



File no: SPP-18-01553 2018CCI027

15 May 2019

Ms Suzie Jattan  
Planning Panels Secretariat  
Department of Planning and Industry  
By email: [Suzie.Jattan@planning.nsw.gov.au](mailto:Suzie.Jattan@planning.nsw.gov.au)

Dear Suzie,

**Development Application SPP-18-01553 – Warrick Lane Precinct Plaza and car park**

I refer to the above development application and the Panel's record of deferral dated 24 April 2019 requiring us to submit additional or amended conditions. We have prepared the requested conditions, which have been accepted by the Applicant. These are provided for your consideration to determine the matter.

**1. Matter to be addressed:** A clear understanding of the manner in which stormwater detention, meeting the council's usual requirements, will be provided for the site both during construction and thereafter.

Comment: Our engineering section has advised that the stormwater detention would normally be required prior to Occupancy Certificate. It is also noted that the development reduces the amount of impervious area through the provision of additional pervious areas in the proposed parks.

Proposed conditions to be added to Section 2 General:

- 2.4.4.1 On-site detention storage sufficient to cater for run-off from an area of 1,200 m<sup>2</sup> catchment from the Western Flanking Building and for the Eastern Flanking Building is to be provided in Lot 2 DP 210346. This on-site detention storage is required to be provided prior to the issue of any Occupation Certificate.
- 2.4.4.2 Soil Erosion and Sediment Control measures during construction are to be maintained as required by Conditions 6.9 and 10.5.

Proposed condition to be added to Section 15 Prior to Occupation Certificate (Drainage):

- 15.1.9 Should a substantial development on Lot 2 in DP 210346 not commence prior to the issue of any occupation certificate for this development, a temporary detention basin to meet the capacity requirements of Condition 2.4.4.1 is to be constructed on Lot 2 in DP 210346 and remain in place until development in the area occupied by the basin commences.

**Connect - Create - Celebrate**

Council Chambers - 62 Flushcombe Road - Blacktown NSW 2148

Telephone: 02 9839 6000 - DX 8117 Blacktown

Email: [council@blacktown.nsw.gov.au](mailto:council@blacktown.nsw.gov.au) - Website: [www.blacktown.nsw.gov.au](http://www.blacktown.nsw.gov.au)

All correspondence to: The Chief Executive Officer - PO Box 63 - Blacktown NSW 2148

**2. Matter to be addressed:** A condition regarding the provision of access during construction and thereafter for the submitter at 77-79 Main Street.

Proposed condition to be added to Section 4 Prior to Construction Certificate:

- 4.3.3 Access to 77-79 Main Street for rubbish pick-up and goods deliveries from Harry House Walkway is to be maintained during construction and on completion of the project. Vehicular access to the rear of 77-79 Main Street is to be maintained during construction and on completion of the project. Details during the construction period are to be included in the Construction Traffic Management Plan referred to in condition 4.3.1.

Proposed condition to be added to Section 17 Operational:

- 17.2.5 Access to 77-79 Main Street for rubbish pick-up and goods deliveries from Harry House Walkway is to be provided. Vehicular access to the rear of 77-79 Main Street is to be provided.

**3. Matter to be addressed:** The provision of no less than 220 time-limited car spaces for public parking throughout the construction period.

Proposed condition to be added to Section 4 Prior to Construction Certificate:

- 4.3.2 The parking spaces retained during construction referred to in condition 4.3.1 are to be time restricted so as to prevent all day commuter parking.

Also please find attached a copy of the draft conditions requested to be amended prior to the panel meeting. This also includes a request to update Condition 4.1.1 to reflect the current s7.11 contribution amounts as a result of a recent CPI increase.

We thank you for your consideration of these matters. Should you require any further information regarding this matter, please contact our Senior Project Planner, Holly Palmer on 9839 6927.

Yours sincerely



Judith Portelli  
Manager Development Assessment

*Attached: Copy of proposed amendments to conditions.*

## Proposed changes to conditions of consent (draft)

The following changes to the draft conditions of consent are proposed:

**1. Delete the deferred commencement conditions** (as RMS provided their in-principle agreement on 17 April 2019).

**2. Amend Condition 16.5** (to be consistent with Condition 7.1.1) as follows:

### **16 PRIOR TO OCCUPATION CERTIFICATE (WASTE)**

- 16.5 The Applicant shall submit an amended waste management plan to include:
- The average waste and recycling generation rates for the overall proposed business uses as outlined in Table 16 of the EPA Better Practice Guide for Waste Management and Recycling in Commercial and Industrial Facilities.
  - The updated number of required bins as a result of the average waste and recycling generation rates.
  - That waste and recycling bins will be serviced by private contractors; not Council. All reference to Council servicing this site must be removed from the amended waste management plan.

**3. Amend Condition 4.1.1** (to reflect the CPI increase as at 25 April 2019) as follows:

### **4 Prior to Construction Certificate (Planning)**

#### **4.1 Section 7.11 Contributions**

- 4.1.1 The following monetary contributions under *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building 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.
Flood Mitigation Breakfast Creek Catchment	<b>\$ 2,078.00</b>	19
Stormwater Quality Blacktown Growth Precinct	<b>\$ 8,211.00</b>	19

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](http://www.blacktown.nsw.gov.au):

S.7.11 CP No. 19 Blacktown Growth Precinct.

The Section 7.11 contribution(s) have been based on the net developable area of 0.0915 hectares. Should the final plan of survey indicate any change in the net developable area or should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

17 April 2019

RMS Reference: SYD19/00185/02 (A27019315)

Council Reference: SPP-18-01553

Senior Consultant  
GTA Consultants  
Level 25 55 Collins Street  
MELBOURNE VIC 3000

Attention: Tom Napiorkowski

Dear Mr Napiorkowski,

**IN-PRINCIPAL APPROVAL FOR SIGNALISED INTERSECTION MAIN STREET /CAMPBELL STREET / WESTERN LANEWAY – 79 – 97 MAIN STREET AND 4 SUNNYHOLT ROAD, BLACKTOWN**

Reference is made to your correspondence dated 8 March 2019 with regard to Roads and Maritimes response dated 5 March 2019. The Roads and Maritime response was in relation to Section 87 of the *Roads Act, 1993* as the proposal for the installation of a new leg to the existing traffic control signals. In this response Roads and Maritime stated that the applicant is to receive in-principle approval from Roads and Maritime for the proposed modifications to the traffic control signals at the intersection of Main Street /Campbell Street / Western Laneway as a deferred commencement condition of consent.

