

## Conditions of consent (draft)

### Proposed development

Concept Development Application under clause 4.22 of the *Environmental Planning and Assessment Act 1979* for concept approval for retail shops and a child care centre, building envelopes, public domain elements, landscaping, roads, car parking and associated infrastructure.

'Stage 1' is for the construction and use of the shopping centre containing a Coles supermarket and specialty retail shops, a 67 place child care centre, 355 at-grade and basement car parking spaces, signage and associated new public roads, stormwater works and landscaping. Stage 1 also includes subdivision to create lots to cater for the retail shops, a fast food restaurant, widening of Pelican Road and new public roads Jacqui Avenue and Minerva Street.

The 'Stage 2' retail shops will form part of a separate application.

### Property description

Lot 30 DP 1191922, 227 Railway Terrace, Schofields

Lots 1 and 2 DP 1248598, part of the former roadway of Pelican Road

## PART 1

### 1 DEFERRED COMMENCEMENT MATTERS

The following are deferred commencement conditions imposed under section 4.16(3) of the *Environmental Planning and Assessment Act 1979*.

Under Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, the Applicant must satisfy the following deferred commencement conditions of consent prior to the development consent becoming operational:

- 1.1 The applicant is to submit to Roads and Maritime Services (RMS) the proposed Traffic Control Signal (TCS) plan, supporting Traffic Modelling Report, and civil design plan for the intersection of Railway Terrace and Jacqui Avenue for the review and in principle approval of RMS.
- 1.2 The applicant is to submit amended drainage plans from Henry & Hymas Project No 17B01\_DA\_C, dated 06.03.2019 (various revisions) which address the following to the satisfaction of the Manger Building and Engineering Assessment:
  - i. Revise the road formation for the eastern access road to be in accordance with the figure 3.5 of the Growth Centres DCP Schedule 1.
  - ii. Revise the road formation for Railway Terrace to be in accordance with the figure 3.7 of the Growth Centres DCP Schedule 1 including any necessary road widening on the subject lot.
  - iii. Amend stormwater and other infrastructure plans as necessary to facilitate the above works.
- 1.3 The applicant is to submit amended drainage plans from Henry & Hymas Project No 17B01\_DA\_C, dated 06.03.2019 (various revisions) which address the following to the satisfaction of the Manger Asset Design:

- i. Rename "Stormwater 360" to "Ocean Protect".
- ii. Rename all "Enviropods" to "200 micron OceanGuards".
- iii. Clearly identify by type and legend each pit that contains an OceanGuard and which type surface or flow through pipes. Provide a detail for each type including one for treatment of trench grates.
- iv. OceanGuards (Enviropods) treating only surface flows require a minimum clear depth of 600 mm from the grate to any outlet pipe obvert. OceanGuards treating upstream pipe flows require a minimum clear depth of 500 mm from the invert of the upstream pipes to be treated, to the obvert of the outlet pipe. Where these pits are treating upstream pipe flows the inverts of all pipes in and out of the pit are to be shown.
- v. Demonstrate how the tenancy roof is discharged and treated through three OceanGuards as per the MUSIC model.
- vi. On Drawing C101 (05) redirect the outlet from pit B-1 to A-1 to ensure floatables are captured in the Stormfilter Chamber and the cartridges are charged.
- vii. On Drawing C101 (05) at C-1 provide an OceanGuard to treat upstream pipe flows. Redirect the outlet from pit C-1 to A-1 to ensure floatables are captured in the Stormfilter Chamber. C-1 must be grated and could be repositioned closer to A-1.
- viii. On Drawing C101 (05) install a minimum 2700 x 900 pit with 3 x sealed lids to the south of the rainwater tank and direct the rainwater tank overflow to this pit. Provide three 900 x 900 OceanGuards just below the overflow level and pipe this flow to pit A-1 to ensure the cartridges are charged.
- ix. On Drawing C101 (05) redirect the outlet from pit F-1 to the Stormfilter chamber to ensure floatables are captured and the cartridges are charged.
- x. On Drawing C101 (05) at pit D-1 direct the roof symphonic drainage pipe flow through an OceanGuard for treatment.
- xi. On Drawing C102 (05) redirect the outlet from pit F-1 to the Stormfilter chamber (near K-4) to ensure floatables are captured and the cartridges are charged.
- xii. On Drawing C102 (05) at pits D-1, A-2 and A-4 direct the roof symphonic drainage pipe flow through an OceanGuard for treatment.
- xiii. On Drawing C103 (05) direct the roof symphonic drainage pipe flow from S4 (1087 m<sup>2</sup>) through an OceanGuard for treatment prior to discharge to Line A.
- xiv. On Drawing C201 (03):
  - a) Show the 2.7 m overflow weir from the rainwater tank @ RL 31.55 directed to the new 2700 x 900 pit on the southern side, with three OceanGuards and a sealed lid. Pipe outflow to A-1.
  - b) Delete the 4m overflow from the rainwater tank to the detention tank.
  - c) Provide a 1200 x 1200 sealed pit within the rainwater tank over the pump(s).
  - d) Provide dimensions on the rainwater tank to demonstrate the 165 kL can be achieved below the overflow.
  - e) The table for "CLEAR HEIGHT" of tank and "MIN. DISTANCE BETWEEN GRATES" is incorrect and leads to an excessive number of pits. The second column should read "MIN. DISTANCE FROM ANY POINT IN TANK TO GRATE". Redo grate locations.
  - f) Each grate adjacent to a wall is to have step irons and every internal grate is to have a ladder for access.
  - g) Reconfigure the Stormfilter chamber so that the dissipation chamber runs north-south adjacent to A-1 and K-4 for an internal length of 4.4m.
  - h) Provide a similar configuration of underdrains and overflow weirs from the dissipation chamber to that previously. Ensure a solid full height wall for the 0.9m opposite and to the side of entry from A-1.
  - i) Show the internal combined length of the east-west wall as 0.9 m for the dissipation chamber and 9.1m internally for the main chamber. Note that this reduces the effective area of the Stormfilter chamber to 44m<sup>2</sup> as the previous design area was too large.
  - j) Delete the current configuration of Stormfilter weir and baffle and provide a full height wall along the western wall.

- k) Provide a new Stormfilter weir on the northern side of the main chamber for a minimum length of 8.8m. Provide a baffle for the full length of the weir.
    - l) Reconfigure the grates to clear the baffle.
    - m) Liaise with Ocean Protect for the pipe configuration from the Stormfilter underdrains. A single pipe shown is insufficient. Multiple 150 mm pipes are required to convey the maximum 180 l/s flow.
    - n) The current configuration of the 100 year orifice and overflow pit is unworkable with multiple underdrain pipes that will restrict cleaning of the tank. The Overflow Pit is now to be repositioned next to the Stormfilter chamber and the underdrain pipes can enter straight into this pit. The 100 year orifice pit will be relocated to the opposite side.
    - o) Delete the full height wall of the overflow pit adjacent to the 100 year orifice and set it to 31.43.
  - xv. On drawing C202 (03):
    - a) Amend the section and plans based on the changes to C210 (03) detailed above.
    - b) Council's Engineering Guide for Development requires a minimum internal head height of 1.2m within the tank unless there are practical reasons why this cannot be achieved. The current internal head height is also below the absolute minimum of 0.75m without justification. There is no compelling reason why the earthen fill is required above the tank soffit under a carpark. Consequently the fill is to be removed and the slab soffit is to act as the carpark slab, providing additional head height and safer access.
    - c) The 100 year orifice control pit is to be minimum 1200 x 1200.
  - xvi. On drawing C251 (03) amend the MUSIC catchment plan based on the comments above and the changes to the MUSIC model detailed below.
- 1.4 The applicant is to submit an amended MUSIC model *17B01 - MUSIC Model Rev 5.SQZ* which addressed the following to the satisfaction of Council's Manager Asset Design:
- i. Address the changes to the drainage plans details relating to the changes in OceanGuard locations and what areas are being treated.
  - ii. The number of OceanGuards noted as treating a particular area cannot be achieved in practise. The plans contradict the MUSIC model.
  - iii. As noted above the current plans do not accurately note which pits contain OceanGuards and what type they are.
  - iv. Set the maximum area of the Stormfilter chamber to 44 m<sup>2</sup>.
  - v. The area that drains directly to the detention tank bypasses all the OceanGuards contrary to the MUSIC catchment plan.
  - vi. The area that naturally drains to the smaller detention tank bypasses all treatment.
  - vii. The areas in the current MUSIC model do not match the MUSIC catchment plan or drainage catchment plan.
- 1.5 The applicant is to submit, to the satisfaction of Council's Manager Asset Design, 2 separate and additional MUSIC models (pre and post) to demonstrate that the Stream Erosion Index (SEI) is less than 3.5 based on the technique in Council's MUSIC Modelling Guide in part 4 of the Developer Handbook for Water Sensitive Urban Design available on Council's website. The pre development is to consider a vacant pervious block. Provide all calculations used to determine  $Q_{critical}$ .
- 1.6 Evidence that will enable Blacktown City Council to be satisfied of the matter above must be provided to Council within 2 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.
- 1.7 The consent will not become operational until Blacktown City Council gives written notification to the applicant that the requirements of Conditions 1.1, 1.2, 1.3, 1.4 and 1.5 have been satisfied and thereafter, the consent will become operational from the date of that notification subject to the conditions set out below.

