

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No:	DA-23-00337
Development:	Construction of a 20-storey commercial tower, consisting of 7 levels of basement car parking including 177 car spaces, ground floor retail, function centre, recreational facilities and office space, signage, and stormwater drainage, landscaping, tree removal and associated site works
Site:	30 First Avenue, Blacktown NSW 2148, legally described as Lot 2 in Deposited Plan 550677

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 11 March 2025

Date from which consent takes effect: Date of determination

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 30 First Avenue, Blacktown NSW 2148 and legally described as Lot 2 in Deposited Plan 550677.

The conditions of consent are as follows:

1 PRELIMINARY

1.1 Terminology

1.1.1 Unless the context specifically indicates otherwise:

- (a) any reference to "the site" means the land known as Lot 2 in DP550677;
- (b) a reference in this consent to the "Applicant" includes the person who submitted the development application the subject of this consent, each owner of the site to which it relates and each other person who is acting upon or who has the benefit of this consent;
- (c) Any reference in this document to a "consent" means a "development consent" defined in the *Environmental Planning and Assessment Act 1979*;
- (d) Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Part 6 of the *Environmental Planning and Assessment Act 1979*;
- (e) a reference to a "NER" engineer means an engineer who has current registration on, and is credentialed with, the National Engineers Register;
- (f) a reference to "construction" includes demolition, excavation and other work on site or on adjacent land relating to the proposed development;
- (g) "includes" in any form is not a word of limitation;
- (h) a requirement in this consent on the Applicant to submit a plan (such as a management plan or drawing) or other document to Council before the occurrence of a particular event (such as the issue of a Construction Certificate) is to be read as requiring the Applicant to obtain Council's approval to that plan or document before the occurrence of that event;
- (i) a requirement in this consent on the Applicant to prepare a plan (such as a management plan or drawing) or other document is to be read as also requiring the Applicant to implement and comply with that plan or other document;
- (j) a requirement that something be done or obtained before the issue of a certificate, is a restriction on the issue of that certificate under Part 6 of the *Environmental Planning and Assessment Act 1979*;
- (k) each condition which appears under a heading containing the words "prior to Construction Certificate", "prior to Subdivision Works Certificate", "prior to Subdivision Certificate", "prior to Occupation Certificate" or similar is required to be complied with in full before the relevant certificate can be issued under Part 6 of the *Environmental Planning and Assessment Act 1979* (and a statement within a condition that a specific requirement of that condition must be satisfied before such a certificate is issued does not affect the operation of this paragraph in relation to any other requirements in the condition);
- (l) a reference to an agency or body, if that agency or body ceases to exist or is reconstituted, renamed or replaced or has its powers or functions removed

(**obsolete body**), means the agency or body which performs most closely the functions of the obsolete body;

- (m) a reference to the "Building Manager" means the owner of the public or common parts of the proposed development (e.g. owner's corporation, community association or other appropriate body); and
- (n) a reference to the "Building Management Statement" means the plan or statement governing the public or common parts of the proposed development (e.g. by-laws, community management plan or other appropriate governing document).

1.2 Scope of Consent

- 1.2.1 Separate development consent may be required from Council prior to the fit out and use of each shop on the group floor. The Applicant is advised to contact Council's Development Services Unit in this regard.
- 1.2.2 The granting of this consent does not imply or confer compliance with the requirements of the *Disability Discrimination Act 1992*.
- 1.2.3 This consent **does not** authorise the anchoring scheme depicted in the *Demlakian Engineering (Anchored Concept) Drawings 224083, SK00-SK13 Rev P2 dated 31 January 2025* nor does it authorise the erection of anchors (or other development) outside the boundaries of the site.

Advisory note: A separate development application or modification application, accompanied by landowners' consent from the relevant neighbouring landowners is required to be submitted to Council should the Applicant propose development (such as the installation of anchors) outside the boundaries of the site.

Advisory note: The Applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - *Design for Access and Mobility*, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 **Advisory note:** The Applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
 - (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 m from the building perimeter, and
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
 - (c) demolition of any existing buildings and associated structures in accordance with the requirements of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, and
 - (d) the installation of vehicular footway crossings servicing the development, and

- (e) the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate Council approval under the *Roads Act 1993 and Local Government Act 1993* is required.
- 1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.3.4 If any aboriginal objects are found during construction, work is to cease immediately. The NSW Department of Climate Change, Energy, the Environment and Water (**DCCEEW**) is to be notified and the site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of DCCEEW. No further works are to be undertaken on the site without the written consent of DCCEEW.
- 1.3.5 For any future food or public health related commercial activities proposed, a referral to Environmental Health for the fit out of the premises is required.

1.4 **Services**

1.4.1 The Applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) the relevant energy provider
- (c) the relevant natural gas provider
- (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.sydneypwater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

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

- 1.4.2 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.3 **Advisory note:** Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary.

Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

1.4.4 **Advisory note:** Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

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

1.5 **Tree Planting and Service Locations (After all other services)**

1.5.1 Street tree planting must not impact on public utilities. Street tree planting must not interfere with street light spill. The Applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.

Advisory note: The Applicant should liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.

1.6 **Identification Survey**

1.6.1 **Advisory note:** The Applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.

1.7 **Road Damage**

1.7.1 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.

2 **GENERAL**

2.1 **Scope of Consent**

2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application (as amended in accordance with the Environmental Planning and Assessment Act 1979), subject to compliance with any other conditions of this consent:

Drawing Title, No. and Revision	Dated	Prepared by	Council file No
Architectural drawings			
Cover Sheet DA000 Rev. 8	17/05/2024	HCKL Architecture	Cover Sheet DA000 Rev. 8
Compliance Table DA001 Rev. 5	17/05/2024	HCKL Architecture	D24/131436
Site Plan DA004 Rev.2	21/01/2024	HCKL Architecture	D24/131436
Site Plan with proposed footprint DA004A Rev. 3	21/01/2024	HCKL Architecture	D24/131436
Extent of proposed awing DA006 Rev. 4	13/02/2024	HCKL Architecture	D24/131436
Building Frontage DA007 Rev. 3	21/01/2024	HCKL Architecture	Building Frontage DA007 Rev. 3
Setback DA008 Rev.2	21/01/2024	HCKL Architecture	D24/131436
Basement 7 DA100 Rev. 4	17/05/2024	HCKL Architecture	D24/649975
Basement 6 DA101 Rev. 4	17/05/2024	HCKL Architecture	D24/649975
Basement 5 DA102 Rev. 5	17/05/2024	HCKL Architecture	D24/649975
Basement 4 DA103 Rev. 5	17/05/2024	HCKL Architecture	D24/649975
Basement 3 DA104 Rev. 5	17/05/2024	HCKL Architecture	D24/649975
Basement 2 DA105 Rev. 5	17/05/2024	HCKL Architecture	D24/649975
Basement 1 DA106 Rev. 5	17/05/2024	HCKL Architecture	D24/649975
Ground Floor Plan DA107 Rev. 4	01/05/2024	HCKL Architecture	D24/131436
Level 1	13/02/2024	HCKL	D24/131436

