

ATTACHMENT 1 – PROPOSED CONDITIONS OF CONSENT

JRPP-16-03308

Property: Lot 1 DP 1181840, 55 Sherbrooke St, Rooty Hill

Proposal: Stage 2 - The construction of the Performing Arts Centre in association with the Rooty Hill RSL

1 ADVISORY NOTES

1.1 Terminology

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

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

1.2 Scope of Consent

1.2.1 Separate development consent is required from Council prior to the use of any buildings on this site.

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

1.2.3 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:

- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
- (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

1.2.4 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:

- (a) the installation of a caravan, temporary structure, stormwater drainage in a public place, amusement device or other activity not being an exempt activity under Council's Local Approvals Policy adopted under the provisions of the Local Government Act 1993,
- (b) the installation of a vehicular footway crossing servicing the development.

1.2.5 The granting of this consent does not include any anchoring of the structure/s onto Council's land. All works are to be wholly within the subject site. Anchoring onto Council's land requires separate prior and formal approval of Council to be obtained.

1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works. This Development Application is for the Stage 2 works only which consists of the construction of the shell and core of the building to lock up stage. The other Stage 3 and 4 works as described in the Statement of Environmental Effects prepared by MD Planning are to be the subject of separate development approvals.

1.4 Services

- 1.4.1 The applicant is advised to consult with:

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

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

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

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

- 1.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.
- 1.4.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.4 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

- 1.4.5 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

1.5 **Tree Planting and Service Locations**

- 1.5.1 Street tree planting must not impact on public utilities. The applicant should liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.

Street tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.

1.6 **Identification Survey**

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

1.7 **Road Damage**

- 1.7.1 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.

1.8 **Engineering Notes**

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

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

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

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

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

- 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.

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

1.9 Payment of Engineering Fees

1.9.1 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 2 weeks followed by confirmation in writing.

1.9.2 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 2 weeks, followed by confirmation in writing.

2 GENERAL

2.1 Scope of Consent

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

Drawing Number	Drawing Name	Revision	Dated	Enclosure No.
Plans prepared by Cox Architecture:				
S3-A-11-01	Site Plan	10	22.11.16	62A
S3-A-21-00	Pit (General Arrangement) Plan	14	22.11.16	62B

Drawing Number	Drawing Name	Revision	Dated	Enclosure No.
S3-A-21-01	Ground (General Arrangement) Plan	14	22.11.16	62C
S3-A-21-02	Ground Mezzanine (General Arrangement) Plan	14	25.11.16	62D
S3-A-21-03	Level 1 (General Arrangement) Plan	14	22.11.16	62E
S3-A-21-04	Flyfloor Lower (General Arrangement) Plan	14	22.11.16	62F
S3-A-21-05	Level 2 (General Arrangement) Plan	15	22.11.16	62G
S3-A-21-06	Flyfloor Upper (General Arrangement) Plan	14	22.11.16	62H
S3-A-21-07	Grid (General Arrangement) Plan	14	22.11.16	62I
S3-A-21-08	Flytower Plant (General Arrangement) Plan	9	22.11.16	62J
S3-A-21-10	Roof (General Arrangement) Plan	14	22.11.16	62K
S3-A-30-00	Elevations	14	22.11.16	62L
S3-A-30-01	Elevations	14	22.11.16	62M
S3-A-40-00	Building Sections	17	22.11.16	62N
S3-A-40-01	Building Sections	7	22.11.16	62O
S3-A-40-02	Building Sections	6	22.11.16	62P
S3-A-90-01	Room and Area Schedule	9	24.06.16	62Q
Landscape Plans prepared by Site Design+Studios:				
DA-01	Master Plan	A	28.9.16	62R
DA-02	Landscape Plan Area 1	A	28.9.16	62S
DA-03	Landscape Plan Area 2	A	28.9.16	62T
DA-04	Landscape Plan Area 3	A	28.9.16	62U
DA-05	Landscape Plan Area 4	A	28.9.16	62V
DA-06	Landscape Plan Area 5	A	28.9.16	62W
DA-07	Planting Schedule, Planting Detail	A	28.9.16	62X

* Unless modified by any condition(s) of this consent.

