

Revised Draft Conditions of Consent – JRPP-16-03334

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 4.68 of the Environmental Planning and Assessment Act 1979.

1.2 Scope of Consent

- 1.2.1 Separate approval is required prior to the fit out of retail/commercial space on the ground floor. The applicant is advised to contact Council's Development Services Unit in this regard.
- 1.2.2 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

1.3 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, and
 - (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
 - (d) the erection of any advertising sign, not being 'Exempt Development' within the State Environmental Planning Policy (Exempt and Complying Development) 2008, and
 - (e) the use or fit-out of any shop or commercial premises not being 'Exempt Development' within the State Environmental Planning Policy (Exempt and Complying Development) 2008, and
 - (f) the installation of a vehicular footway crossing servicing the development.

- (g) separate Council approval under the Roads Act 1993 is required for any crane used to construct this development that swings over public air space.

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

1.4 **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 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

1.4.3 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

1.4.4 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 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 Services

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

1.7 Engineering Notes

- 1.7.1 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.

- 1.7.2 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.

1.8 Payment of Engineering Fees

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

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

A quote will be provided verbally followed by confirmation in writing.

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

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

A quote will be provided verbally followed by confirmation in writing.

1.9 Other Matters

- 1.9.1 Approval is given for the care of a maximum of 155 places (32 children aged 0 - 2 years; 36 children aged 2 - 3 years; and 87 children aged 3 - 5 years).
- 1.9.2 This consent does not authorise the use of the premises for child care centre purposes unless the operator and all employees are in possession of a current licence from the NSW Department of Family and Community Services.

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	Prepared by
Demolition Plan A101 Issue B	16/01/2017	Algorry Zappia & Associates
Site Analysis Plan A104 Issue B	16/01/2017	Algorry Zappia & Associates
Levels 1 – 5 Basement Plans A201 – A2015 Issue C inclusive	16/01/2017	Algorry Zappia & Associates
Ground Floor Plan A206 Issue H	06/12/2017	Algorry Zappia & Associates
First Floor Plan A207 Issue C	01/05/2017	Algorry Zappia & Associates
Levels 2 – 11 Floor Plans A208 – A217 Issue C inclusive	01/05/2017	Algorry Zappia & Associates
Level 12 – 17 Floor Plans A218 – A223 Issue B inclusive	16/01/2017	Algorry Zappia & Associates

Drawing No.	Dated	Prepared by
Roof Plan A224 Issue B	16/01/2017	Algorry Zappia & Associates
Elevation Plans A301 – A304 Issue C inclusive	01/05/2017	Algorry Zappia & Associates
Section Plans A401- A402 Issue B inclusive	16/01/2017	Algorry Zappia & Associates
External Materials and Finishes A501 Issue B	16/01/2017	Algorry Zappia & Associates
Swept Path Diagrams A511 Issue E	06/12/2017	Algorry Zappia & Associates
Landscape Plans Drawing Nos. 33-16.01 – 33-16.04 (4 sheets) Issue B inclusive	19/07/2016	Distinctive Living Design

*Unless modified by any conditions of this consent.

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: Blacktown

- 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. No other estate names shall be used in any advertisements or other promotional information:

Suburb: Blacktown

2.3 Compliance with BASIX Certificate

- 2.3.1 All commitments listed in BASIX Certificate 751885M dated 31 August 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
- (g) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook THIRD Edition December 1999.

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements **MUST** be submitted to Council with any application for Construction Certificate, *Road Act 1993* or *Local Government Act 1993* approval.

Any Construction Certificates issued by Private Certifiers must also be accompanied by the above documents.

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

- 2.4.1.2 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:

- 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.

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

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

2.4.2 **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 Other Drainage Section Matters

- 2.6.1 Each year by the first business day on or after 1 September the registered proprietor/lessee is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices and rainwater tank in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.
- 2.6.2 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 2.6.3 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of the Office of Environment and Heritage (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

2.7 Roads and Maritime Services – General Terms of Approval

- 1. 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 or Fax: 8849 2766.

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

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

The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management Roads and Maritime Services
PO Box 973, Parramatta CBD 2124.
Telephone 8849 2114
Fax 8849 2766

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

3. Prior to Demolition Works

3.1 Safety/Health/Amenity

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

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

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

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

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

Each toilet provided shall be:

- (a) a standard flushing toilet, 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.

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

3.2 **Tree Protection**

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

3.3 **Site Investigation**

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

3.4 **Other Matters**

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

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

4. During Demolition Works

4.1 Safety/Health/Amenity

- 4.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the words 'DANGER - DEMOLITION IN PROGRESS', or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 4.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 4.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 4.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 4.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 4.1.6 Any excavation and/or backfilling associated with the demolition works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 4.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos' – National Occupational Health and Safety Commission:2002 (if applicable)
- 4.1.8 The remaining portions of each structure being demolished shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, shoring, bracing or guys, or any combination of these, shall be provided for stability, where necessary.
- 4.1.9 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 4.1.10 At least one access and egress route shall be made available connecting any undemolished floor to an open space well clear of the structure being demolished. The egress route shall be clearly identified as an emergency exit and maintained clear of obstructions at all times.
- 4.1.11 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.

- 4.1.12 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.
- 4.1.13 Should any excavation associated with the demolition works extend below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

- 4.1.14 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- 4.1.15 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.

4.2 Nuisance Control

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

4.3 Tree Protection

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

5. Completion of Demolition Works

5.1 Final Inspection

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

5.2 Hazardous Materials and Waste

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

6. Prior to Construction Certificate (General)

6.1 DA Plan Consistency

- 6.1.1 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.

