

Conditions of consent (draft)

Proposed development	Subdivision into 2 Torrens title lots, extension of Premier Lane and dedication of road widening, with demolition of existing structures and the construction of 2 x 4 storey shop-top housing buildings comprising of a total of 69 residential units and 13 retail shops over 2 levels of basement car parking consisting of 201 car parking spaces, plant and storage area and associated landscaping and drainage works.
Property description	Lot 1 DP875266, lot A DP399706, Lots 60A and 60B DP361039, 47-67 Rooty Hill Road North, Rooty Hill

1 Deferred Commencement Matters

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

- A minimum 1.5 m wide drainage easement over Lot 3 DP 875266 from the end of swale channel B to Premier Lane in favour of Lot 2, Lot 600 DP 702930, Lot 601 DP 702930, Lot 602 DP 828408 and Lot 10 DP 4426. The drainage easement must be registered with NSW Land Registry Services, or
- A drainage pipeline to convey independently the 1% AEP flows from swale channel B internally within Lot 2 to a drainage pit in Premier Lane. Amend engineering plans by Barker Ryan Stewart job no. SY180009 CI_E dated 25 May 2020 accordingly and provide calculations. Note that the consent has been conditioned on this basis.

1.2 The engineering plans by Barker Ryan Stewart job no. SY180009 CI_E dated 25 May 2020 are to be amended to include the following to the satisfaction of the Manager Asset Design:

- For Lot 1 provide a Gross Pollutant Trap (GPT) that targets both gross pollutants and hydrocarbons prior to discharge from the site. The GPT is to have an oil baffle able to trap and contain oil or hydrocarbons. Where located downstream of the detention basin size the GPT for the 1.5 year orifice flow. Where located upstream of the detention basin size the GPT for a minimum 2EY flow considered as 75% of the 1 EY flow. The GPT is to be located in an area that can be easily maintained by eductor truck near the boundary. Approved devices positioned downstream of the detention basin include SPEL Stormceptor S.200/70.C1, Ocean Protect Vortsentry HS09, or Vortechs 1000. Alternate devices such as a Humeceptor require supplementary treatment using approved filter baskets. Contact Council's Asset Design Section for alternate devices and configurations.
- Provide details of the GPT such as make, sections, levels, weir etc
- The internal pipe network is to be designed to carry the 1% AEP (100 year ARI) storm flows to the detention tank/basin.
- Show a minimum combined area of 780 m² for Block A and 470 m² for Block B comprising non-trafficable gravel roof, roof area of lift overrun and stairs

and solid roofed patio area (not open pergola). Detail how the 1% AEP runoff from these areas can be directed to the rainwater tank independent of the trafficable roof areas.

- e) Provide detailed drainage design for the development that shows a separate system for trafficable roof water and surface drainage 1% AEP flows to reach the detention tank.
- f) Show all inlets into the OSD and rainwater tanks.
- g) Provide a 1200 x 1200 sealed access over the pump location in the rainwater tanks.
- h) Demonstrate pre-treatment of the rainwater tank.
- i) Provide a section through the rainwater tank including overflow to the detention.
- j) Provide a series of pipes with non-return flaps as overflows from the rainwater tank to the detention.
- k) Provide an on-site detention catchment plan showing the areas draining to the detention basin and clearly show areas of bypass including any upstream swale areas. Where the bypass area exceeds the area nominated in the OSD spreadsheets, the spreadsheets are to be amended and revised orifice sizes detailed.
- l) The orifice within the Discharge Control Pit is to be protected by a suitable screen. Provide Maximesh Rh3030 for orifice diameters 150 mm or less with a minimum area of 50 times the orifice area and Weldlok F40/203 for orifices 150 mm diameter or more with a minimum area of 20 times the orifice area.
- m) All access points to the detention system are to have childproof locking devices.
- n) On Sheet 2 show the rainwater tank size on Block A (Lot 1) as minimum 144 m³ below the overflow.
- o) On Sheet 2 show the rainwater tank size on Block B (Lot 2) as minimum 80 m³ below the overflow.
- p) On Sheet 2 delete the note between pits 1/5 to 1/6 “Extend 375 mm RCP Drainage to Existing Kerb Inlet Pit”.
- q) On Sheets 2 and 5 delete the concrete base for the detention basin in Block A for the area clear of the basement and provide landscaping.
- r) On sheet 5 amend Section B-B to nominate the emergency overflow weir level.
- s) On Sheet 5 amend the “No.9-15 Perkins St Catchment” and swale calculations for the south-west boundary to increase the area draining to this to 7,500 m².
- t) On Sheet 5 amend section C-C and D-D to show a minimum 50 mm gap under the fence at the boundary.
- u) At the connection point of the pipeline from Channel B provide a street pit and ensure the pipeline downstream of this pit is 600 mm diameter.

- v) Set the driveway crest for each basement garage to be a minimum of 300 mm above the gutter invert level.

1.3 Provide a revised landscaping plan showing landscaping including trees within detention basin A for the area clear of the basement. Consider aesthetic complementary treatment for the remaining exposed concrete in the basin floor.

1.4 Amended architectural plans by JS Architects project 111/15-16 are required to the satisfaction of Council's Manager Asset Design to satisfy the following:

- a) Amend the roof plan on drawing 09/30 (K) to show a minimum combined area of 780 m² for Block A and 470 m² for Block B comprising non-trafficable gravel roof, roof area of lift overrun and stairs and solid roofed patio area (not open pergola) that can be directed to the rainwater tank.
- b) Amend the roof plan on drawing 09/30 (K) and detail how the non-trafficable gravel roof area will be physically separated from the accessible roof area to prevent contamination of the rainwater tank water, through a minimum 1.5 m high palisade style or solid wall with lockable maintenance access. Relocate, add and extend planter boxes to the separation point where possible.
- c) Demonstrate that the GPT and larger rainwater tanks (Block A (Lot 1) as 144 m³ and Block B (Lot 2) as 80 m³) can be incorporated into the architectural design.
- d) Ensure the habitable floor levels are set a minimum of 150 mm above the podium levels.

1.5 The Applicant is to pay to Council a fee of \$2,484.00 incl GST (12 hrs Goods and Services Item 5.2.7) for the Manager Asset Design's team to assess the deferred drainage details. Where payment is made after 30 June 2021 payments will increase in accordance with the Goods and Services Schedule. Send a copy of the receipt to floodadvice@blacktown.nsw.gov.au . Where the submission is unsatisfactory an additional fee is required for each revision.

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

1.7 If the satisfaction of any of the above deferred commencement conditions results in any changes to the operational conditions in this consent, the Applicant must lodge a modification application, seeking consent for those changes.

2 ADVISORY NOTES

2.1 Terminology

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

2.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Part 6 of the Environmental Planning and Assessment Act 1979.

2.2 Scope of Consent

2.2.1 Separate approval is required for the fit out and occupation of 13 retail tenancies

on the ground level.

2.2.2 Separate development consent may be required from Council prior to the use of each individual unit/the approved building(s). The applicant is advised to contact Council's Development Services Unit in this regard.

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

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

2.3 Other Approvals

2.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works. Any Construction Certificate is to demonstrate compliance with the Building Code of Australia.

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

- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 m 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 installation of vehicular footway crossings servicing the development, and
- (e) the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required.

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

2.3.4 This consent does not approve any form of paid car parking arrangements.

2.4 Services

2.4.1 The applicant is advised to consult with:

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

regarding any requirements for the provision of services to the development and

the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

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

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

- 2.4.2 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 2.4.3 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 2.4.4 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on 1800 810 443.
- 2.4.5 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

2.5 Tree Planting and Service Locations (after all other services)

- 2.5.1 Street tree planting must not impact on public utilities. The applicant should liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.
Street tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.