DA108 Rev. 4		Architecture	
Level 2 DA109 Rev. 4	13/02/2024	HCKL Architecture	D24/131436
Level 3 DA110 Rev. 4	13/02/2024	HCKL Architecture	D24/131436
Typical Level (4, 7, 11 and 16) DA111-A Rev. 4	13/02/2024	HCKL Architecture	D24/131436
Typical Level (5, 6, 8-10, 12-15, 17-19) DA111-B Rev. 4	13/02/2024	HCKL Architecture	D24/131436
Level 20 (Roof) DA111-C Rev.5	13/02/2024	HCKL Architecture	D24/131436
South Elevation (Humphries Lane) DA200 Rev.5	13/02/2024	HCKL Architecture	D24/131436
North Elevation (First Ave) DA201 Rev. 5	13/02/2024	HCKL Architecture	D24/131436
East Elevation (Adjoining Neighbour) DA202 Rev. 5	13/02/2024	HCKL Architecture	D24/131436
West Elevation (Boys Ave) DA203 Rev. 6	13/02/2024	HCKL Architecture	D24/131436
Clearance for garbage truck path DA300 Rev. 5	13/02/2024	HCKL Architecture	D24/131436
Section DA301 Rev. 4	13/02/2024	HCKL Architecture	D24/131436
Detailed section DA302 Rev. 4	13/02/2024	HCKL Architecture	D24/131436
Detailed section2 DA303 Rev. 3	21/01/2024	HCKL Architecture	D24/131436
Building Height Analysis DA400 Rev. 3	13/02/2024	HCKL Architecture	D24/131436

Material and Finishes DA407 Rev. 4	13/02/2024	HCKL Architecture	D24/131436
Material and Finishes – A DA407 A Rev. 2	21/01/2024	HCKL Architecture	D24/131436
Material and Finishes – B DA407 B Rev. 2	21/01/2024	HCKL Architecture	D24/131436
Logo Detail DA600 Rev. 3	13/02/2024	HCKL Architecture	D24/131436
Landscape Plans			
Public Domain Plan LPDA 24 – 123 Issue B	27/02/2024	Conzept Landscape Architects	D24/131436
Engineering Plans			
Cover Sheet, Locality Plan and Drawing Index C-0000 Rev. C	02/02/2024	SKY Engineering & Project Management	D24/131436
General Notes C-0001 Rev. C	02/02/2024	SKY Engineering & Project Management	D24/131436
Stormwater Drainage Plan Basement 07 C-0300 Rev. D	01/03/2024	SKY Engineering & Project Management	D24/131436
Stormwater Drainage Plan Ground Floor C-0301 Rev. F	01/03/2024	SKY Engineering & Project Management	D24/131436
Stormwater Drainage Plan Roof C-0302 Rev. F	01/03/2024	SKY Engineering & Project Management	D24/131436
Stormwater Drainage Catchment Plan C-0310 Rev. E	02/02/2024	SKY Engineering & Project Management	D24/131436
OSD Tank Plan and Section C-0330 Rev. D	02/02/2024	SKY Engineering & Project Management	D24/131436

Stormwater Pump Out Pit and Drainage Details C-0350 Rev. C	02/02/2024	SKY Engineering & Project Management	D24/131436
Stormwater Long Section Sheet 1 C-0450 Rev. B	01/03/2024	SKY Engineering & Project Management	D24/131436
Erosion and Sediment Control Plan and Details C-0800 Rev. C	02/02/2024	SKY Engineering & Project Management	D24/131436
Reports / Other documents			
Amended Statement of Environmental Effects	January 2024	The Bathla Group	D24/131436
Revised Traffic and Parking Assessment (Ref. 22129)	16/02/2024	Varga Traffic Planning	D24/131436
Traffic and Parking Matters & Response to Contention 8 (Ref. 22129)	04/12/2024	Varga Traffic Planning	D24/131436
Loading Dock Management Plan (Ref. 22129)	16/02/2024	-	D24/131436
Operational (On-going) Waste Management Plan (Revision 1.5)	February 2024	BRP Consulting	D24/131436
Arboricultural Development Impact Assessment Report	14/12/2023	Birds Tree Consultancy	D24/131436
Revised Acoustic Assessment (LEC) (Ref. 230647, Revision 1)	04/03/2024	Pulse White Noise Acoustics	D24/131436
Revised Quantity Surveyors Report	04/03/2024	G.T Gibson, Gibson Quantity Surveyors	D24/131436
Geotechnical Site Investigation Report (No. NE1835, Revision 6)	29/11/2024	Geotesta	D24/131436
Hydrogeological Assessment Report (No. NE1835,Rev3)	28/11/2024	Goetesta	D24/131436
Dewatering Management Plan (No. NE1835, Revision 2)	29/11/2024	Geotesta	D24/131436

Impact Assessment Report (No. NE1835-Rev.2)	02/12/2024	Geotesta	D24/131436
Geotechnical Opinion (Ref. 36827L let1-1)	03/12/2024	JK Geotechnics	D24/131436
Structural Report (Ref. 224083rpt20241202_KD_Expert Witness Report)	03/12/2024	Demlakian Consulting Engineers	D24/131436
Demlakian Engineering (Prop Scheme) Drawings 224083, SK200-SK212, Revision P1	31/01/2025	Demlakian Consulting Engineers	D24/131436
Heritage Impact Statement (Final Issue)	10/10/2022	NBRS	D24/131436
Qualitative Environmental Wind Assessment (Ref. 610.30837-R01, Version v1.0)	18/08/2022	SLR Consulting	D24/131436
Aboriginal Due Diligence Assessment (Revision 2 - Final)	September 2022	Apex Archaeology	D24/131436
Preliminary Site Investigation Report (No. NE1392)	08/08/2022	Geotesta	D24/131436
Crime Prevention Through Environmental Design Principles	16/08/2022	Universal Property Group	D24/131436
Construction Management Plan (Version R1.0)	15/11/2022	OCHRE Environmental Management	D24/131436
Performance Façade Systems Report (Ref. CFSG-0183, Revision 01)	25/05/2022	CFS Global	D24/131436
NCC Section J Report (Ref. 610.30837.00000-R02, Version v0.1)	18/08/2022	SLR Consulting	D24/131436

Access Review – Final	20/02/2023	MGAC	D24/131436
Operational Plan of Management	-	Universal Property Group	D24/131436

*Unless modified by this consent.

2.1.2 The mitigation measures recommended by the documents which are listed in the table above must be implemented, except to the extent of inconsistency with these conditions.

2.1.3 This consent authorises the use of the completed approved building for the following purposes, subject to full compliance with all other conditions of this consent:

Construction of a 20-storey commercial tower with a height of 78.75m consisting of 7 levels of basement parking including 177 car spaces, ground floor retail, levels 1-2 function centre, level 3 recreational facility and levels 4 - 19 office space.

2.2 Services

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

2.3 Suburb Name

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

Suburb: Blacktown

2.4 Other Matters

2.4.1 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.

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

2.4.3 Separate approval is required prior to the fit out of retail/commercial space on the ground floor, unless it is a development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

2.5 Approve Signage

2.5.1 The signage approved with this application relates to the signage on the approved plans referenced in condition 2.1.1.

2.5.2 Any other signage requires separate Council approval prior to installation.

2.6 Liquor

- 2.6.1 This consent does not grant approval for any 'BYO' alcohol to be consumed on the premises. No approval for any service of liquor has been granted, unless a separate liquor license from NSW Liquor and Gaming has been issued.

2.7 Management Plans

- 2.7.1 A noise, vibration and dust management plan must be submitted to Council for approval prior to the issue of a Construction Certificate and must be complied with during any construction works. The plan must be endorsed by:

- a suitably qualified person, who is a member of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants, insofar as it relates to noise and vibration; and
- a suitably qualified air quality expert, insofar as it relates to dust.

