

**1 ADVISORY NOTES**

**1.1 Terminology**

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

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

**1.2 Scope of Consent**

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

**1.3 Other Approvals**

1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.

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

- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes ) 2008, and
- (c) the erection/display of any advertising sign or business identification sign not being exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes ) 2008.

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

**1.4 Services**

1.4.1 The applicant is advised to consult with:

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

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

All approved building construction plans attached to the Construction Certificate

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

- 1.4.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at [www.1100.com.au](http://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.
- 1.4.3 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.
- 1.4.4 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

## 1.5 Identification Survey

- 1.5.1 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.

## 1.6 Engineering Notes

- 1.6.1 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.

1.6.2 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.

## 1.7 **Payment of Engineering Fees**

1.7.1 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 days followed by confirmation in writing.

1.7.2 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 days, followed by confirmation in writing.

## 1.8 **Endeavour Energy**

### 1.8.1 **Network Capacity / Connection**

In due course the applicant for the future proposed development of the site will need to submit a further application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount substations will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please find attached for the applicant's reference is a copy of Endeavour Energy's

Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm. There is a 'Work Polygon' for the site – URS1702

## 1.8.2 Public Safety

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

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

## 2 GENERAL

### 2.1 Scope of Consent

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

| Drawing No.                                       | Dated      | Council's File Enclosure No. |
|---------------------------------------------------|------------|------------------------------|
| Site Plan<br>DA1100 Issue E                       | 09/12/2016 | 34C                          |
| Master Plan – Ground Floor Plan<br>DA1103 Issue E | 09/12/2016 | 34D                          |
| Master Plan – Roof Plan<br>DA1104 Issue E         | 09/12/2016 | 34E                          |
| Site Call Out – Zone A<br>DA1500 Issue E          | 09/12/2016 | 35B                          |
| Site Call Out – Zone B<br>DA1501 Issue E          | 09/12/2016 | 35C                          |
| Site Call Out – Zone C<br>DA1502 Issue E          | 09/12/2016 | 35D                          |
| Site Call Out – Zone D<br>DA1503 Issue E          | 09/12/2016 | 35E                          |
| Club House – Plan<br>DA6000 Issue E               | 09/12/2016 | 35F                          |
| Pavillion 1 – Plans<br>DA6001 Issue D             | 08/12/2016 | 49C                          |
| Pavillion 1 – Sections<br>DA6002 Issue D          | 08/12/2016 | 49D                          |
| Pavillion 2 – Plans<br>DA6003 Issue D             | 08/12/2016 | 49E                          |
| Pavillion 2 – Sections<br>DA6004 Issue D          | 08/12/2016 | 49F                          |
| Pavillion 3 – Plans<br>DA6005 Issue D             | 08/12/2016 | 49G                          |
| Pavillion 3 – Sections<br>DA6006 Issue D          | 08/12/2016 | 49H                          |
| Clubhouse Sections                                | 08/12/2016 | 49I                          |

| Drawing No.                                 | Dated      | Council's File Enclosure No. |
|---------------------------------------------|------------|------------------------------|
| DA6007 Issue E                              |            |                              |
| Master Plan – Lots<br>DA1101 Issue D        | 08/12/2016 | 49A                          |
| Master Plan – House types<br>DA1102 Issue D | 08/12/2016 | 49B                          |
| Type A – Plan<br>DA2000 Issue E             | 21/07/2016 | 1M                           |
| Type A – Sections<br>DA2001 Issue E         | 21/07/2016 | 1N                           |
| Type C – Plan<br>DA2002 Issue E             | 21/07/2016 | 1O                           |
| Type C – Sections<br>DA2003 Issue E         | 21/07/2016 | 1P                           |
| Type D – Plan<br>DA2004 Issue E             | 21/07/2016 | 1Q                           |
| Type D – Sections<br>DA2005 Issue E         | 21/07/2016 | 1R                           |
| Type G – Plan<br>DA2006 Issue E             | 21/07/2016 | 1S                           |
| Type G – Sections<br>DA2007 Issue E         | 21/07/2016 | 1T                           |
| Type H – Plan<br>DA2008 Issue E             | 21/07/2016 | 1U                           |
| Type H – Sections<br>DA2009 Issue E         | 21/07/2016 | 1V                           |
| Concept Clubhouse Landscape<br>Plans        | No date    | 34B                          |
| Landscape DA Report                         | 21/07/2016 | 1000                         |

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

- 2.1.2 The proposed subdivision is to be in accordance with the following drawings/details, subject to compliance with any other conditions of this consent:

| Drawing No.                                                            | Dated        | Council's File Enclosure No. |
|------------------------------------------------------------------------|--------------|------------------------------|
| Community Plan<br>Surveyor's Ref: 80216069 DA-01<br>Sheets 1 to 4 of 4 | 29 June 2016 | 1KKK – 1NNN                  |

## 2.2 Suburb Name

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

Suburb: MARSDEN PARK

- 2.2.2 Any advertising of land sales in association with the approved development shall clearly indicate that the development is located in the following suburb:

Suburb: MARSDEN PARK

## 2.3 Compliance with BASIX Certificate

- 2.3.1 All commitments listed in the BASIX Certificate number: 742198M, dated 15 July 2016 shall be complied with.