2.2 Other Matters

2.2.1 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 bulk earthworks and construction works.

2.2.2 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.

2.3 Services

2.3.1 Low voltage electricity and telecommunications services for the approved development shall be as per the requirements of the service provider, and reticulated underground.

2.4 Specific Uses

- 2.4.1 The approved “registered club” shall accord with the requirements of the following definition contained within Blacktown Local Environmental Plan 2015:

“**registered club**’ means a club that holds a licence under the Liquor Act 2007.”

- 2.4.2 The development shall be used solely in conjunction with the use of the Rooty Hill RSL building to which it is to be attached via a future pedestrian air bridge. The separate use or occupation of the subject site is not permitted by this consent.

- 2.4.3 The development shall not be used or converted for use for any purpose other than that:

(a) Granted consent by Council’s Notice of Determination, or

(b) Which is “Exempt Development” under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

2.5 **Engineering Matters**

2.5.1 **Design and Works Specification**

- 2.5.1.1 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.

2.5.1.2 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
- Maintenance of the construction works

These matters will be individually addressed within the consent

2.5.1.3 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.

2.5.1.4 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.

2.5.2 Other Necessary Approvals

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

- Vehicular Crossing
- Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)

2.6 Other Matters

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

2.6.2 Any 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.

2.7 Other Stormwater Section Requirements

2.7.1 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Part J of Council's Development Control Plan 2015 for the entire site in perpetuity:

Required percentage reductions in post development average annual load of pollutants

Pollutant	post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	85
Total Phosphorous	65
Total Nitrogen	45
Total Hydrocarbons	90

- 2.7.2 Each year by the first business day on or after 1 September the registered proprietor/lessee is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed is to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's Water Sensitive Urban Design (WSUD) Compliance Officer.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

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

3.2 Road Deposit / Bond

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

- (a) Road inspection fee of \$174.00;
- (b) Road maintenance bond of \$6,000.00; and
- (c) Road maintenance bond administration fee of \$104.00.

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

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

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

Vehicular Crossing Application and Inspection Fee: \$140.00.

3.3 Services/Utilities

- 3.3.1 A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.

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

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

3.4 Construction Traffic Management Plan

3.4.1 A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of any Construction Certificate.

3.5 **Garbage and Recycling Storage Area**

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

3.6 **Street Tree Planting**

3.6.1 The applicant must submit a Street Tree Plan detailing the proposed street tree planting and landscaping for the approved development along the street frontages to Sherbrooke Street and North Parade. The Street Tree Plan is to reflect the species palette in Council's Street Tree Guidelines and must include:

- cross-sections showing dimensions of tree pits
- species
- details of root protection barriers
- soil specifications
- location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

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.

The Street Tree Plan must show how the developer can decommission any median feature and road verge landscaping, and reinstate landscaping suitable to Council at handover.

Landscaping to lot boundaries is to be wholly located within private property and not encroach upon the road reserve.

Street tree planting must not interfere with the street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting.

This information must be received before a construction certificate can be issued.

3.7 **Acoustic Verification**

3.7.1 The construction certificate documentation is required to demonstrate that appropriate noise attenuation measures are implemented into the design and construction of the development to ensure that the relevant external noise criteria are satisfied as detailed in the Acoustics Development Application Report prepared by Marshall Day Acoustics dated 23 March 2016.

3.8 **Access and Transport Management Services**

- 3.8.1 The proposed driveway to the Performing Arts Centre car park shall be restricted with left in/left out movements only to ensure efficiency at the signalised intersection of Francis Road and Sherbrooke Street.
- 3.8.2 To restrict right turn movements at all times a 'concrete median island' is to be constructed in Sherbrooke Street at the Applicant's cost, extending from the roundabout splitter island to 5 m to the north of the new staff car park driveway.
- 3.8.3 Amended plans/drawings with a swept path analysis are required to be submitted to Council which verify that the new driveway to the staff car park and loading bay area which is accessed via Sherbrooke Street is capable of accommodating all vehicles, including 19 m long articulated large rigid vehicles for left in/left out movements which are clear of the median strip which is required along Sherbrooke Street. This is to be submitted in hard copy and electronic format. This swept path analysis is required to verify that this arrangement (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) are in accordance with AS 2890.1- 2004, A2890.6-2009 and AS 2890.2 — 2002 for heavy vehicle usage. Formal written approval is to be provided by Council's Access and Transport Management Services that these plans are approved prior to the issue of any Construction Certificate associated with this development consent (JRPP-16-03308).
- 3.8.4 The proposed "Drop off/Services area" which is accessed via Sherbrooke Street is to be 'entry only' and all vehicles are required to exit via the staff car parking access driveway on Sherbrooke Street.