The management plan must include, but not be limited to, the following:

- (a) a commitment to minimise noise, vibration and dust impacts from construction on neighbouring properties which are likely to be affected by site works and the operation of plant/machinery;
 - (b) confirmation of details of community engagement that has been, is being and will be undertaken with the Building Managers/occupiers of neighbouring properties which are likely to be affected by site works and the operation of plant/machinery;
 - (c) confirmation of the noise, vibration and dust monitoring methodology that is to be undertaken during construction at or near neighbouring properties;
 - (d) a commitment to address any complaint concerning construction-related noise, dust or vibration, including time frames for addressing complaints, an outline of courses of action which will be taken following receipt of a complaint, details of a register of complaints, and a commitment to make the register available to Council on request;
 - (e) details of any noise mitigation measures that will be deployed to minimise noise, vibration and dust impacts on the occupiers of neighbouring properties, including measures which relate directly to the plant, equipment and vehicles which are to be used for construction; and
 - (f) details of the plant and equipment which is to be used for construction (including details of the noise, vibration and dust impacts of such plant and equipment), including the criteria adopted in their selection taking into account other plant and equipment which could be used for construction and the commitment in paragraph (a) above.
- 2.7.2 A Construction Traffic Management Plan (**CTMP**) must be prepared for the development by a suitably qualified traffic expert prior to the release of the Construction Certificate. The CTMP shall be provided to and approved by Council prior to the commencement of any works. The CTMP must detail:
- Construction vehicle routes, including swept path testing of intersections to be

- relied upon by construction vehicles;
- Frequency and type of truck movements expected for each stage of construction;
- Proposed construction hours;
- Proposed site access arrangements for construction vehicles;
- Proposed traffic control methods to be implemented;
- Location of any potential on-street work zone, noting that separate approval is required from Council.
- Indicative crane locations;
- Measures to reduce on-street car parking demands associated with construction staff including parking of construction staff on-site where possible, encouraging public transit use and use of satellite parking arrangements; and
- Number of construction staff expected for each stage of construction.

2.8 Transport for NSW

- 2.8.1 No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- 2.8.2 Sydney Trains advises there are 11kV and 33kV High Voltage Aerial Transmission Lines in close proximity to the proposed works. All works near transmission line conductors must comply with:
- i. ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
 - ii. The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS- 06-GD-0268 – Working Around Electrical Equipment”.
 - iii. “WorkCover Code of Practice – Work near Overhead Power Lines (The Code)”
- 2.8.3 The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning’s document titled “Development Near Rail Corridors and Busy Roads- Interim Guideline”.
- 2.8.4 During all stages of the development, the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- 2.8.5 Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- 2.8.6 The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
- 2.8.7 Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of

the site to which access is sought.

- 2.8.8 The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
- i. oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - ii. acts as the authorised representative of the Applicant; and
 - iii. is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- 2.8.9 Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- 2.8.10 Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is West Interface, and they can be contacted via email on West.Interface@transport.nsw.gov.au.
- 2.8.11 Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- 2.8.12 Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Certifier is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

2.9 Engineering Matters

2.9.1 Design and Works Specification

- 2.9.1.1 All engineering works required or authorised by this consent must be designed and undertaken in accordance with the following documents except as otherwise expressly authorised by this consent:
- (a) Blacktown City Council's Works Specification - Civil (Current Version)
 - (b) Blacktown City Council's Engineering Guide for Development (Current Version)
 - (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management

- (d) Blacktown City Council On Site Detention General Guidelines and Checklist, S3QM online tool and standard drawing A(BS)175M
- (e) On Site Stormwater Detention Handbook - Upper Parramatta River Catchment Trust FOURTH Edition.

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

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

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

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

A copy of this notice must be provided to Council's Co-ordinator of Engineering Approval promptly after the notice is issued.

2.9.2 Other Necessary Approvals

- 2.9.2.1 A separate application will be required for the following approvals, under the *Local Government Act 1993* and/or the *Roads Act 1993*:
 - Vehicular Crossing; and
 - Works on or in occupation of existing public roads (Not including works covered by a Roads Act Approval obtained by the Applicant).
- 2.9.2.2 A separate application will be required for a water supply approval under the Water Management Act 2000.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

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

3.2 Footpath/Road Condition Assessment Fee

- 3.2.1 A footpath/road condition assessment fee is to be paid prior to the issue of any Construction Certificate. The applicable fee will be charged in accordance with Council's [Goods and Services Pricing Schedule](#).

Council will undertake an initial inspection of civil assets outside the site. The Applicant will be held liable for any damage arising from construction activities.

Council will undertake reinstatement works and recover the costs from the Applicant, which will be charged in accordance with Council's current Goods and Services Pricing Schedule in effect at the time of the work.

3.3 **Development Control Plan**

3.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Blacktown Development Control Plan 2015.

3.4 **Services/Utilities**

3.4.1 The following documentary evidence shall accompany any Construction Certificate:

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

3.4.2 Separate documentary evidence from the appropriate energy provider shall be provided stating that the requirements of that Authority have been met with regard to the nearby high voltage transmission line.

3.5 **Street Tree Planting and CBD Pavement Treatment**

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

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

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

3.6 **Salinity**

3.6.1 The recommendations of the salinity assessment contained in the Geotechnical Site Investigation Report prepared by Geotesta Pty Ltd dated 29 November 2024

(Revision 6) and the Dewatering Management Plan prepared by Geotesta Pty Ltd dated 29 November 2024 (Revision 2) are to be detailed and identified on the construction certificate plans and implemented during construction.

3.7 **Wind Impact Mitigations**

3.7.1 Prior to the issue of a Construction Certificate, the Applicant is to prepare an amended Qualitative Environmental Wind Assessment to reflect the approved plans in condition 2.1.1. The recommendations of the amended report must be included in the Construction Certificate plans.

3.8 **Awnings**

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

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

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

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

3.9 **Letterboxes**

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

3.10 **Lighting**

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

- (a) The location, method of lighting, levels of illumination, and the spacing between all lighting. The lighting is to be designed in accordance with Australian/New Zealand lighting standards for public space, pedestrian walkways and basement car park areas.
- (b) Lighting that is "vandal proof". In this regard, all lighting must be protected by way of vandal proof metal guards to ensure globes/tubes are not broken and

that any potential "dark-spots" are eliminated. Where possible, lighting should be positioned at a height to deter vandal attacks.

- (c) Appropriate vandal proof security lighting to ensure the basement car parks, vehicle and building entry points, business/retail areas, stairwells, walkways and public/communal areas, residential entry/exit points, lift areas, foyers, garbage disposal areas are a safe environment for all occupants and users of the site. Where appropriate sensor/motion activated and 24 hour timer activated lighting is to be provided to ensure all external public areas are well illuminated, to deter vandal and nuisance activity, eliminate areas of concealment, and provide better safety at night. In this regard, motion-activated lighting and strategically positioned CCTV cameras should also be provided.
- (e) Vandal proof lighting that ensures the effective operation of the CCTV system. In this regard, lighting levels are to be enhanced around all CCTV cameras (e.g. around lift entries, basement car parks and building entries) to enable face recognition when CCTV cameras are in use.
- (f) All external lighting must be within the recommended lux rating of the Australian Standard to reduce glare on residential neighbours and occupants of the development. To ensure all lighting is satisfactory, a light spillage diagram will need to be submitted together with the lighting details.

3.11 Compliance with NCC Section J Report

- 3.11.1 An amended NCC Section J Report is required reflecting the approved plans under condition 2.1. Provide a copy of the report to Council Prior to Construction Certificate. The recommendations of the amended report must be incorporated into the Construction Certificate plans.