## PART 2

### 2 ADVISORY NOTES

#### 2.1 Terminology

- 2.1.1 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*.

#### 2.2 Scope of Consent

- 2.2.1 The granting of this consent does not imply or confer compliance with the requirements of the *Disability Discrimination Act 1992*. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.
- 2.2.2 This consent is issued on the basis that the previous development consent for a shopping centre on the subject site, reference JRPP-11-01987, is surrendered, and the previous development consent for the fast food shop (McDonald's) on the site, reference DA-11-01988, will be either surrendered or modified to address the requirements of this consent.

#### 2.34 Section 7.11 Contributions

- 2.3.1 The approval of this consent does not preclude the requirement for Section 7.11 contributions on the site for future development applications, where relevant.

#### 2.4 Other Approvals

- 2.4.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 2.4.2 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 2.4.3 Separate Council approval under the *Roads Act 1993* is required for any crane used to construct this development that swings over public air space.

#### 2.5 Services

- 2.5.1 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.

- 2.5.2 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.
- 2.5.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 2.5.4 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.
- 2.5.5 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.

## **2.6 Identification Survey**

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

## **2.7 Plan of Subdivision – Engineering**

- 2.7.1 The plan of subdivision (prepared by LandPartners, Plan No. SY072749.000.28, Revision E, dated 8.02.2018), as amended by Part 2 Condition 3.2.1, is not to be released until public road access is provided to all vehicular entry points. This may require the registration of the adjoining subdivision.

## **2.8 Engineering Notes**

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

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

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

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

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

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

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

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

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

## 2.9 **Payment of Engineering Fees**

2.9.1 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 in writing.

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

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

A quote will be provided in writing.

### 3 General

#### 3.1 Scope of Consent

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

DRAWING REFERENCE	DATE
<b>Plans prepared by Christiansen Obrien Architects</b>	
Proposed Site Plan - Stage 01 & 02, Drawing DA-01, Revision DA2	07.03.2019
Proposed Site Plan - Stage 01 & 02 – List of Amendments, Drawing DA-01, Revision DA2	07.03.2019
Proposed Basement Plan - Floor Plan, Drawing DA-02, Revision DA2	07.03.2019
Proposed Ground Floor Plan Part 1 - Stage 2, Drawing DA-03, Revision DA	07.03.2019
Proposed Ground Floor Plan & Part Mezzanine Plant Floor Plan Part 1, Drawing DA-03, Revision DA3	07.03.2019
Proposed Ground Floor Plan Part 2 – Stage 01 & 02, Drawing DA-04, Revision DA2	07.03.2019
Proposed Roof Plan – Stage 01 & 02, Drawing DA-05, Revision DA2	07.03.2019
Proposed Elevations, Drawing DA-06, Revision DA2	07.03.2019
Proposed Sections, Drawing DA-07, Revision DA2	07.03.2019
Proposed Signage Plan (Sheet 1 of 2), Drawing DA-08, Revision DA2	07.03.2019
Proposed Signage Plan (Sheet 2 of 2), Drawing DA-09, Revision DA2	07.03.2019
Area Plan, Drawing AR-01, Revision DA2	07.03.2019
External Finishes Schedule, Drawing FS-01, Revision DA	19.12.2017
<b>Landscape Plans prepared by Conzept Landscape Architects</b>	
Master Plan, Title Sheet, Revision C	12.03.2019
Landscape Plan 1, Sheet 1, Revision D	12.03.2019
Landscape Plan 2, Sheet 2, Revision D	12.03.2019
Landscape Plan 3, Sheet 3, Revision C	12.03.2019
Children's Play Area, Sheet 4, Revision B	18.12.2017
Detail & Specification, Sheet 5, Revision A	13.12.2107
Details of Cubic by Lappset Australia	Dec 2017

\* As amended by any conditions in this consent.

- 3.1.2 Under Clause 100 of the *Environmental Planning and Assessment Regulation 2000*, this Notice of determination relates to a Stage 1 Concept Development Application and a Development Application (Stage 2) relating to the construction and use of the 'Stage 1' Shopping Centre. This consent grants approval for the following development to be constructed subject to full compliance with all other conditions of this consent:

(a) Concept Plan - Concept approval for retail shops and a child care centre, building envelopes, public domain elements, landscaping, new public roads, car parking and associated infrastructure.

(b) Stage 1 - Detailed application for the construction and use of the 'Stage 1' Shopping Centre containing a Coles supermarket and Stage 1 specialty retail shops, a 67 place child care centre (consent for land use only), 355 at-grade and basement car parking spaces, business identification signage and associated stormwater works and landscaping. Stage 1 also includes subdivision to create lots to cater for the retail lots, a fast food restaurant, construction of the eastern side Pelican Road including road widening and dedication to Council and new public roads.

Subsequent Development Applications (Stage 2) are required for any work in relation to the 'Stage 2' specialty retail shops and the fitout and operation of the child care centre for 67 children.

Future development applications are to be consistent with the approved Concept Plan.

### **3.2 Subdivision**

- 3.2.1 This consent approves the consolidation of Lot 30 DP 1191922 at 227 Railway Terrace, Schofields and Lot 2 DP 1248598, part of the former roadway of Pelican Road. The consent also approves the subdivision of the consolidated lots to create new lots to cater for the retail lots, the fast food restaurant, road widening of Pelican Road and new public roads (Jacqui Avenue and Minerva Street).

### **3.3 Construction Phasing**

- 3.3.1 The development is permitted to be constructed and occupied in phases as nominated in the Proposed Site Plan – Stage 01 & 02 (Drawing DA-01, Revision DA2, dated 7 March 2019). All new public roads, street trees, landscaping, public domain elements, services and infrastructure, etc., are required to be completed prior to the issue of the final Occupation Certificate for each of the relevant stages under construction.

### **3.4 Building envelopes**

- 3.4.1 Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate building designs, building height and associated building services, and the like being the subject of future development applications, will be entirely within the building envelopes approved in this Stage 1 Concept Plan.

### **3.5 Maximum Floor Area**

- 3.5.1 The maximum floor area approved in this Stage 1 Concept Plan is to be in accordance with the Proposed Area Plan, Drawing Number AS-01, Revision DA2, dated 07.03.2019.

### **3.6 Roads and Maritime Services - Requirements**

- 3.6.1 The proposed traffic control light at the intersection of Railway Terrace and Jacqui Avenue 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 signal design and 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. Documents should be submitted to [Development.Sydney@rms.nsw.gov.au](mailto:Development.Sydney@rms.nsw.gov.au).



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

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

The TCS should be in operation prior to the issue of the Occupation Certificate.

### **3.7 Necessary Plan Amendments**

3.7.1 The architectural and landscaping plans referenced in Condition 3.1 shall be amended and submitted to Council's Manager Development Assessment for a.-h. and Manager Asset Design for i.-m. for formal written approval as follows:

- a. Railway Terrace is to be designed by the Applicant to a total width of 24.9 m as measured from the existing western boundary of the Railway Terrace roadway consistent with the requirements of a higher order town centre road, as required by Figure 3-7 of Schedule 1 Alex Avenue Precinct of the BCC Growth Centre Precincts Development Control Plan 2016. This includes appropriate footpaths, carriageways which can accommodate truck and bus swept turning paths and a central median strip for pedestrian safety. The portion of Railway Terrace which is to be reformed and widened is to be constructed by the Applicant and dedicated to Council free of cost.
- b. Jacqui Avenue is to be designed with a minimum carriageway width of 13 m (comprising 2 x 3.5 m travelling lanes and 2 x 3 m parking lanes). The provision of a 3.5 m width verge on both sides of Jacqui Avenue results in a minimum total road reserve width of 20 m.
- c. Minerva Street is to be designed with a width of 21.65 m and is to be consistent with the road width provided for the part of Minerva Street at the rear of the Woolworths site to the north at Lot 1 DP 1196584, 217 Railway Terrace, Schofields.
- d. Plans are to be submitted which demonstrate that bus services are capable of servicing Railway Terrace, Jacqui Avenue and Minerva Street in accordance with Transport for NSW's Guidelines for bus capable infrastructure in greenfield sites dated July 2018.
- e. Amended design plans shall be submitted demonstrating an alternate interim control at the Railway Terrace and Jacqui Avenue intersection, such as a roundabout, until such time as RMS installs the traffic signals. Traffic signals cannot be installed without approval from RMS at the Railway Terrace and Jacqui Avenue intersection until 'traffic signal warrants' are met.
- f. Amended design plans shall be submitted demonstrating that the development is not compatible with the following future regional traffic and transport infrastructure in Contributions Plan No. 20:
  - i. Item R1.2 Half-width collector road along the eastern side of Railway Terrace.
  - ii. Item R1.2 Traffic signals at the intersection of Railway Terrace and Jacqui Avenue.
  - iii. Item R2.1 Roundabout at Jacqui Avenue and Minerva Street, and extension of Jacqui Avenue (21.6 m wide) further to the east including traffic signals at the Pelican Road intersection.
- g. Amended design plans shall be submitted which demonstrates appropriate traffic circulation at the south-east end of the site in the vicinity of the driveway access to the basement at Lot 1 DP 1248598 'Minerva Street', such as a turning head. Sufficient turning area is required to be provided on the roads to enable vehicles to manoeuvre should they incorrectly enter Minerva Street.
- h. The design plans shall demonstrate that proposed new public roads Jacqui

Avenue and Minerva Street will be constructed by the Applicant and dedicated free of cost to Council to provide public road access to Lot 1 DP 1248598 'Minerva Street'.