## 2.4 Engineering Matters

### 2.4.1 Design and Works Specification

- 2.4.1.1 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

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.

- 2.4.1.2 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
- Final Layer Asphaltic Concrete (AC) construction
- Maintenance of the construction works

These matters will be individually addressed within the consent

- 2.4.1.3 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.

### 2.4.2 Other Necessary Approvals

2.4.2.1 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)

#### 2.4.3 **Subdivision**

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

#### 2.5 **Other Matters**

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

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

### 3 **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 \$171.00,
- (b) Road maintenance bond of \$5000.00, and
- (c) Administration fee of \$107.00

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

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

#### 3.3 **Services/Utilities**

3.3.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) A Notification of Arrangement" Certificate from Endeavour Energy, stating that electrical services have been made available to the development.

### 3.4 Special Infrastructure Contributions

- 3.4.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 94EE of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Environment before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

#### More information

Information about the special infrastructure contribution can be found on the Department of Planning and Environment's website:

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/abid/75/guage/en-US/Default.aspx>

### 3.5 Acoustic measures

- 3.5.1 The recommended acoustical treatments detailed in the Acoustic Assessment of the Clubhouse prepared by Renzo Tonin and Associates (Ref No. TJ407-01F02 Report Rev. 0) dated 7/10/2016 are to be detailed on the Construction Certificate Plans. In this regard, additional acoustic assessment is required as part of the Construction Certificate stage as required by the recommendations of the report, including mechanical plant and equipment.
- 3.5.2 A qualified acoustic engineer must certify that the buildings have been designed to minimise the noise intrusion from any external noise source and when constructed the buildings shall satisfy the following criteria with windows and doors closed:

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

- 3.5.3 A certificate must be provided by a qualified acoustic engineer stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:
- does not exceed an  $L_{Aeq}$  sound pressure level of 5dB (A) above the ambient background noise level when measured
    - at the most effected point on or within any residential property boundary or
    - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
  - cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

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

### **3.6 Site Contamination**

- 3.6.1 Prior to the release of any construction certificate on the site, an EPA recognised geoscientist is to validate 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.

### **3.7 Other Matters**

- 3.7.1 A Construction Traffic Management Plan (CTMP) must be prepared for the development by a suitably qualified person prior to the release of the Construction Certificate. The CTMP must detail construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control methods.

### **3.8 Salinity**

- 3.8.1 The recommendations of the Salinity and Geotechnical Assessment prepared by GeoEnviro Consultancy Pty Ltd dated July 2013 (Ref: JC12129A-r1) are to be shown on the construction certificate plans.

### **3.9 Waste management**

- 3.9.1 The internal road network is to be rated for at least 24 tonne trucks.
- 3.9.2 A waste and recycling room and waste collection point for the clubhouse is to be provided.

## **4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)**

### **4.1 Section 94 Contributions under Section 94E Directions**

- 4.1.1 Contributions under Section 94 of the Environmental Planning & Assessment Act 1979 must be paid.

Under the Section 94E Direction issued by the Minister for Planning on 4 March 2011, Council must not impose a condition of development consent under Sections 94 (1) or 94 (3) or the Act requiring the payment of a monetary contribution exceeding \$30,000 for each dwelling authorised by the development consent, or in the case of a development consent that authorises the subdivision of land into residential lots, exceeding \$30,000 for each residential lot authorised to be created by the development consent. The Section 94 contributions payable below have been assessed in accordance with this Direction:

No. of intended dwellings: 114  
Contribution: \$3,420,000

Payment of this amount must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) whichever occurs first.

**PLEASE NOTE:** 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.

**Notes** In complying with the Minister's Section 94E Direction, the applicant is advised that Council may not be in a position to provide all of the facilities listed in the applicable contributions plan due to the potential shortfall of contributions to be received as a result of the \$30,000 per dwelling/lot limit.