3.12 Construction Environmental Management Plan

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

The operational measures at a minimum should include the following:

- (a) Proposed schedule of works
- (b) Proposed hours of work
- (c) Noise and vibration controls
- (d) Salinity Management Plan
- (e) Erosion and Sedimentation Control Plan
- (f) Hazardous building materials survey
- (g) Procedures for validation of imported fill material and the proposed means of disposing overburden
- (h) Waste and materials re-use on-site
- (i) Community response and management procedure outlining the course of action to be undertaken following receipt of a complaint
- (j) Proposed means of controlling of any activity that could potentially cause a pollution incident as defined by the Protection of the Environmental Operations Act 1997
- (k) Dust (air quality) management strategy noting that any stockpiled soil is to be stored on plastic sheeting in an area that is securely bunded with a silt fence

and hay bales to prevent surface-water run-off. Plastic sheeting must be placed over the stockpile to minimise wind-blown dust
 (l) Site security measures to prevent unauthorised access to the Site.

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

3.13 Environmental Health

3.13.1 The recommendations made in the *Geotechnical Site Investigation Report*, prepared by Geotesta Pty Ltd, dated 29 November 2024 (Revision 6), must be implemented.

3.13.2 Prior to the issue of a Construction Certificate, the Applicant is to submit to Council a Detailed Site Investigation (DSI) prepared by a suitably qualified environmental consultant who holds or is eligible to hold certification under the Certified Environmental Practitioner (Specialist Certification (CEnvP(SC)) or Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.

3.13.3 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*.

3.13.4 The recommendations provided in the *30 First Avenue, Blacktown – Revised Acoustic Assessment* (LEC) prepared by Pulse White Noise Acoustics Pty Ltd, dated 4 March 2024 are to be implemented.

3.13.5 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.

3.13.6 All areas contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with;

- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (2020)
- NSW Environment Protection Authority's *Sampling Design Guidelines – Part 1 (Application) Part 2 (Interpretation)* (2020).
- NSW Environmental Protection Authority's *Contaminated Sites: Guidelines for NSW Site Auditor Scheme* 3rd edition (2017)
- National Environment Protection Council (NEPC) 1999 *National Environment Protection (Assessment of Site Contamination Measure)* as amended 2013
- NSW Environment Protection Authority's *Waste Classification Guidelines, Part 1: Classifying Waste* (2014)

A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use.

3.14 **Ampol comments**

- 3.14.1 The site is located within proximity to an Ampol pipeline asset, as a result a Mini Safety Management Study must be completed prior to Construction Certificate. The study must be provided to Ampol and Council.

3.15 **Water NSW - Requirement for Water Supply Approval**

- 3.15.1 **This consent does not constitute an approval under the Water Management Act 2000.** The Applicant must apply to WaterNSW for a Water Supply approval before the commencement of any work or activity.

A complete application form must be submitted to WaterNSW together with any required plans, documents, application fee, and proof of Council's development consent.

Application forms are available from the WaterNSW website which can be found on WaterNSW website.

Prior to the issue of a Construction Certificate, a copy of the Water Supply Approval is to be provided to Council.

3.16 **Transport for NSW**

- 3.16.1 Prior to the issuing of a Construction Certificate, the Applicant shall provide a Geotechnical Engineering Report to Sydney Trains for review, comment, and written endorsement. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on Sydney Trains Facilities by the development. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 3.16.2 Prior to the issue of a Construction Certificate, the Applicant shall provide an

accurate survey locating the development with respect to the TAHE property boundary, rail corridor and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.

- 3.16.3 Prior to the issue of a Construction Certificate, the Applicant shall provide Cross Sectional Drawings (both architectural and structural) to Sydney Trains showing the ground surface, nearest rail tracks and infrastructure, TAHE property boundary and/or easement, sub soil profile, proposed development/basement excavation and/or structural design of sub ground support (i.e., footings/piles etc). The measured distances between the proposed development, TAHE property boundary and rail asset(s) at the closest point must be shown. All measurements are to be verified by a Registered Surveyor.
- 3.16.4 Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- 3.16.5 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 Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- 3.16.6 The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 3.16.7 If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 3.16.8 No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

4 **PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)**

4.1 **Section 7.11 Contributions under Section 7.17 Directions**

4.1.1 Before the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works), whichever occurs first, contributions under Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid.

These payments contribute to the provision of the local infrastructure specified in the contribution/s plan specified below.

The amounts below are as at 5 February 2025. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED and payments made by credit card attract a % surcharge as detailed in Council’s Goods and Services Pricing Schedule.

Contribution Item	Amount
Flood Mitigation	\$3,416.00
Stormwater Quality	\$13,494.00
Local Road Construction	\$285,336.00
Streetscape Facilities	\$216,717.00
Traffic Management Commercial / Office	\$1,910,140.00
Traffic Management Retail	\$115,295.00
Total	\$2,544,398.00

The contribution(s) will be indexed according to index specified in the contributions plan.

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:

Section 7.11 Contributions Plan No. 19 – Blacktown Growth Precinct

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

Developable area: 0.1239 hectares

Length of road frontage: 97.99 lineal metres

Gross floor area – 12842.97 m2 commercial and office development:

Gross floor area – 262.78 m2 retail development

4.2 **Aesthetics/Landscaping**

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

4.3 Access/Parking

- 4.3.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 4.3.2 The loading facility must be designed so that trucks do not interfere with light vehicles entering and exiting the basement levels during loading/unloading operations and provide:
- One (1) loading bay suitable for use by a Medium Rigid Vehicle as defined under AS2890.2:2018.
 - One (1) loading bay suitable for use by Small Rigid Vehicles as defined under AS2890.2:2018.
 - Two (2) loading bays suitable for use by a B99 large car as defined in AS2890.1:2004.
- 4.3.3 The layout of the car parking areas (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking dimensions) shall be in accordance with AS2890.1:2004 and AS2890.6:2022. Heavy vehicle access must comply with Australian Standard AS2890.2:2018 in terms of dimensions, grade, sight distance, driveway width, ramp grade and manoeuvrability requirements for commercial vehicles as proposed to access the site.
- 4.3.4 A minimum of 177 car parking spaces are required to be provided on site being:
- 9 for shop uses;
 - 31 for function centre use;
 - 22 for recreational facility use; and
 - 115 for office spaces.
- Car spaces are to be appropriately line marked and sign posted to achieve the allocation of car parking spaces shown above.
- 4.3.5 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
- 4.3.6 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.
- 4.3.7 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.
- 4.3.8 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.
- 4.3.9 A roller shutter and card-key system is to be installed at the entry/exit points of the basement car park.
- 4.3.10 The basement storage areas are to be provided with quality doors/cages and lock sets to restrict unauthorised access. Also the loading dock and areas within the bin storage room and bulky waste storage area that are unsafe for children to access area to be provided with lock sets to restrict unauthorised access.

4.3.11 Bicycle racks are to be provided on site.

4.4 **Plant and Equipment**

4.4.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the units and communal open spaces with regard to visual, acoustic and odour impacts.

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

5.1 **DA Plan Consistency**

5.1.1 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 modified by these conditions.

5.2 **Building Code of Australia Compliance**

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

5.3 **Fire Services**

5.3.1 Fire water bunding of the building shall be provided to allow for the retention and reclamation of fire water in the event of a fire, in accordance with the NSW Department of Planning and Infrastructure's *Hazardous Industry Planning Advisory Paper No.2 – Fire Safety Study Guidelines*, Section 2. Fire water volumes shall be calculated on appropriate hydrant and sprinkler discharge rates for the worst case scenario for a period of ninety (90) minutes. Details of this provision shall accompany any Construction Certificate.