- i. Design plans shall be submitted demonstrating that the development consists of permanent 'on lot' stormwater quality control and temporary onsite detention in accordance with the Blacktown Development Control Plan 2015 (BDCP 2015) Part J – Water Sensitive Urban Design and Integrated Water Cycle Management Plan. This includes temporary treatment for the provision of future public roads. Note: The flows off (future) Minerva Street are to be directed to Council's drainage channel to the east and are not required to be considered as part of the temporary on-site detention.
- j. Design plans shall be submitted demonstrating that the change in levels and interface between the site (in particular the Pelican Road part of the site and potential negative impacts to upstream land) and the adjoining site to the south are appropriately designed.
- k. Amended Concept Drainage Plans shall be submitted which satisfy Part J of BDCP 2015 regarding 'tail out' works along Railway Terrace for item E2.1 in Contributions Plan No. 20 and the capacity of the existing culvert under the rail line, details of pipe sizing and upgrading.
- l. Design plans shall be submitted demonstrating that the water quality targets and the requirements under the BCC Growth Centre Precincts DCP 2016 are achieved. The applicant shall demonstrate that the Water Sensitive Urban Design Stream Erosion Index is met. The catchment plans for water quality and detention are to accord with their drainage plans.
- m. Design plans shall be submitted demonstrating that the 100 year ultimate unrestricted drainage design is directed to the future regional pipe (referred to in Contributions Plan No. 20) which starts in Railway Terrace at the southern side of Jacqui Avenue and discharges south to the future regional basin. Until that pipeline is complete the drainage design is to connect temporarily to the existing westerly pipe crossing of Railway Terrace.

### **3.8 Engineering Matters - Design and Works Specification**

- 3.8.1 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 and Council's WSUD Standard Drawings
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook FOURTH Edition December 2005.

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

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

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

3.8.2 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
- Removal of temporary infrastructure

These matters will be individually addressed within the consent

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

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

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

### 3.9 **Engineering Matters - Other Necessary Approvals**

3.9.1 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)

### 3.10 **Engineering Matters - Subdivision**

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

### 3.11 **Other Engineering Matters**

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

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

### 3.12 **Drainage Matters**

3.12.1 Each year before 1 September the registered proprietor is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices and rainwater tanks in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.

- 3.12.2 Each development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Part J of DCP 2015 for the entire site in perpetuity:

*Required percentage reductions in post development average annual load of pollutants*

<b>Pollutant</b>	<b>% post development pollutant reduction targets</b>
Gross Pollutants	90
Total Suspended Solids	85
Total Phosphorous	65
Total Nitrogen	45

- 3.12.3 The registered proprietor is to maintain the temporary detention tanks and these are not to be removed, nor the positive covenants lifted, until the downstream regional trunk drainage and Council detention basin are completed.
- 3.12.4 The registered proprietor is to maintain the temporary water quality treatment measures for the external roads and these measures are not to be removed, nor the positive covenant lifted, until the downstream regional Council water quality basin measures are fully completed.
- 3.12.5 The Temporary OceanGuard Removal Security can only be refunded and the positive covenant for the maintenance of the OceanGuards in the street pits can only be removed when the downstream regional basin is fully developed with water quality as agreed with Council and the temporary devices have been fully removed and certified.

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

##### **4.1 DA Plan Consistency**

- 4.1.1 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, as amended by the requirements of Condition 3.2 Necessary Plan Amendments and as approved by Council's Managers.

##### **4.2 Services, Plant and Equipment**

- 4.2.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the streetscape presentation and surrounding properties with regard to visual, acoustic and odour impacts.
- 4.2.2 The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.
- 4.2.3 Written evidence is to be provided to Council from an appropriately qualified acoustic consultant stating that all plant and equipment have been selected to meet the project noise criteria.
- 4.2.4 A "Notification of Arrangement" Certificate is to be provided from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.

- 4.2.5 The applicant shall be responsible for all public utility adjustments/relocation works necessitated by the development works and as required by the relevant public utility authorities and/or their agents.

#### 4.3 **Street Tree Planting**

- 4.3.1 Street tree planting must not impact on public utilities. The applicant shall liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.

- 4.3.2 The applicant must submit a Street Tree Plan detailing the proposed street tree planting and landscaping for the approved subdivision. The Street Tree Plan is to reflect the species palette in our Street Tree Guidelines and must include:

- cross-sections showing dimensions of tree pits
- species
- details of root protection barriers
- soil specifications
- location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

NOTE: Any tree planting to be undertaken as part of the approved development shall be available to Council for inclusion in future carbon sequestration programs.

The Street Tree Plan must show how the developer can decommission any median feature and road verge landscaping, and reinstate landscaping suitable to Blacktown City at handover.

Landscaping to lot boundaries is to be wholly located within private property and not encroach upon the road reserve.

Street tree planting must not interfere with street light spill. The applicant is to provide documentation to Council's Project Officer Civil and Park Infrastructure to confirm there is no conflict between proposed vegetation at maturity and street lighting.

#### 4.4 **Local Police - Requirements**

- 4.4.1 The development is to be in accordance with the requirements issued by the NSW Police Force dated 12 June 2018.

#### 4.5 **Roads and Maritime Services**

- 4.5.1 The Applicant shall contact Roads and Maritime Services regarding arrangements for the signalised intersection proposed for development under section 87(4) of the *Roads Act 1993*. Written evidence of such arrangements having been made is to be submitted with, or prior to, the issue of any Construction Certificate.
- 4.5.2 A Construction Certificate is not permitted to be issued unless written evidence from Roads and Maritime Services has been obtained as required under section 87(4) of the *Roads Act 1993* for the traffic signalised Intersection proposed for this development.

#### 4.6 **Sydney Trains - Requirements**

- 4.6.1 An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "*Development near Rail Corridors and Busy Roads - Interim Guidelines*."

- 4.6.2 Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

#### 4.7 Treatment to the Town Plaza

- 4.7.1 All works associated with, and in the vicinity of, the town plaza shall be in line with Blacktown City Council Growth Centre Precincts Development Control Plan 2016, Schedule 1 Alex Avenue Precinct. The works shall provide passive surveillance including appropriate lighting. The works shall provide accessible pedestrian access and avoid level changes. The works shall comprise street trees along the shop frontage and in the Plaza and surrounding area to provide shade and improve the amenity for the open space area. The public domain furniture and selection of materials are to be approved by Council's Manager Recreation Planning and Design.
- 4.7.2 The town plaza is to be kept available to support its use by the general public. Fixed furniture and seating associated with the surrounding shops are to be kept clear of the town plaza.

#### 4.8 Adjoining Owners Consent

- 4.8.1 Written owner's consent is to be submitted to Council from all affected property owners should the development impact upon any neighbouring property as a result of any construction and development works including site preparation works, battering, road construction, infrastructure and services, under-pinning, footings, fencing, etc.

### 5 Prior to Construction Certificate (Planning)

#### 5.1 Section 7.11 Contributions

- 5.1.1 The following monetary contributions under Section 7.11 of the *Environmental Planning & Assessment Act* 1979 must be paid. The amounts below are the base amounts as at June 2015. They WILL BE INDEXED from the base date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) 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 up to \$10,000.00 only. Any payments above \$10,000.00 must be made by cheque. 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	Base Amount	Relevant C.P
Stormwater Quantity Eastern Creek	\$1,316,105.00	20
Stormwater Quality Eastern Creek	\$ 224,647.00	20
Traffic Management	\$ 381,436.00	20

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):

Section 94 CP No. 20 – Riverstone and Alex Avenue Precincts.