3.9 **Other Authorities – Roads and Maritime Services**

- 3.9.1 The driveway access off Sherbrooke Street to the "Emergency Access Pathway" is required to be restricted through the implementation of boom gates to be used under emergency scenarios only. Emergency vehicles are to use this emergency exit driveway under lights and siren at any given time.
- 3.9.2 The proponent is advised that Railway Street is within an investigation area for a future strategic corridor. The intersection of Railway Street and Sherbrooke Street may be upgraded in the future. The timing of the future strategic corridor is currently unknown. Future works in relation to the Railway Street/Sherbrooke Street intersection need to be in accordance with preliminary strategic design works by Road and Maritime Services. Amended road designs are to be submitted to Roads and Maritime for review.
- 3.9.3 All landscaping should be contained within the property boundary and not encroach within the RMS road reserve.
- 3.9.4 All buildings and structures together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth) along the Francis Road boundary.
- 3.9.5 Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system into Francis Road are to be submitted to the Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management, RMS
PO Box 973

Parramatta CBD NSW 2124

A plan checking fee may be payable and a performance bond may be required before the Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

- 3.9.6 The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:
Project Engineer, External Works
Sydney Asset Management, Roads and Maritime Services
PO Box 973 Parramatta CBD 2124
Telephone 8849 2114, Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- 3.9.7 The layout of the car parking areas associated with the subject development (which are the subject of separate Development Applications) (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, A2890.6-2009 and AS 2890.2 — 2002 for heavy vehicle usage.
- 3.9.8 Sight distances from the proposed vehicular crossings to vehicles on North Parade and Sherbrooke Street are to be in accordance with the Austroads 'Guide to Traffic Engineering Practice, Part 5: Intersections at Grade, Section 6.2 – Sight Distance' and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
- 3.9.9 All Vehicles are to be wholly contained on site before being required to stop.
- 3.9.10 The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.
- 3.9.11 A construction zone will not be permitted on Francis Road.
- 3.9.12 A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Francis Road or Railway Street during construction activities.
- 3.10 **Other Authorities – Transport NSW Sydney Trains**
- 3.10.1 The development is required to demonstrate the following requirement of Sydney Trains is satisfied:

- i. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

3.11 Other Authorities – NSW Local Police

- 3.11.1 The development is required to demonstrate the following requirements the NSW Police Force are adhered to:

CCTV:

- i. Sufficient cameras should be in place to cover the external perimeter of the premises, all entrances and exits regularly used and all publicly accessible areas whether indoors or outdoors, excluding toilets.
- ii. That all external surrounds of the building are covered with CCTV that has a live feed back to the control room within the club.
- iii. That all entrance and exits to a radius of 10 meters should be positioned and record to a standard so that any person is recognisable on the recording.
- iv. Each camera is to record at a minimum rate of 10 frames per second at a storage aspect ratio of 720 x 480 pixels being medium resolution.
- v. The correct time, date and camera identification should be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.

Graffiti:

- vi. There must be graffiti resistant materials utilised in the design of the building. For example painted on masonry garden walls fencing.
- vii. Territorial re-enforcement via way of fencing along Francis Road and North Parade be considered to prevent unauthorised person(s) access to this location.
- viii. Green screens be considered within the design in particular along Francis Road where casual surveillance is limited.
- ix. In the event of Graffiti that a rapid removal policy be incorporated into this application.

Lighting:

- x. That external lighting is of a quality that reflects Australian and New Zealand standards, that a lighting maintenance policy be established for this development.