2.6 **Demolition**

2.6.1 Where any work on an older building is proposed, the applicant should ascertain whether the building contains any contaminants that may present a potential health risk to humans (including asbestos, lead-based paint and the like) and apply appropriate precautions during the work. Further information regarding safe working methods may be obtained from the following organisations and publications (including those which may supersede such publications):

- (a) Safework NSW (Ph: 13 10 50) – “Short Guide to Working with Asbestos”,
- (b) NSW Office of Environment & Heritage (Ph: 9995-5000) – “A Guide to Keep Your Family Safe from Lead”, “A Renovators Guide to the Dangers of Lead”,
- (c) “Code of Practice for the Safe Removal of Asbestos” 2nd Edition– National Occupational Health and Safety Commission:2002 (2005),
- (d) Australian Standard 4361.1-1995 – Guide to Lead Paint Management (Industrial Applications),
- (e) Australian Standard 4361.2-2017 – Guide to hazardous paint management Lead paint in residential, public and commercial buildings, and
- (f) Australian Standard 2601-2001 – The demolition of structures.

2.7 **Identification Survey**

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

2.8 **Engineering Notes**

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

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

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

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

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

- Works in public areas (i.e. Road Reserve, Public Reserves)
- Inter-allotment drainage (i.e. drainage outside the boundary of the land being developed)

Engineering works (as nominated in the ‘Prior to Construction Certificate (Engineering)’ section of the consent) can be included within a Construction Certificate for Building works, provided that:

- All Engineering Works are specifically mentioned on the Construction Certificate

- The Certifier holds relevant qualifications to issue a Construction Certificate for the Engineering works. Appropriate accreditation qualifications must be shown on Construction Certificate.

2.8.2 All works requiring approval under the *Roads Act 1993* (except standard vehicular crossings) or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate or Subdivision Works Certificate.

2.9 **Payment of Engineering Fees**

2.9.1 If the applicant wishes for Council to issue the Construction Certificate or Subdivision Works Certificate as nominated in the 'Prior to Construction Certificate/Subdivision Works Certificate please:

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

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

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

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

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

2.10 **Other Matters.**

2.10.1 This plan of subdivision is not to be released until Public Road access is provided. This may require the registration of the adjoining subdivision.

2.10.2 No construction preparatory work (such as, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued.

3 **GENERAL**

3.1 **Scope of Consent**

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

Plan reference	Revision issue	Dated
Concept Plans prepared by JS Architects Project Number 111/15-16		
01/30 - Perspectives	M	11.11.2020
02/30 - Perspectives 02	M	11.11.2020

Plan reference	Revision issue	Dated
03/30 - Demolition Plan	M	11.11.2020
04/30 - Site Plan	M	11.11.2020
04B30 - Subdivision Plan	M	11.11.2020
05/30 - Basement 2	M	11.11.2020
06/30 - Basement 1	M	11.11.2020
07/30 - Ground Floor Plan	M	11.11.2020
08/30 - Level 1 Floor Plan (Typical)	M	11.11.2020
09/30 - Roof Plan	M	11.11.2020
10/30 - Elevations	M	11.11.2020
11/30 - Elevations	M	11.11.2020
12/30 - Elevations	M	11.11.2020
13/30 - Sections 01	M	11.11.2020
14/30 - Sections 02	M	11.11.2020
15/30 - Sections 03	M	11.11.2020
16/30 - Sections 04	M	11.11.2020
26/30 - Landscaping Plan	M	11.11.2020
26a/30 Roof Top Landscaping Plan	M	11.11.2020
27/30 - Landscaping Details	M	11.11.2020
27a/30 - Landscaping Details	M	11.11.2020
30/30 - 3D Overview & Material Schedule	M	11.11.2020
Landscape Plans prepared by JS Architects Project Number 111/15-16		
26/30 - Landscaping Plan	M	11.11.2020
26a/30 Roof Top Landscaping Plan	M	11.11.2020
27/30 - Landscaping Details	M	11.11.2020
27a/30 - Landscaping Details	M	11.11.2020
30/30 - 3D Overview & Material Schedule	M	11.11.2020

3.1.2 This consent grants approval for the following, subject to full compliance with all other conditions of this consent:

- (a) 3 x studio apartments;
- (b) 12 x 1 bedroom apartments;
- (c) 33 x 2 bedroom apartments; and
- (d) 21 x 3 bedroom apartments.

Any change in apartments mix will require the separate approval of Council.

3.1.3 Separate construction certificates are permitted to be issued to enable this

development to be constructed in stages, subject to the satisfaction of relevant conditions. Prior to the issue of any Occupation Certificate, all works associated with the ground level and basement levels and the public domain improvements are to be completed. Prior to the issue of any Occupation Certificate for the residential component of the development, the podium level communal open space areas are to be completed. Prior to the issue of any Occupation Certificate, the applicant must demonstrate that the safety of occupants and the general public is protected while construction works are undertaken. This is to provide assurance that the development will be constructed in an orderly manner for the benefit of future occupants and the surrounding locality.

3.1.4 No construction preparatory work (such as, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued.

3.2 Services

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

3.3 Engineering Matters

3.3.1 Design and Works Specification

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

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

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

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

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

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

- Path Paving construction

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

These matters will be individually addressed within the consent

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

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

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

3.4. **Other Necessary Approvals**

3.4.1 A separate application will be required for the following approvals under the *Roads Act 1993*.

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

3.5 **Subdivision**

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

3.6 **Other Matters**

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

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

3.7 **Other Drainage Matters**

3.7.1 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Part J of DCP 2015 for the duration of the development:

Required percentage reductions in post development average annual load of pollutants

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Hydrocarbons	90

3..7.2 The registered proprietor/lessee is to provide to Council's WSUD Compliance Officer a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule. 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 WSUD@blacktown.nsw.gov.au

3.7.3 Each year the registered proprietor/lessee is to provide to Council's WSUD Compliance Office at WSUD@blacktown.nsw.gov.au a report outlining non-potable water used annually and the percentage of non-potable reuse. The modelling indicates a 64% non-potable reuse

3.8 **NSW Police - Requirements**

3.8.1 The development shall adhere to the requirements of the NSW Police in its correspondence dated 8 March 2016, as follows:

1. Surveillance:
 - The Application Application incorporates casual surveillance within the construction plan with a focus on avoiding any potential hidden areas within the car park and building surrounds. The buildings entrances will be visible from the surrounding roads and not be obstructed by landscaping.
 - All planting of landscaping to be regularly maintained to a height that allows clear sight lines and to prevent concealment points within the car park and building surrounds.
2. Lighting:
 - That a security lighting maintenance program is put in place to ensure all lights are kept in working condition.
 - Security lighting must be installed and operating .
 - Lighting must be sufficient to support images obtained from CCTV footage
 - Light switches for all lights must be located in a secure area within the premises.
 - The power board must be enclosed in a cabinet room.
 - Entry and exit points including stair wells, walkways, garbage bin holding points and letter boxes must be well illuminated.
3. Building Design:
 - The orientation of the buildings must allow for easy natural surveillance between the street, neighbouring property and surrounding buildings.
 - There must be adequate steps taken to ensure that person(s) cannot utilise the design of the building to climb from the outside.
 - That entry/exit points to the building are secured and access granted with the use of a security swipe card or other electronic security system.
 - Alcoves or recesses must be monitored by CCTV and lighting.

- Garage bays must be locked to restrict unauthorised access.
- There must be a 'Rapid Removal " Policy for graffiti.
- There must be graffiti resistant materials used in the construction (masonry garden walls and fencing)
- A sound reducing physical barrier in the form of a sound proof wall or similar to reduce noise from the licensed venue.

4. Territorial Re-enforcement:

- A perimeter fence erected around the property
- Fences must be fitted with locks and maintained in good condition.
- Ambulance , Fire Brigade and Police must be able to access the site 1n an emergency.

5. Car park:

- The CCTV is installed throughout both the above and underground car park and be to the standard recommended below.
- That the lighting is of a white light or similar that best reflects surfaces and supports CCTV recordings .
- The walls and ceilings are painted white or of a light coloured concrete to enhance light.
- The residential car parks facility area is restricted to non-residents by way of security gates.