The Section 7.11 (formerly 94) contribution(s) have been based on the total developable area of 2.112 hectares. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 7.11 (formerly 94) contribution(s) will be adjusted accordingly.

Note: Future stages will be separately levied Section 7.11 contributions, if required.

## **5.2 Special Infrastructure Contributions**

- 5.2.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the *Environmental Planning and Assessment Act 1979* under Section 7.17 or its equivalent of the Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Environment before a Construction Certificate or Subdivision Certificate is issued in relation to any part of the development to which this consent relates.

### **More information**

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

<https://www.planning.nsw.gov.au/policy-and-legislation/infrastructure/infrastructure-funding/special-infrastructure-contributions-sic>

The approval of this consent does not preclude the requirement for special infrastructure contributions on the site for future stage 2 Development Applications.

## **5.3 Blacktown Growth Centres Development Control Plan 2016**

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

## **5.4 Construction Traffic Management Plan**

- 5.4.1 A Construction Traffic Management Plan detailing construction vehicle routes, parking, 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.

## **5.5 Construction Environmental Management Plan**

- 5.5.1 A Construction Environmental Management Plan is to be submitted to Council prior to the issue of any Construction Certificate as required by Clause 3.3 *Construction Environmental Management* of the BCC Growth Centre Precincts DCP 2016.

## **5.6 Aesthetics/Landscaping**

- 5.6.1 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20% and must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.
- 5.6.2 The development approved by this consent is to be constructed in accordance with the

materials, finishes, colours and architectural features / embellishments indicated on the photomontage and the external material and finishes schedule 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 came into effect on 22 October 2018.

- 5.6.3 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.
- 5.6.4 All landscaping shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate. The minimum pot sizes are to be 45 litres for medium sized plants and 100 litres for trees. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping. Indigenous species from the area are encouraged for all landscape plantings.
- 5.6.5 All landscaping, turfed areas, recreation features and furniture, children's play areas, pathways, ramps and fencing shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate.

## 5.7 Fencing and Retaining Structures

- 5.7.1 All fencing and noise wall details and materials are to be as per the approved plans. All fencing is to be provided at full cost to the developer. All boundary fencing adjoining neighbouring residential properties are to be replaced at full cost to the developer and are to be of suitable quality. Fencing is to be constructed on top of any masonry retaining walls.
- 5.7.2 All retaining walls/structures shall be of masonry construction (i.e. no timber walls).
- 5.7.3 With regard to the treatment of any front fences or walls at the ground level which is in the vicinity of the public domain / public footway, appropriate measures are to be in place to deter the potential for graffiti on these front fences or walls, such as landscaping which limits access to these front fences or walls, or a varied finish to these front fences / walls and with an anti-graffiti finish. These details are to be shown on the construction certificate plans to the satisfaction of the Certifying Authority.

## 5.8 Access/Parking

- 5.8.1 355 on-site basement and at-grade car parking spaces are required to be provided, comprising 202 at the basement level and 153 at the ground level. At the basement level includes parking spaces allocated for disabled parking, seniors parking, parents with prams and electric cars. At the ground level, this includes parking spaces allocated for child care centre pick up/drop off, taxi / drop off zone, parents with prams, disabled parking, senior parking, short term parking and 27 spaces for McDonald's. All car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Car parking spaces (excluding width of pillar): 2.5m x 5.4m  
Car parking spaces (adjacent to solid wall): 2.7m x 5.4m  
Disabled Car Space: 4.8m x 5.4m (including shared zone)



- 5.8.2 Details of the parking management system are to be included in the construction certificate documentation, including ground sensors and real time display indicating availability of parking, allocated parking for people with prams, seniors, persons with a disability and child care drop off and pick up.
- 5.8.3 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network.
- 5.8.4 A minimum of 5 staff and 12 visitor bicycle parking spaces are to be provided on-site for the use of staff and visitors.
- 5.8.5 The layout of the proposed car parking driveways and areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.6 – 2009.
- 5.8.6 Adequate sight distance is required to be provided for both pedestrian and vehicular movement at the proposed driveways in accordance with Section 3.2.4 AS 2890.1 and Figure 3.2 of AS 2890.1 to ensure safety of pedestrians on the footpath system and motor vehicles along the new driveway.
- 5.8.7 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009 and AS1428.1 - 2009.
- 5.8.8 The construction certificate documentation shall demonstrate that the swept paths of heavy rigid vehicles required to access the site and loading areas (including McDonald's) are clear of the on-street car parking areas along any new public roads and do not obstruct vehicles travelling in the opposite direction along any new public roads (including Jacqui Avenue and Minerva Street).
- 5.8.9 All internal roads/driveways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

## **6 Prior to Construction Certificate (Building)**

### **6.1 Site Works and Drainage**

- 6.1.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan 2015), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 6.1.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:
  - (a) be in accordance with Australian Standard 3500.3, and
  - (b) provide for drainage discharge to an existing Council drainage system, and
  - (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.
- 6.1.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any

Construction Certificate.

## 6.2 Demolition

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

## 7 Prior to Construction Certificate (Engineering)

### 7.1 General

- 7.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued. A construction certificate for building works shall not be issued until all roads fronting the site have been constructed and dedicated to Council free of cost.
- 7.1.2 All fees for Construction, Roads Act 1993 and Local Government Act 1993 approvals must be paid to Council prior to the issue of any of the above certificates or approvals. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.
- 7.1.3 Construction certificate plans shall be generally in accordance with the following drawings, deferred commencement requirements and conditions of this consent:

Prepared By	Drawing No.	Revision	Dated
Henry & Hymas	17B01_DA_BE00	02	06.03.2019
Henry & Hymas	17B01_DA_BE01	02	06.03.2019
Henry & Hymas	17B01_DA_C000	03	06.03.2019
Henry & Hymas	17B01_DA_C100	03	06.03.2019
Henry & Hymas	17B01_DA_C101	05	06.03.2019
Henry & Hymas	17B01_DA_C102	05	06.03.2019
Henry & Hymas	17B01_DA_C103	05	06.03.2019
Henry & Hymas	17B01_DA_C104	01	06.03.2019
Henry & Hymas	17B01_DA_C110	02	06.03.2019
Henry & Hymas	17B01_DA_C111	01	06.03.2019
Henry & Hymas	17B01_DA_C120	01	06.03.2019
Henry & Hymas	17B01_DA_C200	02	06.03.2019
Henry & Hymas	17B01_DA_C201	03	06.03.2019
Henry & Hymas	17B01_DA_C202	03	06.03.2019
Henry & Hymas	17B01_DA_C203	01	06.03.2019
Henry & Hymas	17B01_DA_C210	03	06.03.2019
Henry & Hymas	17B01_DA_C211	03	06.03.2019
Henry & Hymas	17B01_DA_C249	01	06.03.2019
Henry & Hymas	17B01_DA_C250	03	06.03.2019
Henry & Hymas	17B01_DA_C251	03	06.03.2019
Henry & Hymas	17B01_DA_C252	03	06.03.2019
Henry & Hymas	17B01_DA_SE01	03	06.03.2019
Henry & Hymas	17B01_DA_CSE02	03	06.03.2019

## **7.2 Construction Certificate Requirements**

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

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

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

## **7.3 Local Government Act Requirements**

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

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

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

## **7.4 Roads Act Requirements**

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

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

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

## **7.5 Other Engineering Requirements**

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

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

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

7.5.4 Submit written evidence from the Roads and Maritime Services indicating compliance with all necessary requirements.

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

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

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

## 7.6 Roads

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

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

7.6.3 Any approved design drawings must show a 5m x 5m splay for residential allotments at each street intersection.

7.6.4 Any approved design drawings must show an 8m x 8m splay for commercial allotments at each street intersection.

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

7.6.7 Proposed new roads shall be designed and constructed in accordance with the Growth Centres DCP and Schedule 1 Alex Avenue Precinct as follows:

Name	Reserve Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Southern Access Road (Jacqui Ave)	21.5	Railway Terrace to Minerva St	4.75-12.0-4.75 (Footway variable width on southern side)	2x10 <sup>6</sup>
Eastern Access Road (Minerva St)	22.25	Jacqui Ave to boundary	5.25-14.4-2.0	2x10 <sup>6</sup>

**Note:** The design plans are to include the following:

- i. for Jacqui Avenue variable width footway on the southern side to match the ILP road alignment and adjoining property boundaries.

7.6.8 Railway Terrace shall be designed and constructed, eastern half only, as a Town Centre Road in accordance with the Growth Centres DCP Schedule 1 Alex Avenue Precinct as follows:

Name	Reserve Width (m)	Length (m)	Formation (m) (west to east)	Traffic Loading N(E.S.A)
Railway Terrace	24.9m	Full frontage	3.5-6.7-3.5-6.7-4.5	2x10 <sup>6</sup>

**Note:** The design plans for Railway Terrace are to include the following

- i. road widening of approximately 4.785m of along the Railway Terrace frontage, subject to survey, to achieve the full reserve width.

