 1					
Mance Arraj	2081-DA	SW001	-	A	22/06/16
		SW010			
		SW020			
		SW030		B	27/01/17
		SW040			
		SW050			

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
Stage 2					
Mance Arraj	2090-DA	SW001	-	A	23/02/16
		SW010			
		SW020			
		SW021			
		SW030			

The following items are required to be addressed on the Construction Certificate plans:

- i. All engineering drawings are to be revised to reflect the 5metre x5 metre splay located at the intersection of Prince Street and Second Avenue
- ii. For the avoidance of doubt, reference to the Stormfilter Tank is to be deleted from engineering drawings where they are not required.

Other Drainage Matters

- i. Amended STAGE 1 plans must address the following:
 1. Provide a basement design that ensures a minimum 0.5% slope to all surface inlet pits.
 2. The minimum storage and dual alternating pump requirements for the basement garage is to satisfy AS/NZS 3500.3:2015 – Plumbing and Drainage Part 3: Stormwater Drainage.
 3. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the rainwater tank and OSD tank in accordance with Council's Engineering Guide for Development 2005.
 4. The eaves roof gutters are to be designed to collect the minimum of the 20 year ARI storm. Any box gutters are to be designed to collect the minimum of the 100 year ARI storm. Details of gutter and downpipe designs are to be provided.
 5. Provide a series of overflow pipes from the rainwater tank to the HED pit with non-return flaps in lieu of the weir.
 6. The HED pit and grate is to be a minimum of 1200 mm x 1200 mm.
 7. The rainwater tank is to be increased to a minimum of 30 kL below the overflow level.
 8. The Rocla CDS Unit contains an oil baffle.
- ii. Amended STAGE 2 plans must address the following:
 - a. Please provide the Blacktown City Council OSD Summary sheet to check the OSD tank design.
 - b. Provide a basement design that ensures a minimum 0.5% slope to all surface inlet pits.

- c. Remove the Stormwater chamber design from the plans including the aluminium baffle and 460mm Stormwater cartridge, as it is not required under CP19.
- d. Provide a series of overflow pipes from the rainwater tank to the HED pit with non-return flaps in lieu of the weir.
- e. The HED pit and grate is to be a minimum of 1200 mm x 1200 mm.
- f. Provide step irons to the rainwater tank.
- g. Provide a basement design that ensures a minimum 0.5% slope to all surface inlet pits.
- h. The minimum storage and dual alternating pump requirements for the basement garage is to satisfy AS/NZS 3500.3:2015 – Plumbing and Drainage Part 3: Stormwater Drainage.
- i. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the rainwater tank and OSD tank in accordance with Council's Engineering Guide for Development 2005.

10.2 Construction Certificate Requirements

10.2.1 Under the *Environmental Planning and Assessment Act 1979* a Construction Certificate for engineering work is required. These works include but are not limited to the following:

- On-site stormwater detention
- Water quality treatment
- Inter-allotment drainage (created within the subject lot)

The above requirements are further outlined in this section of the consent.

10.3 Roads Act Requirements

10.3.1 Under *Section 138 of the Roads Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Any works within Council's road reserve
- Kerb inlet pit connections or construction
- Vehicular crossings - See Industrial Vehicle Crossing Application Form
- Full width segmental path paving

The above requirements are further outlined in this section of the consent.

10.4 Other Engineering Requirements

10.4.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater then a long service levy payment is required. Provide proof of this payment to Council.

10.4.2 Any ancillary works undertaken shall be at no cost to Council.

10.4.3 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

10.5 Roads

10.5.1 Any approved design drawings must show a 5m x 5m splay for allotments at each street intersection.

10.5.2 Replace the redundant layback and footway crossing with Council's standard kerb and gutter. The footway area shall be restored with turf in accordance with Council's specifications.

10.6 Drainage

10.6.1 Drainage from the site shall be connected into Council's existing drainage system.

In this regard it is required to re-construct an existing kerb inlet pit in Second Avenue with a kerb inlet pit to Council's approval.

10.6.2 Provide inter-allotment drainage lines for lots that do not drain directly to a public road. The design shall include pipeline long-sections and identify location and levels of services.