The amounts below are the INDEXED contributions as at the date of this consent which, if not for the Ministerial Direction, would have applied to this consent. These amounts have been supplied for your information.

| Contribution Item                                        | Amount      | Relevant C.P. |
|----------------------------------------------------------|-------------|---------------|
| (i) Stormwater Quantity<br>Marsden Creek                 | \$3,692,810 | CP21          |
| (ii) Stormwater Quality<br>Marsden Creek                 | \$510,709   | CP21          |
| (iii) Traffic Management                                 | \$769,094   | CP21          |
| (iii) Open Space                                         | \$2,552,661 | CP21          |
| (iv) Community Facilities                                | \$32,787    | CP21          |
| (v) Combined Precinct Facilities<br>E2 Conservation Zone | \$81,175    | CP21          |
| (vi) Combined Precinct Facilities<br>Aquatic Facility    | \$53,412    | CP21          |

These contributions are based upon the following parameters as specified in the Contributions Plan.

Developable Area: 4.6916 hectares  
Additional Population: 260.6 persons

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

S.94 CP No. 21 – Marsden Park

#### 4.2 **State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

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

#### 4.3 **Necessary Plan Amendments**

4.3.1 The following plan amendments shall be submitted to Council for separate approval prior to the release of Construction Certificate:

- (a) The external side walls of corner lots 1, 11, 16, 19, 35, 38, 48, 51 are to be amended so that the street facing side elevation of the dwellings is a rendered façade and not a weathertex style façade.

#### **4.4 Aesthetics/Landscaping**

- 4.4.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.
- 4.4.2 Any bathroom or w.c. in the external wall of the building shall be fitted with translucent glazing.
- 4.4.3 Details of outdoor lighting for the site shall be submitted with the Construction Certificate. In this regard, internal roads, driveways, car parking space and common open space areas shall be appropriately illuminated for the safety of residents and visitors and to assist with crime prevention.
- 4.4.4 Bin collection points at the kerbside must be clear of trees and landscaping features which may hinder operational activity in these locations.

#### **4.5 Fencing**

- 4.5.1 All fencing is to be completed in accordance with the approved plans.
- 4.5.2 All retaining walls are to be masonry construction, with fencing to be erected on top of any retaining walls.
- 4.5.3 All fencing is to be at full cost to the developer.

#### **4.6 Access/Parking**

- 4.6.1 On-site resident and visitor car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1.
- 4.6.2 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 4.6.3 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.
- 4.6.4 The layout of the car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) shall be in accordance with AS 2890.1-2004 and AS2890.2-2002 for heavy vehicle usage.
- 4.6.5 The swept path of the longest vehicle (including garbage trucks) entering and existing the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.
- 4.6.6 The required sight lines to pedestrians or other vehicles within the development shall not be compromised by landscaping, signage, fencing or display materials and in accordance with minimum sight lines for pedestrian safety as outlines in AS2890.1.

#### **4.7 Ancillary Works**

- 4.7.1 Each dwelling is to be provided with an open air clothes drying facility within its private courtyard and a space for a mechanical facility within the dwelling.
- 4.7.2 Cold water taps shall be fitted in or adjacent to the bin enclosure at the clubhouse to facilitate cleaning of the enclosures. The floor of the bin storage enclosures shall be impervious, grade to a floor waste and connected to the sewer.
- 4.7.3 An external cold water tap is to be provided for all dwellings.

## **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).

### **5.2 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 10 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.

### **5.3 Swimming Pools**

- 5.3.1 The swimming pool and child-resistance barrier(s) shall comply with the design and construction requirements of Part 2 of the Swimming Pool Act 1992, Australian Standard 1926.1-2007: "Swimming Pool Safety - Safety Barriers" (AS) and Council's Swimming Pool Guidelines booklet. Any exemption certificate required under the provisions of Section 22 of the Act shall be issued by Council. Should the

barrier incorporate a glazed fence or balustrade, that part of the barrier shall also comply with the relevant design requirements of Appendix E of the AS and Australian Standard 1288 – “Glass in Buildings”.

#### 5.4 BASIX Certificate Compliance

- 5.4.1 The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 742198M dated 15 July 2016.