- ii. Coordination with council's design for the western half of Railway Terrace.

## 7.7 Drainage

- 7.7.1 Drainage from the site must be connected into Council's drainage system.
- 7.7.2 Foundations adjacent to easements shall not place a loading on the pipe within the easement. Foundations shall be located at:
  - (a) the depth of the invert of the existing pipeline, and/or
  - (b) the depth of the invert of the proposed pipeline.

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

- 7.7.3 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.
- 7.7.4 Where the internal driveway cannot be drained to an internal pit a grated trench drain shall be provided at the property boundary.

## 7.8 Erosion and Sediment Control

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

## 7.9 Earthworks

- 7.9.1 Proposed lots must be filled so that the ground levels behind the building are a minimum of 500mm above the designed 100-year average recurrence interval flood level.
- 7.9.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 7.9.3 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.
- 7.9.4 Retaining walls shall be a maximum single height of 1.2m (600mm cut + 600mm fill). Where a retaining wall is proposed that is more than 1.2m in height, a terraced solution shall be provided. Terraces should not exceed 900mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.

## 7.10 Vehicular Crossings

- 7.10.1 Construct a commercial vehicular crossing to Council's standard A(BS)103S at each entry point.

## 7.11 Footpaths

- 7.11.1 Construct path paving as follows:

Street Name	Side	Paving Width	Length
Railway Terrace	Eastern	Full width	Full frontage

Jacqui Avenue	Northern	Full width	Full frontage
Minerva Street	Western	Full width	Full frontage

7.11.2 The construction of full width path paving is to be provided at a maximum 2.5% crossfall and be in accordance with Council's Standard Drawing A(BS) 178M. Other paving shall be in generally accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2018.

7.11.3 A signage and line marking plan shall be prepared and submitted to Blacktown City Council's Local Traffic Committee (LTC) for review and formal approval by Council. The plan shall consider the current and future configuration of the road network adjacent to the development.

**Note:** A revised Construction Certificate in regard to signage and line marking may be required following consideration by the LTC.

## 7.12 Drainage Matters

7.12.1 The applicant is required to submit amended drainage plans from Henry & Hymas Project No 17B01\_DA\_C, dated 06.03.2019 (various revisions) to the satisfaction of Council's Manager Asset Design which address the following:

- i. Rename "Stormwater 360" to "Ocean Protect".
- ii. Rename all "Enviropods" to "200 micron OceanGuards".
- iii. Clearly identify by type and legend each pit that contains an OceanGuard and which type surface or flow through pipes. Provide a detail for each type including one for treatment of trench grates.
- iv. OceanGuards (Enviropods) treating only surface flows require a minimum clear depth of 600 mm from the grate to any inlet or outlet pipe obvert. OceanGuards treating upstream pipe flows require a minimum clear depth of 500 mm from the invert of the upstream pipes to be treated, to the obvert of the outlet pipe. Where these pits are treating upstream pipe flows the inverts of all pipes in and out of the pit are to be shown.
- v. Provide details of the first flush device for the roof water entering the rainwater tank.
- vi. Show all the roof downpipes and connections to either the rainwater tank or the Stormfilter chamber, but not to the main detention tank.
- vii. Amend the pipe size from A-1 to the Stormfilter Dissipation Chamber to carry the increased flow, or delete connecting side wall entirely.
- viii. On Drawing C102 (05) provide a temporary OceanGuard for treatment at pits M-2, O-1, O-2 and O-3.
- ix. On Drawing C102 (05) upgrade the pipe from the stormwater detention tank overflow pit to pit J-1 to convey the unrestricted 100 year flows from the site.
- x. On Drawing C102 (05) delete pit L-2 from within the kerb return and direct pipe O-1 to L-3.
- xi. On Drawing C102 (05) relocate pit L-4 clear of Lot 2 DP 26987 or obtain written approval from the owner for its position within the site.
- xii. On Drawing C102 (05) ensure the twin 900 mm pipes from J-1 to L-3 are in accordance with the drainage design prepared by Council including alignment.
- xiii. On Drawing C103 (05) provide a temporary OceanGuard for treatment at pit M-3.
- xiv. On Drawing C104 (01) provide a temporary OceanGuard for treatment at pits X-1, X-2, X-3 and X-4.
- xv. On Drawing C280 (03) set the pipe grade from A-3 to A-1 to 0.4% and otherwise adjust Line A to discharge into the dissipation chamber at an minimum invert of RL 29.95.

- xvi. Detail Confined space entry warning signs on the drainage plans adjacent to all entries into the temporary detention tanks, Stormfilter tank and rainwater tank in accordance with Council's Engineering Guide for Development 2005.
  - xvii. Provide on-site detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.
- 7.12.2 A Civil Engineer registered with NER is to certify that all the 100 year flows for the site can reach the detention tanks through either pipe or surface flows with sufficient capacity to collect and convey such flows to the tanks.
- 7.12.3 A Civil Engineer registered with NER is to certify that the maximum depth of street gutter flow is 200mm in the critical 100yr storm.
- 7.12.4 An experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for all non-potable water uses (including all toilet/urinal flushing, washdown and all landscape watering) to be met through rainwater and The plan is to show the rainwater pipe and tank arrangement including:
- i) a first flush or pre-treatment system,
  - ii) a pump with isolation valves, control panel and a warning light to indicate pump failure;
  - iii) a solenoid controlled mains water bypass;
  - iv) **flow meters** on the solenoid controlled mains water bypass line and the pump outflow line, to determine the actual percentage of non-potable usage;
  - v) a timer and control box for landscape watering, allowing for seasonal variations;
  - vi) ensuring all the rainwater reuse pipes are coloured purple;
  - vii) an automatic backwash inline filter.
  - viii) fitting rainwater warning signs to all external taps using rainwater.
  - ix) provide taps for washdown of the loading area at regular intervals
  - x) and certify that all Sydney Water requirements have been satisfied.
- 7.12.5 Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- i. 4 star dual-flush toilets;
  - ii. 3 star showerheads;
  - iii. 5 star taps (for all taps other than bath outlets and garden taps);
  - iv. 3 star urinals; and
  - v. Water efficient washing machines and dishwashers are to be specified.
- 7.12.6 Provide details for permanent interpretive signage minimum A0 size to be installed to highlight the water quality improvement process near to the Stormfilter tank. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tanks and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.
- 7.12.7 Provide a Temporary OceanGuard (Enviropod) Removal Estimate from Ocean Protect for the full removal of the temporary OceanGuards and frames from the street pits surrounding the development.
- 7.12.8 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.

## 8 Prior to Construction Certificate (Environmental Health)

### 8.1 Food Premises

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

### 8.2 Environmental Management

- 8.2.1 The recommendations provided in the DA Acoustic Assessment, prepared by Renzo Tonin & Associates, dated March 2019, shall be implemented.
- 8.2.2 The recommendations provided in the Detailed Site Investigation, prepared by Geo-Logix Pty Ltd, report no. 1701104Rpt01FinalV01\_17Nov17 should be carried out. A Remedial Action Plan shall be prepared and submitted to Council for approval to ensure the remediated site will be suitable for the proposed use and will pose no unacceptable risk to human health or to the environment as all areas contaminated / potentially contaminated must be remediated.
- 8.2.3 Once approved the Remedial Action Plan shall be carried out. 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).
  - National Environment Protection Council "*National Environment Protection (Assessment of Site Contamination) Measure*" (2011).
  - Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (1992).
  - NSW Environment Protection Authority's "*Contaminated Sites: Guidelines for NSW Site Auditor Scheme*" (2006).
- A NSW Environment Protection Authority accredited Site Auditor is to review the validation report(s) and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation were carried out in accordance with the above guidelines and that the site is suitable for the proposed use.
- 8.2.4 A qualified acoustic engineer must certify that the buildings have been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

Internal Space	Time Period	Criteria <i>L<sub>Aeq</sub> (period)</i>
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 dB(A)

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



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

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

## **9 Prior to Demolition and Development Works (Building)**

### **9.1 Safety/Health/Amenity**

9.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.

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

Each toilet provided shall be:

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

9.1.3 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.

9.1.4 Should the demolition and development work:

- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
- (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (c) involve the enclosure of a public place,

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

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

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

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

## 9.2 Notification to Council

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

## 9.3 Notification to Neighbours

- 9.3.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 2 days prior to the intended work and include the following information:
- date/s, hours and duration of the works.
  - contact name and phone number of the applicant
  - contact name and phone number of the licensed demolisher
  - WorkCover NSW contact number 131050, and email address [contact@workcover.nsw.gov.au](mailto:contact@workcover.nsw.gov.au).