Surveillance:

- xi. The Applicant incorporates casual surveillance within the construction plan with a focus on avoiding any potential hidden areas within the building surrounds. The buildings entrances will be visible from the surrounding roads and not be obstructed by landscaping.
- xii. All vegetation to be regularly maintained to a height that allows clear sight lines and to prevent concealment points on the building surrounds.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Landscaping

- 4.1.1 All landscaping and associated recontouring works, retaining structures and fencing, etc. as shown on the Landscape Plans prepared by Site Design + Studios,

Drawing No. 926, DA-01 to DA-06, Revision A, dated 26/9/2016. These works are to be shown on the Construction Certificate documentation. The final planting and landscaping works are permitted to be undertaken prior to the issue of the Occupation Certificate subject to the other Development Application for fitout works (DA-16-03731).

- 4.1.2 The landscaping proposed for the area outside the lot boundary on the eastern side of the development is to be undertaken by the Applicant as part of this Development Application (DA-16-03362) and is to be appropriately maintained by the Applicant as it will remain inside the existing fence line.

4.2 **Aesthetics**

- 4.2.1 The development approved by Council is to be constructed in accordance with the approved External Materials on the Elevations Plans S3-A-30-00 and S3-A-30-01.
- 4.2.2 External service fixtures and conduits are to be designed so they form part of the overall appearance of the building, or are to be screened from view.
- 4.2.3 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent, must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.

4.3 **Provision of Parking**

- 4.3.1 The existing car parking spaces on the main Rooty Hill RSL site, including the completed car parking spaces in the multi-deck car park approved in DA-15-01846, and with the exception of the 247 spaces to be removed during the construction of the new multi-deck car parking approved in DA-15-02453, are to be available for the staff and patrons of the Rooty Hill RSL and construction workers associated with the works approved in this Development Application at all times to ensure that car parking demand is catered for at all times.

4.4 **Pedestrian Air Bridge**

- 4.4.1 Prior to the issue of any Construction Certificate, the pedestrian air bridge the subject of DA-16-03732 is required to be approved.

5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

5.1 **Building Code of Australia Compliance**

- 5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
 - (a) Complying with the deemed to satisfy provisions, or
 - (b) Formulating an alternative solution which:
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).
- 5.1.2 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to

the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:

- (a) Part C2.4 Perimeter Vehicle Access
- (b) New South Wales Part H101.10 Safety Curtains

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

5.2 Site Works and Drainage

5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.

5.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:

- (a) be in accordance with Australian Standard 3500.3, and
- (b) provide for drainage discharge to an existing Council drainage system, and
- (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.

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

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

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

Such details shall accompany the Construction Certificate.

6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

6.1 General

6.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.

6.1.2 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.

6.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
Taylor Thomson Whitting	S3-C-	01-01	-	04	09.01.2017
		02-01		04	
		03-01		04	
		03-02		04	
		03-03		04	
		04-01		05	
		22-01		04	
		22-02		04	
		22-03		05	
		23-01		05	
		23-02		05	
		23-03		02	

- Except where required to be modified as required by **Conditions 3.8.1 to 3.8.4 and 3.9.1 to 3.9.12.**

The following items are required to be addressed on the Construction Certificate plans (where relevant in response to further modified plans as required by **Conditions 3.8.1 to 3.8.4 and 3.9.1 to 3.9.12**):

Drainage Section Requirements

- i. Amend the Pit Schedule on Drawing S3-C-01-01(04) by deleting pits 8, 14 and 18 from Type A and by deleting pits 10, 13, 19 and 20 from Type B.
- ii. Amend the Pit Schedule on Drawing S3-C-01-01(04) by adding pit 57 to 900 x 900 grated Type C, in Type C moving pit 54 from 900 x 900 cast iron with concrete infill to 1200 x 1200 cast iron with concrete infill. Add a note to Type D that these pits are all to be fitted with Enviropods. The Enviropods detailed in Type A and F pits are to be referred to as white 200 micron Enviropods.
- iii. The Pit Schedule on Drawing S3-C-01-01(04) is to be amended by introducing three cover types to Type F pits. Firstly 900 x 900 cast iron with concrete infill for pits 13, 45, 47 and 52. Secondly 600 x 900 grated for pits 8, 10 and 20 and thirdly 900 x 900 grated for pits 14, 15, 18 and 19.
- iv. Amend Drawing S3-C-22-02(04) by providing a trench grate along the Sherbrooke Street boundary above pit 20 to collect surface flows and direct these to pit 20.
- v. Amend Drawing S3-C-22-02(04) by providing a 150 mm kerb along the Sherbrooke Street boundary from pit 20 to the first driveway crossover to collect surface flows at pit 19.
- vi. Amend Drawings S3-C-22-02(04) and S3-C-22-03(05) by clearly marking all sealed pits with an X and not a grate symbol.
- vii. The DRAINS model currently shows a pressure head nearly 7 m above the surface level of pit 45 which is unacceptable. As a minimum increase the pipe size for the drainage line from pits 45 to 47 to 300 mm and increase the drainage line from pits 47 to 52 to a minimum of 300 mm and possibly 375 mm to ensure the pressure head is reduced and the Enviropods will work effectively at pits 45, 47 and 52.