### 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    | Drawing No.         | Sheet No. | Revision | Dated       |
|----------------|---------------------|-----------|----------|-------------|
| Cardno Pty Ltd | CardnoUT-CV-RL-1002 | 1 of 1    | 1        | 30/06/2016  |
| Cardno Pty Ltd | CardnoUT-CV-RL-1031 | 1 of 1    | 3        | 22/02/2017  |
| Cardno Pty Ltd | CardnoUT-CV-RL-1101 | 1 of 2    | 1        | 30/06/2016  |
| Cardno Pty Ltd | CardnoUT-CV-RL-1102 | 2 of 2    | 3        | 22/02/2017  |
| Cardno Pty Ltd | CardnoUT-CV-RL-1131 | 1 of 1    | 1        | 30/06/2016  |
| Cardno Pty Ltd | CardnoUT-CV-RL-1301 | 1 of 3    | 3        | 22/10/2016  |
| Cardno Pty Ltd | CardnoUT-CV-RL-1302 | 2 of 3    | 4        | 17/02/2017  |
| Cardno Pty Ltd | CardnoUT-CV-RL-1303 | 3 of 3    | 3        | 22/10/2016  |
| Cardno Pty Ltd | CardnoUT-CV-RL-1351 | 1 of 3    | 3        | 22/10/2016  |
| Cardno Pty Ltd | CardnoUT-CV-RL-1352 | 2 of 3    | 1        | 30/06/2016  |
| Cardno Pty Ltd | CardnoUT-CV-RL-1353 | 3 of 3    | 1        | 30/06/2016  |
| Cardno Pty Ltd | CardnoUT-CV-RL-1601 | 1 of 1    | 3        | 22/10/2016* |
| Cardno Pty Ltd | CardnoUT-CV-RL-1701 | 1 of 2    | 1        | 30/06/2016  |
| Cardno Pty Ltd | CardnoUT-CV-RL-1702 | 2 of 2    | 3        | 22/02/2017  |
| Cardno Pty Ltd | CardnoUT-CV-RL-1801 | 1 of 1    | 1        | 30/06/2016  |
| Cardno Pty Ltd | CardnoUT-CV-RL-2301 | 1 of 2    | 1        | 30/06/2016  |
| Cardno Pty Ltd | CardnoUT-CV-RL-2302 | 2 of 2    | 1        | 30/06/2016  |
| Cardno Pty Ltd | CardnoUT-CV-RL-2311 | 1 of 1    | 3        | 22/02/2017  |
| Cardno Pty Ltd | CardnoUT-CV-RL-4001 | 1 of 2    | 3        | 22/02/2017  |
| Cardno Pty Ltd | CardnoUT-CV-RL-4002 | 2 of 2    | 3        | 22/02/2017  |

\* Typical road sections are to comply with condition 6.5.3 of this consent.

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

- Provide Enviropods to all surface inlet pits within the road and lots upstream of pit A1.6A on drawing 1302 (4).
- All Enviropods are to be clearly notated as “200 micron Enviropods”.

- c. Enviropods treating only surface flows require a minimum clear depth of 500 mm below the grate to any inlet or outlet pipe obvert. Enviropods treating surface flows and upstream pipe flows require a minimum clear depth of 500 mm from the invert of the upstream pipes to be treated, to the obvert of the outlet pipe. Where these pits are treating upstream pipe flows the inverts of all pipes in and out of the pit are to be shown. Provide details.
- d. Provide a detail for the diversion pit at A1.6A to ensure the correct flow and hydraulic head is delivered to the Jellyfish treatment unit.
- e. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the Rainwater tank and Jellyfish in accordance with Council's Engineering Guide for Development 2005.
- f. Provide a minimum 50 kL rainwater tank for the clubhouse collecting water from all the clubhouse roof area.
- g. The upstream catchment for the adjoining temporary 'Sales and Information Centre' site approved under consent DA-17-00014 (dated 23/02/2017) must be included and accommodated in the drainage design.

## **6.2 Construction Certificate Requirements**

6.2.1 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:

- Road and drainage construction
- Earthworks
- Path Paving (within a subdivision)

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

## **6.3 Roads Act Requirements**

6.3.1 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
- Path Paving

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

## **6.4 Other Engineering Requirements**

6.4.1 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.

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

6.4.3 All street name poles, light poles and bus shelters shall be black powder coated in accordance with Blacktown City Council's Engineering Guide for Development. Ensure this is noted on the construction plans.

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

## 6.5 Roads

6.5.1 Submit a pavement report prepared and designed by a professional civil engineer with soil tests carried out by a registered NATA soils laboratory. The pavement design shall withstand the traffic loadings listed in this consent.

6.5.2 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer.

6.5.3 The entry road shall be designed and construction as follows:

| Name       | Width (m) | Length (m)  | Formation (m)         | Traffic Loading N(E.S.A) |
|------------|-----------|-------------|-----------------------|--------------------------|
| Entry Road | 19        | Full length | 6.6-3.45-1.9-3.45-3.6 | 5X10 <sup>5</sup>        |

6.5.4 Community title roads shall be designed and constructed as follows:

| Name             | Private road reserve width, including verges (m) | Length (m)  | Carriageway (m)                  | Traffic Loading N(E.S.A) |
|------------------|--------------------------------------------------|-------------|----------------------------------|--------------------------|
| Loop Road        | 13.1                                             | Full length | 7m(Including 1.2m concrete edge) | 5X10 <sup>5</sup>        |
| Circulation Road | 13.1                                             | Full length | 7m(Including 1.2m concrete edge) | 5X10 <sup>5</sup>        |
| Shared Driveway  | 9                                                | Full length | 4 m                              | 5X10 <sup>5</sup>        |

## 6.6 Drainage

6.6.1 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.