Roads and Maritime has reviewed the amended TCS plan dated 3 October 2018 and provides in-principle approval to the proposed works (construction of fourth leg) at the intersection of Main Street /Campbell Street / Western Laneway (TCS1448). Please note that the TCS plan and civil design plans still require a full design review which will identify further changes/amendments as needed. Roads and Maritime's in-principle approval to the works is subject to the following conditions:

1. The proposed modification works to the traffic control lights at the intersection of Main Street /Campbell Street / Western Laneway (TCS1448) shall be designed to meet Roads and Maritime requirements. The Traffic Control Signal (TCS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant Roads and Maritime supplements (available on [www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)). The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of a Construction Certificate and commencement of road works.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the applicant prior to the commencement of works.

The applicant will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime's assessment of the detailed civil design plans.

2. The following amendments are to be made to the proposed TCS plan:
  - Proposed laneway on the TCS plan states that the laneway (Road 2) will be a left turn only road. Right turn movements at the junction of Main Street/ Laneway Road are to be banned for vehicles exiting from the development. A traffic control measure such as a raised median or appropriate signposting is to be considered in this instance.
  - The TCS post 8 should be replaced with a new post at the standard location between stop and PCW line. Post 3 could be omitted and the V1 lantern instead on post 4.
  - One Way repeater signs (post 2 and 5) have been incorrectly used, and are not necessary. Removal of the One Way repeater signs are necessary and should be included in all future plans.
  - The pedestrian lanterns are to be Pedestrian Countdown Timers.
3. The applicant 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.
4. The applicant will be responsible for undertaking any community consultation required in relation to the proposed road works.
5. All works and regulatory signposting associated with the subject development shall be at no cost to Roads and Maritime.

To initiate the WAD process, please submit your written acceptance of the above conditions together with a copy of the conditions of consent for SPP-18-01553 and the civil and signal design plans for the intersection works to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).

Any inquiries in relation to this Application can be directed to Amanda Broderick on 8849 2391 or [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).

Yours sincerely



Pahee Rathan  
**Senior Manager Land Use Assessment**  
**North West Precinct**

CC: Rudi Svarc, Director City Services, Blacktown City Council

## Conditions of consent (draft) 15.5.19

<b>Proposed development</b>	The Warrick Lane Precinct in Blacktown consisting of the staged construction and occupation of a new public plaza over a basement public car park, 1 single storey building for a restaurant/café/retail uses and 1 x 4 storey mixed use building on the western and eastern side of the plaza respectively, a new pocket park, reconstruction of Warrick Lane and new streets, urban streetscape works and augmentation of services and infrastructure.
<b>Property description</b>	Lot 25 DP11349 79D Main Street 'Harry House Walkway', Lot 3 DP11349 81 Main Street, Lot 3A DP11349 83 Main Street, Lot 4 DP11349 85 Main Street, Lot 4A DP11349 87 Main Street, Lot 5 DP11349 89 Main Street, Lot 5A DP11349 91 Main Street, Lot 1 DP202276 93 Main Street, Lot 2 DP202276 95 Main Street, Lot 3 DP202276 97 Main Street, Part of Lot 2 DP210346 Warrick Lane, Part of Lot 100 DP730054 4 Sunnyholt Road, Lot 101 DP730054 Sunnyholt Road, Part of Lot 1 DP228132 4 Sunnyholt Road, Lot 1 DP810070 Warrick Lane, Public Road on Warrick Lane and Road Main Street.

### **Schedule 1 – Deferred commencement conditions under Section 4.16(3) of the Act**

~~This is a “Deferred Commencement” consent that is granted subject to a condition under section 4.16(3) of the *Environmental Planning and Assessment Act 1979* (“EP&A Act”) that the consent is not to operate until the applicant satisfies Blacktown City Council (“Council”) as to the matters set out in Schedule A within 5 years of the grant of this consent.~~

~~If the applicant produces evidence to the Council within the period specified sufficient to enable the Council to be satisfied as to the matters set out in Schedule A below and the Council notifies the applicant in writing that it is satisfied as to the relevant matters, the development consent shall become operative from the date specified in the notice subject to compliance with the conditions set out in Schedule 2 below.~~

#### **SCHEDULE “A”:**

- ~~1.1 The applicant is to obtain in-principle approval from Roads and Maritime Services for the proposed modifications to the traffic control signals at the intersection of Main Street /Campbell Street/Western Laneway. This in-principle approval is to be provided to Council.~~
- ~~1.2 Evidence that will enable Blacktown City Council to be satisfied of the matter above must be provided to Council within 5 years of the date of this determination. If it is not provided by this time, the consent will lapse under section 4.53(6) of the Act.~~

### **Schedule 2 – Conditions under Section 4.16(1) of the Act**

~~Upon satisfaction of the deferred commencement condition/s, the following conditions shall apply:~~

#### **1 ADVISORY NOTES**

##### **1.1 Terminology**

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

1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 6.4 of the *Environmental Planning and Assessment Act 1979*.

## 1.2 **Staging of Construction and Occupation**

1.2.1 This consent recognises that construction certificates may be issued in stages and that the development may be occupied in stages. In this consent, where a condition requires certain matters to be addressed prior to the issue of a construction certificate those matters only need to be addressed to the extent relevant for that particular feature of the development. Where a condition requires certain matters to be addressed prior to the issue of an occupation certificate those matters only need to be addressed to the extent relevant for the building, or part of a building, that is to be occupied.

## 1.3 **Other Approvals**

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

1.3.2 Separate Council approval under the Roads Act 1993 is required for any crane used to construct this development that swings over public air space.

## 1.4 **Services**

1.4.1 The applicant is advised to consult with:

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

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

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

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

1.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

1.4.3 Underground assets may exist in the area that is subject to your application. In the



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

- 1.4.4 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 phone number: 1800 810 443.
- 1.4.5 If any food or public health related commercial activities are to be proposed, formal written approval for the use and fit out of the premises is required to be provided by Council's Environmental Health Officer and comply with the requirements of the:
- Food Act 2003 and Regulations there under.
  - Australian Standard 4674-2004 Design, construction and fit-out of food premises.