## 9.4 Site Investigation

- 9.4.1 A qualified Site Auditor accredited by NSW Department of Environment and Conservation (under the provisions of the *Contaminated Land Management Act 1997*) shall be engaged to undertake an investigation of the land to ascertain if the site has been affected by any contaminants (including, but not limited to, asbestos, organochlorins, arsenic, lead, petroleum residues and the like) that may be detrimental

to the health of any future occupants and/or workers. The report shall identify the contaminants (if applicable) and shall make recommendations on the method of remediation of the land.

## **9.5 Sydney Water Authorisation**

- 9.5.1 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.

## **9.6 Protection of Fauna**

- 9.6.1 It is the responsibility of the developer to ensure that the removal of hollow-bearing trees or trees containing nests is conducted with due regard to any fauna present. In the event that fauna is evident an ecologist shall be engaged on-site to undertake appropriate relocation any fauna.

## **10 During Demolition Works (Building)**

### **10.1 Safety/Health/Amenity**

- 10.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 10.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 10.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 10.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 10.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 10.1.6 Any excavation and/or backfilling associated with the demolition works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 10.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2002 (if applicable).

- 10.1.8 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 10.1.9 At least one access and egress route shall be made available connecting any undemolished floor to an open space well clear of the structure being demolished. The egress route shall be clearly identified as an emergency exit and maintained clear of obstructions at all times.
- 10.1.10 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 10.1.11 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.
- 10.1.12 Should any excavation associated with the demolition works extend below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage, and
  - (b) if necessary, must underpin and support the building in an approved manner, and
  - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 10.1.13 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- 10.1.14 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.

## **10.2 Nuisance Control**

- 10.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the demolition works shall not exceed the limit prescribed in the *Protection of the Environment Operations Act 1997*.
- 10.2.2 Any noise generated during demolition shall not exceed those limits specified in the *Protection of the Environment Operations Act 1997* and shall be limited to between 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.
- 10.2.3 The waste material sorting, storing and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of the demolition works.

## **11 During Construction (Building)**

### **11.1 Safety/Health/Amenity**

- 11.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 11.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the *Environmental Planning and Assessment Regulations 2000* indicating:
  - (a) the name, address and telephone number of the principal certifying authority for the work, 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.
- 11.1.3 Should the development work:
  - (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) involves the enclosure of a public place,
 the required hoarding, awning or protective barrier shall be maintained between the land and the public place.
 

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.
- 11.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 11.1.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 11.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 11.1.7 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
  - (a) shall be preserved and protected from damage, and
  - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 11.1.8 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

## 11.2 **Building Code of Australia Compliance**

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

### **11.3 Nuisance Control**

- 11.3.1 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*.
- 11.3.2 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.

### **11.4 Stormwater Drainage**

- 11.4.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:
- (a) the floor level being a minimum 225mm above the adjoining finished ground level, and/or
  - (b) being drained to an effective drainage system.

### **11.5 Waste Control**

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

### **11.6 Construction Inspections**

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

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

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

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

### **11.7 Local Police - Requirements**

- 11.7.1 All works are to be in accordance with the requirements issued by the NSW Police Force dated 12 June 2018.

## **11.8 European Heritage**

- 11.8.1 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.

## **11.9 Aboriginal Heritage**

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

## **12 During Construction (Engineering)**

### **12.1 Notification of Works**

- 12.1.1 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.
- 12.1.2 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.

### **12.2 Insurances**

- 12.2.1 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.

### **12.3 Service Authority Approvals**

- 12.3.1 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.

## **12.4 Boundary Levels**

- 12.4.1 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.

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

- 12.5.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 12.5.2 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.
- 12.5.3 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.

## **12.6 Filling of Land and Compaction Requirements**

- 12.6.1 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.
- 12.6.2 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 N.A.T.A. certified stockpiles.

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

- 12.6.3 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.



- 12.6.4 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.
- 12.6.5 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.
- 12.6.6 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.
- 12.6.7 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.
- 12.6.8 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.

## 12.7 Filling in Contaminated Land

- 12.7.1 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.
- 12.7.2 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.
- 12.7.3 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.

## 12.8 Inspection of Engineering Works - Environmental Planning & Assessment Act 1979

- 12.8.1 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 4A of the Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

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

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

- 12.9.1 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 6:45am – 7:45am, 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).

## 12.10 **Public Safety**

- 12.10.1 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.

## 12.11 **Site Security**

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

## 12.12 **Traffic Control**

- 12.12.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2009.
- 12.12.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by person who holds a current Roads and Maritime Services (RMS) accreditation and photo card to implement Traffic Control Plans.
- 12.12.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Roads and Maritime Services (RMS) Traffic Controller accreditation and photo card and carry it with them.
- 12.12.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Roads and Maritime Services (RMS) accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2009.
- 12.12.5 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 person who holds a current Roads and Maritime Services (RMS) accreditation to prepare a Work Zone Traffic Management Plan. This Plan must satisfy all the requirements of AS 1742.3 – 2009 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

## **12.13 Powder Coated Furniture**

- 12.13.1 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.

## **12.14 Drainage Matters**

- 12.14.1 The 200 micron OceanGuards supplied by Ocean Protect as detailed on the approved drainage plan are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.
- 12.14.2 The Stormfilters supplied by Ocean Protect are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

## **13 During Construction (Environmental Health)**

### **13.1 Environmental Management**

- 13.1.1 The recommendations provided in the DA Acoustic Assessment, prepared by Renzo Tonin & Associates, dated March 2019, shall be implemented.
- 13.1.2 On completion of the installation of the ventilation system, a Compliance Certificate is to be submitted to Council certifying that the system has been installed and commissioned in accordance with the approved details.
- 13.1.3 The recommendations provided in the Geotechnical Report prepared by Geo-Logix, dated November 2107, shall be implemented.

### **13.2 Food Premises**

- 13.2.1 The food preparation areas shall be constructed so as to comply with the requirements of:
- The Food Act 2003 and Regulations there under.
  - Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
  - Australian Standard 1668.2-2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.

### **13.3 Premises Construction**

- 13.3.1 Any asbestos material is to be handled and treated in accordance with the WorkCover document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.
- 13.3.2 A Construction Environment Management Plan should be in place and must include specific advice on how water treatment and dewatering will be undertaken in accordance with the Blue Book, as well as demonstrating the discharged water complies with ANZECC water quality guidelines.

- 13.3.3 When basins are required to be pumped out, the necessary dosing must occur within 24 hours of the conclusion of each storm event and the basin must be drained within 36 to 48 hours if gypsum is used.
- 13.3.4 Council's Environmental Health Section must be notified prior to 4pm on the business day prior to any controlled discharge from any temporary drainage basin outside of standard business hours (9am to 5pm, Monday to Friday), or, 1 hour prior to any controlled discharge from any temporary drainage basin during standard business hours.
- 13.3.5 Any water discharging from the premises is to be sampled at 30 minute intervals from the discharge point for the entire period that water is leaving the site.
- 13.3.6 If any sample is recorded above the parameters in the plan, the discharge will need to cease immediately and Council's Environmental Health Section must be notified by telephone at the time of detection and followed up in writing.
- 13.3.7 If no adverse results are identified that require immediate notification the results must still be submitted to Council's Environmental Health Section at the completion of the required controlled discharges.

## **14 Prior to Occupation Certificate**

### **14.1 Compliance with Conditions**

- 14.1.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied for the relevant stage. 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.
- 14.1.2 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 6.4 of the *Environmental Planning & Assessment Act 1979*.

### **14.2 Fee Payment**

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

### **14.3 Fire Safety Certificate**

- 14.3.1 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).
- 14.3.2 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).

### **14.4 Environmental Management**

- 14.4.1 The applicant shall submit to Council a Waste Minimisation Program prepared by a suitably qualified person.

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

#### **14.5 Food Premises**

- 14.5.1 Each food premises shall be registered with Council's Environmental Health Unit. A health inspection is to be conducted by Council's Environmental Health Officer to insure that the fit out of the food premises complies with the requirements of the *Food Act 2003* and Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
- 14.5.2 Trading must not commence until an Occupation Certificate for the development has been issued.
- 14.5.3 The installation of any grease arrestor shall comply with the requirements of the Sydney Water Corporation. A copy of the Corporation's Trade Waste Agreement, shall be submitted to Council.
- 14.5.4 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that the ventilation system has been installed and is operating in accordance with Australian Standard 1668.2:2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.

#### **14.6 Street Tree Planting**

- 14.6.1 Prior to the issue of any Occupation Certificate for each stage, all required street tree planting and payments of bonds are to be completed to the satisfaction of Council's Project Officer Civil and Open Space Infrastructure.

#### **14.7 Services / Utilities**

- 14.7.1 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the 'Building Plumbing and Developing' Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the 'Developing Your Land' link or telephone 13 20 92 for assistance. Following application a 'Notice of Requirements' will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.
- 14.7.2 The Applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation in relation to any discharges to the Corporation's sewerage system.
- 14.7.3 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.
- 14.7.4 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.

