

Development Description:

Construction of a pub, including conference rooms, and a craft brewery as well as associated car parking and landscaping on proposed lot 310 within the subdivision of Lot 11 DP 262886.

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

1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
 - (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
 - (b) any fence, retaining wall, land excavation or filling, signage, advertising structure or other development not being exempt development, and
 - (c) the installation of a vehicular footway crossing servicing the development.

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 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 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.
- 1.4.3 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.

1.5 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.

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.

1.8 **Other Matters.**

1.8.1 The construction certificate plans are not to be released until Public Road access is provided. This may require the registration of the adjoining subdivision.

1.9 **Tree planting and service locations**

1.9.1 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.

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.
Lower Ground Floor Plan DA1100 Issue R	24/01/17	37L
Upper Ground Floor Plan DA1101 Issue U	24/01/17	55B
Mezzanine Floor Plan DA1102 Issue N	24/01/17	37J
Roof Plan DA1103 Issue J	24/01/17	37I
Elevations DA2200 Issue I	24/01/17	37H
Sections DA3000 Issue G	24/01/17	37G
Colours and Finishes Schedule DA9001 Issue C	10/08/16	37D
Landscape Concept Plan SS16-3466 001 Issue A	28/04/17	53A

2.2 **Services**

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

2.3 **Suburb Name**

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

Suburb: MARSDEN PARK

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
- (g) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook Fourth Edition.

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 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.

2.4.2 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)

2.5 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 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.

2.6 Roads and Maritime Services

- 2.6.1 A strip of land has previously been dedicated as Public Road by private subdivision (DP262886), along the Richmond Road frontage of the subject property, as shown by yellow colour on the attached Aerial — "X". It is advised that Lot 11 DP 262886 is affected by a road proposal as shown by pink colour on the attached Sketch — "SR 561".

Any new building or structures, together with any improvements integral to the future use of the site, are to be erected clear of the land required for road & the Richmond Road corridor (unlimited in height or depth).

- 2.6.2 All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Richmond Road.
- 2.6.3 A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Richmond Road during construction activities.

2.7 Transgrid

- 2.7.1 The stormwater pipeline shall be of non-metallic construction and located a minimum of 20m from the tower.
- 2.7.2 All works shall be carried out in accordance with the NSW WorkCover 'Work Near overhead power lines' Code of Practice 2006 and TransGrid's Easement Guidelines

for Third Party development (V10) (Enclosed). Please contact TransGrid in the event of any uncertainty.

- 2.7.3 During construction, adequate precaution shall be taken to protect structures from accidental damage, and the easement area shall not be used for temporary storage of construction spoil, topsoil, gravel or any other construction material.
- 2.7.4 Activities and operating plant within the easement are limited to a height restriction of 4.3m above ground height to ensure safe clearances to the overhead powerline.
- 2.7.5 Safety clearances shall be observed near powerlines.
- 2.7.6 Trench backfill for any services within TransGrid's easement shall be constructed to safely withstand the 40 tonne load capacity of maintenance trucks without causing damage to pipes and services.
- 2.7.7 The planting or cultivation of trees or shrubs capable of growing to a height exceeding 4m is prohibited within the easement.
- 2.7.8 Any excavation works within 20 metres of any part of a steel tower or pole structure is prohibited. The subsoil stability and surface drainage is not to be adversely affected in the vicinity of these structures. Earth straps are buried coming out from each of the tower legs and these are not to be disturbed or exposed to avoid any danger to the public.
- 2.7.9 The erection of any structure in a location that could create an unsafe situation work area for TransGrid staff is prohibited.
- 2.7.10 TransGrid shall be provided formal written notification of any amendment and/or additional works proposed to the subject site. Any additional works proposed within the easement require a technical assessment by TransGrid to ensure that horizontal and vertical clearances to transmission lines and structures are met. TransGrid's clearance requirements must be met for safety reasons.

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 \$6,000; and
 - (c) Road maintenance bond 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 DCP 2016

- 3.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Blacktown City Council Growth Centre Precincts Development Control Plan 2016.