## 1.5 Engineering Notes

- 1.5.1 Any Construction Certificate covering Engineering Works must include and address the following:
- Design of specified Engineering Works as required by this consent.
  - Any ancillary works necessary to make the construction effective

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

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

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

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

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

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

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

## 1.6 Payment of Engineering Fees

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

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

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

1.6.2 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 by confirmation in writing.

## **2 GENERAL**

### **2.1 Scope of Consent**

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

<b>DRAWING REFERENCE</b>	<b>DATE</b>
<b>Architectural Plans prepared by Cox Architecture</b>	
A-DA-0000 Cover Page & Drawing List Rev 1	19.03.2019
A-DA-1100 Site Plan	19.03.2019
A-DA-21-B1 Basement 1 Carpark Plan Rev 2	04.04.2019
A-DA-21-B2 Basement 2 Carpark Plan Rev 2	04.04.2019
A-DA-21-B3 Basement 3 Carpark Plan Rev 2	04.04.2019
A-DA-21-B4 Basement 4 Carpark Plan Rev 2	04.04.2019
A-DA-2100 Ground Floor Plan – Flanking Buildings & Public Plaza Rev 1	19.03.2019
A-DA-2101 Level 1 Plan – Flanking Buildings Rev 1	19.03.2019
A-DA-2102 Level 2 Plan – Eastern Flanking Building Rev 1	19.03.2019
A-DA-2103 Level 3 Plan – Eastern Flanking Building Rev 1	19.03.2019
A-DA-2104 Plant Room Level Plan – Eastern Flanking Building	19.03.2019
A-DA-3000 Elevations – East Flanking Building Rev 1	19.03.2019
A-DA-3001 Elevations – West Flanking Building Rev 1	19.03.2019
A-DA-4011 Section 1 – Underground Carpark Rev 2	04.04.2019
A-DA-4012 Section 2 – Underground Carpark & Eastern Flanking Building Rev 2	04.04.2019

<b>DRAWING REFERENCE</b>	<b>DATE</b>
A-DA-4013 Section 3 – Underground Carpark & Western Flanking Building Rev 2	19.03.2019
A-DA-4014 Section 4 – Underground Carpark & Flanking Buildings Rev 1	19.03.2019
A-DA-5700 External Finishes Schedule	21.11.2018
A-DA-8100 Perspective 1	21.11.2018
A-DA-9001 GFA Diagram Rev 1	19.03.2019
<b>Landscape Plans prepared by McGregor Coxall</b>	
LD-SK-00 Revision A Landscape Cover Page	-
LD-SK-01 Revision A Landscape Masterplan	06.05.2018
LD-SK-02 Revision A Landscape Plaza Plan	06.11.2018
LD-SK-03 Revision A Landscape Plaza Sections	06.11.2018
LD-SK-04 Revision A Landscape Plaza Elevation	06.11.2018
LD-SK-05 Revision A Landscape Pocket Park Plan	06.11.2018
LD-SK-06 Revision A Landscape Pocket Park Sections	06.11.2018
LD-SK-07 Revision A Landscape Plant Schedule	06.11.2018

2.1.2 54 trees currently within the site are permitted to be removed in accordance with the recommendations of the Arboricultural Impact Assessment Report prepared by Earthscape Horticultural Services, date April 2019.

## 2.2 **Services**

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

## 2.3 **Signage**

2.3.1 Appropriate directional signage which provides clear way finding directions for pedestrians and vehicles are permitted to be erected.

2.3.2 No business identification signage is approved.

2.3.3 Any other signage requires separate Council approval prior to installation, except where signage is permitted under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

## 2.4 **Engineering Matters**

### 2.4.1 **Design and Works Specification**

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)

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

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

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

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

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

These matters will be individually addressed within the consent.

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

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

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

#### 2.4.2 **Other Necessary Approvals**

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

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

#### 2.4.3 **Other Matters**

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

- 2.4.3.2 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, unless approved by the relevant Council directorate.

#### 2.4.4 **Drainage**

- 2.4.4.1 On-site detention storage sufficient to cater for run-off from an area of 1,200 m<sup>2</sup> catchment from the Western Flanking Building and for the Eastern Flanking Building is to be provided and contained within the future development of Lot 2 DP 210346. **This on-site detention storage is required to be provided prior to the issue of any Occupation Certificate.**

2.4.4.2 Soil Erosion and Sediment Control measures during construction are to be maintained as required by Conditions 6.9 and 10.5.

### **3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)**

#### **3.1 DA Plan Consistency**

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

#### **3.2 Endeavour Energy Matters**

3.2.1 The recommendations from Endeavour Energy in its correspondence dated 10 January 2019 as listed below:

- a) The land owner shall not install or permit to be installed any services or structures within the easement site.
- b) The land owner shall not alter the surface level of the easement site.
- c) The land owner shall not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

3.2.2 Endeavour Energy's preference is for no activities or encroachments to occur within its easement areas. However, if any proposed works (other than those approved / certified by Endeavour Energy's Network Connections Branch as part of an enquiry / application for load) will encroach/affect Endeavour Energy's easements or protected assets, contact must first be made with the Endeavour Energy's Easements Officer, Jeffrey Smith, on direct telephone 9853 7139 or alternately email Jeffrey.Smith@endeavourenergy.com.au .

#### **3.3 NSW Police Force Matters**

##### **3.3.1 Surveillance**

3.3.1.1 CCTV surveillance cameras must be installed for the development, particularly those areas susceptible to anti-social behaviour and criminal activity. This includes the pocket park, any stairwells, public toilets, car park and rooftop area (level 2 Eastern building).

3.3.1.2 Closed Circuit Television Systems (CCTV), Management and Operation, should be installed accordance to AS:48006.1 and Applications Guidelines - AS 4806.2.

##### **3.3.2 Lighting**

3.3.2.1 Lighting should be vandal resistant and placed throughout the development at all entry and exits points, particularly the open spaces and driveway. Possible entrapment spots such as the storage units, waste/rubbish bin areas should be lit with vandal-resistant and energy saving lighting.

##### **3.3.3 Barriers**

3.3.3.1 Limit the number of blank surfaces on the external parts of the building. Any blank surfaces should be coated with graffiti resistant material/paint to reduce opportunities for malicious damage type offences (graffiti) and allow ease of cleaning to these structures. Consideration in landscaping for planting low line hedge or plants along these structures to decrease accessibility to the blank surfaces. The use of screen

landscaping (green screens) or creepers, murals, vandal resistant paint or other means to discourage graffiti is encouraged.