- viii. Amend Drawing S3-C-22-03(05) by increasing the pipe size from pit 52 to pit 53 to 375 mm. Note that this pipe will need to be lowered to enable the Enviropod to function at pit 52.
- ix. Each pit with an Enviropod is to be checked and upstream and downstream pipe invert levels marked on plan or in a table to confirm that the 500 mm clearance for the Enviropod between the inflow pipe invert (or underside of grate level for type A and D pits) and the outlet pipe invert is achieved.
- x. Amend Drawing S3-C-22-03(05) by modifying the pipeline from pit 5 to pit 2 so that the invert of the pipe at pit 2 is a minimum of RL 50.71.
- xi. On section 1 of drawing S3-C-22-03(05) amend the HED weir level to RL 52.42 and the HED detail based on later comments.
- xii. Amend the detention and water quality tank layout on Drawing S3-C-22-03(05) based on the modification to drawing S3-C-23-02(05) detailed below.
- xiii. Amend Section 1 on Drawing S3-C-23-01(05) by showing an Enviropod positioned within 500 mm under the grate.
- xiv. Amend the title for "PIT TYPE A" on Drawing S3-C-23-01(05) by adding the note below "EXISTING PIT TYPE D SIMILAR".
- xv. Amend the orifice, detention and water quality tank layout on drawing S3-C-23-02(05) generally in accordance with the Council marked up plan prepared by Council's Senior Engineer (Drainage) Developments dated 2/02/17. This includes 22 Stormfilter Cartridges in total and a new grate 57 in the detention tank.
- xvi. Amend Section 3 on Drawing S3-C-23-03(02) by amending the width in the volume calculation to 6.8m. Amend the inflow pipe to 375 mm and adjust the pipe invert level.
- xvii. Amend Section 3 on Drawing S3-C-23-03(02) by lowering the base of the tank to achieve the required volume of 143 m³. Level 51.18 becomes 51.00 and level 51.30 becomes 51.10.
- xviii. Amend the Rainwater Tank Plan on Drawing S3-C-23-03(02) by changing pit 54 to a sealed 1200 x 1200 pit to enable maintenance access to the rainwater pump(s).
- xix. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the rainwater tank, Stormfilter chamber and detention tank in accordance with Council's Engineering Guide for Development 2005.
- xx. Provide on-site detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.

6.2 Other Drainage Section Requirements

- 6.2.1 An experienced Drainage Engineer registered with NER and supported by a DRAINS or similar electronic hydraulic drainage model is to certify that the internal drainage system is capable of carrying the minimum 20 year ARI flows with no surcharge at any pits permitted as per the Engineering Guide for Development. However where a 100 year ARI design standard is required to ensure the 100 year flows reach the detention tank then the certification is to apply to the 100 year ARI event.
- 6.2.2 An experienced hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses (including all toilet flushing, hot water supply and landscape watering) on the site. The plan is to show the rainwater pipe arrangement including pump, mains water direct tank top up, isolation valves, flow meters for all mains water inflows, solenoid controlled mains water bypass and non-potable usage outflows, a timer for landscape watering, an inline automatic backwash filter and certify that all Sydney Water requirements have been satisfied. Fit a solenoid controlled mains water bypass for toilet flushing and hot water use only. The landscape watering or other reuse must only use pump water

and be on a separate reuse line, independent to the toilets and their solenoid backup. The Landscape Irrigation system is designed to automatically achieve an average minimum usage rate of 420 kL/year, allowing for seasonal variations. Seasonal variations include increasing the frequency of watering by 50% above average for the hotter months. Provide a warning light to indicate pump failure. All rainwater reuse pipes are to be coloured purple. Rainwater warning signs are to be fitted to all external taps where rainwater is used as a source.