6.6.2 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.

- 6.6.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
- 6.6.4 An experienced Drainage Engineer registered with NER and supported by a DRAINS or similar hydraulic drainage assessment is to certify that the internal drainage system is capable of carrying the 20 year ARI flows with surcharge at any pits permitted as per the Engineering Guide for Development.
- 6.6.5 Details are to be provided for permanent interpretive signage minimum A2 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.
- 6.6.6 The 200 micron Enviropods and Jellyfish 1800-4-1 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.

## 6.7 Erosion and Sediment Control

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

## 6.8 Earthworks

- 6.8.1 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 6.8.2 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.

## 6.9 Vehicular Crossings

- 6.9.1 Construct a residential vehicular crossing to Council's standard A(BS)102S.

## 6.10 Footpaths

- 6.10.1 Construct path paving as follows:

| Street Name | Side     | Paving Width                            | Length      |
|-------------|----------|-----------------------------------------|-------------|
| All street  | One Side | 1.2m( Concrete edge of the carriageway) | Full Length |

# 7 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

## 7.1 Environmental Health matters

- 7.1.1 Plans and specifications submitted for issue of a Construction Certificate shall demonstrate compliance with the requirements of;
- o Food Act 2003 and Regulations there under.
  - o Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.

- 7.1.2 All works carried out shall comply with the requirements of;
- o Food Act 2003 and Regulations there under.
  - o Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
- 7.1.3 The walls and floor of the premises are to be constructed with an approved durable, smooth, impervious material capable of being easily cleaned.

## **8 PRIOR TO DEVELOPMENT WORKS**

### **8.1 Safety/Health/Amenity**

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

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

- (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.

- 8.1.3 Should the development work:

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

- 8.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 8.1.5 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.
- 8.1.6 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.
- 8.1.7 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.

## 8.2 Notification to Council

- 8.2.1 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.

## 8.3 Home Building Act

- 8.3.1 Building 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.

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

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

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this condition sufficient evidence that the person has complied with the requirements of that Part.

## 8.4 Sydney Water Authorisation

- 8.4.1 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](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.

## 8.5 Construction Details

- 8.5.1 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

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

(e) 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 Two vehicle/plant access points 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 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.

#### **9.4 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 on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

#### **9.5 Swimming Pools**

- 9.5.1 Any child-resistant barrier required by the Swimming Pool Act 1992 shall be erected prior to filling, or allowing the pool to fill, with water to a depth exceeding 300mm.
- 9.5.2 A poster (warning notice) prepared by the Royal Life Saving Society shall be exhibited in a prominent position adjacent the pool area. The poster shall contain the wording referred to in Part 3 of the Swimming Pools Regulation 2008, including a flow sequence containing details of resuscitation techniques (for infants, children and adults).
- 9.5.3 The filtration motor is not permitted to operate between the hours of 8.00pm and 8.00am.

The swimming pool filter and pump shall be fully enclosed in a purpose built acoustic enclosure to attenuate noise emitted by the swimming pool equipment. The acoustic enclosure shall reduce the sound pressure level of the swimming pool filter and pump equipment to a level not greater than 5dB (A) above the background noise level in accordance with Protection of the Environmental Operations Act 1997.

- 9.5.4 The discharge and/or overflow pipe from the swimming pool and filtration unit shall be connected to an approved sewerage system where available.

All backwash water from the filtration unit shall be similarly disposed, or alternatively, shall be connected to an absorption trench having a minimum capacity of 1m<sup>3</sup>, having a maximum depth of 600mm and located a minimum 3m from any boundary and existing or proposed building (including impervious pavement) on the land.

#### **9.6 Stormwater Drainage**

- 9.6.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:
  - (a) the floor level being a minimum 150mm above the adjoining finished ground level, and/or
  - (b) being drained to an effective drainage system.

## **9.7 Waste Control**

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

## **9.8 Construction Inspections**

- 9.8.1 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) At the commencement of the building work; and
- (b) After excavation for, and prior to placement of, any footings; and
- (c) Prior to pouring any in-situ reinforced concrete building element; and
- (d) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (e) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
- (f) Prior to covering any stormwater drainage connections; and
- (g) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection "(g)" 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.

## **9.9 Other Matters**

- 9.9.1 The approved development shall be constructed in accordance with the approved external building materials, finishes and colours shown on the approved plans and schedule. The external building materials, finishes and colours shall not be altered with separate approval.
- 9.9.2 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.