10.7 Erosion and Sediment Control

10.7.1 Provide a sediment and erosion control plan in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development.

10.8 Earthworks

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

10.9 On-Site Detention

10.9.1 Provide an on-site detention system in accordance with Council's Engineering Guide for Development.

10.9.2 The development site is within the following catchment and on-site detention system shall be designed to achieve the following:

Catchment	Site Storage Requirement (100%)	Permissible Site Discharge (100%)
Breakfast Creek – Area No. 2	343	95

10.9.3 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings however any significant variation to the on-site detention design shall require a section 96 application.

10.9.4 Submit the following certificates which are to be prepared by a registered engineer (NER):

- Certification that the structures associated with the on-site stormwater detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- Certification that the on-site stormwater detention system will perform to meet the on-site stormwater detention requirements.

10.9.5 The following documents shall be submitted to accompany the on-site detention design in accordance with the design and construction specification:

- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
- OSD detailed design submission and calculation summary sheet
- A maintenance schedule that is signed and dated by the designer

10.10 Stormwater Quality Control

10.10.1 Provide a stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

10.10.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a Section 96 application.

10.10.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

10.10.4 Bio-retention basins to be designed in accordance with 'Stormwater Biofiltration Systems. Adoption Guidelines Planning, design and implementation Version 1 June 2009. Facility for Advancing Water Bio-filtration', as a lined, standard biofiltration system

10.11 Vehicular Crossings

10.11.1 Construct a commercial and industrial vehicular crossing to Council's standard A(BS)103S servicing each proposed STAGE

10.12 Footpaths

10.12.1 Construct path paving as follows:

Street Name	Side	Paving Width	Length
Prince Street	Fronting Development	Full Width	Fronting Proposed Development
Second Avenue	Fronting Development	Full Width	Fronting Proposed Development

10.13 Other Drainage Section Matters

10.13.1 The minimum floor level is to be 300 mm above the adjacent 1 in 100 year ARI critical flow level in accordance with Council's Engineering Guide for Development 2005.

10.13.2 Details are to be provided for all structures to have flood compatible building components up to the 100 year flood level plus 300 mm freeboard.

10.13.3 An experienced Drainage Engineer registered with NER is to certify that the internal drainage system is capable of carrying the 100 year ARI flows to the detention tank without surcharge at any pits.

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

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

10.13.5 An experienced hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses on the site including all toilet/urinal flushing and landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:

- i A first flush or pre-treatment system (at min. 0.2 litres / sqm of roof area going to the tank)
- ii A pump with isolation valves and a warning light to indicate pump failure
- iii A mains water direct tank top up with air gap for landscape watering
- iv A solenoid controlled mains water bypass for toilet flushing only
- v Flow meters on the mains water tank top-up line, the solenoid controlled mains water bypass line and the pump outflow line, to determine actual non-potable usage
- vi A timer and control box for landscape watering, allowing for seasonal variations
- vii Ensuring all the rainwater reuse pipes are coloured purple
- viii An inline filter and preferably an automatic backwash inline filter
- ix Fitting rainwater warning signs to all external taps using rainwater.

10.13.6 Provide details for a permanent coloured interpretive signage minimum A2 size to be installed to highlight the water quality, water conservation and on-site detention process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures the GPT, rainwater tank and on-site detention and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located in an area accessible by the public. The wording and detail is to be approved by Council.

11 Prior to Development Works

11.1 Safety/Health/Amenity

11.1.1 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.

11.1.2 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.
- (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.
- (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.

11.1.3 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.

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

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

11.1.6 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.

11.1.7 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.

11.1.8 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:

- (a) Shall be preserved and protected from damage.
- (b) If necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate.
- (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.

11.2 Notification to Council

- 11.2.1 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.
- 11.2.2 At least 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.

11.3 Home Building Act

- 11.3.1 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
 - 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
 - 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.

11.4 Sydney Water Authorisation

- 11.4.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal Certifying Authority to verify that the development meets the Corporation's requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

OR

The approved plans are to be submitted to a Sydney Water Customer Centre or Quick Check Agent, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For Quick Check Agent details, please refer to the 'Building Plumbing and Developing' Section of the website www.sydneywater.com.au, then follow the 'Developing

Your Land' link or telephone 13 20 92 for assistance.