6. CCTV:

- That appropriate CCTV footage is installed in the car park as a crime prevention strategy and to be of a quality that records at a minimum rate of 10 frames per second as a storage aspect ratio of 720 x 480 pixels being medium resolution.
- That any footage recorded have the correct time and date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- That a copy of footage required by police be reproduced on compact disk, DVD, USB memory stick.
- Those Recordings be retained for a period of 30 days before being reused or destroyed.
- Immediate access to the CCTV system and the ability to review recordings is granted to NSW Police Officers.
- That any footage is reproduced upon request by any member of the New South Wales Police force within a reasonable time, a reasonable time being within 12 hours after being requested.

7. Landscaping:

- Vegetation must be kept and maintained at a suitable level to give clear sight lines and prevent concealment points

8. Traffic:

- Mount Druitt police are provided with Construction Management Traffic Plans.

4 PRIORITY TO CONSTRUCTION CERTIFICATE (GENERAL)

4.1 DA Plan Consistency

A Construction Certificate or Subdivision Works 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.

4.2 Services/Utilities

4.2.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.
- (b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

4.3 Street Tree Planting and CBD Pavement Treatment

4.3.1 Prior to the issue of a Construction Certificate relating to the approved development, full detail plans in relation to the proposed street tree planting and landscaping consistent with Council's adopted Street Tree Guidelines shall be submitted to and approved by Council's Manager Civil and Park Maintenance. The Street Tree Plan shall observe the species palette identified by Council's Street Tree Guidelines for Street Trees in the CBD and will to include the following:

- cross-sections showing dimensions of tree pits
- minimum of 100 litre containers or a species to be nominated by Council
- details of root protection barriers
- soil specifications
- location of tree pits in relation to any awning within the street setback, services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

These shall be submitted to Council for the approval of Council's Manager Civil and Park Maintenance. NOTE: Any tree planting to be undertaken as part of the approved development shall be available to Council for inclusion in future carbon sequestration programs.

4.3.2 Prior to the issue of a Construction Certificate relating to the approved development, full detail plans in relation to the pavement treatment along all pavements shall be submitted to and approved by Council's Manager Civil Maintenance. This shall be at the full cost of the Applicant.

4.4 **Waste Matters**

4.4.1 The removal of asbestos from the site and its transportation to its final destination is to be undertaken in accordance with the NSW Environment Protection Authority's WasteLocate online system for tracking asbestos waste. Upon completion of the transportation, the WasteLocate consignment number is to be submitted to Council. For more information, please refer to the following link: <https://www.epa.nsw.gov.au/your-environment/waste/transporting-asbestos-waste-tyres>

4.1.2 The applicant must ensure that roads and driveways etc are rated suitable for 24 tonne trucks.

4.1.3 The applicant must provide Council with the AutoCAD file in DWG format and 1:1 scale for the trucks entire travel path in addition to the proposed swept paths for review. Swept paths must demonstrate forward entry and exit at all time. Swept paths must satisfy Council's concerns regarding truck access.

4.1.4 The applicant must demonstrate on amended plans that retail/commercial waste room doors are a minimum 1.5m wide to accommodate the movement of bins.

4.1.5 Access for collection vehicles must be designed in accordance with the dimensions indicated on the approved architectural plans, CAD files and vertical clearances (as per Australian Standards), showing adequate truck entry and exit and in all manoeuvring areas to Council's satisfaction.

- The applicant must provide an updated waste management plan to include:
 - physical treatment of the loading bay
 - proposed service provider
 - access to the loading bay to be coordinated by the building manager
 - accessibility of main waste room to residents
 - the caged bulky waste storage area
 - the following waste generation rates for the residential units:
 - 240L/unit/week for waste (to be collected in 1100L bulk bins)
 - 80L/unit/week for recycling (to be collected in 240L recycling bins)
 - waste generation rates for the retail tenancies
 - proposed waste management system for the retail tenancies

4.5 **SEPP No. 65 – Design Quality of Residential Apartment Development**

4.5.1 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 apartment 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.

4.6 **Awnings**

4.6.1 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).

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

4.6.3 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.

4.7 **BASIX**

4.7.1 A new BASIX certificate is to be obtained prior to the issue of a construction certificate for the approved plans following the satisfaction of any conditions requiring amendments to the design of the proposal. The development is to comply with the commitments of that new certificate.

4.8 **NSW Police - Requirements**

4.8.1 The development shall adhere to the relevant requirements of the NSW Police in its correspondence dated 8 March 2016 2019 outlined earlier in Condition 3.8.

5 PRIORITY TO CONSTRUCTION CERTIFICATE (PLANNING)

5.1 **Section 7.11 Contributions**

5.1.1 The following monetary contributions under *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as 16 November 2020. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

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. However, payments by credit card or EFTPOS over \$10,000.00 are levied a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Contribution Item	Amount	Relevant C.P.
Open Space	\$308,745.00	3

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

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

S7.11 CP No. 3 – Open Space in Established Residential Areas

The Section 7.11 contribution(s) have been based on the potential additional population nominated below. Should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

Additional Population: 178.8 persons

5.2 Aesthetics/Landscaping

5.2.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20% must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. 'Anti-glare' glazing is to be used to minimise any glare affect. Details are to be provided as part of the Construction Certificate plans.

5.2.2 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.

5.2.3 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the photomontage and the approved Materials and Finishes Plan. Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans.

5.3 Access/Parking

5.3.1 The additional 26 surplus car parking spaces (19 residential and 7 commercial) for Block A shall be removed.

5.3.2 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.

5.3.3 The following car parking spaces shall be provided:

- Building A: 113 car parking spaces, being 57 residential (including 5 disabled spaces), 17 visitor car parking spaces and 39 commercial spaces.
- Building B: 60 car parking spaces, being 33 residential (including 3 disabled spaces), 11 visitor car parking spaces and 16 commercial spaces.

5.3.4 The car parking spaces shall be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Commercial car space: 2.6 m x 5.4 m

Residential flat building (excluding width of pillar): 2.5 m x 5.4 m

Residential flat building (adjacent to solid wall): 2.7 m x 5.4 m
 Disabled car space: 2.4 m x 5.4 m (plus shared zone)

5.3.5 The design of the car parking area is to ensure that all vehicles must enter and leave the development in a forward direction.

5.3.6 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.

5.3.7 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.

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

5.3.9 A roller shutter and card-key system, or similar, is to be installed at the entry/exit points of the basement car park.

5.3.10 The basement storage areas are to be provided with quality doors/cages and lock sets to restrict unauthorised access. The loading dock and areas within the bin storage room and bulky waste storage area that are unsafe for children to access area to be provided with lock sets to restrict unauthorised access.

5.4 Adaptable Housing Units

5.4.1 A minimum of 10% of the units are to be designed in accordance with the Australian Adaptable Housing Code (AS 4299-1995) which includes “pre-adaptation” design details to ensure visibility is achieved.

5.5 Communal Open Space and Landscaping

5.5.1 Rooftop communal open space areas-additional large shrub planting areas are to be included in order to provide shade on rooftops and in ground level COS areas. Shrub planting is required around the entire perimeter of the rooftop communal open space in order to provide shade and privacy from future adjacent housing and commercial developments. A BBQ facility is to be provided on both rooftop open space areas. Rooftop communal open space areas are to be for the use of residents and their visitors only and not to be accessible to the public or to be available for the use of the retail shops in each building.

5.5.2 A landscape buffer of dense shrubs is to be provided around the outside of the fence of the OSD area on Building A.

5.5.3 Rainwater collection and reuse is to be provided in the plant irrigation system for the site.

5.6 Floor to Ceiling Heights

5.6.1 All habitable rooms are to have a minimum floor to ceiling height of 2.7 m. Service bulkheads are not to intrude into habitable spaces.