6.2 Waste Requirements

- 6.2.1 The applicant is to provide a vertical cross section plan demonstrating a 4.5m headroom allowance clear of eaves, overhangs, balconies and undercroft areas for the trucks entire travel path.
- 6.2.2 Access for collection vehicles must be designed in accordance with approved architectural plans, CAD files and vertical clearances as per Australian Standards.

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

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

6.4 Other Matters

- 6.4.1 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.
- 6.4.2 A dilapidation report shall be carried out for any of the potentially affected existing buildings surrounding the proposed development. A copy of the report shall be submitted to Council prior to construction commencing.

6.5 Salinity and Aggressive Soil Management

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

6.6 Geotechnical Investigation

- 6.6.1 The recommendations provided in the Geotechnical Investigation – 10-14 THIRD AVENUE, BLACKTOWN, NSW, prepared by Asset JK Geotechnics Pty Ltd, report no. 29539Vrpt Blacktown, dated 2 August 2016 shall be implemented, particularly in regard to Section 4 of the report. Upon completion of inspections/assessments an appropriately qualified environmental consultant shall prepare a validation report.

6.7 Site Contamination

- 6.7.1 Prior to the release of any construction certificate on the site an EPA recognised geoscientist is to certify the site as suitable for residential development in accordance with the strict residential use criteria as set out in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.
- 6.7.2 The recommendations provided in the CONTAMINATION SCREENING AND SALINITY ASSESSMENT, PROPOSED MIXED-USE DEVELOPMENT, 10-14 THIRD AVENUE, BLACKTOWN, prepared by Environmental Investigation Services Pty Ltd, report no. E29539Klet, dated 28 July 2016 are to be met.
- 6.7.3 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with:
- NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites (1997)
 - NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995).
 - Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (1992).

6.8 Food Premises

Plans and specifications must be submitted that shows the childcare centre kitchen complies with the requirements of:

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

6.9 Acoustic Measures

6.9.1 The recommendations provided in the Acoustic Report for the Development Application, prepared by Sebastian Giglio, report no. 2785/D02, dated 9 December 2016 shall be implemented.

6.9.2 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 building 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 (7 am – 10 pm)	40 dB(A)
	Night (10 pm – 7 am)	35 B(A)

6.9.3 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:

- (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 10 pm and 7 am.

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

6.10 Street Tree Planting

6.10.1 If the applicant wishes to undertake the planting and maintenance of the street trees to Council's satisfaction at no cost to Council (making any necessary applications with Council or obtaining any necessary clearances from relevant service authorities), the applicant is, subject to any alternative arrangements satisfactory to

the Council, to lodge a tree bond of \$300 per tree and \$120 inspection fee to ensure the health and vigour of the trees. Council will return the bond 12 months after the issue of a final Occupation certificate if the trees are in a state of good health and vigour to Council's satisfaction.

On this basis the following bond is applicable:

- 4 street trees @ \$310 per tree = \$1,240 (refundable)
- inspection fee @ \$130 = \$130 (non-refundable)

6.10.2 The pavement treatment adjacent to the street trees is to be as follows:

- 100 mm unreinforced concrete slab
- 30 mm bedding sand
- paving units
- pavers supplied by 'Sam the Paving Man'. The main paving colour is to be 'Basalt Black' and the banding is to be 'Sesame Grey'.

6.11 Awnings

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

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

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

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

6.12 Letterboxes

6.12.1 The letterboxes should be illuminated, tamper-proof and provided in a prominent location so as to minimise vandal attacks. Each box should be appropriately numbered and provided with a key lock. Street numbers should also be displayed to ensure the site is easily identified.

6.13 Lighting

6.13.1 A detailed lighting plan is to be prepared by a suitably qualified person. The plan is to provide the following:

- (a) The location, method of lighting, levels of illumination, and the spacing between all lighting. The lighting is to be designed in accordance with Australian/New Zealand lighting standards for public space, pedestrian walkways and basement carpark areas.
- (b) Lighting that is 'vandal proof'. In this regard, all lighting must be protected by way of vandal proof metal guards to ensure globes/tubes are not broken and that any potential 'dark-spots' are eliminated. Where possible, lighting should be positioned at a height to deter vandal attacks.
- (c) Appropriate vandal proof security lighting to ensure the basement carparks, vehicle and building entry points, business/retail areas, stairwells, walkways and public/communal areas, residential entry/exit points, lift areas, foyers, garbage disposal areas are a safe environment for all occupants and users of the site. Where appropriate sensor/motion activated and 24 hour timer activated lighting is to be provided to ensure all external public areas are well illuminated, to deter vandal and nuisance activity, eliminate areas of concealment, and provide better safety at night. In this regard, motion-activated lighting and strategically positioned CCTV cameras should also be provided.
- (e) Vandal proof lighting that ensures the effective operation of the CCTV system. In this regard, lighting levels are to be enhanced around all CCTV cameras (e.g. around lift entries, basement carparks and building entries) to enable face recognition when CCTV cameras are in use.
- (f) All external lighting must be within the recommended lux rating of the Australian Standard to reduce glare on residential neighbours and occupants of the development. To ensure all lighting is satisfactory, a light spillage diagram will need to be submitted together with the lighting details.

6.14 Construction Environmental Management Plan

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

The operational measures at a minimum should include the following:

- (a) Proposed schedule of works
- (b) Proposed hours of work
- (c) Noise and vibration controls
- (d) Salinity Management Plan
- (e) Erosion and Sedimentation Control Plan
- (f) Hazardous building materials survey

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

6.14.2 Any asbestos material is to be handled and treated in accordance with the WorkCover document '*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*' dated March 2008.

7. Prior to Construction Certificate (Planning)

7.1 Section 7.11 Contributions

7.1.1 The following monetary contributions pursuant to Section 7.11 of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted up to \$10,000 only. Any payments above \$10,000 must be made by cheque. Payments above \$10,000 cannot be split between different credit or EFTPOS cards.