11.5 Use of Crane

- 11.5.1 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.
- 11.5.2 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.

12 During Construction (Building)

12.1 Safety/Health/Amenity

- 12.1.1 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.
- 12.1.2 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.
 - (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.
 - (c) Stating that unauthorised entry to the work site is prohibited.
- 12.1.3 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.
- 12.1.4 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.
- 12.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 12.1.6 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 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided.

- 12.1.7 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.
- 12.1.8 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.
 - (b) If necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate.
 - (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.
- 12.1.9 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.
- 12.2 Building Code of Australia Compliance**
- 12.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 12.3 Surveys**
- 12.3.1 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.
- 12.3.2 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.
- 12.3.3 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.
- 12.4 Nuisance Control**
- 12.4.1 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.
- 12.4.2 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 12.4.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

12.5 Waste Control

- 12.5.1 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.

12.6 Construction Inspections

- 12.6.1 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.
 - (b) Prior to pouring any in-situ reinforced concrete building element.
 - (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas.
 - (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).
 - (e) Prior to covering any stormwater drainage connections.
 - (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.

12.7 Vehicular Crossings

Any vehicular crossing of the footway shall be maintained a minimum of 6 m from the tangent point of the kerb return on a corner allotment. The vehicular crossing shall also be maintained at least 1 m clear of any stormwater gully pit and clear of any other utility surface infrastructure.

12.8 Site Contamination

- 12.8.1 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.
- 12.8.2 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 certified contaminated land consultant recognised by the EPA in accordance with Council's Contamination Land Policy and NEPM 2013.

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

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

12.9 Aboriginal Archaeology

- 12.9.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the NSW Office of Environment & Heritage informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from the NSW Office of Environment & Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

12.10 Salinity and Aggressive Soil Management

- 12.10.1 All salinity management measures provided in the report prepared at the construction certificate stage shall be implemented during construction.

13 During Construction (Engineering)

13.1 Notification of Works

- 13.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum 5 business days prior to commencement of engineering works.
- 13.1.2 A notification of works flyer (letter drop) is to be provided to all residential housing, businesses and organisations adjacent to any engineering works approved by this consent. This is for works undertaken on Council controlled lands such as roads, drainage reserves and parks. The notification of works flyer must contain details of the proposed works, locality map of works, contact details and the anticipated time period. A signed copy of the notice is to be provided to Council's Engineering Approvals Team and is to show the date of the letter drop as well as highlight the area that received the notification.

13.2 Insurances

- 13.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council's Engineering Approvals Team. This shall be submitted prior to commencement of engineering works required by this consent that are carried out on Council controlled lands such as roads, drainage reserves and parks. This includes Public Liability Insurance with a minimum of \$20,000,000 Indemnity and Workers Compensation.

13.3 Service Authority Approvals

- 13.3.1 Prior to the commencement for construction of footway crossings and driveways a clearance shall be obtained from the relevant telecommunications carriers and Endeavour Energy. The clearance shall notify that all necessary ducts have been provided under the proposed crossing.

13.4 Boundary Levels

- 13.4.1 Any construction at the property boundary, including but not limited to fences, retaining walls and driveways shall not be carried out until boundary alignment levels have been fixed.

13.5 Tree Protection and Preservation

- 13.5.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.

13.6 Soil Erosion and Sediment Control Measures

- 13.6.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 13.6.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.
- 13.6.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

13.7 Filling of Land and Compaction Requirements

- 13.7.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.
- 13.7.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version).
- (a) Submission of compaction certificates for fill within road reserves.
 - (b) Submission of compaction certificates for road sub-grade.
 - (c) Submission of compaction certificates for road pavement materials (sub-base and base courses).
 - (d) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.

- (e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)

Note: Council's Works Specification (Civil) requires road pavement and pipe bedding materials be sourced from approved suppliers. A listing of these materials and approved stockpile numbers can be found on Council's webpage.