5.7 Plant and Equipment

5.7.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to

adversely impact on the units and communal open spaces with regard to visual, acoustic and odour impacts.

5.7.2 External service fixtures and conduits are to be part of the overall appearance of the building, or are to be screen from view.

5.7.3 Any required substation as part of the development is required to be located on private property and incorporated into the design of the building or landscaping of the development.

5.8 Crime Prevention

5.8.1 Prior to the issue of a Construction Certificate, a Crime Prevention Through Environmental Design (CPTED) report from an accredited consultant must be submitted for the final design of the proposal (in response to the conditions of consent) and the development is to comply with its recommendations.

5.9 Mailboxes

5.9.1 The plans are to demonstrate that adequate mail boxes are provided in the residential lobbies.

5.10 Retention of tree

5.10.1 Prior to the issue of a Construction Certificate tree number 3 Forest Red Gum as identified in the Arboricultural Assessment and Impact Report by Horticultural Management Services dated 15th November 2016) located adjacent to the northern boundary of the site and the proposed extension of Premier Lane shall be clearly shown on the architectural and landscaping plans as being retained.

6 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

6.1 Building Code of Australia Compliance

6.1.1 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).

6.2 Site Works and Drainage

6.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under an environmental planning instrument), 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.

6.2.2 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.

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

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

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

Such details shall accompany the Construction Certificate.

6.3 Demolition

6.3.1 A report from a site auditor accredited by the NSW Office of Environment & Heritage (under the provisions of the Contaminated land Management Act 1997) shall be lodged with Council stating that, where the land has been affected by any contaminants (including asbestos, organochlorins, arsenic, lead, petroleum residues and the like), the land has been remediated in accordance with the recommendations of the initial investigation report. A copy of the report is to be attached to the Construction Certificate.

6.4 Other Matters

6.4.1 The proposed development works are to ensure compliance with the requirements with the Access provisions of the NCC(BCA) 2019 and the Access to Premises Standard.

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

7.1 General

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

7.1.2 All fees for Construction, *Roads Act 1993* and *Local Government Act 1993* approvals must be paid to Council prior to the issue of any of the above certificates or approvals. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.

7.1.3 Construction Certificate plans shall be generally in accordance with the following drawings and relevant Consent conditions:

Prepared By	Job No.	Drawing No.	Revision	Dated
BARKER RYAN	SY180009	180009C1.01	C	26/09/2018
STEWART		180009C1.02	C	
		180009C1.03	C	

Prepared By	Job No.	Drawing No.	Revision	Dated
		180009C1.04.	C	
		180009C1.05	C	
		180009C1.06	C	
		180009C1.07	C	
		180009C1.08	C	

7.2 Construction Certificate Requirements

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

- Road and drainage construction
- On-site stormwater detention
- Water quality treatment
- Earthworks
- Inter-allotment drainage (created within the subject lot)
- Path Paving (within a subdivision)

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

7.3 Local Government Act Requirements

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

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

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

7.4 Roads Act Requirements

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

- Any works within Council's road reserve
- Kerb inlet pit connections or construction
- Vehicular crossings
- Path paving

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

7.5 Other Engineering Requirements

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

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

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

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

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

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

7.6 Roads

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

7.6.2 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card.

7.6.3 Splays are to be adjusted to meet site specific intersection designs in accordance with Council's Engineering Guide for Development.

7.6.4 The Proposed new roads shall be designed and constructed as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Premier Lane	Minimum 16m	Approximately 145 metres	3.5-9.0-3.5	1 x 10 ^7 ESA

7.6.5 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.

7.7 Drainage

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

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

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

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

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

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

7.7.5 The existing depression/watercourse through the site must be piped and/or channelled to contain stormwater discharges up to the 1% A.E.P. (100 year Average Recurrence Interval) event.

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

7.7.7 Provide a roof water outlet to kerb for each proposed lot that drains to the street.

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

7.7.9 A Construction Certificate cannot be issued unless the requirements of the planning agreement for SPP-17-00004 entered into by the applicant and Council and signed 22 July 2020 have been complied with to the satisfaction of Council's Contribution Coordinator, Section 7.11 Officer or an officer of the Council acting in those positions.

7.7.10 The following monetary contributions under the Voluntary Planning Agreement (VPA) must be paid. The amounts below are BASE contributions which WILL BE INDEXED from the nominated base date to the date of payment. Payment of the indexed amounts must be made (BY BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED; NOTE Council DOES NOT accept payment of VPA Contributions by credit card or EFTPOS) prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

Contribution Item	Base Amount	Base Date
(i) Water Quality	\$ 40,130.11	01/03/2015 (ABS Index 107.3)
(ii) Administration Fee	\$ 601.95	01/03/2015 (ABS Index 107.3)

The contribution(s) will be indexed according to the Australian Bureau of Statistics' Implicit Price Deflator for Gross Fixed Capital Expenditure (Private Dwellings) and the Consumer Price Index (Sydney Dwellings).

The VPA Contribution(s) have been based on the total developable area. Should the final plan of survey indicate any change in the total developable area, the VPA Contribution(s) will be adjusted accordingly.

Developable Area: 0.6381 hectares

7.7.11 For the rainwater tank, an experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses on the site and that all Sydney Water requirements have been satisfied. Separate plans are required for each lot. The plan is to show the rainwater pipe and tank arrangement including:

- a first flush or pre-treatment system (typically 0.2 litres / m² of roof area going to the tank),
- a pump with isolation valves,

- c. control panel and a warning light to indicate pump failure;
- d. an automatic backwash inline filter;
- e. a solenoid controlled mains water bypass (no direct tank top up);
- f. flow meters on the solenoid controlled mains water bypass line and the pump outflow line, to determine actual non-potable usage and % reuse;
- g. isolation valve on the irrigation supply for maintenance or during water restrictions
- h. a timer and control box for landscape watering, allowing for seasonal variations and split systems;
- i. designed to automatically achieve a minimum average landscape usage rate of 0.4 kL/yr/m² including increasing the frequency of watering by a minimum 50% above average for the hotter months and reducing by 50% for the cooler months
- j. ensuring all the rainwater reuse pipes and taps are coloured purple;
- k. fitting warning signs to all external taps using non-potable water;

7.7.12 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. 5 star taps (for all taps other than bath outlets and garden taps);
- iv. 3 star urinals; and
- v. 3 star water efficient washing machines and dishwashers are to be specified

7.7.13 Provide details for a permanent coloured interpretive signage minimum A1 size to be installed to highlight the WSUD processes on site for each lot. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures the on-site stormwater detention, rainwater tanks and GPT and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located in an area accessible by the public. The wording and detail is to be based on the information on Council's website and is to be approved by Council.

7.7.14 The engineering plans by Barker Ryan Stewart job no. SY180009 CI are to be amended to include the following:

- a. The minimum storage and dual alternating pump requirements for the basement garages is to satisfy AS/NZS 3500.3:2015 – Plumbing and Drainage Part 3: Stormwater Drainage.
- b. Provide a basement design that ensures a minimum 0.5% slope to all surface inlet pits.
- c. Detail Confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks and detention tank in accordance with Council's Engineering Guide for Development 2005.

- d. Provide Floodway Warning Signs for the above ground detention areas in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.
- e. Provide on-site detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.
- f. Provide galvanised or equivalent step irons or ladders for all entry points to the tanks or basin.

7.7.15 An experienced Drainage Engineer registered with NER and supported by a DRAINS or similar hydraulic calculation is to certify that the existing and proposed internal drainage system is capable of carrying 1% AEP (100 year ARI) flows to the tank.

7.7.16 A Chartered Civil Engineer registered with NER must certify that the maximum depth of flow in the gutter is less than 200 mm for all 1% AEP storm events.

7.7.17 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 of Council's WSUD developer handbook. Where there is the potential for interaction with groundwater, a Groundwater Management Plan must be prepared by a Geotechnical Engineer registered with NER.