- 6.2.3 Details are to be provided for permanent interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices, including the rainwater tank, and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.
- 6.2.4 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.

6.3 Construction Certificate Requirements

- 6.3.1 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:

- Road and drainage construction
- On-site stormwater detention
- Water quality treatment
- Earthworks

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

6.4 Local Government Act Requirements

- 6.4.1 Under *Section 68 of the Local Government Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Any works within a Council Reserve
- Any works on adjoining land (outside the subject site boundaries)

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

6.5 Roads Act Requirements

- 6.5.1 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
- Path Paving

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

6.6 Other Engineering Requirements

6.6.1 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.

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

In particular this would include but not be limited to the Impact Barrier System as described on drawing S3-C-04-01(05) and located within the road reserve. The type, extent and scope of works will be determined upon the relevant Roads Act Application.

6.6.3 Submit written permission from the affected property owner for any works proposed on adjoining land.

6.6.4 Submit written evidence from the Roads and Maritime Services indicating compliance with all necessary requirements. In particular specific reference includes but is not limited to:

- That any proposed improvement works located outside Lot 1 DP 1181840 will not impede or negatively impact on the structural stability of Francis Street, Rooty Hill overpass/vehicular bridge

6.6.5 Submit written evidence from Sydney Water indicating compliance with all necessary requirements.

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

6.7 Roads

6.7.1 Any approved design drawings must show a dedication at no cost to Council of an 8m x 8m splay for commercial allotments at the intersection of Sherbrooke Street and North Parade.

6.7.2 Any approved design drawings must show the removal of all redundant driveway laybacks which are required to 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.

6.8 Drainage

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

6.8.2 Drainage from the site shall be connected into Council's existing drainage system. In this regard it is required to connect the drainage pipe into an existing Council kerb inlet pit in North Parade, Rooty Hill.

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

6.9 **Erosion and Sediment Control**

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

6.10 **Earthworks**

6.10.1 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.

Where a 1V:5H cannot be achieved, the applicant must submit the following certificates which are to be prepared by a registered engineer (NER):

- Certification that the proposed batter will provide a structurally sound and stable solution free from scouring or slippage based on the batter gradient/in-situ material type and any loading likely to be imposed on the area during their lifetime.

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

6.11 **On-Site Detention**

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

6.11.2 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%)
All Other Hawkesbury Sub-Catchments – Area #4	264	147

6.11.3 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.

6.11.4 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.

6.11.5 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

6.12 Stormwater Quality Control

6.12.1 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.

6.12.2 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.

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

6.13 Vehicular Crossings

6.13.1 Construct a commercial and industrial vehicular crossing to Council's standard A(BS)103S and shall generally be located:

- Six (6) meters from a tangent point
- A minimum distance of one (1) meter from any proposed or existing service, utility, street tree or other obstruction
- Perpendicular to the existing road

6.14 Footpaths

6.14.1 Construct path paving as follows:

Street Name	Side	Paving Width	Length
Sherbrooke Street, Rooty Hill	Both sides (fronting Lot 1 DP1181840)	Full width path paving including the construction of pram ramps in accordance with Councils requirements	From North Parade to Railway Street

7 PRIOR TO DEVELOPMENT WORKS

7.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

7.1.2 A sign is to be erected and maintained in a prominent position on the site in

accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

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

This condition does not apply to:

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

7.1.3 Should the development work:

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

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

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

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

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

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

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

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

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

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

7.2 Notification to Council

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

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

7.3 Sydney Water Authorisation

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

OR

The approved plans are to be submitted to a Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For further information please refer to the "Developing Your Land" section of the website: www.sydneywater.com.au, or telephone 1300 082 746 for assistance.