3.4 Lot Registration

- 3.4.1 The land to which this approval relates is to be identifiable with a Lot and Deposited Plan number and registered with the NSW Land and Property Information.

3.5 Services/Utilities

- 3.5.1 The following documentary evidence shall accompany any Construction Certificate:
- (a) A "Notification of Requirements" 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.

3.6 Special Infrastructure Contributions

- 3.6.1 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/DevelopmentContributionsSystemabid/75/guage/en-US/Default.aspx>

3.7 Roads and Maritime Services

- 3.7.1 If any stormwater is proposed to discharge into Richmond Road drainage system, detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

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

3.8 Transgrid

The principal certifying authority is to ensure compliance Transgrid conditions of approval as specified within condition 2.6 of this consent.

3.9 Salinity

- 3.9.1 The recommendations of the geotechnical investigation and salinity review prepared by Geotechnique Pty Ltd (Report No. 13270/2-AA dated 10 October 2014) are to be shown on the construction certificate plans.

3.10 Bush Fire Prone Land

- 3.10.1 The landscaping and building construction recommendations of the Bushfire Protection Assessment prepared by Eco Logical Australia (Report No. 16SUT_4276 dated 2 August 2016) are to be shown on the construction certificate plans.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Landscaping

- 4.1.1 A detailed landscape plan nominating tree species that is generally in accordance with the submitted landscape concept plan is to be submitted to Council for separate approval prior to the release of a Construction Certificate.

4.2 Fencing

- 4.2.1 The children's play area is to be fenced with a pre-finished black powder coated aluminium open palisade style fence.
- 4.2.2 Internal fencing within the development is to be pre-finished black powder coated aluminium open style palisade style fence to ensure casual surveillance between the use and its car-parking.

4.3 Access/Parking

- 4.3.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 4.3.2 A minimum 266 carparking spaces are to be provided on site. On-site car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1.
- 4.3.3 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 4.3.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.
- 4.3.5 All vehicles must enter and leave the development in a forward direction.

4.4 Building Materials and Finishes

- 4.4.1 The development is to be constructed in accordance with the approved materials, finishes and colours submitted as part of the approved colours and finishes schedule.
- 4.4.2 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.

4.5 Crime Prevention through Environmental Design

- 4.5.1 A Security Management Plan identifying the following is to be submitted to Council for separate approval prior to the release of a Construction Certificate:
- a. Security lighting in accordance with Crime Prevention Through Environmental

Design (CPTED) requirements throughout the car parking and at entrance points.

- b. Location of CCTV throughout all car parking areas and internal within the establishment.

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 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.

6 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

6.1 Food Premises

- 6.1.1 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*.

6.2 Other Matters

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

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

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

7.1 General

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

7.1.2 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.

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

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
Northrop Job No. 161848	DA-C1.01(7), DA-C2.01(6), DA-C2.10(6), DA-C3.02(5), DA-C4.01(8), DA-C4.02(10), DA-C10.01(8), DA-C10.02(3), DA-C11.01(4),				21/4/2017

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

- i. 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.
- ii. There are insufficient access grates for the below ground Stormfilter chamber. Access grates must be a minimum 900mm by 900mm and are positioned such that the maximum distance from any point in the tank to the nearest grate is not greater than 3m in accordance with the requirements of Council's Engineering Guide for Development 2005. Attach metal mosquito screens to the grates.
- iii. On Dwg DA-C4.02(10), the pipe outlet to the basin is to be shown extending into the basin.