7.8 Erosion and Sediment Control

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

7.9 Earthworks

7.9.1 Proposed lots must be filled so that the ground levels behind the building are a minimum of 500mm above the designed 100-year average recurrence interval flood level.

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

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

7.9.4 Retaining walls shall be a maximum single height of 1.2m (600mm cut + 600mm fill). Where a retaining wall is proposed that is more than 1.2m in height, a terraced solution shall be provided. Terraces should not exceed 900mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.

7.10 On-Site Detention

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

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

7.10.3 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.

7.10.4 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

7.11 Stormwater Quality Control

7.11.1 Stormwater quality treatment system shall be designed in accordance with Council's Engineering Guide for Development and DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management.

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

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

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

7.12 Vehicular Crossings

7.12.1 Construct a residential vehicular crossing to Council's standard A(BS)102S but thickened to 150mm and reinforced with SL82 steel reinforcing fabric.

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

7.12.3 Construct a rural vehicular crossing to Council's standard A(BS)127S.

7.12.4 Where the payment of a contribution in lieu of construction of a vehicular crossing(s) has been accepted by Council, a temporary crossing(s) must be constructed to serve the development. The temporary crossing(s) shall consist of 100mm of road base finished with a 25mm asphaltic concrete or equivalent emulsion seal.

7.13 Footpaths

7.13.1 Path paving is to be provided generally in accordance with Council's

Path Paving Policy, Blacktown City Council Engineering Guide for Development as follows:

Street Name	Side	Paving Width	Length
Premier Lane	Both Sides	Minimum 1.2m	Approx. 120 m

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

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

8 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

8.1 Environmental Management

8.1.1 The recommendations in *Preliminary Site Investigation*, prepared by ei Australia, (report no. E23398.EO1) dated 13 November 2020 shall be implemented.

8.1.2 A Hazardous Material Survey (HMS) should be prepared for the site prior to demolition of any onsite structures, with any control measures outlined in the report to be implemented during demolition of structures.

8.1.3 Following removal, a clearance inspection issuing and issuing of a clearance certificate for the area should be completed by an independent licensed asbestos assessor.

8.1.4 All areas 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* (2020)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995).
- NSW Environmental Protection Authority's Contaminated Sites: Guidelines for NSW Site Auditor Scheme 3rd edition (2017)
- National Environment Protection Council (NEPC) 1999 *National Environment Protection (Assessment of Site Contamination Measure)* as amended 2013
- NSW Environment Protection Authority's *Waste Classification Guidelines, Part 1: Classifying Waste* (2014)

8.1.5 The recommendations in *Acoustic Report*, prepared by Acoustic Logic Pty Ltd, (report no. 2016131.1), dated 1 December 2016 shall be implemented.

8.1.6 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 (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 B(A)

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

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

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

9 PRIOR TO EXCAVATION AND DEVELOPMENT WORKS

Safety/Health/Amenity

9.1.1 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.

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

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

This condition does not apply to:

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

9.1.3 Should the development work:

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

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

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

9.1.6 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 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.

9.1.7 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.

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

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

9.2 Notification to Council

9.2.1 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.

9.3 **Home Building Act**

9.3.1 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, and
 - (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, and
 - (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.

9.4 **Sydney Water Authorisation**

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

9.5 **Use of a Crane**

9.5.1 Any crane used in the construction of this development to swing over public air spaces must have approval under the Roads Act 1993 and Local Government Act 1993 from Council's Manager, Civil and Open Space Maintenance.

9.5.2 The crane used must be provided with a light in accordance with the requirements of the Civil Aviation Safety Authority (CASA).

9.6 **NSW Police - Requirements**

9.6.1 The development shall adhere to the relevant requirements of the NSW Police in its correspondence dated 8 March 2016.

10 Prior to Demolition Works

10.1 Safety/Health/Amenity

10.1.1 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.

10.1.2 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.

10.1.3 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.

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

10.2 Site Investigation

10.2.1 A qualified Site Auditor accredited by NSW Office of Environmental & Heritage (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.

10.3 Other Matters

10.3.1 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
- SafeWork NSW contact number 131050, and email address contact@safework.nsw.gov.au

10.3.2 The applicant must engage a contractor with a current and appropriate demolition license issued by Safe Work NSW, including a license for asbestos removal, if asbestos is being removed.

10.3.3 Tree protection measures are to be provided for existing trees on adjacent properties, as identified in the Arboricultural Assessment and Impact Report by Horticultural Management Services dated 15th November 2016.

11 DURING EXCAVATION AND CONSTRUCTION (GENERAL)

11.1 NSW Police - Requirements

11.1.1 The development shall adhere to the relevant requirements of the NSW Police in its correspondence dated 8 March 2016.

11.2 Tree Protection Measures

11.2.1 Tree protection measures are to be provided for the retention of tree number 3 Forest Red Gum, (as identified in the Arboricultural Assessment and Impact Report by Horticultural Management Services dated 15th November 2016) located adjacent to the northern boundary of the site and the proposed extension of Premier Lane to ensure there is no impact on the health of the tree.

11.2.2 Tree protection measures are to be provided for existing trees on adjacent properties, as identified in the Arboricultural Assessment and Impact Report by Horticultural Management Services dated 15th November 2016.

11.3 Nuisance Control

11.3.1 Any noise generated during demolition and excavation 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.

12 DURING CONSTRUCTION (BUILDING)

12.1 Safety/Health/Amenity

12.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

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

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

12.1.3 Should the development work:

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

the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

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

12.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.

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

12.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

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

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

12.1.8 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

12.2 Building Code of Australia Compliance

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

12.3 Surveys

12.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifier to verify the approved position of each structure in relation to the property boundaries.

12.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifier prior to work proceeding above floor level.

12.4 Nuisance Control

12.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

12.4.2 The hours of any offensive noise-generating demolition, excavation and development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on

Sundays or public holidays.

12.5 Stormwater Drainage

12.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:

- (a) the floor level being a minimum 225 mm above the adjoining finished ground level, and/or
- (b) being drained to an effective drainage system.
- (c) if draining to kerb use an approved kerb outlet and sewer grade PVC or RHS

12.6 Waste Control

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

12.7 Construction Inspections

12.7.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

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

The critical stage inspection "(f)" must be carried out by the Principal Certifier. Any inspection conducted by an accredited certifier other than the nominated PC 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.

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 **Soil Erosion and Sediment Control Measures**

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

13.5.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.

13.5.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

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, compliance certificates issued by accredited certifiers in lieu of council inspections will only be accepted by prior agreement or by Council request. 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 twenty-four (24) hours notice. Councils Development Overseers may be contacted on 02 9839 6586 between 7am - 8am and 12.30pm - 1.30pm, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

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 person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card 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 – 2009.

13.10.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current Roads and Maritime Services (RMS) accreditation and photo card to implement Traffic Control Plans.

13.10.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Roads and Maritime Services (RMS) Traffic Controller accreditation and photo card and carry it with them.

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 Roads and Maritime Services (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 - 2009.

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 person who holds a current Roads and Maritime Services (RMS) accreditation to prepare a Work Zone Traffic Management Plan. This Plan must satisfy all the requirements of AS 1742.3 - 2009 and the current version of the RMS Traffic Control at Work Sites manual and shall be submitted to Council prior to implementation.

13.11 Powder Coated Furniture

13.11.1 Where the conditions of this consent permit the installation of powder coated furniture (i.e. street lighting poles, bus shelters, rubbish bins, seats or any other items of street furniture), a certificate from the manufacturers shall be provided to Council confirming that the nominated powder coated items have been prepared and coated in accordance with Australian Standard AS/NZ 4506-2005 (service condition category 3). This certificate must be no more than 3 months old and shall be provided to Council prior to the installation of the relevant items of the street furniture. Any items of street furniture not so certified shall be removed and replaced at no cost to Council with items appropriately certified.