- 3.3.3.2 Glass within vulnerable areas like entry points of the property (retail), glazed stairwells, building facades are to be reinforced with shatter resistant film or laminated glass to control access.

#### 3.3.4 Space Activity Management and Access

- 3.3.4.1 The exterior CCTV coverage should capture all entrances and exits and the immediate vicinity of the building.

### 4 Prior to Construction Certificate (Planning)

#### 4.1 Section 7.11 Contributions

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

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[www.blacktown.nsw.gov.au](http://www.blacktown.nsw.gov.au):

S.7.11 CP No. 19 Blacktown Growth Precinct.

The Section 7.11 contribution(s) have been based on the net developable area of 0.0915 hectares. Should the final plan of survey indicate any change in the net developable area or should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

#### 4.2 Access and Parking

- 4.2.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 4.2.2 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.

- 4.2.3 The proposed loading zones in Eastern and Western Lanes shall be approved by Council through the Local Traffic Committee.

#### **4.3 Construction Traffic Management Plan**

- 4.3.1 A Construction Traffic Management Plan detailing construction vehicle routes, parking (including interim public parking during construction), number of trucks, hours of access, access arrangements, road safety and traffic control is to be submitted to Council prior to the issue of any Construction Certificate. At least 220 existing at-grade public car parking spaces shall be retained during construction works, until such time as the basement car parking spaces are available for public use.

- 4.3.2 The parking spaces retained during construction referred to in condition 4.3.1 are to be time restricted so as to prevent all day commuter parking.

- 4.3.3 Access to 77-79 Main Street for rubbish pick-up and goods deliveries from Harry House Walkway is to be maintained during construction and on completion of the project. Vehicular access to the rear of 77-79 Main Street is to be maintained during construction and on completion of the project. Details during the construction period are to be included in the Construction Traffic Management Plan referred to in condition 4.3.1.

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

- 4.4.1 The reflectivity index of glass used in the external facade of the development is not to exceed 20 percent.

- 4.4.2 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the Material Board Plan submitted with the application. Building materials and finishes are to be finished with an anti-graffiti coating. 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. Materials and finishes including the external walls of the development are to comply with the requirements of the Environmental Planning and Assessment Amendment (Identification of Buildings with Combustible Cladding) Regulation 2018 and State Environmental Planning Policy Amendment (Exempt Development – Cladding and Decorative Work) 2018 which commenced on 22 October 2018.

- 4.4.3 Service conduits which are located on the external facade of the building, and which are visible from the public domain, are not permitted to be exposed, and are to be appropriately screened from view so as to blend in and integrate with the overall presentation of the building.

- 4.4.4 With regard to the treatment of any walls and treatments in the public domain / public footway, appropriate measures are to be in place to deter the potential for graffiti, such as landscaping which limits access to these boundary fences / acoustic walls, or an anti-graffiti finish. These details are to be shown on the construction certificate plans to the satisfaction of the Certifying Authority.

#### **4.5 Services/Utilities**

- 4.5.1 The following documentary evidence shall accompany a Construction Certificate covering the relevant services/utilities works:
- (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 removal of any power poles and any 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.

## **5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)**

### **5.1 Building Code of Australia Compliance**

5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which:
  - (i) complies with the performance requirements, or
  - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
  - (iii) A combination of (a) and (b).

5.1.2 A clearance certificate prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos issued by a qualified occupational hygienist shall be obtained stating that, where the land has been affected by any contaminants (including asbestos and lead based paints), the land has been remediated in accordance with the recommendations of the investigation report. A copy of the clearance certificate is to be lodged with Council.

5.1.3 A report from a suitably qualified environmental consultant recognised by the EPA (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.

## **6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)**

### **6.1 General**

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

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

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

Prepared By	Project	Drawing No.	Sheet No.	Revision	Dated
Cardno (NSW/ACT) Pty Ltd	Blacktown City Council – Warrick	80218078- 02-C1-1001	1	6	21-11-18
	Lane Precinct Stage 1	80218078- 02-C1-1011	1	6	21-11-18
		80218078- 02-C1-1031	1	6	21-11-18



		80218078-02-C1-1051-52	2	6	21-11-18
		80218078-02-C1-1101	1	6	21-11-18
		80218078-02-C1-1131	1	6	21-11-18
		80218078-02-C1-1201-02	2	6	21-11-18
		80218078-02-C1-1251-53	3	6	21-11-18
		80218078-02-C1-1301-02	2	6	21-11-18
		80218078-02-C1-1351-52	2	6	21-11-18
		80218078-02-C1-1601	1	3	21-11-18
		80218078-02-C1-1651-52	2	6	21-11-18
		80218078-02-C1-1701-02	2	6	21-11-18
		80218078-02-C1-2101-02	2	5	21-11-18
		80218078-02-C1-2201-02	2	6	21-11-18
		80218078-02-C1-2301-02	2	6	21-11-18
		80218078-02-C1-3001-02	2	6	21-11-18

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

- i. The Engineering Plans to be accepted/approved by Director City Assets and or the appropriate Traffic and Civil Maintenance Manager, Blacktown City Council in

regards to the following:

- (a) The use of grated drains in lieu of traditional kerb and gutter.
- (b) The use of non-conforming "cobblestone" pavement,
- (c) No designated pedestrian crossing areas, the entire cobblestone area allowing pedestrian and vehicle use without being an RMS approved "share zone" Area.

## **6.2 Construction Certificate Requirements**

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

- Road and drainage construction
- 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.

## **6.3 Local Government Act Requirements**

6.3.1 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.

## **6.4 Roads Act Requirements**

6.4.1 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.

## **6.5 Other Engineering Requirements**

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

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

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

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

6.5.5 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/ or to be accepted/approved by Director City Assets and or the appropriate Traffic and Civil Maintenance Manager, Blacktown.

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

## **6.6 Roads**

- 6.6.1 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.
- 6.6.2 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 suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer.
- 6.6.3 Splays are to be adjusted to meet site specific intersection designs in accordance with Council's Engineering Guide for Development/or to be accepted/approved by Director City Assets and or the appropriate Traffic and Civil Maintenance Manager, Blacktown.