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

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

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

6.1 **Roads Act Requirements**

6.1.1 Under *Section 138 of the Roads Act 1993* an approval for works within the road reserve is required. These works include but are not limited to the following:

- engineering works within Council's road reserve;
- vehicular crossings.

6.2 Roads

6.2.1 The Applicant must 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 Transport for NSW's Work Zone Traffic Management Plan accreditation and photo card.

6.2.2 The Applicant must provide evidence of the replacement of the redundant layback and footway crossing with Council's standard kerb and gutter. The footway area shall be restored in accordance with the requirements of this consent and Council's specifications.

6.3 Footpath Paving

6.3.1 Any footway area must be constructed to CBD standards from the property boundary to the back of kerb. The design is to be in accordance with the Council's Standard Drawing A(BS)178M.

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

6.4 General

6.4.1 The engineering drawings referred to below are not for construction. The Construction Certificate/Subdivision Works Certificate drawings shall be generally in accordance with the approved drawings and conditions of consent. Any significant variation to the design shall require a modification of this consent or a new consent.

Prepared By	Project No.	Drawing No.	Revision	Dated
SKY Engineering & Project Management	SY22-071	C-0000	C	02/02/2024
SKY Engineering & Project Management	SY22-071	C-0001	C	02/02/2024
SKY Engineering & Project Management	SY22-071	C-0300	D	02/02/2024
SKY Engineering & Project Management	SY22-071	C-0301	F	02/02/2024
SKY Engineering & Project Management	SY22-071	C-0302	F	02/02/2024
SKY Engineering & Project Management	SY22-071	C-0310	E	02/02/2024
SKY Engineering & Project Management	SY22-071	C-0330	D	02/02/2024
SKY Engineering & Project Management	SY22-071	C-0350	C	02/02/2024
SKY Engineering & Project Management	SY22-071	C-0450	B	02/02/2024
SKY Engineering & Project Management	SY22-071	C-0800	C	02/02/2024

6.5 Construction Certificate Requirements

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

- (a) Drainage construction
- (b) On-site stormwater detention

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

6.6 Local Government Act Requirements

6.6.1 Under *Section 68 of the Local Government Act 1993* an approval for engineering work is required. These works include but are not limited to any works on adjoining land (outside the subject site boundaries). The above requirements are further outlined in this section of the consent.

6.7 Other Engineering Requirements

6.7.1 The Applicant must provide Council with evidence that it has paid the applicable long service levy.

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

6.7.3 The Applicant must submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

6.8 Drainage

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

6.8.2 The minimum storage and dual alternating pump requirements for the basement garage is to satisfy AS/NZS 3500.3:2015 – Plumbing and Drainage Part 3: Stormwater Drainage

6.9 Erosion and Sediment Control

6.9.1 The Applicant must provide, for Council's approval, a sediment and erosion control plan in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development.

6.9.2 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.

6.10 On-Site Detention

6.10.1 An on-site detention system shall be designed in accordance with the parameters set out in Council's Water Sensitive Urban Design Standard Drawings A(BS)175M On-site detention requirements - Sheet 20, or an S3QM Certificate

6.10.2 A NER engineer must certify that:

- (a) The structures associated with the on-site stormwater detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- (b) The on-site stormwater detention system will perform to meet the on-site stormwater detention requirements and function hydraulically in general accordance with Council's Engineering Guide for Development, DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management, S3QM Deemed to comply tool, or OSD Deemed to Comply Tool - Developer's Edition Spreadsheet and Councils Standard Drawing A(BS)175M.

6.10.3 The following documents shall be submitted to accompany the on-site detention design in accordance with the design:

- (a) Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
- (b) On-site detention detailed design submission and calculation summary sheet
- (c) A maintenance schedule that complies with Council's Water Sensitive Urban Design maintenance guidelines, signed and dated by the designer
- (d) S3QM Deemed to Comply On-site detention summary details

6.10.4 An experienced NER drainage engineer and supported by a DRAINS or similar electronic hydraulic drainage model is to certify that the internal drainage system is capable of carrying the 1% annual exceedance probability (AEP) flows to the detention tank through either piped or surface flows.

6.11 Geotechnical and Structural

6.11.1 Prior to the issue of a Construction Certificate:

- (a) Validation of the geotechnical model as per the recommendations in Section 10 of the Geotechnical Site Investigation Report prepared by Geotesta NE1835.Rev6 dated 29 November 2024 is to occur.

At least 2 inclined boreholes are to be drilled to the proposed bulk excavation elevation at a 60 degree angle from the horizontal (such boreholes to be drilled as close to the eastern boundary as possible but offset so as not to intrude into the neighbouring site), with optical televiewer to be carried out to map the presence and orientation of structural defects in the rock which may cause kinematic instability of the rock.

- (b) From the televiewer results, the observed structural defects (bedding, joints, fault and/or shear zones) are to be plotted on stereonet, and an analysis done of kinematic failure mechanisms.

If the geotechnical conditions/models differ to those assumed in Geotesta's Impact Assessment Report dated 2 December 2024, further numerical modelling and stability analyses is to be carried out and the design of the shoring works is to be adjusted on account of the differences.

- (c) The results of the above shall be submitted to Council for review and approval.

6.11.2 Prior to the issue of a Construction Certificate, the Applicant must engage a suitably qualified and experienced structural engineer and a suitably qualified and experienced geotechnical engineer to prepare and approve, and must obtain Council's approval of:

- (a) a Construction Methodology Plan detailing the step-by-step excavation and support methods, equipment to be used, sequence of activities and strategies to ensure that:
 - (i) the Threshold Limits in the Table at 6.11.3.1 below are not exceeded,
 - (ii) the stability and adequacy of the development and adjacent land is maintained at all times;
- (b) final detailed structural drawings based on the design parameters and recommendations set out in the *Geotechnical Site Investigation Report prepared by Geotesta Pty Ltd dated 29 November 2024 (Revision 6)*, and the results of the investigation work required by condition 6.11.1, and incorporating an internal propping scheme as generally shown in the *Demlakian Engineering (Prop Scheme) Drawings 224083, SK200-SK212 rev P1 dated 31 Jan 2025*, supported by details to demonstrate that the proposed methods of support and construction will not result in damage to the adjoining land or improvements on that land (including buildings and roads) or encroachment outside the boundaries of the site.

The final detailed structural drawings are to be incorporated into the Construction Certificate plans.

Advisory note: Should the Applicant propose anchoring outside the boundaries of the site, the Applicant is required to submit a further development application or modification application supported by landowners' consent.

6.11.3 Prior to the issue of a Construction Certificate, a detailed instrumentation and monitoring plan (**IMP**) shall be prepared by a suitably qualified geotechnical engineer in consultation with a suitably qualified structural engineer, and approved by Council, and the following, as a minimum, are to be included in the final detailed structural drawings for construction:

- (a) A plan of the type and location of instruments.
- (b) As a minimum, the instruments shall include survey prisms at the top of the excavation for X, Y and Z deformation monitoring, groundwater level monitoring standpipes beyond the site boundary, vibration monitors and inclinometers adjacent to critical structures adjoining the site such as the building to the east of the site. Inclinometers must extend at least 1 m beyond the full depth of the excavation, and may be installed immediately behind the shoring wall, or within shoring piles.
- (c) A table nominating the person responsible for the implementation of the IMP, who will be responsible for the review of results of each type of instrument, and emergency contact details (e.g. mobile number and email) of these personnel.
- (d) A table of monitoring frequency and trigger review and threshold levels for each type of instrument as set out in the Table at 6.11.3.1 below.