Contribution item	Amount	Relevant CP
i. Flood Mitigation	\$5,321	19
ii. Stormwater Quality	\$21,022	19
iii. Traffic Management – Medium to High Density	\$223,981	19
iv. Traffic Management – All residential development	\$313,375	19
v. Open Space – Medium to High Density	\$1,083,619	19
vi. Open Space – All residential development	\$300,181	19
vii. Community Facilities	\$78,509	19
viii. Local Road Construction	\$127,382	19
ix. Streetscape Facilities	\$96,762	19

Contribution item	Amount	Relevant CP
x. Traffic Management – Childcare Centre Development	\$245,574	19
xi. Traffic Management – Commercial/Retail Development	\$216,658	19
Contribution total amount	\$2,712,384	19

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

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

S.7.11 CP No. 19 – Blacktown Growth Precinct

The Section 7.11 Contributions have been based on the potential additional population nominated below. Should the final plan of survey indicate any change to the potential additional population, the Section 7.11 Contributions will be adjusted accordingly.

Developable area: 2,380 sqm
 Childcare centre area: 2,036.33 sqm
 Commercial/Retail area: 609 sqm
 Number of Residential Units: 143 dwellings
 Additional Population: 312.4 persons
 Road Frontage: 54 m

7.2 Necessary Plan Amendments

7.2.1 The following additional information is required to be submitted for Council's separate approval prior to the issue of any Construction Certificate for the approved development:

- (a) Details of the proposed awning over Council's road reserve, including colour samples of the materials/finishes from brochures or the like. Note: The height and width of the proposed footpath awning is to comply with the requirements of Council's Maintenance Engineers.

7.3 Building Materials and Finishes

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

7.3.2 The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the Building Code of Australia.

- 7.3.3 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20%, must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.
- 7.3.4 All bathrooms, WC or laundry windows in the external walls and the building shall be fitted with translucent glazing.
- 7.4 **Communal Open Space and Landscaping**
- 7.4.1 A detailed landscape plan is to be submitted which reflects the concept landscape plan and it is to include details for tree and landscape species.
- 7.4.2 All landscaping, recreation features and furniture, BBQ facilities, children's play equipment and clothes drying facilities shall be of a high quality and detailed on the approved landscaping design plans.
- 7.5 **Access/Parking**
- 7.5.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- The loading facility must be designed so that trucks do not interfere with resident's vehicles during loading/unloading operations.
- 7.5.2 The layout of the car parking areas (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking dimensions) should be in accordance with AS2890.1-2004 and AS2890.6-2009. Heavy vehicle access must comply with Australian Standard AS2890.2 in terms of dimensions, grade, sight distance, driveway width, ramp grade and manoeuvrability requirements for commercial vehicles as proposed to access the site.
- 7.5.3 A total of 230 parking spaces are to be provided on site being:
- 164 spaces for residential uses
 - 16 for retail/commercial uses
 - 50 spaces for the child care centre.
- Suitable bicycle parking must also be provided as indicated on the approved plans.
- 7.5.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009.
- 7.5.5 Any proposed fence/Side boundary fence/landscape element on either side next to the proposed driveways must not exceed 900mm in height for a length of 2.5 m from the property boundary within the property and 2.0 m along the property boundary (see Figure 3.3 AS2890.1) to ensure safety of pedestrians on footpath.
- 7.5.6 Customers and visitors to the site must not be capable of accessing any private residential area from the basement carpark.

- 7.5.7 A roller shutter and card-key system is to be installed at the segregation point between the retail/business/visitor spaces and the secure residential parking spaces. An additional roller door is to be installed at the entry/exit point of the basement carpark to restrict after-hour access to the basement carpark. Any non-resident/customer wishing to gain access to the carpark outside normal business hours will therefore need to contact an on-site building manager. All details are to be shown on the Construction Certificate plans.

7.6 **Adaptable Housing Units**

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

8. **Prior to Construction Certificate (Building)**

8.1 **Building Code of Australia Compliance**

- 8.1.1 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).

- 8.1.2 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:

- (a) Part C
- (b) Part D
- (c) Part E
- (d) Part F
- (e) Part J

8.2 **Site Works and Drainage**

- 8.2.1 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.
- 8.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159 mm 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.

8.2.3 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.

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

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

Such details shall accompany the Construction Certificate.

8.3 **Fire Services**

8.3.1 Where any external on-site fire hydrant or hydrant booster assembly is to be located within any building setback from a boundary, the hydrant or booster assembly shall be located or protected in accordance with the requirements of AS 2419.1.

8.3.2 Where any external on-site water storage tank is required by AS 2118.1 or AS 2419.1, details of the location and type of any proposed tank are to be submitted to and approved by Council prior to the issue of the relevant Construction Certificate.

8.4 **Internal Works**

8.4.1 A separate application for development consent shall be lodged with Council for any proposed fit out of a commercial and industrial building (which includes any fixed internal partition wall/display/storage racking/machinery/equipment and the like) that was not approved by this Notice of Determination. This condition does not apply to work or development that is Exempt Development or Complying Development under the Blacktown Local Environmental Plan.