- iv. On Dwg DA-C10.01(8), on the Stormwater Tank and Water Quality Chamber Plan for the eastern inlet energy dissipation chamber, reduce the width of the energy dissipation wall to 600mm.
- v. On Dwg DA-C10.01(8), in the Stormwater Tank and Water Quality Chamber Plan, the Stormfilter weir (high level overflow weir on plan) is to be labelled as RL 30.46m AHD and not the full height wall.
- vi. On Dwg DA-C10.01(8), in Section A, the impermeable baffle is to extend from the sealed underside of the tank to 400 mm below the top of the weir for the 690 mm Stormfilter cartridge, to contain floatables including oil. Show dimension.
- vii. On Dwg DA-C10.01(8), in Section B, delete the note "WEIR BEYOND TO DISCHARGE TO STORMWATER TANK" and replace with "WEIR BEHIND TO DISCHARGE TO OVERFLOW CHAMBER".
- viii. On Dwg DA-C10.01(8), in Section B lower the invert of the 225 mm inlet pipe to RL 29.69m AHD. Show only three 200 x 100 RHS overflows with wider gaps to allow flaps to close. Show flap details.
- ix. On Dwg DA-C10.01(8), in Section C show the TWL as RL 29.54m and show the step iron in the Stormwater Chamber.
- x. On Dwg DA-C10.01(8), on the Enviropod Inserts detail or Kerb Inlet pit, show the 500mm (minimum) dimension below the channel inflow invert level.
- xi. On Dwg DA-C10.01(8), include in notes to provide metal mosquito proof mesh welded under all access grate(s) into the Stormfilter Chamber.
- xii. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the Stormfilter Chamber and the 40kL Stormwater Chamber in accordance with Council's Engineering Guide for Development 2005.
- xiii. On Dwg DA-C10.02(3), Provide details of the pipe discharge to the Council basin showing the relationship to future bioretention/ basin levels. Extend the pipe out into the basin until the obvert matches the design ground level. Provide a stacked sandstone headwall.
- xiv. Charge line cleanout pits are to be provided for all rainwater tank charge lines (if applicable) at the lowest point in the system. Provide a 5 mm dribble hole and a screw cap on the charge line.

7.2 Construction Certificate Requirements

7.2.1 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
- On-site stormwater detention
- Water quality treatment
- Earthworks

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

7.3 Roads Act Requirements

7.3.1 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.

7.4 Other Engineering Requirements

7.4.1 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.

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

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

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

7.5 Drainage

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

7.5.2 Foundations adjacent to easements shall not place a loading on the pipe within the easement. Foundations shall be located at:

- (a) the depth of the invert of the existing pipeline, and/or
- (b) the depth of the invert of the proposed pipeline.

All developments shall be kept clear of drainage easements. The surface levels within the easement are not to be changed.

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

7.5.4 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

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

7.5.6 The eaves roof gutters are to be designed to collect the minimum of the 20 year ARI storm. Any box gutters are to be designed to collect the minimum of the 100 year ARI storm. Details of gutter and downpipe designs are to be provided

7.5.7 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 20 year ARI flows without surcharge at any pits.

- 7.5.8 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.

7.6 Erosion and Sediment Control

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

7.7 Earthworks

- 7.7.1 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 7.7.2 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.
- 7.7.3 Retaining walls shall be a maximum single height of 1.2m (600mm cut + 600mm fill). Where a retaining wall is proposed that is more than 1.2m in height, a terraced solution shall be provided. Terraces should not exceed 900mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.

7.8 Stormwater Quality Control

- 7.8.1 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.
- 7.8.2 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.
- 7.8.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
- 7.8.4 Bio-retention basins to be designed in accordance with "Stormwater Biofiltration Systems. Adoption Guidelines. Planning, design and implementation. Version 1 June 2009. Facility for Advancing Water Bio-filtration", as a lined, standard biofiltration system.

7.9 Vehicular Crossings

- 7.9.1 Construct a commercial and industrial vehicular crossing to Council's standard A(BS)103S.

7.10 Footpaths

- 7.10.1 Construct path paving as follows:

Street Name	Side	Paving Width	Length
Road No. 4	Property Frontage	2.5m	Full length As shown on the approved plans

- 7.10.2 The construction of path paving is to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2010.

Proposed locations and widths are to be approved by Blacktown City Council's Co-ordinator Engineering Approvals. Cycleways/ shared pathways are to include line marking and signposting in accordance with the requirements of Austroads "Guide to Road Design" Part 6A and the Roads and Maritime Services NSW Bicycle Guidelines November 2003.