## **14.8 Stage 1 Works**

### **14.8.1 Prior to the issue of any Occupation Certificate for the Stage 1 works:**

- i. Railway Terrace is to be constructed by the Applicant to a total width of 24.9 m as measured from the existing western boundary of the Railway Terrace roadway consistent with the requirements of a higher order town centre road, as required by Figure 3-7 of Schedule 1 Alex Avenue Precinct of the BCC Growth Centre Precincts Development Control Plan 2016. This includes appropriate footpaths, carriageways which can accommodate truck and bus swept turning paths and a central median strip for pedestrian safety. The portion of Railway Terrace which is to be reformed and widened is to be constructed by the Applicant and dedicated to Council free of cost.
- ii. Jacqui Avenue is to be constructed with a minimum carriageway width of 13 m (comprising 2 x 3.5 m travelling lanes and 2 x 3 m parking lanes). The provision of a 3.5 m width verge on both sides of Jacqui Avenue results in a minimum total road reserve width of 20 m.
- iii. Minerva Street is to be designed with a width of 21.65 m and is to be consistent with the road width provided for the part of Minerva Street at the rear of the Woolworths site to the north at Lot 1 DP 1196584, 217 Railway Terrace, Schofields.

### **14.8.2 The Traffic Control Signal (TCS) at the intersection of Railway Terrace and Jacqui Avenue shall be in operation prior to the issue of any Occupation Certificate.**

## **14.8 Stage 2 Works**

### **14.8.2 Prior to the issue of any Occupation Certificate for the Stage 1 works, the Stage 2 part of the site is to be appropriately embellished and available for use/access as shown on Proposed Site Plan - Stage 1 Plan, Drawing Number DA-01-01, Revision DA2, dated 07.03.2019.**

## **14.9 Other Matters**

### **14.9.1 The Applicant/person action on this consent will be responsible for managing all waste storage and collection associated with the development. A private waste contractor is to be engaged prior to any Occupation Certificate being issued.**

### **14.9.2 All landscaping, recreation features and furniture, children's play equipment, pathways and lighting shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.**

### **14.9.3 The playground shall be completed and in a form suitable for public use prior to the issue of any Occupation Certificate.**

### **14.9.4 All fencing, noise walls and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.**

### **14.9.5 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.**

- 14.9.6 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 14.9.7 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.
- 14.9.8 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 14.9.9 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 14.9.10 Head room clearance at the basement ramp must comply with requirements of AS2890.1 (Section 5.3) for a Disabled Vehicle, and meet AS2890.1 – Appendix C for the disabled parking space and access to the lift.
- 14.9.11 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 14.9.12 Loading facilities shall be in place and accessible via new public roads prior to the issue of any Occupation Certificate.
- 14.9.13 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves and also not on drainage zoned land.

#### 14.10 **Graffiti Management Plan**

- 14.10.1 A 'Graffiti Management Plan' is to be submitted for the separate approval of Council. The Plan is to address the following issues:
  - (a) Methods to minimise the potential for graffiti;
  - (b) Management/notification procedures for the 'early' removal of graffiti no later than 48 hours after detection. Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s;
  - (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.

#### 14.11 **Total Maintenance Plan**

- 14.11.1 A 'total' maintenance plan is to be prepared for the site and it to ensure:
  - (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, driveways, pathways, soft and hard landscaping, children's play equipment, fencing, security systems, mail boxes, lighting, waste storage and loading areas, feature entry signage, parking signage, business identification signage 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 managed by a Site / Building Manager.

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

**14.12 Engineering Matters - Road Damage**

- 14.12.1 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.

**14.13 Engineering Matters - Temporary Facilities Removal**

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

**14.14 Engineering Matters - Surveys/Certificates/Works As Executed plans**

- 14.14.1 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.
- 14.14.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Council.
- 14.14.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 14.14.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.



- 14.14.5 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.
- 14.14.6 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 14.14.7 Written evidence is to be obtained from the Roads and Maritime Services (RMS) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 14.14.8 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.

**14.15 Engineering Matters - Easements/Restrictions/Positive Covenants**

- 14.15.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
  - (b) The standard format for easements and restrictions as accepted by the NSW Land Registry Services (LRS).
- 14.15.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the on-site detention storage areas and outlet works.
- 14.15.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control devices/system and outlet works.
- 14.15.4 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

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

- 14.16.1 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.
- 14.16.2 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.

14.16.3 Path paving must not be placed until construction works are completed or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Pricing Schedule. The security will be released upon satisfactory completion of the works.

14.16.4 Where Council's has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request.

#### **14.17 Engineering Matters - Inspections**

14.17.1 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.

#### **14.18 Engineering Matters - CCTV Inspection of Stormwater Drainage Structures**

14.18.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV on completion of the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of a DVD of the inspection, a hard copy printout of the SEWRAT (or equivalent) report and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

#### **14.19 Drainage Matters – Surveys/Certificates/Works as Executed Plans**

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

- i. all the requirements of the approved drainage plan have been undertaken
- ii. for OSD1 the minimum required temporary detention storage of 831 m<sup>3</sup> has been provided below the 1.5 year ARI overflow weir and of 1261 m<sup>3</sup> has been provided below the 100 year ARI emergency overflow weir.
- iii. for OSD2 the minimum required temporary detention storage of 43.9 m<sup>3</sup> has been provided below the 1.5 year ARI overflow weir and of 66.6 m<sup>3</sup> has been provided below the 100 year ARI emergency overflow weir.
- iv. the orifice sizes match the approved construction certificate plans;
- v. the rainwater tank has a minimum 165 kL storage below the overflow has been provided collecting roof water from a minimum 3500m<sup>2</sup> of roof area.
- vi. the interpretative water quality sign has been correctly installed.
- vii. all other signage and warning notices have been installed.
- viii. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

14.19.2 Ocean Protect (Stormwater 360) is to certify for the installation of the 200 micron OceanGuards (Enviropods) and Stormfilters that:

- i. They are installed in accordance with the Ocean Protect standard operational guidelines and production drawings;
- ii. The '200 micron' OceanGuards shown on the approved plan have been installed including nine in Jacqui Avenue and Minerva Street.
- iii. The Stormfilter tank has been installed with a minimum of eighty 690mm Stormfilter cartridges with an equivalent discharge of 128 l/s at normal weir height.
- iv. The Stormfilter tank includes a baffle extending from the tank soffit to 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables for the 690 mm cartridges.
- v. The Stormfilter weir length is a minimum 8.8m.
- vi. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank.
- vii. Energy dissipation chamber has been provided to Stormfilter tank as per the approved plan.
- viii. A maintenance contract has been entered into for the maintenance of the Stormfilter cartridges.

14.19.3 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:

- i. 4 star dual-flush toilets;
- ii. 3 star showerheads;
- iii. 5 star taps (for all taps other than bath outlets and garden taps);
- iv. 3 star urinals; and
- v. 3 star Water efficient washing machines and dishwashers have been used.

14.19.4 Written evidence is to be provided that the registered owner has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Stormfilters, OceanGuards and rainwater tanks. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au). The maintenance contract is to contain a requirement that all maintenance on the filter cartridges is undertaken by Ocean Protect and either the filter cartridges are replaced no later than two years after the date of installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's WSUD Handbook. The flow test is to be repeated and passed each and every year after that for the filters to be retained, but the filters must be replaced after a maximum of 5 years.

14.19.5 Where the Groundwater Assessment Report indicated the requirement for a Groundwater Management Plan, then a Geotechnical Engineer registered with NER, is to certify that all the requirements of the Groundwater Management Plan have been undertaken and that there is no adverse impact due to groundwater.

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

- i. all the non-potable water uses, including all toilet and urinal flushing, all landscape watering and all washdown taps in the loading bay are being supplied by rainwater;
  - ii. all the requirements of the detailed Non-Potable Water Supply & Irrigation Plan have been installed to the required locations.
  - iii. the pumps, alarms and all other systems are working correctly; and
  - iv. The water from at least one wash down tap and one toilet have been tested to show no chlorine residual.
- A signed, works-as-executed Non-Potable Water Supply & Irrigation Plan is to be

provided to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au).

#### **14.20 Drainage Matters – Easements/Restrictions/Positive Covenants**

- 14.20.1 Provide a Restriction to User and Positive Covenant over the Stormwater Quality Improvement Devices and Rainwater Tanks in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage before 1 September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate.
- 14.20.2 Provide a Positive Covenant for the Temporary OceanGuards in the Street Pits generally in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include cleaning at maximum 4 monthly intervals and the submission of an annual report on water treatment before 1 September each year. The Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate and include a sunset clause releasing the covenant once the regional water quality facility is provided.