- (e) A contingency plan to be implemented which, at a minimum, contains the matters to be measured, Trigger Levels, and Responses in the table at 6.11.2.1 below; and
- (f) other measures as necessary to ensure that the stability and adequacy of the development and adjacent land is maintained at all times.

6.11.3.1 Threshold Values Trigger Levels Table

Quantity Level	Alert	Action	Alarm (Threshold Limit)
Percentage of Applicable Limits (see last 5 rows in this table)	< 80%	80 to 100%	> 100% or if trend indicates 100% is likely to be exceeded
Response	Continue work and monitoring as per IMP	Notify the Project Manager, and review and modify excavation methods to prevent trend reaching/exceeding 100%.	Stop work Notify the Project Manager immediately. Notify affected landowner and Council within 24 hrs. Review and modify excavation methods in consultation with Council. Assess the conditions of adjacent properties/assets, and implement strengthening/remedial works if required. Work only to recommence after approval from Geotechnical Engineer, Project Manager and Council.
Settlement and/or lateral deformation around street boundaries	≤ 16 mm	16 mm to ≤ 30 mm	> 30 mm
Settlement and/or lateral deformation of the adjoining building to the east (or if access cannot be obtained, along the eastern site boundary adjacent to existing building)	≤ 8 mm	8 mm to ≤ 10 mm	> 10 mm
Vibration level (vector sum PPV) on base of walls of adjacent buildings (≤ 10 Hz) (more than 10 Hz)	≤ 4 mm/sec ≤ 6.4 mm/sec	4 mm/sec to ≤ 5 mm/sec 6.4 mm/sec to ≤ 8 mm/sec	> 5 mm/sec > 8 mm/sec
Groundwater Level not more than 3.5 m outside of site boundary	≤ 0.5 m drawdown	0.5 m to ≤ 0.7 m drawdown	> 0.7 m drawdown

Quantity Level	Alert	Action	Alarm (Threshold Limit)
Crack width on adjacent buildings	≤ hairline	Hairline to 1 mm or if damage observed by adjacent landowners	> 1 mm or if damage observed by adjacent landowners

6.12 Insurances

- 6.12.1 Prior to the issue of a Construction Certificate for any engineering works on, under or affecting Council controlled lands such as roads, drainage reserves and parks, current copies of relevant insurance Certificates of Currency are to be submitted to Council's Engineering Approvals Team. This includes public liability insurance with a minimum of \$20,000,000.00 Indemnity.

7 PRIOR TO DEVELOPMENT WORKS

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

Each toilet provided shall be:

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

- 7.0.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Environmental Planning and Assessment Regulation 2021 indicating:

- (a) the name, address and telephone number of the principal certifier 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.

- 7.0.3 Should the development work:

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

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

1993.

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

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

- 7.0.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 7.0.5 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.
- 7.0.6 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.
- 7.0.7 Prior to the commencement of any excavation works on site, the Applicant must submit for approval by the Principal Certifying Authority (with an electronic copy forwarded to Council at council@blacktown.nsw.gov.au) a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting NER structural/geotechnical engineer in accordance with the recommendation of the geotechnical report.

In the event that access to adjoining allotments for the completion of a dilapidation survey is denied, the Applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principal Certifying Authority.

Advisory Note: This documentation is for record keeping purposes, and can be made available to an Applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the Applicant's and adjoining owner's interest for it to be as detailed as possible.

- 7.0.8 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.

7.1 Notification to Council

7.1.1 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 Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 indicating details of the appointed Principal Certifier and the date construction work is proposed to commence.

7.2 Sydney Water Authorisation

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

OR

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

7.3 Use of Crane

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

7.3.2 The crane used must be provided with a light in accordance with the requirements of the Civil Aviation Authority (CASA) requirement. This may require a separate approval from CASA.

8 DURING CONSTRUCTION

8.1 Safety/Health/Amenity

8.1.1 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.

8.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Section 70 of the Environmental Planning and Assessment Regulation 2021 indicating:

- (a) the name, address and telephone number of the principal certifier 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.

8.1.3 Should the development work:

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

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

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

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

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

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

- (a) shall be preserved and protected from damage, 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.

8.1.9 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.

8.1.10 During the construction phase of the approved development the Applicant is to ensure that they maintain and control the overgrown vegetation on the site and the land within the road reserve at the front of the site.

8.2 Building Code of Australia Compliance

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

8.3 **Surveys**

- 8.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifier to verify the approved position of each structure in relation to the property boundaries.
- 8.3.2 A registered surveyor's report indicating that the required minimum Australian Height Datum floor level has been achieved, shall be lodged with the Principal Certifier prior to work proceeding above floor level.
- 8.3.3 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifier prior to work proceeding above floor level.

8.4 **Nuisance Control**

- 8.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 8.4.2 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

8.5 **Vehicular Crossings**

Any vehicular crossing of the footway shall be maintained a minimum of 6m from the tangent point of the kerb return on a corner allotment. The vehicular crossing shall also be maintained at least 1m clear of any stormwater gully pit and clear of any other utility surface infrastructure.

8.6 **Salinity and Aggressive Soil Management**

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

8.7 **Site Contamination**

- 8.7.1 Should any contaminated material be unearthed during the construction works, all works are to cease immediately and a suitably qualified environmental site contamination consultant is to investigate and report on the findings. Any recommended remediation and validation works are to be undertaken pursuant to Council's Contamination Lands Policy.

8.8 **Environmental health**

- 8.8.1 An unexpected find policy (UFP) should be prepared and implemented for the proposed site redevelopment works.
- 8.8.2 The recommendations provided in the *30 First Avenue, Blacktown – Revised Acoustic Assessment* (LEC) (ref: 230647) prepared by Pulse White Noise Acoustics Pty Ltd, dated 17 December 2023 are to be implemented.
- 8.8.3 All waste generated on the site during the construction must be classified in accordance with the NSW EPA's *Environmental Guidelines: Assessment, Classification and management of Liquid and Non-Liquid Waste* and disposed of at a facility that may lawfully accept the waste.
- 8.8.4 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.
- 8.9 **Waste Management Plan**
- 8.9.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works. This includes the sorting and storage of waste and recyclable building materials on site for collection and disposal by the nominated waste/recycling contractor to the nominated disposal site.
- 8.10 **Aboriginal Heritage**
- 8.10.1 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 DCCEEW informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from the DCCEEW is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.
- 8.11 **Police Matters**
- 8.11.1 Due to the location of the proposed development being adjacent to Blacktown Railway Station and commuter carpark, suitable traffic control and safety measures are to be incorporated throughout the construction process to increase safety to motorists and pedestrians, and to minimise risk of accidents occurring. **Advisory note:** Utilising traffic control personnel would be desirable to ensure the safe movement of construction vehicles entering and exiting the construction site, especially during the peak commute times.
- 8.11.2 **Advisory note:** Please be aware that thieves may target this site during construction. The presence of machinery and tools, as well as building materials will be tempting, so please ensure that all tools are locked and secured, with regular checks conducted in relation to the security of the site. Police recommend that any large reels containing electrical cabling or copper material be secured and hidden when not in use. These reels are a target for thieves as the material is difficult to trace back to a source, and it is valuable.