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

- 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.
- 8.1.8 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.
- 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.
- 8.2.2 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.
- 8.3 **Roads and Maritime Services**
- 8.3.1 Written evidence shall be obtained from the Roads and 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.
- 8.3.2 A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Richmond Road during construction activities.
- 8.4 **Adjoining Owners**
- 8.4.1 Written permission from the respective owner(s) must be obtained to:
- (a) discharge stormwater onto adjoining owner's land.
 - (b) carry out works on adjoining land.

- (c) drain the site across land owned by others.

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

8.5 Use of Crane

- 8.5.1 Any crane used in the construction of this development to swing over public air spaces must have approval under the Roads Act 1993 and Local Government Act 1993 from Council's Manager, Civil and Open Space Maintenance.
- 8.5.2 The crane used must be provided with a light in accordance with the requirements of the Civil Aviation Authority (CASA) requirement. This may require a separate approval from CASA.

9 DURING CONSTRUCTION (GENERAL)

9.1 Roads and Maritime Services

- 9.1.1 All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Richmond Road.

9.2 Salinity and Aggressive Soil Management

- 9.2.1 The environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works. In this regard, Council will require a post earthworks Salinity Investigation demonstrating that the salinity management measures provided in the Salinity Management Plan have been implemented and that the site is suitable for residential development. Any lots identified as containing saline or aggressive soils (aggressive soils are defined as soils that have the potential to damage foundations) shall provide suitable Section 88B restrictions/ covenants on title for building construction measures to mitigate the effects of aggressive soils and salinity.

9.3 Site Contamination

- 9.3.1 Should any contaminated material be unearthed during the 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.

9.4 Waste Management Plan

- 9.4.1 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.

9.5 European Heritage

- 9.5.1 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.

9.6 **Aboriginal Heritage**

- 9.6.1 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.

10 **DURING CONSTRUCTION (BUILDING)**

10.1 **Safety/Health/Amenity**

- 10.1.1 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.
- 10.1.2 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.
- 10.1.3 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.
- 10.1.4 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.
- 10.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 10.1.6 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.
- 10.1.7 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.

10.2 Building Code of Australia Compliance

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

10.3 Surveys

- 10.3.1 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.
- 10.3.2 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.
- 10.3.3 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.

10.4 Nuisance Control

- 10.4.1 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.
- 10.4.2 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.
- 10.4.3 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.

10.5 Stormwater Drainage

- 10.5.1 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 225mm above the adjoining finished ground level, and/or
 - (b) being drained to an effective drainage system.

10.6 Waste Control

- 10.6.1 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.

10.7 Construction Inspections

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

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

The critical stage inspection "(f)" must be carried out by the Principal Certifying Authority.

Any inspection conducted by an accredited other than the nominated PCA for the project must be verified by way of a Compliance Certificate issued for the relevant works.

Note: Failure to ensure the relevant inspections are conducted will preclude the issue of an Occupation Certificate.

11 DURING CONSTRUCTION (ENGINEERING)

11.1 Notification of Works

- 11.1.1 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.
- 11.1.2 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.

11.2 Insurances

- 11.2.1 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.

11.3 Service Authority Approvals

- 11.3.1 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.

11.4 Boundary Levels

- 11.4.1 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.

11.5 Tree Protection and Preservation

- 11.5.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 11.5.2 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.
- 11.5.3 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.
- 11.5.4 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.

11.6 Soil Erosion and Sediment Control Measures

- 11.6.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 11.6.2 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.
- 11.6.3 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.

11.7 Inspection of Engineering Works - Roads Act 1993

- 11.7.1 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).

11.8 Public Safety

- 11.8.1 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.

11.9 Site Security

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

11.10 Traffic Control

- 11.10.1 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.
- 11.10.2 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.
- 11.10.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 11.10.4 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.
- 11.10.5 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.

11.11 Powder Coated Furniture

- 11.11.1 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.