#### **14.21 Drainage Matters – Securities/Payments In Lieu of Works**

- 14.21.1 Provide a Temporary OceanGuard Removal Security to Council for the removal of the Temporary OceanGuards (Enviropods) within the street pits equal to 200% of the Temporary OceanGuard Removal Estimate.

#### **14.22 Drainage Matters – Maintenance Requirements**

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

### **15 Prior to Subdivision Certificate - Engineering**

#### **15.1 Site Access**

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

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

#### **15.2 Road Damage**

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

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

exceed the bond amount a separate invoice will be issued.

### **15.3 Security**

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

### **15.4 Asset Management**

- 15.4.1 Any Subdivision Certificate application lodged with Council or an application for practical completion shall be accompanied by Council's Form SEW20. A copy of Form SEW20 will be sent by Council with the approved Construction Certificate. A copy can also be found in Council's "Engineering Guide for Development 1997".
- 15.4.2 An amount of \$915 is to be paid to Council for each black powder coated light pole, in this subdivision. This amount is to be paid prior to the release of the Subdivision Certificate. This amount is valid only until 30 June 2020, upon which time this amount will be updated in accordance with Council's adopted fee structure at the time. Any enquiries regarding this fee are to be directed to the Maintenance Section of the City Assets Directorate.

The manufacturer of the light poles/street name poles/bus shelters is to provide written certification that all structures have been black powder coated to the satisfaction of Council's Development Services Engineers prior to installation.

### **15.5 Service Authority Approvals**

- 15.5.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Subdivision Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the plan of subdivision.
  - (b) A Notification of Arrangement Certificate from Integral Energy, stating that electrical services, including the provision of street lighting, have been made available to the development.
  - (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

### **15.6 Consent Compliance**

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

### **15.7 Additional Inspections**

- 15.7.1 Any additional Council inspection services provided beyond the scope of any Compliance Certificate or inspection package and required to verify full compliance with

the terms of this consent, will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule and shall be paid to Council.

#### **15.8 Fee Payment**

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

#### **15.9 Surveys/Certificates/Works As Executed plans**

- 15.9.1 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 colour 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.
- 15.9.2 The Work-as-Executed (WAE) must confirm that the On Site Detention system identification plate has been installed in accordance with the Council's WSUD Standard Drawings A(BS)175M Sheet 20.
- 15.9.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 15.9.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 15.9.5 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.
- 15.9.6 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management and Council's WSUD Standard Drawings.
- 15.9.7 Written evidence is to be obtained from the Roads and Maritime Services (RMS) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 15.9.8 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)

- 15.9.9 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 6000. A final inspection checklist must be completed by the applicant prior to the final inspection.

#### **15.10 Easements/Restrictions/Positive Covenants**

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

(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 (LRS).

- 15.10.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the on-site detention storage areas and outlet works. Documentary evidence of this LRS lodgement shall be submitted to Council.

- 15.10.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control devices/system and outlet works. Documentary evidence of this LRS lodgement shall be submitted to Council.

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

#### **15.11 Dedications**

- 15.11.1 Dedication at no cost to Council of 5m x 5m splay corners for residential allotments at each street intersection.

- 15.11.2 Dedication at no cost to Council of 8m x 8m splay corners for commercial allotments at each street intersection.

#### **15.12 Bonds/Securities/Payments in Lieu of Works**

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

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

(a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)

(b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

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

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

15.12.4 Where Council's has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request

### 15.13 Inspections

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

### 15.14 Inspection of Work

15.14.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV on completion of the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of a DVD of the inspection, a hard copy printout of the SEWRAT (or equivalent) report and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

## 16 Operational (Planning)

### 16.1 Specific Uses

16.1.1 The approved Stage 1 development shall comply with the requirements of the following definitions for shops, carparking and a child care centre in line with *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*:

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

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

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

16.1.4 The hours of operation of the development are:

Coles	Monday to Saturday 6:00am to midnight Sunday 7:00am to 10:00pm
Liquorland	Monday to Wednesday 9:00am to 9.00pm Thursday to Friday 9.00am to 10.00pm



	Saturday 8.00am to 10.00pm Sunday 10:00am to 8:00pm
Centre	Monday to Wednesday 9:00am to 5.30pm Thursday 9.00am to 9.00pm Friday 9.00am to 5.30pm Saturday 9.00am to 5.00pm Sunday 10:00am to 4:00pm
Loading dock	Monday to Sunday 7:00am to 10:00pm
Child care centre	Monday to Friday 6:00am to 7:00pm

16.1.5 The hours of operation and noise levels from the car parking areas and loading areas are to be appropriately managed to ensure that the occupiers of the buildings and residents of neighbouring properties are not adversely affected by noise, in particular not prior to 8am and not after 10pm daily.

16.1.6 The permanent business identification signage detailed on the approved plans are permitted to be installed. No further advertising signage, including banners and A-frame signage and the like, are permitted to be erected. Illuminated signage shall be turned off outside of the approved hours of operation.

16.1.7 Illuminated signage shall be turned off outside of the approved hours of operation.

## 16.2 Access, Parking and Loading

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

16.2.2 All vehicles are to be wholly contained on site before being required to stop.

16.2.3 All vehicles are to enter and exit the site in a forward direction.

16.2.4 All loading and unloading operations for Stages 1 and 2 shall take place at all times wholly within the confines of the land.

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

16.2.6 No goods, materials, or trade waste shall be stored, displayed for sale or manufactured at any time outside the building on either the internal roadway, car parking areas, landscaping or footpaths, other than in approved garbage receptacles.

16.2.7 The operator of the supermarket is responsible for storing and managing shopping trolleys at all times to ensure trolleys are contained within the site at all times.

16.2.8 On-site parking is to be made available to staff at all times.

16.2.9 The parking management system is to operate at all times, including ground sensors and real time display indicating availability of parking, allocated parking for people with prams, seniors, persons with a disability and child care drop off and pick up. Restriction on the time period of car parking is not permitted. Any form of paid parking restrictions is not permitted.

16.2.10 The shade sail structures and materials as shown on the Proposed Site Plan (Drawing Number DA-01, Revision DA2 and dated 07.03.2019) shall be appropriately maintained at all times to provide appropriate shading benefits and maintain an appropriate presentation.

## 16.3 Landscaping

- 16.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 16.3.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.
- 16.4 Lighting and Security**
- 16.4.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 16.4.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
- 16.4.3 The maintenance of all external lighting is to be managed by way of an annual service agreement to ensure the security of the building and persons within are not compromised from dark or uncontrolled public areas.
- 16.4.4 Appropriate safety and security measures are to be implemented at all times. These security measures are to be adapted in consultation with the Local Police to respond to the specific security concerns experienced by the development during operation, with specific reference to the operation of the McDonald's and liquor store.
- 16.5 Emergency Procedures**
- 16.5.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed throughout the development for staff, customers and the general public and emergency services at all times to the satisfaction of Council.
- 16.6 Graffiti Removal**
- 16.6.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed no later than 48 hours after detection. The approved Graffiti Management Plan is to be adhered to at all times.
- 16.7 Total Maintenance Plan**
- 16.7.1 The approved Total Maintenance Plan must be adhered to at all times.
- 16.8 Waste Matters**
- 16.8.1 The Building Manager, or similar, will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.
- 16.8.2 Waste and recycling collection and delivery vehicles entering and exiting the property must do so in a forward direction.
- 16.8.3 A building manager must be engaged in perpetuity and for the life of the development to:
- a. Manage bins onsite
  - b. Clean bins and the waste rooms
  - c. Arrange clear access to the waste and delivery loading areas.
  - d. Pick up waste generate by the development within the development site and surrounding roads and public areas, with particular regard for any food premises.

- 16.8.4 All waste and recycling bins must be stored wholly within the approved waste storage area.

## **17 Operational (Environmental Health)**

### **17.1 Environmental Management**

- 17.1.1 The recommendations provided in the DA Acoustic Assessment, prepared by Renzo Tonin & Associates, dated March 2019, shall be implemented.
- 17.1.2 To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10pm and 7am.
- 17.1.3 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.
- 17.1.4 A post commissioning report produced by an independent organisation that is eligible for membership with the *Association of Australian Acoustic Consultants* within 3 – 6 months of the centre operating to validate the Acoustic reports findings.
- 17.1.5 All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.
- 17.1.6 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*.
- 17.1.7 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*.
- 17.1.8 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.

### **17.2 Food Premises**

- 17.2.1 The food premises and cool rooms shall be maintained in accordance with the requirements of:
- *Food Act 2003* and Regulations there under.
  - Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
- 17.2.2 The proprietor is to ensure that all food handling complies with the requirements of the *Food Act 2003* and Regulations there under.
- 17.2.3 Upon commencement of trading, notify NSW Food Authority of the food business.

17.2.4 The premises are to be registered with Council as a food business.

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