- 13.7.3 Site filling within lot boundaries (not in road reserves) 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.
- 13.7.4 Only clean fill shall be deposited / imported 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. Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 13.7.5 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind-blown dust.
- 13.7.6 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 13.7.7 Trucks transporting cut and fill must have their loads covered and provisions of 'shaker pads' and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 13.7.8 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.
- 13.8 **Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**
- 13.8.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under *Part 4A of the Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

Where Council is appointed as the Principal Certifying Authority for the development, only compliance certificates issued by accredited certifiers will be accepted. All compliance certificate(s) must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction Certificate.

13.9 Inspection of Engineering Works - Roads Act 1993

- 13.9.1 All inspection(s) required by this consent for any engineering works that are approved under the *Roads Act 1993* must be made by Council's Development Overseers.

Inspections must be pre-booked with a minimum 24 hours' notice. Council's Development Overseers may be contacted on 02 9839 6586 between 7 am – 8 am and 12.30 pm - 1.30 pm, Monday to Friday.

Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

13.10 Public Safety

- 13.10.1 The applicant is advised that all works undertaken 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.

13.11 Site Security

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

13.12 Traffic Control

- 13.12.1 Any 'Traffic Control Plan' utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.
- 13.12.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.
- 13.12.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 13.12.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified RMS accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2002.
- 13.12.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 – 2002 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

13.13 Other Drainage Section Matters

- 13.13.1 All required ground floor building slab levels shall be checked and certified by a Registered Surveyor confirming that all minimum floor levels have been achieved before pouring the concrete slabs.
- 13.13.2 The proposed CDS0708 Gross Pollutant Trap supplied by Rocla contains an oil baffle and is not to be replaced with a smaller device, or an alternate manufacturer's product.

14 During Construction (Environmental Health)

14.1 Premises Construction

- 14.1.1 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.

15 Prior to Occupation Certificate

15.1 Consolidation of Lots

- 15.1.1 The nominated lots shall be consolidated into one title which shall be registered with the Department of Lands.

Nominated Lots: Lot 96 DP 11157
 Lot 97 DP 11157
 Lot 98 DP 11157

15.2 Road Damage

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

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

15.3 Compliance with Conditions

- 15.3.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than 'Operational' conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than 'Operational' conditions, may render the applicant/developer liable to legal proceedings.
- 15.3.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

15.4 Temporary Facilities Removal

- 15.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 15.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.

- 15.4.3 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.
- 15.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 15.4.5 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.

15.5 Service Authorities

- 15.5.1 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.
- 15.5.2 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.

15.6 Fire Safety Certificate

- 15.6.1 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).
- 15.6.2 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).

15.7 Fee Payment

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

15.8 Engineering Matters

15.8.1 Surveys/Certificates/Works As Executed plans

- 15.8.1.1 A Work-as-Executed (WAE) plan for STAGE 1 and STAGE 2 signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 15.8.1.2 Each Work-as-Executed (WAE) 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 Council.
- 15.8.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council for STAGE 1 and STAGE 2 verifying that the On-Site Detention System and Water Tank as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 15.8.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that STAGE 1 and STAGE 2 structures associated with the On-Site Detention System(s) and Water Tank have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 15.8.1.5 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 15.8.1.6 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

When Council has been nominated or defaulted as the nominee for engineering compliance. Final inspections can be arranged through Councils Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.

15.8.2 Easements/Restrictions/Positive Covenants

- 15.8.2.1 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.
- 15.8.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the on-site detention storage areas and outlet works for each lot.

- 15.8.2.3 The creation of an Easement to Drain Water, with a minimum width in accordance with Councils Engineering Guide for Development (current issue), over the following nominated lot(s) free of cost to Council. The easement must be created under the *Conveyancing Act 1919* and have the nominated lot(s) burdened and each and every lot upstream benefited.