- 8.11.3 **Advisory note:** It is recommended that CCTV with motion activated alerts are used so that the presence on site of any person can be monitored out of hours. Ensure that large equipment such as excavators and bob cats are tracked, and that any smaller tools have serial numbers or identifying marks recorded. If any tools are taken or lost during construction, please call Police as soon as possible on 131 444 to report the theft and they are also able to obtain the relevant serial numbers or identifying features of the tools.
- 8.11.4 Ensure that any access points have contact details for a site manager clearly visible so if Police or other services need to attend, they can speak to the right person.

9 DURING CONSTRUCTION (ENGINEERING)

9.1 Traffic Control

- 9.1.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Transport for NSW accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2019.
- 9.1.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified Transport for NSW's accredited work site traffic controllers.
- 9.1.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their Transport for NSW's Traffic controllers' accreditation.
- 9.1.4 The Applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Transport for NSW's 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 - 2019.
- 9.1.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified Transport for NSW's accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 – 2019 and the current version of the Transport for NSW's *Traffic Control at Work Sites* manual and shall be submitted to Council for approval prior to implementation.

9.2 Geotechnical

- 9.2.1 At the commencement of excavation in rock, a vibration "Site Law" shall be established for each piece of excavation equipment (e.g. bull-dozer ripping, the use of impact hammers etc) to be adopted for excavation of the rock. The trial underpinning the "Site Law" is to be redone each time a new rock type (e.g. stronger rock) is encountered, and shall be established by using the equipment remote at varying distances from a fixed vibration monitor on the surface of the rock (trials). Establish the "safe distance" (see the Table at condition 6.11.3.1) from the results of the above trials. A different method of excavation (e.g. cutting with circular

rock saws) must be adopted for excavation of rock in areas where a safe distance cannot be achieved.

- 9.2.1 Observation of shoring pile holes during installation must be carried out by a qualified and suitably experienced geotechnical engineer.
- 9.2.2 Observation of anchor holes, if any, during installation must be carried out by a qualified and suitably experienced geotechnical engineer.
- 9.2.3 A qualified and suitably experienced geotechnical engineer must inspect and test the exposed foundation materials in footing excavations to confirm that the material is suitable for the design bearing pressures given in *Geotesta's Geotechnical Site Investigation Report dated 29 November 2024 (Revision 6)*.
- 9.2.4 Jack hammer holes and spoon testing, or cored holes, are to be carried out in accordance with the guidelines given in Pells et al (1998 & 2018 update) *Geotechnical Parameters of Sydney Sandstone and Shale*.
- 9.2.5 To the extent that any anchoring is to occur:
- it must be contained entirely within the boundaries of the site drilling of anchor holes for installation of anchors shall be inspected and approved by a suitable qualified geotechnical engineer; and
 - all anchors shall be designed and constructed as temporary anchors and therefore de-stressed on completion of the permanent lateral support structures.
- 9.2.6 Where ground anchors are used, if any, the Applicant is to conduct suitability and acceptance testing in accordance with TfNSW Specification B114 – Ground Anchors Updated 2020.
- 9.2.7 The Applicant must, at its expense:
- (a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- 9.2.8 The recommendations provided in the following documents in so far as they apply during construction, are to be implemented and complied with (except to the extent of inconsistency with these conditions):
- (a) Geotechnical Site Investigation Report prepared by Geotesta Pty Ltd dated 29 November 2024 (Revision 6)
 - (b) Dewatering Management Plan prepared by Geotesta Pty Ltd dated 29 November 2024 (Revision 2)
 - (c) Impact Assessment Report Finite-Element Analysis of the proposed Basement Excavation prepared by Geotesta Pty Ltd dated 2 December 2024 (Revision 2)
 - (d) Hydrogeological Assessment Report prepared by Geotests Pty Ltd dated 28 November 2024 (Revision 3).

9.2.9 The Applicant must implement and adhere to the Construction Methodology Plan and the IMP.

9.2.10 The Applicant must conduct regular measurements and reporting in relation to the IMP and the threshold values. The Applicant must comply with all reporting and response requirements in the IMP and immediately cease works or take any other required action if at any point the threshold values are reached or exceeded, or a trend indicates that they are likely to be reached or exceeded, including the implementation of the contingency plan.

10 PRIOR TO OCCUPATION CERTIFICATE

10.1 Road Damage

10.1.1 Prior to the issue of an Occupation Certificate, 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.

10.2 Compliance with Conditions

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

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

10.3 Fire Safety Certificate

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

10.4 Fee Payment

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

10.5 Service Authorities

10.5.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifier prior to the release of any Occupation Certificate:

- (a) A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained. Applications must be made through an authorised Water

Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifier to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifier prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

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

10.6 Temporary Facilities Removal

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

10.7 Fee Payment

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

10.8 Environmental Health

- 10.8.1 Trading must not commence until an Occupation Certificate for the development

has been issued.

- 10.8.2 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that the ventilation system has been installed and is operating in accordance with Australian Standard 1668.2:2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.
- 10.8.3 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.

10.9 Engineering Matters

10.9.1 Surveys/Certificates/Works As Executed plans

- 10.9.1.1 A Work-as-Executed (WAE) plan signed by a NER engineer 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.

- The WAE plans must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines.
- A certificate from a NER engineer 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.
- A certificate from a NER engineer must be lodged with Council verifying that the structures associated with the On-Site Detention and Stormwater Re-use System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- A certificate from a NER engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

- 10.9.1.2 A Chartered NER civil engineer is to certify that:
- i. All the requirements of the approved drainage plan have been undertaken;
 - ii. The minimum detention storage of 37.20 m³ has been provided below the 50% AEP weir and a total of 56.42 m³ has been provided below the 1% AEP emergency overflow weir;
 - iii. The orifice size matches the approved construction certificate plans;
 - iv. A minimum 22m³ stormwater tank has been provided collecting roof water;
 - v. The interpretative water quality sign has been correctly installed;
 - vi. All (other) signage and warning notices have been installed; and

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

- i. All the non-potable water uses for the commercial developments are being supplied by the stormwater tank;
- ii. All the requirements of the detailed Non-Potable Water Supply & Irrigation Plan have been installed to the required locations;
- iii. The flow meters have been installed on the pump outflow and the solenoid-controlled mains water bypass to determine non-potable usage and actual percentage of reuse;
- iv. The initial flow meter readings are detailed in the certificate;
- v. The pumps, alarms and all other systems are working correctly;
- vi. The water from at least 7 toilets have been tested to show no chlorine residual; and
- vii. All external reuse taps accessible by children are lockable or have removable handles
- viii. Stormwater warning signs are fitted to all external taps using rainwater.

10.9.1.4 A signed, works-as-executed Non-Potable Water Supply & Irrigation Plan, certified by a plumber licensed with NSW Fair Trading, or experienced NER hydraulic engineer, is to be provided to Council's Water sensitive urban design (WSUD) Compliance Officer at WSUD@blacktown.nsw.gov.au.

10.9.1.5 An experienced irrigation specialist, is to certify that:

- i. All the non-potable landscape water uses are being supplied by the 22KL stormwater tank;
- ii. All the requirements of the detailed Landscape Watering Plan have been installed to the required locations;
- iii. The automatic timer has been set up for time and frequency to deliver 355 kl/year on average and the system has been designed to adjust for a rate 50% higher in summer and half the rate in winter;
- iv. The pumps, alarms and all other systems are working correctly;
- v. The water from at least two garden taps, or two sample points for the landscape watering system have been tested to show no chlorine residual; and
- vi. Warning signs are fitted to all external taps using non-potable water.

10.9.1.6 A signed, works-as-executed Landscape Watering Plan certified by an experienced irrigation specialist, is to be provided to Council's Water sensitive urban design (WSUD) Compliance Officer at WSUD@blacktown.nsw.gov.au.