12 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

12.1 Premises Construction

- 12.1.1 Any asbestos material is to be handled and treated in accordance with the WorkCover document *"Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos"* dated March 2008.
- 12.1.2 All waste generated on the site during the construction must be classified in accordance with the NSW EPA's *Environmental Guidelines: Assessment, Classification and management of Liquid and Non-Liquid Waste* and disposed of at a facility that may lawfully accept the waste.

13 PRIOR TO OCCUPATION CERTIFICATE

13.1 Compliance with Conditions

- 13.1.1 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.

- 13.1.2 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.

- 13.1.3 A Subdivision Certificate shall not be issued until all conditions of this consent, other than "operational" conditions, have been satisfied.

13.2 Road Damage

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

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

13.3 Service Authorities

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

13.4 Temporary Facilities Removal

- 13.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 13.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 13.4.3 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.
- 13.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 13.4.5 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.

13.5 Fire Safety Certificate

- 13.5.1 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).
- 13.5.2 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).

13.6 Food Premises

- 13.6.1 The premises shall be registered with Council's Environmental Health Unit. The attached application form shall be used for registration purposes.
- 13.6.2 Trading must not commence until an Occupation Certificate for the development has been issued.
- 13.6.3 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.

13.7 Landscaping/Car Parking

- 13.7.1 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 13.7.2 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 13.7.3 Vandal proof and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate. In this regard, the security lighting, CCTV and security measures are to extend the full length of the battleaxe handle and over staff car parking areas.
- 13.7.4 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.
- 13.7.5 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 13.7.6 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.
- 13.7.7 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 13.7.8 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 13.7.9 All required internal roads, car parking spaces, courtesy bus areas and taxi zones shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose. In this regard, a minimum 35 car parking spaces along the battle axe handle are to be nominated as staff parking.
- 13.7.10 Signage is to be erected at entry and exit points of the premises to remind patrons to keep noise levels to a minimum at all times.

13.8 Fee Payment

- 13.8.1 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.

13.9 Engineering Matters

13.9.1 Surveys/Certificates/Works As Executed plans

13.9.1.1 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.

13.9.1.2 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.

13.9.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying the following:

- a. all the requirements of the approved drainage plan have been undertaken;
- b. the 100kL Rainwater tanks have been provided as per the approved construction certificate plans collecting all of the roof area;
- c. the 40kL Stormwater tank collecting treated water from the Stormfilters has been correctly installed;
- d. the required water quality treatment for the Stormwater tank reuse water (if any) has been satisfactorily installed;
- e. all the signage and warning notices have been installed including the interpretative water quality sign;
- f. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
- g. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

13.9.1.4 Maintenance schedule requirements are to be provided for each of the Stormwater Quality Improvement Devices including the rainwater tank. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, signature and date on it.

13.9.1.5 Written evidence is to be provided that the registered owner/lessee has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the rainwater tank and all proprietary water quality treatment devices. A copy of the signed and endorsed contract(s) and maintenance contractor(s) details are to be forwarded to Council's WSUD Compliance Officer.

13.9.1.6 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.

13.9.2 Easements/Restrictions/Positive Covenants

13.9.2.1 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.

13.9.2.2 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.

13.9.2.3 Each of the proposed lots serviced by the existing inter-allotment drainage easements shall have this burden and benefit created pursuant to Section 88B of the Conveyancing Act 1919.

13.9.2.4 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.

13.9.3 Inspections

13.9.3.1 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.

13.10 Other Matters

13.10.1 Retaining wall(s) and/or other effective methods to retain excavated or filled ground (other than those sites works which may be Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be constructed and/or provided in accordance with the plans attached to the Construction Certificate.

13.10.2 The owner/ management of the pub/ brewery is to participate in the formation of a Local Liquor Accord.

13.11 Bush Fire Prone Land

13.11.1 The recommendations of the Bushfire Protection Assessment prepared by Eco Logical Australia (Report No. 16SUT_4276 dated 2 August 2016) are to be implemented. In this regards, reticulated or bottled gas on lot is to be installed in accordance with the recommendations and an Evacuation and Emergency Response Plan is to be prepared and submitted to relevant authorities.