14 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

14.1 Premises Construction

14.1.1 All waste generated on the site during the construction must be classified in accordance with the NSW EPA's *Environmental Guidelines: Assessment, Classification and management of Liquid and Non-Liquid Waste* and disposed of at a facility that may lawfully accept the waste.

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

15 During Demolition Works

15.1 Safety/Health/Amenity

15.1.1 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 works "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.

15.1.2 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.

15.1.3 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.

- 15.1.4 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 15.1.5 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.
- 15.1.6 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable SafeWork NSW requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2005 (if applicable)
- 15.1.7 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.
- 15.1.8 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 15.1.9 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.
- 15.1.10 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.
- 15.1.11 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.

15.2 Nuisance Control

- 15.2.1 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.
- 15.2.2 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.
- 15.2.3 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.

16 PRIOR TO OCCUPATION CERTIFICATE

16.1 Road Damage

- 16.1.1 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.

16.2 **Service Authorities**

16.2.1 The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.

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

16.2.3 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of 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. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.
- (b) A "Notification of Arrangement" Certificate from energy provider, or any other recognised energy provider, stating that arrangements have been made with the servicing authority for electrical services, including the provision of street lighting, to the development.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

16.3 **Compliance with Conditions**

16.3.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

16.3.2 Prior to commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate from the Principal Certifier in accordance with the provisions of Section 6.9 of the Environmental Planning and Assessment Act 1979.

16.3.3 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

16.3.4 A Subdivision Certificate shall not be issued until all conditions of this consent, other than “operational” conditions, have been satisfied.

16.4 **Fee Payment**

16.4.1 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.

16.5 **Engineering Matters**

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

16.5.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

16.5.1.2 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.

16.5.1.3 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) required by this consent have been achieved. The certificate must acknowledge that works and the construction of the floors have been complete. All levels must be to Australian Height Datum (AHD).

16.5.1.4 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished surface levels (FSL) for lot(s) required by this consent have been achieved and/or have been maintained in accordance with those established at the time of creation of the lot. The certificate must acknowledge that works have been complete. All levels must be to Australian Height Datum (AHD).

16.5.1.5 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.

16.5.1.6 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.

16.5.1.7 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.

16.5.1.8 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.

16.5.1.9 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.

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

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

16.5.1.11 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 Council's Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.

16.6 Easements/Restrictions/Positive Covenants

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

- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
- (b) The standard format for easements and restrictions as accepted by the Lands Title Office.

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

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

16.6.4 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Government - Land and Property Information over the overland flow-path.

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

16.6.6 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.

16.7 **Dedications**

16.7.1 The land required for road widening shall be dedicated at no cost to Council and in accordance with the subdivision plan, reference no. 04B30, Revision M , dated 11.11.2020.

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

16.8.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.

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

- a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)
- b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

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

16.8.3 Concrete path paving must not be placed until about 75% of the lots have been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Councils Goods and Pricing Schedule. The security will be released upon satisfactory completion of the works.

16.9 **Inspections**

16.9.1 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.

16.10 **CCTV Inspection of Stormwater Drainage Structures and other matters**

16.10.1 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.

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

- a. all the requirements of the approved drainage plan have been undertaken;

- b. for Lot 1 (Block A) the minimum detention storage of 81.9 m³ has been provided below the 50% AEP weir and a total of 124.2 m³ has been provided below the 1% AEP emergency overflow weir;
- c. for Lot 2 (Block B) the minimum detention storage of 55.4 m³ has been provided below the 50% AEP weir and a total of 84.1 m³ has been provided below the 1% AEP emergency overflow weir
- d. for Lot 1 (Block A) the detention basin the 50% AEP orifice discharge does not exceed 10.33 l/s at the 50% AEP weir level and the 1% AEP orifice discharge does not exceed 46.33 l/s at the emergency overflow weir level.
- e. for Lot 2 (Block B) the detention basin the 50% AEP orifice discharge does not exceed 6.77 l/s at the 50% AEP weir level and the 1% AEP orifice discharge does not exceed 29.34 l/s at the emergency overflow weir level.
- f. for Lot 1 (Block A) a minimum 144 m³ rainwater tank has been provided collecting roof water from a minimum 780 m² of roof area;
- g. for Lot 2 (Block B) a minimum 80 m³ rainwater tank has been provided collecting roof water from a minimum 470 m² of roof area
- h. the interpretative water quality signs have been correctly installed;
- i. all other signage and warning notices have been installed;
- j. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.

16.10.3 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that:

- a. All the non-potable water uses for the ground floor and all landscape watering are being supplied by rainwater;
- b. All the requirements of the detailed Non-Potable Water Supply & Irrigation Plan have been installed to the required locations.
- c. The flow meters have been installed on the pump outflow and the solenoid controlled mains water bypass to determine non-potable usage and actual percentage of reuse;
- d. The initial flow meter readings are detailed in the certificate;
- e. The pumps, alarms and all other systems are working correctly; and
- f. The water from at least one garden tap/landscape outlet and two toilets have been tested to show no chlorine residual.
- g. a series of automatic backwash inline filters have been installed to prevent blockage of the drip irrigation;
- h. All external reuse taps accessible are lockable or have removable handles
- i. Rainwater warning signs are fitted to all external taps using rainwater.
- j. A signed, works-as-executed Non-Potable Water Supply & Irrigation Plan is to be provided to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au

16.10.4 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. 5 star taps (for all taps other than bath outlets and garden taps);
- iv. 3 star urinals; and
- v. 3 star Water efficient washing machines and dishwashers have been used.

16.10.5 Provide a Restriction to User and Positive Covenant over the GPT and Rainwater Tank(s) in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of a report on water treatment and an annual report on non-potable water usage before 1 September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate.

16.10.6 Provide a Restriction to User and Positive Covenant over the On-Site Detention System in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.

16.10.7 Provide drainage easement to the width of channel including the walls with a Restriction to User along the full length of the south-west boundary of Lot 2 in accordance with the requirements of the Council's Engineering Guide for Development 2005. The easement is to be in favour of Lot 600 DP 702930, Lot 601 DP 702930, Lot 602 DP 828408 and Lot 10 DP 4426. The Restriction to User and drainage easement must be registered with Land Registry Services NSW.

16.10.8 Provide a 1.5 m wide drainage easement over the pipeline from Channel B discharging to Premier Lane in accordance with the requirements of the Council's Engineering Guide for Development 2005. The easement is to be in favour of Lot 600 DP 702930, Lot 601 DP 702930, Lot 602 DP 828408 and Lot 10 DP 4426. The drainage easement must be registered with Land Registry Services NSW.

16.10.9 Provide maintenance requirements for each of the proposed GPT, Rainwater Tank and On-site Detention generally in accordance with the WSUD Inspection and Maintenance Guidelines available on Council's website. Where a proprietary device is not included within this guideline, provide these separately as per the manufacturer's recommendations. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.

16.10.10 Provide written evidence that the registered owner/lessee has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the GPT, On-site Detention and Rainwater Tank. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance

Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard.

16.10.11 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.

16.11 Temporary Facilities Removal

16.11.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.

16.11.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.

16.11.3 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.

16.11.4 Any temporary builder's sign or other site information sign shall be removed from the land.

16.11.5 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.

16.12 Fire Safety Certificate

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

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

16.13 Acoustic Certification

16.13.1 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.

16.14 Landscaping

16.14.1 All landscaping shall be completed in accordance with approved landscaping design plan.

16.14.2 All landscaping, recreation features and furniture, bbq facilities, shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.

16.14.3 Vandal proof and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the

Construction Certificate.

16.14.4 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.

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

16.15 **Car Parking**

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

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

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

16.15.4 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.

16.15.5 Head room clearance at the basement ramp must comply with requirements of AS2890.1 (Section 5.3) for a Disabled Vehicle, and meet AS2890.1 – Appendix C for the disabled parking space and access to the lift.