## **9.10 Retaining Walls**

- 9.10.1 All retaining walls shall be constructed from masonry materials (i.e. no timber walls)

where such walls are proposed to be located within a publicly visible area (such as future front building setbacks) or proposed to have a height in excess of 900mm.

## **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 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 Soil Erosion and Sediment Control Measures**

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

10.5.2 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.

- 10.5.3 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.

**10.6 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**

- 10.6.1 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.

**10.7 Inspection of Engineering Works - Roads Act 1993**

- 10.7.1 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).

**10.8 Public Safety**

- 10.8.1 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.

**10.9 Site Security**

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

**10.10 Powder Coated Furniture**

- 10.10.1 Where the conditions of this consent permit the installation of powder coated furniture (i.e. street lighting poles, bus shelters, rubbish bins, seats or any other items of street furniture), a certificate from the manufacturers shall be provided to Council confirming that the nominated powder coated items have been prepared and coated in accordance with Australian Standard AS/NZ 4506-2005 (service condition category 3). This certificate must be no more than 3 months old and shall

be provided to Council prior to the installation of the relevant items of the street furniture. Any items of street furniture not so certified shall be removed and replaced at no cost to Council with items appropriately certified.

## **11 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)**

### **11.1 Environmental Health matters**

- 11.1.1 Written evidence is to be provided to Council from an appropriately qualified acoustic consultant stating that the plant and equipment, particularly air conditioning condensers and any other plant or equipment, have been selected to meet the project noise criteria.
- 11.1.2 On completion of the installation of the ventilation system, a Compliance Certificate is to be submitted to Council certifying that the system has been installed and commissioned in accordance with the approved details.
- 11.1.3 The food preparation areas shall be constructed so as to comply with the requirements of;
  - (a) The Food Act 2003 and Regulations there under.
  - (b) Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
  - (c) Australian Standard 1668.2-2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.
- 11.1.4 Where any warm water or water cooling system is installed, the following shall be undertaken:
  - (a) A Compliance Certificate shall be obtained certifying that the system has been installed in accordance with the provisions of the Public Health Act 2010, the Regulations thereunder, the NSW Code of Practice for the Control of Legionnaires Disease and Australian Standard 3666.
  - (a) The occupier of the premises shall be given both an operation and maintenance manual. The system shall be maintained monthly. All inspection results shall be kept on site.
  - (b) Submit a Warm Water System Registration form to Council.
- 11.1.5 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.

## **12 PRIOR TO OCCUPATION CERTIFICATE**

### **12.1 Road Damage**

- 12.1.1 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.

## **12.2 Compliance with Conditions**

- 12.2.1 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.
- 12.2.2 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.

## **12.3 Service Authorities**

- 12.3.1 The following documentary evidence shall accompany any Occupation Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.
  - (b) A final written clearance shall be obtained from Sydney Water Corporation, Endeavour Energy and Telstra and NBN (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.

## **12.4 Temporary Facilities Removal**

- 12.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 12.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 12.4.3 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.
- 12.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 12.4.5 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.

## **12.5 Fire Safety Certificate**

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

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

## **12.6 Environmental Health**

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

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

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

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

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

## **12.7 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

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

## **12.8 Landscaping/Car Parking**

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

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

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

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

12.8.5 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

## 12.9 **Private Road**

12.9.1 The private road associated with this development shall have its status addressed in the following manner:

A slide type sign shall be attached below the street name blade sign which reads "Private Road". The road is to be provided with the suffix "Glade".

## 12.10 **Waste Management**

12.10.1 A Community Management Agreement/Strata Management Agreement must exist which clearly outlines:

- o No bins are to be located or placed in the approved collection points outside the scheduled collection time for that area.
- o It is the tenant's responsibility 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.
- o The method of communication to new tenants and residents regarding Council's waste management services and collection system for the development.

12.10.2 A restriction is to be placed on the title for all Units/Lots where a communal bin pad is immediately adjacent to their lot:

- o It must outline that:
  - the street frontage outside/adjacent to the lot will accommodate a communal bin pad for the collection of waste bins weekly and recycling bins fortnightly from the development on collection day.
  - The number of bins will exceed the 2 belonging to their individual lot.
- o The affected Lots/Units include:
  - Lot 31, 86, 104, 100 and 111
- o The lots benefited include:
  - Lots 32-33 inclusive, 84-86 inclusive, 101-104 inclusive and 112-114 inclusive.