## **6.7 Laneways**

- 6.7.1 The construction of all new rear loaded laneways associated with the development and the creation/provision of temporary roads, drainage, concrete path paving and any other ancillary work necessary to make this construction effective, shall be approved by Director Engineering Services, Blacktown City Council.

## **6.8 Drainage**

- 6.8.1 Drainage from the site must be connected into Council's existing drainage system.
- 6.8.2 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.
- 6.8.3 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.

- 6.8.4 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.
- 6.8.5 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.
- 6.8.6 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.

## **6.9 Erosion and Sediment Control**

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

## **6.10 Stormwater Quality Control**

- 6.10.1 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 4.55 application.
- 6.10.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

## **6.11 Vehicular Crossings**

- 6.11.1 Construct a commercial and industrial vehicular crossing to Council's standard A(BS)103S./ or to be accepted/approved by Director City Assets and or the appropriate Traffic and Civil Maintenance Manager, Blacktown.

## **6.12 Footpaths**

- 6.12.1 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/or to be accepted/approved by Director City Assets and or the appropriate Traffic and Civil Maintenance Manager, Blacktown.

## **6.13 Drainage Matters**

- 6.13.1 Amended architectural plans are required that the floor levels of the commercial buildings are a minimum of 300 mm above the critical 100 year flow level in the adjacent street/lane.
- 6.13.2 Amended drainage plans shall be submitted which address Council's DCP Part J 2015, Council's Engineering Guide for Development 2005 and the following:
  - a. Provide a minimum 8 kL rainwater tank for the Western Flanking Building.
  - b. Provide a minimum 40 kL rainwater tank for the Eastern Flanking Building.
  - c. Direct all the roofwater from each building to the respective rainwater tank.
  - d. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the underground rainwater tanks and the basement pump-out pits in accordance with Council's Engineering Guide for Development 2005.
  - e. The minimum storage and dual alternating pump requirements for the basement garage is to satisfy AS/NZS 3500.3:2015 – Plumbing and Drainage Part 3: Stormwater Drainage.

Note: These comments are based on the drainage plans prepared by Cardno, series 802180078-02-CI, revision 6 and dated 21.11.18.
- 6.13.3 Amended architectural plans are required 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. 3 star taps (for all taps other than bath outlets and garden taps);
  - iv. 3 star urinals; and
  - v. Water efficient washing machines and dishwashers are to be specified.

- 6.13.4 An experienced hydraulic engineer is to prepare and certify a detailed Non-potable Water Reuse Plan for non-potable water uses on the site including all toilet flushing and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:
- i) a first flush or pre-treatment system (at min. 0.2 litres / m<sup>2</sup> of roof area going to the tank),
  - ii) a pump with isolation valves and a warning light to indicate pump failure,
  - iii) a solenoid controlled mains water bypass for toilet flushing only,
  - iv) flow meters on the solenoid controlled mains water bypass line and the pump outflow line, to determine actual non-potable usage,
  - v) a timer and control box for landscape watering (where applicable), allowing for seasonal variations,
  - vi) ensuring all the rainwater reuse pipes are coloured purple,
  - vii) an inline filter and preferably an automatic backwash inline filter for the Western Flanking Building,
  - viii) an automatic backwash inline filter for the Eastern Flanking Building,
  - ix) fitting rainwater warning signs to all external taps using rainwater.
- 6.13.5 A chartered civil engineer, registered with NER, is to certify that for any existing building that the post development 100 year flood level does not exceed the pre development flood level (tolerance +20 mm).
- 6.13.6 A Chartered Civil Engineer registered with NER, is to certify that the maximum depth of flow in the gutter is less than 200 mm for all 1 in 100 year ARI storm events.
- 6.13.7 Due to the cut and/or fill exceeding 1.5 m, a desktop Groundwater Assessment Report is required for the site in accordance with section 4.6 of DCP 2015 Part J. Where there is the potential for interaction with groundwater, a Groundwater Management Plan must be prepared by a Geotechnical Engineer registered with NER.

## **7 PRIOR TO CONSTRUCTION CERTIFICATE (WASTE)**

### **7.1 General**

- 7.1.1 Waste rooms must accommodate all the required waste, comingled recycling, paper and cardboard and organics food waste bins for the site (refer Section 2.6.3 - Bin storage area specifications in the EPA Better Practice Guide for Waste Management and Recycling in Commercial and Industrial Facilities). The average waste and recycling generation rates are to be applied.
- 7.1.2 A pram ramp or layback to the kerb is to be provided to facilitate collection so bins are not wheeled over lips or steps for servicing.
- 7.1.3 Any doorway needed to move bins around are to be a minimum 1.5 m wide to ensure the safe movement of bulk bins (refer to Section 2.6.3 - Bin Storage Area Specifications in the EPA Better Practice Guide for Waste Management and Recycling in Commercial and Industrial Facilities).
- 7.1.4 Waste rooms are to be of a practical size and shape to encourage safe and appropriate use of the space. Currently, one waste room is narrow and the other is curved which doesn't allow for any circulation space around the bins.
- 7.1.5 As outlined in the waste management plan in Section 2.4, the Applicant shall provide a refrigerated food waste storage area for the bins needed for food waste which is generated by the development.

## **8 PRIOR TO DEVELOPMENT WORKS**

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

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

Each toilet provided shall be:

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

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

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

This condition does not apply to:

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

- 8.1.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) involve the enclosure of a public place,
- a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

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

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

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

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

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

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

- 8.1.8 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
  - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

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

## 8.2 Notification to Council

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

## 8.3 Sydney Water Authorisation

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

OR

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

## 8.4 Construction Details

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

Nominated Component

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

## 8.5 Use of Cranes

- 8.5.1 Separate Council approval under the *Roads Act 1993* is required for any crane used to construct this development that swings over public air space.

## 9 DURING CONSTRUCTION (BUILDING)

## **9.1 Building Code of Australia Compliance**

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

## **9.2 Surveys**

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

## **9.3 Nuisance Control**

- 9.3.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 9.3.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 9.3.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

## **9.4 Waste Control**

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

## **9.5 Construction Inspections**

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

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

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

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

Note: Failure to ensure the relevant inspections are conducted will preclude the issue



of an Occupation Certificate.

## **10 DURING CONSTRUCTION (ENGINEERING)**

### **10.1 Notification of Works**

10.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum five (5) business days prior to commencement of engineering works.