8.5 **BASIX Certificate Compliance**

The plans and specifications must indicate compliance with the commitments listed in BASIX Certificate 751885M dated 31 August 2016

9. Prior to Construction Certificate (Engineering)

9.1 General

- 9.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.
- 9.1.2 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.
- 9.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
Algorry Zappia & Associates	P 4474	-	D01	B	20 January 2017
			D02		
			D03		
			D04		
			D05		
			D06		
			D07		
			D08		
			D09		
			D09A	A	
			D10	B	
			D11	A	1 September 2016
			D12	B	20 January 2017
			D13		
			D14	A	1 September 2016
			D15		
			D16		

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

- i. for record purpose amend draining D12 to reflect a Revision B date 20.01.2016

- ii. a detailed stormwater drainage long-section for any portion of the drainage system located outside of Lot100 DP1002564 clearly illustrating any proposed or existing service, utility, street tree or other possible obstruction
- iii. amend drawing D06 to reflect the installation of a 375 RC pipe for any portion of the drainage system located outside of Lot 100 DP 1002564 in accordance with Councils Engineering Guide

DRAINAGE SECTION REQUIREMENTS

- iv. on Drawing No. D12 (B), the High Early Discharge (HED) pit is over 1,200 mm deep and must have a minimum internal opening of 1,200 mm x 1,200 mm
- v. on Drawing No. D12 (B), provide a 1,200 mm x 1,200 mm access to the rainwater tank to facilitate maintenance access on the pumps
- vi. On Drawing No. D13 (B), the level of underside of rainwater chamber top cover is RL61.20 on Section C-C, which is same as the tail water level. This shows that there is no clearance between the underside of the rainwater chamber cover and the OSD tail water level. Provide a non-return flap on the 300 mm overflow pipe.

9.2 Construction Certificate Requirements

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

- on-site stormwater detention
- water quality treatment
- earthworks.

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

9.3 Roads Act Requirements

9.3.1 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

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

9.4 Other Engineering Requirements

9.4.1 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.

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

- 9.4.3 Submit written evidence from the Roads and Maritime Services indicating compliance with all necessary requirements.
- 9.4.4 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

9.5 Roads

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

9.6 Drainage

- 9.6.1 Drainage from the site shall be connected into Council's existing drainage system. In this regard it is required to connect the drainage pipe into an existing Council kerb inlet pit in Third Avenue, Blacktown.
- 9.6.2 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.
- 9.6.3 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.

9.7 Erosion and Sediment Control

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

9.8 Earthworks

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

9.9 On-Site Detention

- 9.9.1 Provide an on-site detention system in accordance with Council's Engineering Guide for Development.
- 9.9.2 The development site is within the following catchment and on-site detention system shall be designed to achieve the following:

Catchment	Site Storage Requirement (100%)	Permissible Site Discharge (100%)
All Other Hawkesbury Sub-Catchments – Area #4	264	147

- 9.9.3 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings however any significant variation to the on-site detention design shall require a Section 4.55 Application.
- 9.9.4 Submit the following certificates which are to be prepared by a registered engineer (NER):
- certification that the structures associated with the on-site stormwater detention system have been designed to withstand all loads likely to be imposed on them during their lifetime
 - certification that the on-site stormwater detention system will perform to meet the on-site stormwater detention requirements.
- 9.9.5 The following documents shall be submitted to accompany the on-site detention design in accordance with the design and construction specification:
- comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc
 - OSD detailed design submission and calculation summary sheet
 - a maintenance schedule that is signed and dated by the designer.
- 9.10 **Stormwater Quality Control**
- 9.10.1 Provide a stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 9.10.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 4.55 application.
- 9.10.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
- 9.11 **Vehicular Crossings**
- 9.11.1 Construct a commercial and industrial vehicular crossing to Council's standard A(BS)103S.
- 9.12 **Other Drainage Section Requirements**
- 9.12.1 In the Stormwater Management Report Section 4.3 – Water Conservation and Gross Pollutant targets, amend the irrigable area as 439 sqm and the annual demand as 132 kL/year.

- 9.12.2 An experienced hydraulic engineer is to prepare and certify a detailed Non-Potable Water Reuse Plan for non-potable water uses (including all toilet flushing and landscape watering) for all the commercial uses and the childcare centre on the site. The plan is to show the rainwater pipe arrangement including first flush or pre-treatment system, pump, mains water direct tank top up, isolation valves, flow meters for all mains water inflows or solenoid controlled mains water bypass and non-potable usage outflows, a timer for landscape watering, an inline automatic backwash filter and certify that all Sydney Water requirements have been satisfied. A solenoid controlled mains water bypass is required for toilet flushing, but landscape watering must only use pump water and be on a separate reuse line, independent to the toilets. Provide a warning light to indicate pump failure. The Landscape Watering system is to be designed to automatically achieve a minimum usage rate of 132 kL/year for the 60 kL tank as per the Stormwater Management Plan. This is the average usage throughout the year and the system needs to be adjusted to allow for monthly seasonal variations e.g the flow rate in December/February is to be designed to allow for a 50% increase above the average yearly flow. All rainwater re-use pipes are to be coloured purple. Rainwater warning signs are to be fitted to all external taps where rainwater is used as a source.
- 9.12.3 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.
- 9.12.4 Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- i. 4 star dual-flush toilets
 - ii. 3 star showerheads
 - iii. 4 star taps (for all taps other than bath outlets and garden taps)
 - iv. 3 star urinals
 - v. Water efficient washing machines and dishwashers are to be specified.
- 9.12.5 Due to the cut and/or fill exceeding 1.5 m, a desktop Groundwater Assessment Report is required for the site in accordance with Section 4.6 of DCP 2015 Part J. Where there is the potential for interaction with groundwater, a Groundwater Management Plan must be prepared by a Geotechnical Engineer registered with NER.
- 9.13 **Services/Utilities**
- 9.13.1 The following documentary evidence shall accompany any Construction Certificate:
- (a) A 'Notification of Arrangement' Certificate from energy provider, or any other recognised energy provider, stating that arrangements have been made for the provision of electrical services, including the provision of street lighting, have been made available to the development.

10. Prior to Development Works

10.1 Safety/Health/Amenity

- 10.1.1 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.

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

This condition does not apply to:

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

- 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) 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.