16.15.6 Sight distance to be maintained at the basement car parking entrance off Premier Lane to satisfy AS 2890.1 Section 3.2.4 in terms of both Pedestrian and Vehicular sight distances along Oxford Street.

16.16 **Adaptable Housing Units**

16.16.1 Certification from a qualified Access Consultant confirming that the Adaptable Housing Units are capable of being modified when required by the occupants in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) is to be submitted to Council.

16.17 **Waste**

16.17.1 Should Council provide a waste service to this site, the elected strata manager must sign our 'Onsite Waste Collection Agreement Form' on behalf of all lot owners (and stamped using the common seal), before collections can occur onsite.

16.17.2 A Community Management Agreement/Strata Management Agreement is required and to Council's satisfaction which:

- indicates a requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan. This includes placement of bins out for collection and their return to the storage areas following servicing.
- indicates the responsibility for maintenance of the garbage collection system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times including providing access to the loading bay prior to bin servicing.
- indicates the method of communication to new tenants and residents regarding the waste management service and collection system for the complex.

- clearly outlines the requirement for the building manager to maintain and display consistent signs on all bins and in all communal bin storage areas.
- clearly outlines the requirement for the building manager to arrange for the prompt removal of dumped rubbish from the site
- includes the updated (and approved) waste management plan as lodged with the development application

16.18 Total Maintenance Plan

16.18.1 A “total” maintenance plan is to be prepared for the site. The plan is to ensure the following:

- (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, landscaping, the communal open space areas, gymnasium, security systems, mail boxes, lighting, loading areas and services are regularly inspected and maintained at optimum levels at all times.
- (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted “junk mail” is to be collected on a regular basis and disposed of as necessary.
- (c) The proposed development is always under the control of a fulltime Building Manager.

A copy of the Plan is to be submitted to Council for separate approval prior to the release of any Occupation Certificate.

16.19 Graffiti Management Plan

16.19.1 A “Graffiti Management Plan” is to be submitted for the separate approval of Council. 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; and
- (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

16.20 Street Tree Planting

16.20.1 Prior to the issue of the final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to the satisfaction of Council's Maintenance Section.

16.20.2 The applicant is to undertake street tree planting and maintenance along the frontage of the development site to improve the amenity of the streetscape must be approved before an Occupation Certificate is issued.

16.20.3 The street trees are be planted at a minimum spacing of approximately 8 metres, taking into account vehicle sightlines and street light spill.

16.20.4 Trees must be of a minimum container size of 100 litres with root directors for medium and high density residential developments.

16.20.5 The applicant must obtain clearances from relevant service authorities.

16.20.6 The applicant will be required to pay a bond per tree as indicated in the current goods and services pricing schedule to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), by Council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed to request a practical completion inspection and at the end of street tree bond maintenance period for an inspection

16.20.7 The applicant will also be required to pay an inspection fee and a landscaping assessment fee as indicated in the current goods and services pricing schedule. A Blacktown City Council representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification.

16.21 **Privacy Screening**

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

16.22 **NSW Local Police Matters**

16.22.1 Details of the Body Corporate are to be forwarded to Mount Druitt Police Local Area Command.

16.22.2 A copy of Evacuation Plan for the development is to be forwarded to the Mount Druitt Police Local Area Command.

16.23 **State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development**

16.23.1 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 apartment 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](#).

16.24 **Pavement Treatment and Awnings**

16.24.1 Prior to the issue of any Occupation Certificate, the pavement treatment all frontages are to be completed to Council's Manager Civil and Park Maintenance satisfaction.

16.24.2 The awnings must be constructed in accordance with the details submitted as part of the Construction Certificate. The height and width of the awning must comply with the requirements of Council's Civil and Park Maintenance section.

16.25 **Lighting**

16.25.1 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.

16.26 **Road Damage**

16.26.1 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.

16.27 **Tree Protection**

16.27.1 Prior to the issue of the final Occupation Certificate the applicant is to submit evidence to Council that Tree 3 Forest Red Gum, (as identified in the Arboricultural Assessment and Impact Report by Horticultural Management Services dated 15th November 2016) has been retained, and protected prior and during all works on site.

16.28 **Other Matters**

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

17 COMPLETION OF DEMOLITION WORKS

17.1 **Final Inspection**

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

17.2 **Hazardous Materials and Waste**

17.2.1 A report from a site auditor accredited by the NSW Office of Environment & Heritage (under the provisions of the Contaminated land Management Act 1997) shall be lodged with Council stating that, where the land has been affected by any contaminants (including asbestos, organochlorins, arsenic, lead, petroleum residues and the like), the land has been remediated in accordance with the recommendations of the investigation report. A copy of the report is to be lodged with Council.

17.2.2 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling.

18 PRIOR TO SUBDIVISION CERTIFICATE

18.1 **Site Access**

18.1.1 All lots shall have access from a dedicated public road. In this regard, all proposed roads shall be dedicated as public road free of cost to Council.

NOTE: Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on a future public road. Any proposal to locate a proposed substation or other utility installation on a future public road shall be negotiated with and fully endorsed by the relevant Council Directorates.

18.2 **Dedications**

18.2.1 The proposed road widening shall be dedicated to Council as Public Road, and:

- (a) Compensation for the land shall be determined as at the date of this Notice of Determination;
- (b) The exchange of contracts for the sale of the land to be dedicated shall occur prior to the release of the Subdivision Certificate.
- (c) Council shall be entitled to offset against the amount of compensation payable pursuant to this condition, the amount of any Section 94 Contributions payable by the applicant pursuant to this consent.

NOTE: Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on a future public road. Any proposal to locate a proposed substation or other utility installation on a future public road shall be negotiated with and fully endorsed by the relevant Council Directorates.

18.3 **Road Damage**

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

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

18.4 **Security**

18.4.1 An acceptable security (bond) guaranteeing the future completion of the road sealing works shall be lodged with Council. The bond amount is to be calculated at the asphaltic contribution rate current at the time and is to be accompanied by Council's standard Deed of Agreements for Bonds.

18.5 **Service Authority Approvals**

18.5.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Subdivision Certificate:

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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 release of the plan of subdivision.
- (b) A "Notification of Arrangement" Certificate from Integral Energy, stating that electrical services, including the provision of street lighting, have been made available to the development.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or

that arrangements have been made for the provision of services to the development.

18.6 Consent Compliance

18.6.1 A Subdivision Certificate shall not be issued until all conditions of this consent have been satisfied.

18.7 Additional Inspections

18.7.1 Any additional Council inspection services provided beyond the scope of any Compliance Certificate or inspection package and required to verify full compliance with the terms of this consent, will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule and shall be paid to Council.

18.8 Fee Payment

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

18.9 Engineering Matters

18.9.1 Surveys/Certificates/Works As Executed plans

18.9.2 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.

18.9.3 The Work-as-Executed (WAE) 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.

18.9.4 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) required by this consent have been achieved. The certificate must acknowledge that works and the construction of the floors have been complete. All levels must be to Australian Height Datum (AHD).

18.9.4 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished surface levels (FSL) for lot(s) required by this consent have been achieved and/or have been maintained in accordance with those established at the time of creation of the lot. The certificate must acknowledge that works have been complete. All levels must be to Australian Height Datum (AHD).

18.9.5 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.

18.9.6 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.

18.9.7 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.

18.9.8 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.

18.9.9 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.

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

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

18.9.11 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 Council's Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.

18.10 Easements/Restrictions/Positive Covenants

18.10.1 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:

- Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
- The standard format for easements and restrictions as accepted by the Lands Title Office.

18.10.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information (LPI) over the on-site detention storage areas and outlet works. Documentary evidence of this LPI lodgement shall be submitted to Council.

18.10.3 Restrictions and positive covenants must be endorsed by Council and lodged with

NSW Government - Land and Property Information over the Stormwater Quality Control devices/system and outlet works. Documentary evidence of this LPI lodgement shall be submitted to Council.