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

### **10.2 Insurances**

10.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council's Engineering Approvals Team. This shall be submitted prior to commencement of engineering works required by this consent that are carried out on Council controlled lands such as roads, drainage reserves and parks. This includes Public Liability Insurance with a minimum of \$20,000,000.00 Indemnity and Workers Compensation.

### **10.3 Service Authority Approvals**

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

### **10.4 Boundary Levels**

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

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

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

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

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

## 10.6 Filling of Land and Compaction Requirements

- 10.6.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.
- 10.6.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version).
- a) Submission of compaction certificates for fill within road reserves.
  - b) Submission of compaction certificates for road sub-grade.
  - c) Submission of compaction certificates for road pavement materials (sub-base and base courses).
  - d) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
  - e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)

Note: Council's Works Specification (Civil) requires road pavement and pipe bedding materials be sourced from approved suppliers. A listing of these materials and approved stockpile numbers can be found on Council's webpage/ or to be accepted/approved by Director City Assets and or the appropriate Traffic and Civil Maintenance Manager, Blacktown.

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

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

revegetation of the site.

#### **10.7 Filling in Contaminated Land**

- 10.7.1 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.
- 10.7.2 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.
- 10.7.3 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.

#### **10.8 Inspection of Engineering Works – EP&A Act 1979**

- 10.8.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under Part 6 of the Environmental Planning and Assessment Act 1979 as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

Where Council is appointed as the Principal Certifying Authority for the development, only compliance certificates issued by accredited certifiers will be accepted. All compliance certificate(s) must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction Certificate.

#### **10.9 Inspection of Engineering Works - Roads Act 1993**

- 10.9.1 All inspection(s) required by this consent for any engineering works that are approved under the Roads Act 1993 must be made by Council's Development Overseers.

Inspections must be pre-booked with a minimum twenty-four (24) hours notice. Council's Development Overseers may be contacted on 02 9839 6586 between 7am - 8am and 12.30pm - 1.30pm, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

#### **10.10 Public Safety**

- 10.10.1 The applicant is advised that all works undertaken are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

#### **10.11 Site Security**

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

#### **10.12 Traffic Control**

- 10.12.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must

be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.

- 10.12.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.
- 10.12.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 10.12.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified RMS accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2002.
- 10.12.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 – 2002 and the current version of the RMS Traffic Control at Work Sites manual and shall be submitted to Council prior to implementation.

#### **10.13 Powder Coated Furniture**

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

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

#### **11.1 Environmental Management**

- 11.1.1 The recommendations in the Stage 1 and 2 Preliminary and Detailed Site Investigation report, prepared by Construction Sciences Pty Ltd, reference 5017190023-B, dated 10 September 2018, must be carried out.
- 11.1.2 The recommendations in Traffic and Rail Noise and Vibration Impact Assessment, prepared by Rodney Stevens Acoustics, report no. R180183R1, dated 19 November 2018 must be carried out.
- 11.1.3 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the *NSW Environment Protection Authority's Waste Classification Guidelines (2014)*.
- 11.1.4 All areas that are found to be contaminated must be remediated. Upon completion of remediation an appropriately qualified environmental consultant must prepare a validation report in accordance with:
  - NSW Environment Protection Authority's "Contaminated Sites: Guidelines for

- Consultants Reporting on Contaminated Sites” (2011)
- NSW Environment Protection Authority’s Contaminated Sites Sampling Design Guidelines (1995)
- NSW Environment Protection Authority’s “Contaminated Sites: Guidelines for NSW Site Auditor Scheme” (2006)
- National Environment Protection Council “National Environment Protection (Assessment of Site Contamination) Measure” (2011).

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

## **12 DURING CONSTRUCTION (GENERAL)**

### **12.1 European Heritage**

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

### **12.2 Aboriginal Heritage**

12.2.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the NSW Office of Environment & Heritage informed in accordance with Section 89A of the National Parks and Wildlife Act 1974. Relevant works shall not recommence until written authorisation from the NSW Office of Environment and Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

### **12.3 Tree Protection Measures**

12.3.1 Any existing trees located outside of the boundary of this site are not approved for removal and must be retained and protected as per *AS 4970-2009 Protection of Trees on Development Sites*. The recommendations of the Arboricultural Impact Assessment Report prepared by Earthscape Horticultural Services, date April 2019, are to be implemented.

### **12.4 Construction Traffic Management Plan**

12.4.1 The Construction Traffic Management Plan shall be adhered to during works.

### **12.5 NSW Police**

12.5.1 A security guard is to be on site outside business hours including public holidays and weekends, from the day construction commences until completion.

12.5.2 During construction stage all tools and building materials must be stored in strong rooms with tamper proof security systems. Lighting should be installed and operated on the grounds during construction.

12.5.3 Ambulance, Fire Brigade and Police must be able to access the site in any emergency.

### **12.6 Interim Parking**

- 12.6.1 At least 220 existing at-grade public car parking spaces shall be retained during construction works within the Warwick Lane Car Park, until such time as the basement car parking spaces are available for public use.

### **13 PRIOR TO OCCUPATION CERTIFICATE**

#### **13.1 Compliance with Conditions**

- 13.1.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than “Operational” conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than “Operational” conditions, may render the applicant/developer liable to legal proceedings.
- 13.1.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.8 of the Environmental Planning & Assessment Act 1979.

#### **13.2 Temporary Facilities Removal**

- 13.2.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 13.2.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 13.2.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 13.2.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 13.2.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

#### **13.3 Fire Safety Certificate**

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

#### **13.4 Fee Payment**

- 13.4.1 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.

#### **13.5 Other Matters**

- 13.5.1 The landscaped areas are to be provided in accordance with the approved landscaping master plan prior to the issue of any Occupation Certificate.
- 13.5.2 Entrance and exit points to the basement parking areas are to be clearly signposted and visible from the street and the site at all times.
- 13.5.3 All required internal basement circulation areas and car parking spaces shall be line-marked, and the permanent car parking spaces are to be sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 13.5.4 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.
- 13.5.5 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.

### **13.6 Civil and Open Space Infrastructure Requirements**

- 13.6.1 Prior to the issue of the final Occupation Certificate, written approval is to be provided by Council's Manager Civil Asset Maintenance confirming that all works and landscaping related to the construction and maintenance of public spaces associated with this development are appropriately completed.
- 13.6.2 Prior to the issue of the final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to Council's Maintenance Section satisfaction.