Nominated Lot(s)

Burdened:

Lot 96 DP 11157

Lot 97 DP 11157

Lot 98 DP 11157

Benefited:

Lot 99 DP 11157

Nominated Easement Width: 1.5 m

- 15.8.2.4 Provide a Restriction to User and Positive Covenant over the Rainwater Tank for STAGE 1 and STAGE 2 in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on non-potable water usage by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with Land & Property Information prior to the final occupation certificate.
- 15.8.2.5 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue).
- 15.8.2.6 Each of the proposed lots serviced by the existing inter-allotment drainage easements shall have this burden and benefit created pursuant to Section 88B of the *Conveyancing Act 1919*.
- 15.8.2.7 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.
- 15.8.3 **Dedications**
- 15.8.3.1 Dedication at no cost to Council of 5m x 5m splay corners on allotments at each street intersection.
- 15.8.4 **Bonds/Securities/Payments in Lieu of Works**
- 15.8.4.1 Concrete path paving must not be placed until about 85% of the PROPOSED DEVELOPMENT has been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Councils Goods and Pricing Schedule. The security will be released upon satisfactory completion of the works.
- 15.8.4.2 Where Council's has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request.

15.8.5 Inspections

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

15.8.6 CCTV Inspection of Stormwater Drainage Structures

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

15.8.7 Other Drainage Section Matters

- 15.8.7.1 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- i 4 star dual-flush toilets
 - ii 3 star showerheads
 - iii 4 star taps (for all taps other than bath outlets and garden taps)
 - iv 3 star urinals
 - v Water efficient washing machines and dishwashers have been used.
- 15.8.7.2 A plumber, licensed with NSW Fair Trading, or experienced hydraulic engineer registered with NER, is to certify that all the non-potable water uses are being supplied by rainwater and that all the requirements of the detailed Non-Potable Water Reuse Plan have been installed and are working correctly. Provide a copy of the certification and a signed, works-as-executed Non-Potable Water Reuse Plan to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.
- 15.8.7.3 Provide maintenance requirements for each of the proposed detention system and Rainwater Tank. Where these devices are located in roadway / parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.
- 15.8.7.4 Provide written evidence that the registered owner / owners corporation has entered into a minimum 5 year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the OSD Tank and Rainwater tank. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard.

15.8.8 Inspections

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

15.9 External Finishes

- 15.9.1 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.

15.10 Landscaping

- 15.10.1 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.
- 15.10.2 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.

15.11 Car Parking

- 15.11.1 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.
- 15.11.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 15.11.3 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.6 - 2009
- 15.11.4 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.
- 15.11.5 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 retail, commercial, serviced apartment, residential and non-residential parking spaces is maintained at all times.
- 15.11.6 Bicycle racks are to be provided on site.
- 15.11.7 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.

15.12 Ancillary Work

- 15.12.1 Each dwelling unit is to be provided with a mechanical drying appliance within the unit.
- 15.12.2 Mail boxes are to be provided on site in accordance with the requirements of Australia Post.
- 15.12.3 The awning must be constructed in accordance with 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.
- 15.12.4 Plumbing services are to be provided to the commercial tenancy to enable the installation of a potential kitchen.

15.13 Waste Management

- 15.13.1 Evidence (e.g. in the form of receipts) is to be submitted to confirm that waste and recyclable materials, including fill from the excavation of the basement car parking have been managed and disposed.
- 15.13.2 Arrangements shall be made for an effective private contractor commercial refuse removal service.
- 15.13.3 Council requires the Strata Manager / Community Management Association to sign the 'Agreement for Onsite Waste Collection' form (attached) before collections can occur onsite.
- 15.13.4 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 15.13.5 The Owners Corporation / Community Management Association will be responsible for ensuring that clear access is provided to Council collection trucks entering the property.
- 15.13.6 Appropriate provisions are to be included in any future Strata Management Plan for the ongoing management of waste and recyclables on the property during the operations of the development. The following provisions must also be adopted:
 - (a) Clearly outlines that no bins are to be located or placed in the approved collection points outside the scheduled collection time for that area.
 - (b) Clearly outlines responsibility of the building manager to transfer bins to their nominated collection point and remove them on the same day of service which will be in line with collection schedules for that area.
 - (c) Clearly outlines the method of communication to new tenants and residents regarding council's waste management services and collection system for the development.
 - (d) Includes the approved waste management plan lodged with the development application.