7.4 Roads and Maritime Services

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

7.5 Construction Details

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

Nominated Component

- (a) Footing piers
- (b) Footing system
- (c) Floor slab
- (d) Structural concrete
- (e) Wall frame bracing
- (f) Roof trusses

- (g) Structural steelwork
- (h) Retaining walls

8 DURING DEMOLITION & CONSTRUCTION WORKS (GENERAL)

8.1 Other Authorities – NSW Local Police

8.1.1 The following requirements of the NSW Police Force are to be adhered to:

- i. That sufficient security messages are put into place in relation to preventing possible theft during construction and if necessary security be on site outside business hours until the site is at a lock up stage and construction equipment can be secured.
- ii. That power tools or other construction equipment of value is secured and locked in a shipping container or similar outside construction hours to avoid theft.
- iii. It is suggested that suitable traffic control and safety messages be incorporated throughout the construction process to increase safety to motorists and minimise risk.

8.2 Other Authorities – Transport NSW Sydney Trains

8.2.1 The following requirements of Sydney Trains are to be adhered to:

- ii. Sydney Trains advises they have a 66kV H/V aerial transmission line near to this site and any works, scaffolding and crane movements within 6 metres of the nearest transmission line conductor must be discussed and approved by Sydney Trains beforehand.
- iii. All works within 6 metres of the nearest transmission line conductor must comply with:
 - ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
 - The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS-06-GD-0268 – Working Around Electrical Equipment”.
- iv. During all stages of the development, environmental legislation and regulations will be complied with.
- v. During all stages of the development extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- vi. During all stages of the development, extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

8.3 Site Contamination

8.3.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during the demolition, excavation and construction works, all works are to cease immediately and a suitably qualified environmental site contamination consultant is to investigate and report on the findings. Any recommended remediation and validation works are to be undertaken pursuant to Council's Contamination Lands Policy. The environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.

8.3.2 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.

8.4 Waste Management Plan

8.4.1 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. This includes the sorting and storage of waste and recyclable building materials on site for collection and disposal by the nominated waste/recycling contractor to the nominated disposal site.

8.5 European Heritage

8.5.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the *Heritage Act 1977*. Relevant works shall not recommence until written authorisation from the Heritage Council is issued.

8.6 Aboriginal Heritage

8.6.1 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.

8.7 Restoration and Landscaping of Council's Land

8.7.1 The Applicant is required to undertake landscaping within the area outside the lot boundary on the eastern side of the development as shown on the Landscape Plans prepared by Site Design + Studios, Drawing No. 926, DA-01 to DA-06, Revision A, dated 26/9/2016. These works are to be undertaken in consultation with Council's Civil and Park Maintenance Section. These works are permitted to be completed in the Stage 4 works (DA-16-03731) and are required to be completed to the satisfaction of Council's Civil and Park Maintenance Section prior to the issue of any Occupation Certificate related to this development.

9 DURING CONSTRUCTION (BUILDING)

9.1 Safety/Health/Amenity

9.1.1 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.

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

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

9.1.3 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.

9.1.4 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.

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

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

9.1.7 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.

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

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

9.1.9 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.

9.2 Building Code of Australia Compliance

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

9.3 Surveys

- 9.3.1 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.
- 9.3.2 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.
- 9.3.3 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.

9.4 Nuisance Control

- 9.4.1 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.
- 9.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 9.4.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

9.5 Notice of work Commencement

- 9.5.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$20,000,000.
- 9.5.2 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Councils Development Services Engineers.

10 DURING CONSTRUCTION (ENGINEERING)

10.1 Notification of Works

- 10.1.1 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 five (5) business days prior to commencement of engineering works.
- 10.1.2 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.

10.2 **Insurances**

10.2.1 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 \$20,000,000.00 Indemnity and Workers Compensation.

10.3 **Service Authority Approvals**

10.3.1 Prior to the commencement for construction of full width path paving, 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.

10.4 **Boundary Levels**

10.4.1 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.

10.5 **Tree Protection and Preservation**

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

10.5.2 Prior to commencement of engineering works that may disturb existing vegetation/trees, the site shall be inspected to identify and appropriately mark out any trees to be retained as well as determine areas that are to be left undisturbed. Proposed roads must be set-out onsite prior to this inspection. Note: Inspection must be carried out by Council's representative or an appropriately accredited private certifier. The applicant's representative must be present during this inspection.