12.10.3 A restriction is to be placed on the title for all Units/Lots where a communal bulky waste storage and collection area is located immediately adjacent to their lot:

- o It must outline that:
  - the street frontage outside/adjacent to the lot will accommodate a communal bulky waste storage and collection point for the collection of unwanted bulky household clean up items such as furniture, whitegoods etc
- o The affected Lots/Units include:
  - Lot 23, 43, 51 and 63.
- o The lots benefited include:
  - Lots 32-33 inclusive, 84-86 inclusive, 101-104 inclusive and 112-114 inclusive.

12.10.4 The Strata Manager/Community Management Association to sign the 'Agreement for Onsite Waste Collection' form is to be submitted and accepted by Council's Waste Services Section prior to the release of any Occupation Certificate.

12.10.5 The four onsite communal bulky waste storage and collection points must be properly line marked and signposted stating:

- o its specific use as a bulky items collection point
- o that items must only be placed there the night before the scheduled collection date
- o that there is 'no parking at any time'

12.10.6 Evidence shall be submitted to the PCA (e.g. in the form of receipts) to confirm that waste and recycled materials have been managed and disposed of in accordance with the approved waste management plan, prior to the issue of any Occupation Certificate. In this regard, a Private Waste Contractor is to be contracted to service the site.

## 12.11 Fee Payment

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

## 12.12 Easements/Restrictions

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

- (a) Blacktown City Council's standard recitals for Terms of Easements, Covenants and Restrictions (current version).
- (b) The standard format for easements, restrictions and covenants as accepted by Land and Property Information (LPI) NSW.

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

12.12.3 A restriction as to user shall be registered against the title of the property, in accordance with section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to the following only:-

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under this approval.

In accordance with the definitions of *Seniors* under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

## 12.13 Engineering Matters

### 12.13.1 Surveys/Certificates/Works As Executed plans

12.13.1.1 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.

12.13.1.2 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.

12.13.1.3 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):

- a) Compaction certificates for fill within road reserves.
- b) Compaction certificates for road sub-grade.
- c) Compaction certificates for road pavement materials (sub-base and base courses).
- d) Two (2) contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)

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

- i. All the requirements of the approved drainage plan have been undertaken.
- ii. The minimum 50kL Rainwater Tank has been provided for the clubhouse as per the approved Construction Certificate plans and collects from all of the clubhouse roof area.
- iii. All the roof and surface area from the R3 zone has been directed to the water quality treatment system.
- iv. All the signage and warning notices have been installed.
- v. All proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.

- vi. A copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.
- 12.13.1.5 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 Rainwater tank, Enviropods and Jellyfish. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer.
  - 12.13.1.6 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.
  - 12.13.1.7 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.
- 12.13.2 **Easements/Restrictions/Positive Covenants**
    - 12.13.2.1 A Restriction to User and Positive Covenant is to be provided over the Stormwater Quality Improvement Devices and Rainwater Tanks in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with Land & Property Information prior to the final occupation certificate.
    - 12.13.2.2 A legal point of discharge in the form of a drainage easement shall be provided for the temporary 'Sales and Information Centre' site as approved under DA-17-00014 (dated 23/02/2017).
  - 12.13.3 **Inspections**
    - 12.13.3.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.
  - 12.14 **Crime Prevention**
    - 12.14.1 All lighting within the development is to be in accordance with the details submitted at construction certificate stage.
    - 12.14.2 A video surveillance system to be installed at the main vehicle entries and at all community facilities are to be submitted to Council. In this regard, a suitably qualified consultant is to be involved in the planning and placement of video

surveillance systems.

12.14.3 The following crime prevention matters are to be implemented:

a. *Video Surveillance*

- i. Security Intruder Alarm System is to be installed at all community facilities.

b. *Natural Access Control*

- i. Pedestrian gates into the village are to have security key pad systems or keyed-entry security gates. Lighting is to be installed to enhance these areas.
- ii. Street signage, way finding maps and house numbering is to be installed throughout the village.
- iii. Foot crossings, way finding signage and other positive pedestrian movement indicators are to be installed throughout the village.

c. *Space Management*

- i. Seniors Living Management is to provide a Formal Security Plan and Emergency Evacuation Plans to Local Police

d. *Street Numbering/Letter Box and Power Boards*

- i. Street Numbers are to be displayed prominently at the front of the premises to comply with the Local Government Act 1973 Section 124 Order 8.
- ii. The street number and name of Seniors Living it to be visible at nights.
- iii. The letterbox system should be vandal resistant and secure.
- iv. The power board should be housed within a cabinet to restrict tampering with the power supply.

12.15 **Plan of Managements**

12.15.1 A Community Title Management Plan is to be prepared and approved by Council prior to the release of any Occupation Certificate. The management statement is to identify maintenance responsibilities for the dwellings, landscaping and private roads. Note: The waste management conditions must also be incorporated within the Community Title Management Statement.