- 10.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 10.1.5 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix 'F' of Council's Soil Erosion and Sediment Control Policy. Single sized 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 10.1.6 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.
- 10.1.7 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.
- 10.1.8 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

10.2 Notification to Council

- 10.2.1 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.

10.3 Home Building Act

- 10.3.1 The construction of *residential building work* within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor

- (ii) the NSW Home Building Compensation Fund 'Statement of Cover' under Part 6 of that Act.
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder
 - (ii) if the owner-builder is required to hold an owner-builder permit under Part 3 of the Act, the number of the owner-builder permit.

10.4 Sydney Water Authorisation

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

OR

The approved plans are to be submitted to a Sydney Water Customer Centre or Quick Check Agent, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For Quick Check Agent details, please refer to the 'Building Plumbing and Developing' Section of the website www.sydneywater.com.au, then follow the 'Developing Your Land' link or telephone 13 20 92 for assistance.

10.5 Use of Crane

- 10.5.1 Any crane used in the construction of this development must have approval under the Roads Act 1993 from Council to swing over public air spaces.
- 10.5.2 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.

11. During Construction (Building)

11.1 Safety/Health/Amenity

- 11.1.1 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.
- 11.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
- (a) the name, address and telephone number of the principal certifying authority for the work

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

11.1.3 Should the development work:

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

11.1.4 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.

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

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

11.1.7 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.

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

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

11.1.9 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.

11.2 Building Code of Australia Compliance

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

11.3 Surveys

- 11.3.1 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.
- 11.3.2 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.

11.4 Nuisance Control

- 11.4.1 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.
- 11.4.2 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

11.5 Waste Control

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

11.6 Construction Inspections

- 11.6.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):
- (a) after excavation for, and prior to placement of, any footings
 - (b) prior to pouring any in-situ reinforced concrete building element
 - (c) prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas
 - (d) prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2, 3 or 4 building)
 - (e) prior to covering any stormwater drainage connections
 - (f) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

11.7 Site Contamination

11.7.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, an amended Remediation Action Plan (RAP) is to be submitted to Council's Manager, Development Assessment for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.

11.7.2 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:

- (a) The applicant is to ensure that validation for the entire subject site can be prepared by a certified contaminated land consultant recognised by the EPA in accordance with Council's Contamination Land Policy and NEPM 2013.
- (b) The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
- (c) Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
- (d) Any filling shall be undertaken in accordance with the fill protocol approved by Council's Manager, Development Assessment.

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

11.8 Aboriginal Archaeology

11.8.1 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 and 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 and Heritage is received by the Applicant. In

addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

11.9 Salinity and Aggressive Soil Management

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

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.

12.2 Ventilation System

- 12.2.1 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.

12.3 Food Preparation Area

- 12.3.1 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 - 2012: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

13. During Construction (Engineering)

13.1 Notification of Works

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

13.2 Insurances

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

13.3 Service Authority Approvals

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

13.4 Boundary Levels

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

13.5 Earthworks and Compaction Requirements

- 13.5.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.

- 13.5.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version).

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

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

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

- 13.5.3 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's 'Works Specification - Civil (Current Version)'. Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 13.5.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 13.5.5 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control windblown dust.
- 13.5.6 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 13.5.7 Trucks transporting cut and fill must have their loads covered and provisions of 'shaker pads' and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 13.5.8 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.
- 13.6 **Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**
- 13.6.1 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.

13.7 Inspection of Engineering Works - Roads Act 1993

- 13.7.1 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 24 hours' notice. Council's Development Overseers may be contacted on 02 9839 6586 between 7 am - 8 am and 12.30 pm - 1.30 pm, Monday to Friday.

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

13.8 Public Safety

- 13.8.1 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.

13.9 Site Security

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

13.10 Traffic Control

- 13.10.1 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.
- 13.10.2 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.
- 13.10.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 13.10.4 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.
- 13.10.5 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.

13.11 Requirement from Roads and Maritime Services

- 13.11.1 A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Third Avenue during construction activities.

14. Prior to Occupation Certificate

14.1 Road Damage

- 14.1.1 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.

14.2 Compliance with Conditions

- 14.2.1 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.
- 14.2.2 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 Sections 6.9 and 6.10 of the Environmental Planning & Assessment Act 1979.

14.3 Fire Safety Certificate

- 14.3.1 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).

14.4 Fee Payment

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

14.5 Service Authorities

- 14.5.1 A final written clearance shall be obtained from Sydney Water Corporation, Integral Energy 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.

14.5.2 The following documentary evidence shall accompany any Occupation Certificate:

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the 'Building Plumbing and Developing' Section of the website www.sydneywater.com.au, then follow the 'Developing Your Land' link or telephone 13 20 92 for assistance. Following application a 'Notice of Requirements' will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.

14.6 Temporary Facilities Removal

- 14.6.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 14.6.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 14.6.3 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.
- 14.6.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 14.6.5 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.

14.7 Fee Payment

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

14.8 Engineering Matters

14.8.1 Surveys/Certificates/Works As Executed plans

- 14.8.1.1 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.
- 14.8.1.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Council.
- 14.8.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 14.8.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 14.8.1.5 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.
- 14.8.1.6 Written evidence is to be obtained from the Roads and Maritime Services (RMS) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 14.8.1.7 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.

14.8.2 Easements/Restrictions/Positive Covenants

- 14.8.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:

- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).

- (b) The standard format for easements and restrictions as accepted by Land Registry Services.
- 14.8.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the on-site detention storage areas and outlet works.
- 14.8.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the Stormwater Quality Control devices/system and outlet works.
- 14.8.2.4 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.
- 14.8.3 **Bonds/Securities/Payments in Lieu of Works**
 - 14.8.3.1 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.