### **13.7 Maintenance Plans**

- 13.7.1 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, internal roads, driveways, aisles, car park areas, soft and hard landscaping, outdoor play areas, security systems, business identification signage, directional signage, lighting, plant and equipment, 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 development is always managed by a Building Manager / Caretaker.A copy of the Plan is to be submitted to Council prior to the release of any Occupation Certificate.
- 13.7.2 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.

### **13.8 Service Authorities**

- 13.8.1 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then

follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Documentary evidence of the Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.

13.8.2 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.

13.8.3 A "Notification of Arrangement" Certificate from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development is to be submitted to Council prior to the issue of any Occupation Certificate.

13.8.4 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.

## **12.5 NSW Police**

12.5.1 A lighting maintenance policy needs to be established for the development.

12.5.2 The ceiling of the car park should be finished in a light colour which will enhance the lighting operating in this space.

12.5.3 A key holder is to be identified with relevant contact details provided to aid emergency services to gain entry to the carpark if urgent after-hours entry is required.

## **14 PRIOR TO OCCUPATION / SUBDIVISION CERTIFICATE (ENGINEERING)**

### **14.1 Consolidation of Lots**

14.1.1 The lots shall be consolidated into one title which shall be registered with NSW Land Registry Services.

### **14.2 Road Damage**

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

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

### **14.3 Compliance with Conditions**

14.3.1 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.

14.3.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.8 of the Environmental Planning & Assessment Act 1979.

### **14.4 Service Authorities**



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

14.4.2 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.

#### **14.5 Engineering Matters - Surveys/Certificates/Works As Executed plans**

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

14.5.2 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).

14.5.3 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).

14.5.4 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.

14.5.5 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.

14.5.6 A Structural Certificate from a Registered Engineer (NER) must be lodged with Council verifying that the Roads/Laneways constructed over the underground car park is adequate to take Traffic Loading.

14.5.7 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)

14.5.8 The submission to Council of Compliance Certificate(s) and construction inspection

reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

When Council has been nominated or defaulted as the nominee for engineering compliance. Final inspections can be arranged through Councils Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.

#### **14.6 Engineering Matters - Restrictions/Positive Covenants**

14.6.1 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 NSW Land Registry Services.

14.6.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the Stormwater Quality Control devices/system and outlet works.

14.6.3 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Land Registry Services over the overland flow-path.

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

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

14.6.6 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.

14.6.7 A Restriction is to be imposed for the On-Site-Detention system as per Breakfast Creek – Area 2 on the adjoining land to cater for the total volume as per the Works as Executed plan imposed by Blacktown City Council.

#### **14.7 Engineering Matters - Bonds/Securities/Payments in Lieu of Works**

14.7.1 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.

14.7.2 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.

#### **14.8 Inspections**

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

#### **14.9 CCTV Inspection of Stormwater Drainage Structures**

- 14.9.1 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.

### **15 PRIOR TO OCCUPATION CERTIFICATE (DRAINAGE)**

#### **15.1 Drainage Matters**

- 15.1.1 Blacktown Council has advised that the surrounding streets may be subject to overland flows during heavy storms. The building floor is designed to be above most overland flows. Take care when leaving the building during floods as many streets may be cut by floodwaters. Travelling through floodwaters can be very dangerous as the water may be polluted, obstructions can be hidden under the floodwaters, or you could be swept away in fast flowing water.
- 15.1.2 A registered surveyor is to certify that the finished floor levels for the commercial buildings are a minimum of 300 mm above the critical 100 year flow level in the adjacent street/lane.
- 15.1.3 A Civil Engineer registered with NER, is to certify that:
- All the requirements of the approved drainage plan have been undertaken.
  - The minimum 8 kL rainwater tank has been supplied for the Western Flanking Building.
  - The minimum 40 kL rainwater tank has been supplied for the Eastern Flanking Building.
  - All the roofwater from each building is directed to the respective rainwater tank
  - All the signage and warning notices have been installed.
  - A copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.
- 15.1.4 A plumber, licensed with NSW Fair Trading, or experienced hydraulic engineer registered with NER, is to certify that all the non-potable water uses are being supplied by rainwater and that all the requirements of the detailed Non-Potable Water Reuse Plan have been installed and are working correctly. Provide a copy of the certification and a signed, works-as-executed Non-Potable Water Reuse Plan to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au)
- 15.1.5 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- 4 star dual-flush toilets;

- ii. 3 star showerheads;
  - iii. 3 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.
- 15.1.6 Provide maintenance requirements for each of the proposed Stormwater Quality Improvement Devices including first flush and rainwater tanks. 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.
- 15.1.7 Provide a Restriction to User and Positive Covenant over the Rainwater Tanks in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on non-potable water usage by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate.
- 15.1.8 Provide a Positive Covenant over Lot 2 DP 210346 to provide additional on-site detention for an additional area of 1,200 m<sup>2</sup> as bypass for the on-site detention catchment catchments for the Western Flanking Building and Eastern Flanking Building under SPP-18-01553 against the future development of Lot 2 DP 210346. The Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate.
- 15.1.9 Should a substantial development on Lot 2 in DP 210346 not commence prior to the issue of any occupation certificate for this development, a temporary detention basin to meet the capacity requirements of Condition 2.4.4.1 is to be constructed on Lot 2 in DP 210346 and remain in place until development in the area occupied by the basin commences.
- 15.1.10 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 PRIOR TO OCCUPATION CERTIFICATE (WASTE)**

- 16.1 The Applicant shall cater for a maximum 5 collections of waste and recyclables per week. The waste rooms must be able to accommodate all bins with the equivalent of 3 days of waste and recyclables for the site. This will ensure sufficient bin storage space for long weekends and public holidays.
- 16.2 The Applicant shall identify ways that odour issues can be mitigated onsite as waste, recycling and food waste bins required for the site are proposed to be moved from the basement storage area to the kerbside collection point via passenger lifts; service lifts are not proposed.
- 16.3 The Applicant shall adhere to Council's Abandoned Shopping Trolley Policy (Policy Number: P000497.1) if any convenience stores or small supermarkets are proposed for the site.
- 16.4 The Applicant shall engage a suitable private waste and recycling contractor to service the site. Council does not provide a service to retail and commercial developments of this size.
- 16.5 The Applicant shall submit an amended waste management plan to include:
- The **average** waste and recycling generation rates for the overall proposed business uses as outlined in Table 16 of the EPA Better Practice Guide for Waste

### **Management and Recycling in Commercial and Industrial Facilities.**

- The updated number of required bins as a result of the average waste and recycling generation rates.
- That waste and recycling bins will be serviced by private contractors; not Council. All reference to Council servicing this site must be removed from the amended waste management plan.