12.15.2 A plan of management for the clubhouse is to be prepared to include the operational control measures identified in the recommendations of the Acoustic Assessment for the Clubhouse prepared by Renzo Tonin and Associates (Ref: TJ407-01F02) dated 7 October 2016.

13 **PRIOR TO SUBDIVISION CERTIFICATE**

13.1 **Road Damage**

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

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.

### **13.2 Additional Inspections**

- 13.2.1 Any additional Council inspection services provided beyond the scope of any Compliance Certificate or inspection package and required 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 and shall be paid to Council.

### **13.3 Fee Payment**

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

### **13.4 Consent Compliance**

- 13.4.1 A Subdivision Certificate shall not be issued until all conditions of this consent have been satisfied. No early release of the linen will be considered.
- 13.4.2 The final plan of subdivision for this development is not to be released until the Linen Plan for DA-15-02897 (dated 17 February 2017) creating Lots 2663 and 2511 has been registered or is registered concurrently with this Development Application.

### **13.5 Easements/Restrictions**

- 13.5.1 Any easement, restriction or covenant required by this consent must nominate Blacktown City Council as the authority to release, vary or modify the easement, restriction or covenant. The form of any easement, restriction or covenant created as a result of this consent must be in accordance with the following:
- (a) Blacktown City Council's standard recitals for Terms of Easements, Covenants and Restrictions (current version).
  - (b) The standard format for easements, restrictions and covenants as accepted by Land and Property Information (LPI) NSW.
- 13.5.2 All Section 88B easements, restrictions and covenants created as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.
- 13.5.3 A restriction as to user shall be registered against the title of the property, in accordance with section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to the following only:-
- (a) seniors or people who have a disability,
  - (b) people who live within the same household with seniors or people who have a disability,
  - (c) staff employed to assist in the administration of and provision of services to housing provided under this approval.

In accordance with the definitions of *Seniors* under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

### **13.6 Final Plans**

- 13.6.1 The submission of a final plan of subdivision, together with 7 exact copies and the appropriate fee.
- 13.6.2 Where any permanent control marks are placed in accordance with the Survey Practice Regulation 1990 in the preparation of the plan, 2 copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision.

### **13.7 Private Road**

- 13.7.1 The private road associated with this development shall have its status addressed in the following manner:

A slide type sign shall be attached below the street name blade sign which reads "Private Road". The road is to be provided with the suffix "Glade".

### **13.8 Community Title Management Plan**

- 13.8.1 A Community Title Management Plan is to be prepared and approved by Council prior to the release of any Occupation Certificate. The management statement is to identify maintenance responsibilities for the dwellings, landscaping and private roads. Note: The waste management conditions must also be incorporated within the Community Title Management Statement.

## **14 OPERATIONAL (PLANNING)**

### **14.1 Access/Parking**

- 14.1.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 14.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 14.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 14.1.4 All off-street street visitor car parking spaces and internal roads shall be used for car parking only and not the long term placement of caravans, boats, trailers or the like.

### **14.2 General**

- 14.2.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 14.2.2 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 14.2.3 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.

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

14.2.5 The use of the land is not to interfere with the amenity of the residential area and shall remain incidental to the principal use of the premises as a dwelling.

#### 14.3 **Landscaping**

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

#### 14.4 **Clubhouse**

14.4.1 The clubhouse shall not be utilised for any type of commercial activity other than uses associated with the private use of the facility by residents of the seniors living development. Any proposal to alter the use of the common room in this regard will require separate consideration and approval.

14.4.2 The clubhouse is approved for the following hours of operation:

7 am to 10 pm, 7 days a week

Any modifications to these hours requires the separate approval of Council.

#### 14.5 **Other Matters**

14.5.1 A residents committee should be established. This group of residents can then partake in a safety and security walk program.

14.5.2 Any graffiti visible from a public place or road is to be removed as soon as practicable.

14.5.3 All incidents of graffiti are to be photographed and reported to the Local Police and other reporting agencies.

14.5.4 All common areas throughout the village are to be maintained.

#### 14.6 **Waste management**

14.6.1 The Owners Corporation/Community Management Association will be responsible for ensuring that clear access is provided to Council collection trucks entering the property.

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

### 15 **OPERATIONAL (ENVIRONMENTAL HEALTH)**

#### 15.1 **Environmental Health matters**

15.1.1 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental

Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.

- 15.1.2 The food premises shall be maintained in accordance with the requirements of;
  - o Food Act 2003 and Regulations there under.
  - o Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
- 15.1.3 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.
- 15.1.4 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.
- 15.1.5 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.
- 15.1.6 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.
- 15.1.7 All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.