This maintenance period may be extended in the following situations to allow for the completion of (i) necessary maintenance and or (ii) all outstanding minor works.
 - 14.8.3.2 Where Council's has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request.
- 14.8.4 **Inspections**
 - 14.8.4.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.
- 14.8.5 **CCTV Inspection of Stormwater Drainage Structures**
 - 14.8.5.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV on completion of the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of a DVD of the inspection, a hard copy printout of the SEWRAT (or equivalent) report and a certified CCTV statement in accordance with Section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

14.9 Other Drainage Section Requirements

- 14.9.1 Maintenance schedule requirements are to be provided for each of the Stormwater Quality Improvement Devices including CDS unit and rainwater tank. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, signature and date on it.
- 14.9.2 Written evidence is to be provided that the registered owner/lessee has entered into a minimum 5 year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor(s) for the maintenance of CDS unit and rainwater tank. A copy of the signed and endorsed contract(s) and maintenance contractor(s) details are to be forwarded to Council's WSUD Compliance Officer.
- 14.9.3 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer is to certify that all the non-potable water uses for the commercial uses and childcare centre are being supplied by rainwater and that all the requirements of the detailed Non-Potable Water Re-use Plan have been installed and are working correctly. A signed, works-as-executed Non-Potable Water Re-use Plan is to be provided to Council.
- 14.9.4 Provide a maintenance plan for each of the pump systems to ensure effective ongoing operation of the pumps including replacement as required.
- 14.9.5 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- i. 4 star dual-flush toilets
 - ii. 3 star showerheads
 - iii. 4 star taps (for all taps other than bath outlets and garden taps)
 - iv. 3 star urinals
 - v. Water efficient washing machines and dishwashers have been used.
- 14.9.6 Where the Groundwater Assessment Report indicated the requirement for a Groundwater Management Plan, then a Geotechnical Engineer registered with NER, is to certify that all the requirements of the Groundwater Management Plan have been undertaken and that there is no adverse impact due to groundwater
- ## 14.10 External Finishes
- 14.10.1 The development approved by Council is to be constructed in accordance with the approved schedule of materials, finishes and colours. All landscaping, fencing, retaining walls and driveways are to be provided in accordance with the approved plans, and the details submitted and approved as part of the Construction Certificate.

14.11 Letterboxes

- 14.11.1 The letterboxes are to comply with the details submitted as part of the Construction Certificate and must comply with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 14.11.2 The street number must be displayed prominently at the front of the building to comply with Local Government Act, 1973 Section 124, Order 8. The street number is to be visible at night.

14.12 Power Boards

- 14.12.1 All power boards must be housed within a cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.

14.13 Landscaping

- 14.13.1 All landscaping and common open space areas shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 14.13.2 All common open space areas and internal driveways shall be appropriately illuminated by the use of suitable outdoor lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night. The loading dock area and car parking areas must also be provided with sufficient lighting to enhance the safety of users.

14.14 Street Tree Planting

- 14.14.1 Prior to the issue of the Final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to Council's satisfaction.

14.15 Car Parking

- 14.15.1 Off-street commercial, resident and resident visitor car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability for residents and their visitors.
- 14.15.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 14.15.3 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.6. – 2009.
- 14.15.4 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 14.15.5 The car parking allocation is to be incorporated into a Parking Management Strategy which will also include the following responsibilities for the Managing Agent/future Body Corporate:

- (a) Measures to ensure a clear segregation between the retail, commercial, serviced apartment, residential and non-residential parking spaces is maintained at all times.
- 14.15.6 A roller shutter and card-key system is to be installed at the segregation points between the commercial/visitor and residential parking areas, and at the entry/exit points of the basement carpark.
- 14.15.7 Bicycle racks are to be provided on site in accordance with the Apartment Design Guide (ADG).
- 14.15.8 The ceiling of each basement carpark is to be painted white to enhance lighting illumination.
- 14.15.9 On-site waste collection areas, loading areas and manoeuvrability paths are to be suitably line-marked and sign-posted to ensure areas are kept clear of obstructions that may prohibit their future use.
- 14.16 **Ancillary Work**
- 14.16.1 Each dwelling unit is to be provided with a mechanical drying appliance within the unit.
- 14.16.2 Mail boxes are to be provided on site in accordance with the requirements of Australia Post.
- 14.16.3 The awning must be constructed in accordance with those details submitted as part of the Construction Certificate. The height and width of the awning must comply with the requirements of Council's Maintenance Section.
- 14.16.4 Plumbing services are to be provided to the commercial tenancy to enable the installation of a potential kitchen.
- 14.17 **Waste Management**
- 14.17.1 A Strata Management Agreement shall:
- indicate requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan
 - indicate responsibility for maintenance of the waste system (including any bin movement aides) and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times
 - indicate the method of communication to new tenants and residents regarding the waste management services and collection system for the complex
 - include a copy of the updated and approved waste management plan as lodged with the development application.

- 14.17.2 The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.
- 14.17.3 Appropriate provisions are to be made for the storage and collection of waste. A separate caged bulky waste storage area, separate resident and commercial waste rooms and waste chutes are to be provided in accordance with the approved plans. On-site waste collection areas, the loading bay and manoeuvrability paths are also to be suitably line-marked and sign-posted to ensure areas are kept clear of obstructions that may prohibit their future use. Parking barriers/locks are to be provided in the loading bay to prevent unauthorised parking in this area.
- 14.18 **Requirements from Road and Maritime Services**
- 14.18.1 All vehicles are to be wholly contained on site before being required to stop.
- 14.18.2 Parking for building maintenance and removalists is to be provided on site.
- 14.19 **Other Matters**
- 14.19.1 All commitments listed in BASIX Certificate 751885M dated 31 August 2016 shall be complied with prior to the issue of an Occupation Certificate for the development.
- 14.19.2 All fencing, landscaping, clotheslines, hot water systems, TV antennae, mailboxes, driveways and the common open space area are to be completed in accordance with the approved plans and conditions of this consent to Council's satisfaction prior to the release of the Occupation Certificate for each stage.
- 14.19.3 A post-construction dilapidation report shall be carried out for any of the potentially affected existing buildings surrounding the proposed development. A copy of the report shall be submitted to Council prior to issue of Occupation Certificate for each stage.
- 14.20 **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**
- 14.20.1 No occupation certification must be issued unless all design verifications have been provided in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000, a certifying authority must not issue a construction certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65 — Design Quality of Residential Flat Development*.