16.6 The Applicant shall demonstrate that the development must comply with the EPA Better Practice Guide for Waste Management and Recycling in Commercial and Industrial Facilities for maximum bin travel distances and bin transfer grades (refer Section 2.6.4 — Collection Points) for the proposed 660L bins.

16.7 The Applicant shall provide a safe, convenient and accessible collection point for the waste and recycling bins for the site. Collection points should comply with Section 2.6,4 - Collection Points in the EPA Better Practice Guide for Waste Management and Recycling in Commercial and Industrial Facilities.

It is noted that the proposed collection points are located between the ramp into the development's basement and the surrounding service roads on both the east and west buildings which could result in blind spots for other drivers and pedestrians when waste collection vehicles are parked servicing bins.

16.8 Any doorway needed to move bins around are to be a minimum 1.5m wide.

16.9 The Applicant shall ensure waste and recycling bins are contained within the same room to encourage source separation of the waste streams by the commercial and retail tenancies.

## **17 OPERATIONAL (PLANNING)**

### **17.1 Use of Premises**

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

17.1.2 The approved development shall comply with the requirements of the definitions for a recreation area, commercial premises, restaurant or café, car parks and roads contained within Blacktown Local Environmental Plan 2015.

17.1.3 The development shall not be used or converted for use for any purpose other than that:  
(a) Granted consent by Council's Notice of Determination, or  
(b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

17.1.4 Separate development consent shall be obtained for the fitout of each tenancy, other than that which is "exempt development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

### **17.2 Access/Parking**

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

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

- 17.2.3 All vehicles must enter and exit the site in a forward direction.
- 17.2.4 Access to the basement car parking levels is to be closed during the night, and at the latest by 11pm daily.
- 17.2.5 Access to 77-79 Main Street for rubbish pick-up and goods deliveries from Harry House Walkway is to be provided. Vehicular access to the rear of 77-79 Main Street is to be provided.

### 17.3 **General**

- 17.3.1 The hours of operation of the commercial premises and restaurants or cafés shall be between 6am and 11pm daily.
- 17.3.2 All loading and unloading operations shall take place at the nominated at-grade car parking spaces at the perimeter of the Plaza. All loading and unloading activities are to be conducted in a manner that does not impact on the amenity of the general public and surrounding properties.
- 17.3.3 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
- 17.3.4 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 17.3.5 Removal of any graffiti visible from any public road or place is the responsibility of the property owner/s. Once identified, all graffiti must be removed within 48 hours. The development is to be maintained in accordance with the Total Maintenance Plan and Graffiti Management Plan as required by Condition 12.7.

### 17.4 **Landscaping**

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

### 17.5 **Waste Collection**

- 17.5.1 Arrangements shall be made for an effective commercial refuse removal service.
- 17.5.2 It is the responsibility of the operators of the individual tenancies / building manager / caretaker to transfer bins to the nominated street collection point and remove them on the same day of service which will be in line with this area's collection schedules.
- 17.5.3 Waste and recycling bins must only be placed out for collection in the two locations shown in Figure 2.2 — Waste Collection Locations, of the waste management plan.
- 17.5.4 No bins are to be located or placed in the approved waste collection points outside the scheduled collection time for that area.
- 17.5.5 It is the responsibility of the building manager / caretaker to maintain the waste storage and collection points and ensure they are clear and unobstructed prior to collection times.
- 17.5.6 Waste and recycling collections by private contractor are to occur between 4am and 7am on the identified collection days. This must be reflected in the contract with the nominated private waste and recycling contractor.

- 17.5.7 Waste and recycling bins for the site are to be placed out for servicing at the nominated collection point at 4am on a collection day. They must not be placed out for collection the night before.
- 17.5.8 Waste and recycling bins for the site are to be withdrawn from the kerbside and returned to the basement storage area immediately following collection. Empty bins must not be left at the kerbside.
- 17.5.9 Waste and recycling bins proposed for the site are to be of 660L capacity to reduce the number of bins being placed at the kerbside.
- 17.5.10 Any rental agreement for a commercial tenancy must include a clause that requires the submission to Council (for approval), a waste management plan for the business that outlines how they will source separate and reduce their waste and recyclables through their business operations. Council is looking for innovative ways that the business can reduce their waste at the source.
- 17.5.11 A building manager must be engaged in perpetuity to:
- manage bins and bulky waste onsite
  - clean bins and the waste rooms
  - place bins at the identified collection points for servicing
  - withdraw bins immediately following collection
  - manage illegal dumping onsite
  - monitor the required bins for the site to avoid overflowing bins and litter issues
  - adhere to the proposed waste arrangement for the site as outlined in the waste management plan. A consent condition requires that the current waste management plan be amended as additional information is required.

## 17.6 **Drainage Matters**

- 17.6.1 Each year by the first business day on or after 1 September the registered proprietor/owners corporation is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the rainwater tank in accordance with the approved maintenance schedule and details of all non-potable water used. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.

## 17.7 **NSW Police – CCTV**

- 17.7.1 Any CCTV footage recorded is to 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.
- 17.7.2 Footage is to be kept and saved for no less than 30 days.
- 17.7.3 A copy of CCTV footage required by police be reproduced on compact disk, USB or memory stick. Immediate access to the CCTV system and the ability to review recordings is granted to NSW Police Officers.
- 17.7.4 Any CCTV footage is to be 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).
- 17.7.5 Lighting used in the carpark areas should illuminate continuously in hours of usage.
- 17.7.6 Landscaping should be maintained to reduce interference with the lighting.

- 17.7.5 The recommendations provided by the NSW Local Police in Condition 3.3 must be adhered to.

## **18 OPERATIONAL (ENVIRONMENTAL HEALTH)**

### **18.1 Environmental Management**

- 18.1.1 The recommendations in the Stage 1 and 2 Preliminary and Detailed Site Investigation report, prepared by Construction Sciences Pty Ltd, reference 5017190023-B, dated 10 September 2018, must be carried out.
- 18.1.2 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.
- 18.1.3 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*.
- 18.1.4 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.