13.12 Food Premises

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

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

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

13.13 Crime Prevention matters

- 13.13.1 Prior to the release of any Occupation Certificate, a Venue Management Plan and Security Management Plan is to be endorsed by NSW Police. The Venue Management Plan is a plan of management for the premises which at minimum must include:

- a. Management and operation of the function rooms.
- b. Ongoing maintenance of Crime Prevention through Environmental Design (CPTED) measures.
- c. Location and role of security guards on site
- d. Training of staff procedures
- e. Implementation and management of the closed-circuit television system, including locations, recording measures and maintenance of information.
- f. Protocols for dealing with any incident on site, including violence or alcohol related incidents
- g. A security management plan incorporating security management measures to ensure the safe operation of the premises
- h. Queuing measures for patrons
- i. Courtesy bus arrangements
- j. Operational measures for drinking vessels

A copy of the endorsed reports are to be submitted to Council for our records. Report outcomes on vegetation management, lighting, landscaping and CCTV are to be implemented prior to Occupation Certificate.

- 13.13.2 Prior to the release of any Occupation Certificate, relevant license(s) are to be obtained from the Independent Liquor and Gaming Authority.

13.14 Noise Management

- 13.14.1 A verification report is to be undertaken by a suitably qualified acoustic engineer to verify that the findings in The Acoustic Group report dated August 2016 (ref: 46.5230.R1B:MSC) have been satisfied.

- 13.14.2 All amplifiers and noise generating equipment must be fitted with noise limiters and set by an acoustic consultant in accordance with current noise control regulations.

- 13.14.3 Acoustic seals are to be installed on the access doors between the conference rooms and outdoor balconies.

13.15 Odour Management

- 13.15.1 A verification report is to be submitted by a suitably qualified environmental consultant to verify that the findings in *Proposed Laundry Microbrewery at Marsden Park, NSW – Odour Assessment*, prepared by The Odour Unit Pty Ltd, dated 8 July 2016 have been satisfied.

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 A minimum of 1 courtesy bus (minimum 12 seats) is to operate from 6 pm until close 7 days a week. An additional courtesy bus is to be provided on Friday and Saturday evenings.
- 14.1.5 A taxi rank for a minimum 2 taxis is to be provided on site.

14.2 General

- 14.2.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
- 14.2.2 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 14.2.3 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 14.2.4 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 14.2.5 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 14.2.6 The trading hours of the development shall not be outside of the following nominated times.

Any alteration to these hours will require the separate approval of Council.

Approved trading hours:*

Monday to Sunday – 10 am to 12 am (midnight)

* Unless otherwise restricted by required licenses for operation.

- 14.2.7 The trading hours are permitted for between 12 am (midnight) and 3 am on Monday to Saturday for a 12 month trial period for the date of occupation certificate. A 2 am lockout on Friday and Saturday evenings must be applied. A Section 96 application should be lodged 3 month before the conclusion of the 12 month period to enable sufficient assessment of the impact of the extended hours of operation.
- 14.2.8 The serving of alcohol in the gaming area is to be consistent with the serving of alcohol in the entire premises.
- 14.2.9 The establishment, including the mezzanine function rooms, are not to be used for concerts.
- 14.2.10 The use of the land is not to interfere with the amenity of the adjoining residential area.

14.2.11 No nuisance or interference with the amenity of the area shall be created by reason of any process or operation on the land causing the emission of noise, dust, smoke or any polluted discharge whatsoever. Note: The Protection of the Environment Operations Act 1997 requires Council to investigate complaints where only one person complains.

14.2.12 Arrangements shall be made for an effective commercial refuse removal service.

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.

14.3.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.

14.4 Lighting and Security

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

14.4.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

14.4.3 All external lighting and other security measures are to be maintained at all times.

14.5 Use of Premises

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

14.5.2 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.

14.6 Emergency Procedures

14.6.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed on the premises for both public and staff information at all times to the satisfaction of Council.