14.21 Graffiti Management Plan

- 14.21.1 A 'Graffiti Management Plan' is to be submitted for the separate approval of Council's Manager, Development Services. The plan is to address the following issues:
- (a) methods to minimise the potential for graffiti
 - (b) management/notification procedures for the 'early' removal of graffiti
 - (c) annual review of any 'management agreement' for the removal of graffiti to ensure the property is maintained at its optimum level
 - (d) maintenance of suitable landscaping to minimise the potential for graffiti attacks.
- 14.21.2 The Owners Corporation is to manage the graffiti management plan. The recommendations of the plan are to be integrated into a Strata Management Agreement/by-laws.

14.22 Acoustic Verification

- 14.22.1 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.
- 14.22.2 A Noise Management Plan is to be implemented for the Child Care Centre and is to be monitored and enforced by the Director of the Child Care Centre. The Management Plan is to include provisions that:
- i. demonstrates how the chosen noise criteria for the Child Care Centre will be adhered to
 - ii. ensure children are supervised at all times to minimise noise generated by children
 - iii. install a contact phone number at the front of the centre so that any complaints regarding Centre operation can be made
 - iv. initiate a complaints handling procedure.

14.23 Food Premises

- 14.23.1 A health inspection is to be conducted by Council's Environmental Health Officer to ensure that the kitchen fit out complies with the requirements of the Food Act 2003 and Australian Standard 4674-2004 Design, construction and fit-out of food premises.
- 14.23.2 The premises is to be registered with Council as a food business.

14.24 **Childcare Operation**

14.24.1 A Licence, to operate a Child Care Centre for a maximum of 155 children is required from the Department of Family and Community Services prior to the Child Care Centre becoming operational.

14.24.2 Prior to the Child Care Centre becoming operational, an Operational Plan of Management is to be implemented for the Child Care Centre and is to be monitored and enforced by the Director of the Child Care Centre. The Management Plan is to include provisions that:

- (a) ensure children are supervised at all times to minimise noise generated by children.
- (b) install a contact phone number at the front of the centre so that any complaints regarding centre operation can be made.
- (c) initiate a complaints handling procedure.
- (d) use of the carpark must be used by staff, visitors, parents at all times to minimise disruption to adjoining property owners/occupants.
- (e) compliance with the recommendations of the acoustic report.
- (f) provision of a graffiti management plan.
- (g) ensure staff, parents and visitors use the basement carpark.
- (h) maintenance of the fence and landscaping facing the streets.

14.25 **Lighting**

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

14.26 **Privacy Screening**

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

14.27 **Security**

14.27.1 Should any basement storage areas be provided, they are to have quality doors/cages and lock sets to restrict unauthorised access. These are recommended to be constructed of an appropriately robust steel welded mesh to be used in lieu of chain link wire. Consider the use of 'over the bonnet' metal fully enclosed and lockable storage containers.

14.27.2 The car parking allocation is to be incorporated into a Parking Management Strategy which will also include the following responsibilities for the Managing Agent/future Body Corporate:

- (a) Measures to ensure a clear segregation between the commercial/retail, childcare centre and residential parking spaces is maintained at all times.
- (b) Directional signage for the different uses' parking areas shall be installed at entry to the basement parking.

14.28 **NSW Local Police Matters**

- 14.28.1 Consideration to be given to the installation of CCTV surveillance cameras for the development, paying particular attention to those areas susceptible to anti-social behaviour and criminal activity. This includes the proposed communal open space areas, any common areas, access ramp, carpark and roof top areas. CCTV coverage should capture all of the proposed area. The exterior coverage should capture all entrances and exits and the immediate vicinity of the building.
- 14.28.2 Closed Circuit Television Systems (CCTV), Management and Operation; should be installed accordance to AS 48006.1 and Applications Guidelines — AS 4806.2. By ensuring clear sightlines, the opportunity to commit a crime is decreased.
- 14.28.3 The CCTV exterior coverage should capture all entrances and exits and the immediate vicinity of the building.
- 14.28.4 A lighting maintenance policy needs to be established for the development. Lighting should be vandal resistant and placed around the perimeter of the property, at all entry/exits points, on footpaths leading to the unit block and also throughout the proposed common areas, particularly the communal open spaces, and driveway. Possible entrapment spots such as the storage units, waste/rubbish bin areas should be lit with vandal- resistant and energy saving lighting.
- 14.28.5 Lighting used in the carpark areas should illuminate continuously in hours of darkness. Pink/ blue lighting along driveway ramp deter person(s)/youth loitering around area.
- 14.28.6 Access to the carpark and units should be via a swipe/card/ key system.
- 14.28.7 Landscaping and Vegetation:

Landscaping and vegetation enhance the natural amenity of any site. It is important to ensure dense foliage and inappropriate planting does not lead to opportunities for concealment.

The recommended plants suggested in the application should be low lying shrubs and or grass like plants that are free from stones and or rocks at the soil base (eliminating stones used for projectiles). These low lying shrubs and or grass like plants should be planted to avoid clumping and to retain sightlines and opportunities for surveillance around the communal areas. The plants proposed should have an appearance of impenetrability and qualities that minimises concealment opportunities.