10.5.3 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.

10.5.4 Council must be notified a minimum of 24 hours prior to the removal of any branches from existing trees which are to be retained. Subject to Council's direction, this work must be generally undertaken by a qualified Arborist.

10.6 **Soil Erosion and Sediment Control Measures**

10.6.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.

10.6.2 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.

- 10.6.3 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.

10.7 Filling of Land and Compaction Requirements

- 10.7.1 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.

- 10.7.2 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.

The above documentation shall be submitted at the prior to Subdivision and/or Occupation certificate stage as required by this consent.

- 10.7.3 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.
- 10.7.4 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.
- 10.7.5 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.

- 10.7.6 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.
- 10.7.7 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.
- 10.7.8 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.

10.8 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979

- 10.8.1 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.

10.9 Inspection of Engineering Works - Roads Act 1993

- 10.9.1 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 twenty-four (24) hours notice. Council's Development Overseers may be contacted on 02 9839 6586 between 7am - 8am and 12.30pm - 1.30pm, 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).

10.10 Public Safety

- 10.10.1 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.

10.11 Site Security

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

10.12 Traffic Control

- 10.12.1 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.

- 10.12.2 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.
- 10.12.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 10.12.4 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.
- 10.12.5 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.

10.13 **Other Drainage Section Requirements**

- 10.13.1 The minimum twenty-nine 200 micron Enviropods and 22 of the 460 mm high Stormfilter cartridges supplied by Stormwater 360 (as detailed on the approved drainage plan) are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

11 **AT THE COMPLETION OF WORKS (ENGINEERING)**

11.1 **Road Damage**

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

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

11.2 **Compliance with Conditions**

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

11.2.3 All redundant driveway laybacks are required to be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council.

11.3 **Service Authorities**

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

11.4 **Fee Payment**

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

11.5 **Engineering Matters**

11.5.1 **Surveys/Certificates/Works As Executed plans**

11.5.1.1 A Work-as-Executed (WAE) plan 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.

11.5.1.2 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.

11.5.1.3 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.

11.5.1.4 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

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

11.5.1.6 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.

11.5.2 **Easements/Restrictions/Positive Covenants**

11.5.2.1 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.

11.5.2.2 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.

11.5.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the Stormwater Quality Control devices/system and outlet works.

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

11.5.3 **Bonds/Securities/Payments in Lieu of Works**

11.5.3.1 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.

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

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

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

11.5.3.2 Path paving must not be placed until about 75% of the proposal 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 Council's Goods and Pricing Schedule. The security will be released upon satisfactory completion of the works.

11.5.3.3 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.

11.5.4 **Inspections**

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

11.5.5 CCTV Inspection of Stormwater Drainage Structures

11.5.5.1 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.

11.5.6 Other Drainage Section Requirements

11.5.6.1 Provide written evidence that the registered owner/lessee has entered into a minimum 5 year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Enviropods and Stormfilters. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer. The contract is to contain a requirement that either the filter cartridges are to be replaced at a maximum of every two years, or a flow test is to be undertaken on the filter chamber in accordance with Councils MUSIC Modelling and Design Guide to verify that the actual flow rate through the cartridges is more than 21.78 l/s (i.e. a maximum 10% reduction) to enable the filters to be retained. The flow test is to be repeated and passed every year after that for the filters to be retained, but the filters must be replaced after 5 years.

11.5.6.2 Stormwater 360 is to certify for the installation of the 200 micron Enviropods and Stormfilters that:

- i. They are installed in accordance with the Stormwater 360 standard operational guidelines and production drawings.
- ii. That the minimum twenty-nine 200 micron Enviropods have been correctly installed.
- iii. The Stormfilter tank includes a baffle 300mm below the Stormfilter weir and set 250mm upstream from the weir to retain floatables including oils for the 460mm cartridges.
- iv. That the Stormfilters have a minimum flow rate of 24.2 L/s at standard weir height.
- v. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank.
- vi. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.

11.5.6.3 Maintenance requirements are to be provided for each of the proposed Stormwater Quality Improvement Devices. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it. The maintenance schedule is to include the filter flow rate testing regime detailed in Councils MUSIC Modelling and Design Guide.

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

11.5.6.5 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.