14.7 Venue Management

14.7.1 Vandal proof and security lighting, CCTV and security measures endorsed by this consent shall be met and maintained at all times.

14.7.2 Balcony areas on the northern side of the mezzanine floor area to have a limited use from 10.00pm on any night.

14.7.3 Prominent notices shall be placed at the entry and exit points to the carpark and hotel to remind patrons that noise levels are to be kept to a minimum at all times.

14.7.4 The doors leading to the outdoor gaming area must not be held open at any time the premises is open to the public.

14.7.5 No entertainment or amplified music is to be provided within the outdoor seating area or mezzanine balconies from 10.00 pm on any night.

- 14.7.6 The authorised maximum capacity of the premises is to be in accordance with the approved capacity plans, being:
- 50 persons within the gaming area
 - 1,460 persons within the ground floor area
 - 100 persons within the microbrewery
 - 390 persons within the mezzanine function rooms
- 14.7.7 The management, maintenance and operation of the premises is to be conducted at all times in a manner satisfactory to Council and NSW Police. In this regard, the operation at all times is to be consistent with the approved Venue Management Plan and Security Management Plan as required by condition 13.13.1 of this consent. Any changes to the Venue Management Plan or Security Management Plan must be endorsed by NSW Police and a copy submitted to Council for our records.
- 14.7.8 After 3 months of the issue of occupation certificate to the premises, an acoustic validation report is to be submitted to Council by a suitably qualified acoustic consultant to verify that the development meets the relevant NSW noise requirements including the Environment Protection Authority and criteria of NSW Office of Liquor and Gaming. Noise monitoring is to be conducted during peak times, including Friday and Saturday nights and when the function rooms are being used. Should the report provide further building or noise management recommendations, these are to be implemented following approval of the validation report by Council.

15 OPERATIONAL (ENVIRONMENTAL HEALTH)

15.1 Environmental Management

- 15.1.1 The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following criteria:
- The $L_{Aeq, 15min}$ noise level emitted from the use premises must not exceed the intrusiveness criterion (background noise level $L_{A90, 15minute}$ plus 5dB(A) when assessed at the boundary of any affected residence.
 - The use of the premises shall be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined within the *Protection of the Environment Operations Act 1997*.
 - Outdoor gaming machines are not to generate a sound pressure noise level of more than 65 dB(A), measured at 1 metre from the machine.
- 15.1.2 The emission of noise from the operation of the premises shall comply with the noise conditions for Licensed Premises issued by NSW Liquor and Gaming.
- 15.1.3 No contaminated waste water or liquid waste shall be discharged into Council's stormwater system.
- 15.1.4 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 Environmental Protection Authority's NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an acoustical consultant / engineer with qualifications and experience sufficient for Member Grade of the Australian Acoustical Society and shall be submitted to Council for consideration.

- 15.1.5 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.
- 15.1.6 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.
- 15.1.7 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.
- 15.1.8 A copy of the compliance certificate and WorkCover NSW Dangerous Goods licence for the installation of the diesel tanks are to be submitted to Council.
- 15.1.9 All cleaning of medical and surgical instruments and equipment shall comply with the requirements of: Australian Standard 4815:2001: *Office-based health care facilities not involved in complex patient procedures and processes - Cleaning, disinfecting and sterilizing reusable medical and surgical instruments and equipment, and maintenance of the associated environment*.
- 15.1.10 All waste shall be stored suitably and disposed of by an appropriate waste contractor. Under no circumstances is waste from the activity to be disposed of through Council's waste collection services.

15.2 Food Premises

- 15.2.1 The food premises shall be maintained in accordance with the requirements of;
- Food Act 2003 and Regulations there under.
 - Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
- 15.2.2 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.
- 15.2.3 Upon receipt of a justified complaint in relation to odour emanating from the premises, a level 3 odour impact assessment is to be carried out by an environmental consultant. The assessment must be completed in accordance with the requirements of the Office of Environment and Heritage document *Assessment and Management of Odour from Stationary Sources in NSW and Technical Framework* November 2006.