- 14.28.8 That a key holder be identified with relevant contact details provided to aid emergency services to gain entry if there are any related issues preventing them from getting immediate access.
- 14.28.9 Erect appropriate signage. i.e. 'Trespassers will be prosecuted, surveillance systems operating and security personal on duty' etc.
- 14.28.10 Warning signs - in carpark - Signs should be clear and concise displaying the area of which cars should be parked.
- 14.28.11 Warning signs - in carpark - Signs to be clear and prominent warning people not to leave valuables in their cars. e.g. 'Lock it or lose it' or 'Don't leave valuables in your vehicle'.
- 12.20.12 Increased means of security for letter boxes to deter incidents of mail theft and identification fraud. CCTV shall be installed in the proposed foyer/ mail room.
- 12.20.13 The basement carpark should be designed to permit maximum natural surveillance, access control and illumination. E.g. by using cable railings in place of concrete retaining walls.
- 12.20.14 That a key holder be identified with relevant contact details provided to aid emergency services to gain entry if there are any related issues preventing them from getting immediate access.
- 14.28.12 Details of the Body Corporate are to be forwarded to NSW Local Police, Blacktown Local Area Command.
- 14.28.13 A copy of Evacuation Plan for the development is to be forwarded to the NSW Local Police, Blacktown Local Area Command.

15. Operational (Planning)

15.1 Graffiti Removal

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

15.2 Access/Parking

- 15.2.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 15.2.2 All loading and unloading operations shall take place at all times wholly within the confines of the land. All vehicles must enter and exit the site in a forward direction at all times.
- 15.2.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

15.3 **General**

- 15.3.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
- 15.3.2 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 15.3.3 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 15.3.4 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 15.3.5 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 15.3.6 The hours of operation 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 hours of operation: Monday to Friday – 6.30 am to 6.30 pm

- 15.3.7 The centre must implement the Operational Management Plan at all times.
- 15.3.8 The centre at all times must implement the Graffiti Management Plan as required.

15.4 **Landscaping**

- 15.4.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 15.4.2 Sightlines must be kept free from obstructions. If a lack of natural surveillance occurs this would quickly encourage anti-social behaviour and criminal offences specifically malicious damage to the area. The 'fear of crime' would also no doubt increase if there is sign of malicious damage, rubbish, broken bottles etc around the development. Regular maintenance and up-keep of the site must therefore be adhered to.
- 15.4.3 The management of vegetation, gardens, planter boxes, communal areas, BBQ facilities, children's play equipment, etc is to be incorporated within the future strata management plan once the development is occupied.

15.5 **Use of Premises**

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

- 15.5.2 This consent does not authorise the use of the land for Child Care purposes unless the operator and all employees are in possession of current licences from the NSW Department of Family and Community Services.
- 15.6 **Waste Management**
- 15.6.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 15.7 **Emergency Procedures**
- 15.7.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed throughout the development for both public and staff information at all times to the satisfaction of Council.
- 15.8 **Other Matters**
- 15.8.1 Approval is given only for the care of a maximum of 155 places (32 children aged 0 – 2 years; 36 children aged 2 – 3 years; and 87 children aged 3 – 5 years).
- 15.8.2 Separate Council approval is required for signage and/or any changes to the age group of children. Any proposal for an increase in children numbers may require additional car parking to be provided on site.
- 15.8.3 The use of the premises is to comply at all times with the requirements of the Department of Family and Community Services, and the National Quality Framework and Standards.
- 15.8.4 All staff members are to park on the premises at all times utilising the designated staff car parking spaces. At no times are staff to park on the street or in the designated on site visitor car parking spaces. Parents dropping off/picking up children are to be directed to park on the premises rather than on the street, through the Plan of Management.
- 15.8.5 The air conditioning units are to be placed in a position that is inaccessible to children and do not impact on any Industrial property adjoining the child care centre.
- 15.9 **Clothes Drying**
- 15.9.1 Clothes drying is to be conducted in the mechanical dryers. The drying of clothes on balconies (where visible from a public place) is prohibited. If the development is to be strata subdivided, a clause is to be included in the Plan of Strata Management prohibiting the drying of clothes on balconies (where visible from a public place).
- 15.10 **Lighting and Security**
- 15.10.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 15.10.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

- 15.10.3 The maintenance of all external lighting is to be managed by way of an annual service agreement to ensure the security of the building and persons within are not compromised from dark or uncontrolled public areas.
- 15.10.4 Sightlines must be kept free from obstructions. If a lack of natural surveillance occurs this would quickly encourage anti-social behaviour and criminal offences specifically malicious damage to the area. The 'fear of crime' would also no doubt increase if there is sign of malicious damage, rubbish, broken bottles etc around the development. Regular maintenance and up-keep of the site must therefore be adhered to.

15.11 Awnings

- 15.11.1 The integrity of the awning must be checked by a NPER engineer engaged by the body corporate every 5 years to ensure compliance in line with the BCA and other relevant standards. A certificate of compliance is to be forwarded to Council's Civil and Park Maintenance Section for its records every 5 years.
- 15.11.2 No hanging is permitted under the awning which may affect the minimum clearance height of 2.4 m.
- 15.11.3 The property owner is responsible for the maintenance of the awnings at all times.

16. Operational (Environmental Health)

16.1 Environmental Management

- 16.1.1 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 16.1.2 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 16.1.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 16.1.4 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 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.

- 16.1.5 A post commissioning report produced by an independent organisation that is eligible for membership with the *Association of Australian Acoustic Consultants* within 3 – 6 months of the centre operating to validate the Acoustic reports findings.
- 16.1.6 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.
- 16.1.7 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*.
- 16.1.8 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.
- windows are to remain fully closed while indoor structured activities take place
 - to minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10 pm and 7 am.
 - 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.