18.10.4 Restrictions and positive covenant must be endorsed by Council and lodged with NSW Government - Land and Property Information over the overland flow-path. Documentary evidence of this LPI lodgement shall be submitted to Council.

18.10.5 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue).

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

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

18.11 **Dedications**

18.11.1 The land required for road widening shall be dedicated at no cost to Council.

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

18.12.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.

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

- (a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)
- (b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

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

18.12.3 Concrete path paving must not be placed until about 75% of the lots have been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Services Pricing Schedule. The Security will be released upon satisfactory completion of the works.

18.13 **Inspections**

18.13.1 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.

18.14 **Inspection of Work**

18.14.1 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.

18.15 **Other Matters - Stormwater Drainage Structures**

18.15.1 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.

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

- a. all the requirements of the approved drainage plan have been undertaken;
- b. for Lot 1 (Block A) the minimum detention storage of 81.9 m³ has been provided below the 50% AEP weir and a total of 124.2 m³ has been provided below the 1% AEP emergency overflow weir;
- c. for Lot 2 (Block B) the minimum detention storage of 55.4 m³ has been provided below the 50% AEP weir and a total of 84.1 m³ has been provided below the 1% AEP emergency overflow weir
- d. for Lot 1 (Block A) the detention basin the 50% AEP orifice discharge does not exceed 10.33 l/s at the 50% AEP weir level and the 1% AEP orifice discharge does not exceed 46.33 l/s at the emergency overflow weir level.
- e. for Lot 2 (Block B) the detention basin the 50% AEP orifice discharge does not exceed 6.77 l/s at the 50% AEP weir level and the 1% AEP orifice discharge does not exceed 29.34 l/s at the emergency overflow weir level.
- f. for Lot 1 (Block A) a minimum 144 m³ rainwater tank has been provided collecting roof water from a minimum 780 m² of roof area;
- g. for Lot 2 (Block B) a minimum 80 m³ rainwater tank has been provided collecting roof water from a minimum 470 m² of roof area
- h. the interpretative water quality signs have been correctly installed;
- i. all other signage and warning notices have been installed;
- j. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.

18.15.3 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that:

- a. All the non-potable water uses for the ground floor and all landscape watering are being supplied by rainwater;
- b. All the requirements of the detailed Non-Potable Water Supply & Irrigation Plan have been installed to the required locations.
- c. The flow meters have been installed on the pump outflow and the solenoid

- controlled mains water bypass to determine non-potable usage and actual percentage of reuse;
- d. The initial flow meter readings are detailed in the certificate;
- e. The pumps, alarms and all other systems are working correctly; and
- f. The water from at least one garden tap/landscape outlet and two toilets have been tested to show no chlorine residual.
- g. a series of automatic backwash inline filters have been installed to prevent blockage of the drip irrigation;
- h. All external reuse taps accessible are lockable or have removable handles
- i. Rainwater warning signs are fitted to all external taps using rainwater.
- j. A signed, works-as-executed Non-Potable Water Supply & Irrigation Plan is to be provided to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au

18.15.4 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. 5 star taps (for all taps other than bath outlets and garden taps);
- iv. 3 star urinals; and
- v. 3 star Water efficient washing machines and dishwashers have been used.

18.15.5 Provide a Restriction to User and Positive Covenant over the GPT and Rainwater Tank(s) in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of a report on water treatment and an annual report on non-potable water usage before 1 September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate.

18.15.6 Provide a Restriction to User and Positive Covenant over the On-Site Detention System in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.

18.15.7 Provide drainage easement to the width of channel including the walls with a Restriction to User along the full length of the south-west boundary of Lot 2 in accordance with the requirements of the Council's Engineering Guide for Development 2005. The easement is to be in favour of Lot 600 DP 702930, Lot 601 DP 702930, Lot 602 DP 828408 and Lot 10 DP 4426. The Restriction to User and drainage easement must be registered with Land Registry Services NSW.

18.15.8 Provide a 1.5 m wide drainage easement over the pipeline from Channel B discharging to Premier Lane in accordance with the requirements of the Council's Engineering Guide for Development 2005. The easement is to be in favour of Lot 600 DP 702930, Lot 601 DP 702930, Lot 602 DP 828408 and Lot 10 DP 4426.

The drainage easement must be registered with Land Registry Services NSW.

18.15.9 Provide maintenance requirements for each of the proposed GPT, Rainwater Tank and On-site Detention generally in accordance with the WSUD Inspection and Maintenance Guidelines available on Council's website. Where a proprietary device is not included within this guideline, provide these separately as per the manufacturer's recommendations. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.

18.15.10 Provide written evidence that the registered owner/lessee has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the GPT, On-site Detention and Rainwater Tank. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard.

18.15.11 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.

19 OPERATIONAL (PLANNING)

19.1 Access/Parking

19.1.1 All required off-street car parking spaces and internal driveways shall be maintained to a standard suitable for the intended purpose.

19.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.

19.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

19.2 Specific Uses

19.2.1 The approved uses shall comply with the definitions in Blacktown Local Environmental Plan 2015 as follows:

'Commercial premises' means 'any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.'

'Shop top housing' means 'one or more dwellings located above ground floor retail premises or business premises.'

19.3 General

19.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.

19.3.2 Spillage of light, if any, shall be controlled so as not to cause nuisance to the

amenity of adjoining land.

19.3.3 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

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

19.4 **Landscaping**

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

19.4.2 The management of vegetation, gardens, planter boxes, communal areas and other similar areas is to be incorporated within the future strata management plan once the development is occupied.

19.5 **Use of Premises**

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

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

- (a) Granted consent by Council's Notice of Determination, or
- (b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

19.6 **Emergency Procedures**

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

19.7 **Lighting and Security**

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

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

19.7.3 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.

19.7.4 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.

19.8 **Waste**

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

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

19.8.3 Ongoing management of waste for the site must be in accordance with the waste requirements outlined in the approved waste management plan as submitted with the development application. This includes but is not limited to:

- separation or caging of waste equipment onsite from residents (such as chute discharge points or storage areas for bin movement aides etc), to prevent injury or damage.
- provision and maintenance of suitable signage in all areas with waste facilities such as bin storage areas, waste chute rooms on each floor, chute discharge points, bin collection points, loading bays or any other relevant area accessible to residents, cleaners and/or building management staff.
- separated bin storage areas and associated waste management equipment for commercial and residential components of a development if applicable.
- provision of bin movement aids such as bin tugs and trolleys if suggested for the site.
- engagement of a building manager and/or caretaker onsite to manage the waste system if suggested for the site. This includes prompt removal of illegal dumping onsite.

19.8.4 The Community Management Statement, Strata Management Statement and/or the Total Maintenance Plan (whichever is relevant to this site), must be provided to each tenant and/or owner occupier upon commencement of the site, and for every subsequent lease renewal and/or change in ownership of every lot in perpetuity.

19.8.5 A building manager must be engaged in perpetuity and for the life of the development to:

- manage bins and bulky waste onsite
- clean bins and the waste room(s)
- arrange clear access to the waste loading bay on collection day (i.e., remove lockable bollards or open roller doors and boom gates etc), which are in place to protect the truck turning areas on private property from being parked out.

19.9 Emergency Procedures

19.9.1 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.

19.10 Clothes Drying

19.10.1 The hanging/drying of clothes on balconies (where visible from a public place) is prohibited. 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).

19.11 Graffiti Removal

19.11.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed no later than 48 hours after detection.

19.12 **Crime Prevention Through Environmental Design**

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

19.13 **Awnings**

19.13.1 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.

19.13.2 No hanging signage is permitted under the awning which may affect the minimum clearance height of 2.4 m.

19.13.3 The property owner is responsible for the maintenance of the awnings at all times.

20 OPERATIONAL (ENVIRONMENTAL HEALTH)

20.1 Environmental Management

20.1.1 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.

20.1.2 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.

20.1.3 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.

20.1.4 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.

20.1.5 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 10pm and 7am.

20.1.6 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.