15.14 Street tree planting

- 15.14.1 Any tree planting (and maintenance) along the frontage of the development site to improve the amenity of the streetscape must be approved before an Occupation Certificate is issued.

The number of trees should equal the number lots/dwellings with street frontage. However, corner lots require 1 tree for the primary frontage and 2 trees on the side frontage. In the case of medium and high density residential developments, trees will be planted at a minimum spacing of 8 m.

Additional trees may be requested following assessment of the development's configuration.

Trees must be of a minimum container size of 45 litres with root barriers.

The applicant must obtain clearances from relevant service authorities.

The applicant will be required to pay a bond of \$320 per tree to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), to council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed.

The applicant will also be required to pay a \$132 inspection fee. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification

15.15 **Other Matters**

15.15.1 All commitments listed in the BASIX Certificate number:

- i Stage 1 - 700042M dated 21 March 2016
- ii Stage 2 – 699851M dated 16 March 2016

shall be complied with prior to the issue of an Occupation Certificate for the development.

15.15.2 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 for each stage.

15.15.3 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 for each stage.

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

15.16.1 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 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.

15.17 Graffiti Management Plan

15.17.1 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.
- (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

15.17.2 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.

15.18 Acoustic impact

15.18.1 Validation from a suitably qualified acoustic consultant that the recommendation of the acoustic impact assessment prepared by Acoustic Logic (Stage 1 - Project No. 20151635.1 dated 14/01/16 and Stage 2 – 20151760.1 dated 21/01/16) has been implemented is to be submitted to Council for its records.

15.19 Pavement Treatment and Awnings

15.19.1 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.

15.19.2 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.

15.20 Lighting

15.20.1 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.

15.21 Privacy Screening

15.21.1 All privacy screening measures / devices detailed on the approved plans are to be installed prior to the issue of any Occupation Certificate for each stage.

15.22 Security

15.22.1 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.

15.22.2 A roller shutter and card-key system is to be installed at the entry/exit points of the basement carpark.

- 15.22.3 Should any basement storage areas be provided, they are to have quality doors/cages and lock sets to restrict unauthorised access. These are recommended to be constructed of an appropriately robust steel welded mesh to be used in lieu of chain link wire. Consider the use of 'over the bonnet' metal fully enclosed and lockable storage containers.
- 15.22.4 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, serviced apartments, residential and non-residential parking spaces is maintained at all times.
- 16 Operational (Planning)**
- 16.1 Graffiti Removal**
- 16.1.1 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.
- 16.2 Access/Parking**
- 16.2.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 16.2.2 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.
- 16.2.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 16.3 General**
- 16.3.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
- 16.3.2 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 16.3.3 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 16.3.4 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.
- 16.3.5 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 16.4 Landscaping**
- 16.4.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.

16.4.2 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.

16.4.3 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.

16.5 Use of Premises

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

16.5.2 The Serviced Apartments approved as part of Stage 1 of this development are to be operated at all times in accordance with the Plan of Management list as part of the approved plans by this consent.

16.6 Waste Management

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

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

16.6.3 Retail bin transfers from the temporary holding rooms to the collection points must be conducted after hours (i.e. between 7 am and 9 am or 5 pm and 7 pm).

16.6.4 Should a change of use be proposed for the approved retail space, allowance must be made for the following waste generation rates:

- 660L/100 sqm floor area/day for waste
- 130L/100 sqm floor area/day for recycling

16.7 Emergency Procedures

16.7.1 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.

16.8 Clothes Drying

16.8.1 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).

16.9 Lighting and Security

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

- 16.9.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 16.9.3 The maintenance of all external lighting is to be managed by way of an annual service agreement to ensure the security of the building and persons within are not compromised from dark or uncontrolled public areas.
- 16.9.4 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.
- 16.10 **Awnings**
- 16.10.1 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.
- 16.10.2 No hanging is permitted under the awning which may affect the minimum clearance height of 2.4 m.
- 16.10.3 The property owner is responsible for the maintenance of the awnings at all times.
- 17 **Operational (Environmental Health)**
- 17.1 **Environmental Management**
- 17.1.1 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.
- 17.1.2 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.
- 17.1.3 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.