10.9.1.7 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. waterless urinals; and
- v. 3 star Water efficient washing machines and dishwashers have been used.

10.9.2 Easements/Restrictions/Positive Covenants

10.9.2.1 The Applicant must provide a Restriction to User and Positive Covenant over the Stormwater Quality Improvement Devices, Stormwater Storage and On-Site Detention Tank in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate.

10.9.2.2 Any easements, restrictions or covenants required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easements, restrictions or covenants. The form of easement, restriction or covenant created as a result of this consent must be in accordance with the following:

- (a) Blacktown City Council's standard Terms of Easements and Restrictions (Current Version), and otherwise to Council's satisfaction.
- (b) The standard format for easements, restrictions and covenants (as applicable) as accepted by NSW Land Registry Services.

10.9.2.3 Easements, restrictions and covenants must be endorsed by Council and lodged with NSW Land Registry Services.

10.9.2.4 All easements, 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 Council.

10.9.3 **Inspections**

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

10.10 **Landscaping**

10.10.1 All landscaping and common open space areas shall be completed in accordance with the landscaping design plan approved by Council. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

10.10.2 All common open space areas and internal driveways shall be appropriately illuminated by the use of suitable outdoor lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night. The loading dock area and car parking areas must also be provided with sufficient lighting to enhance the safety of users.

10.10.3 Prior to an Occupation Certificate, arrangements which assure the ongoing management of vegetation, gardens, planter boxes, communal areas, and the physical appearance of the building are to be incorporated within the Building Management Statement to the satisfaction of Council.

10.11 **Street Tree Planting**

10.11.1 Prior to the issue of the Final Occupation Certificate, all required payments of bonds are to be completed to Council's satisfaction.

10.12 **Police Matters**

10.12.1 Fire Exits and Stairs

- 10.12.1.1 Research has shown that fire exits and fire stairs in buildings and car parks often contravene regulations. It is not uncommon for self-closing and self-locking street level egress doors to be chocked open, vandalised and/or unsupervised.

Upon gaining access to fire exits at street level (via egress doorways), some offenders use stairs as conduits and cover to commit theft from vehicles, theft of motor vehicles and armed robbery. Magnetic door locking systems linked to Fire Sprinkler alarms ensure that fire exits are used for emergencies only.

All fire doors shall be alarmed so that no unauthorised access is permitted. A magnetic strip or other appropriate device shall be used to ensure that the door will shut closed. Signage shall be displayed all fire doors to show that doors are alarmed and to only be used in emergencies. Any external doors that can be used to enter the car park or into the complex shall have a plate installed to the door.

Tenants should be strongly discouraged from placing anything in the fire doors so they can be easily accessed. The stairways should also be checked frequently and items that could be used to hold doors open should be removed. The handles, hinges, latch and striker plate should be checked for foreign objects that may hinder the effectiveness of these mechanisms, allowing the door to remain open or not be locked as it should be.

10.12.2 Letterboxes

- 10.12.2.1 Letter boxes are a big target for criminals to steal mail and even people's identity. High quality letterboxes that meet the Australian standards -IS09001 :2008 shall be installed. It is also required that the mailboxes should only be able to be accessed within the complex by tenants. This will prevent criminals from getting into the premises as a key/fob would need to be used. This allows natural and technical surveillance. The letterboxes shall be under CCTV surveillance to help deter letterbox mail theft. This is a major current crime trend where victims' identity is being stolen such as personal details, credit cards, bills etc which is then being stored, sold and used in fraudulent activity.

Police also suggest the installation of circular letter box locks. The shape can make them harder to force and manipulate with a tool such as a screwdriver of similar.

10.12.3 Car Park

- 10.12.3.1 The car park shall be well lit and bright and should be illuminated continuously in hours of darkness. Refrain from the use of sensor lights, especially in areas less travelled. The entry to the car park should also be well lit. This decreases the chance of a person being able to hide and gain access to the complex by taking advantage of a vehicle or person entering or exiting.

Park smarter signage can help educate people to not leave valuable items in their cars and to ensure they secure their vehicles. Police recommend installing these signs around the car park.

NSW Police recommend rubber tyre stoppers or similar be installed in the car

park to prevent a car from colliding into the walls.

If there are any proposed storage cages, they should be constructed of a robust material. Storage cages in underground car parks appear to be a particular target of thieves. Lighting in this area should be well lit and be vandal resistant.

10.12.4 Surveillance

10.12.4.1 Prior to the issue of an Occupation Certificate, the Applicant is to demonstrate to the Principal Certifying Authority that CCTV has been installed with particular attention to those areas susceptible to anti-social behaviour and criminal activity. This includes any open communal space, common areas (including elevators), driveways and car park areas. The exterior coverage shall capture all entrances and exits and the immediate vicinity of the building. There shall be no dummy cameras installed at the location.

Break, enter and steal offences are more common in underground car parks. High quality CCTV cameras shall be installed on all 6 basement levels of the car park.

CCTV footage is to be kept for a minimum of 28 days and be available if requested by NSW Police to be copied to a USB.

10.13 Car Parking

10.13.1 A minimum of 177 car parking spaces are required to be provided on site being:

- 9 for shop uses;
- 31 for function centre use;
- 22 for recreational facility use; and
- 115 for office spaces

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

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

10.13.4 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.6:2022.

10.13.5 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

10.13.6 Convex mirrors are to be installed within the car park on ramps and circulation roadways to supplement sight lines at any locations where a stopping sight distance of 20m cannot be achieved between drivers travelling in opposing directions.

10.13.7 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.

- 10.13.8 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.
- 10.13.9 A roller shutter and card-key system is to be installed at the entry/exit points of the basement car park.
- 10.13.10 Should any basement storage areas be provided, they are to have quality doors/cages and lock sets to restrict unauthorised access. These are recommended to be constructed of an appropriately robust steel welded mesh to be used in lieu of chain link wire. Consider the use of 'over the bonnet' metal fully enclosed and lockable storage containers.
- 10.13.11 The car parking allocation is to be incorporated into a Parking Management Strategy which will also include the following responsibilities for the Managing Agent/future Body Corporate:
- (a) Measures to ensure a clear segregation between the commercial, residential and non-residential parking spaces is maintained at all times.
- 10.13.12 Bicycle racks are to be provided on site.
- 10.13.13 On-site waste collection areas, loading areas and manoeuvrability paths are to be suitably line-marked and sign-posted to ensure areas are kept clear of obstructions that may prohibit their future use.
- 10.14 **Liquor**
- 10.15 If liquor is to be sold on the subject premises, a Liquor License will be required to be applied for from Liquor and Gaming NSW and issued prior to commencement of the use. A copy of this is to be provided to Council.
- 10.16 **Ancillary Work**
- 10.16.1 The awning must be constructed in accordance with those details submitted as part of the Construction Certificate. The height and width of the awning must comply with the requirements of Council's Maintenance Section.
- 10.16.2 Plumbing services are to be provided to the commercial tenancy to enable the installation of a potential kitchen.
- 10.17 **Graffiti Management Plan**
- 10.17.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council's Manager, Development Services. The plan is to address the following issues:
- (a) Methods to minimise the potential for graffiti;
 - (b) Management/notification procedures for the "early" removal of graffiti;
 - (c) Annual review of any Building Management Statement 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.

10.17.2 The Building Manager is to manage the graffiti management plan. The recommendations of the plan are to be integrated into a Building Management Statement.

10.18 Environmental Health

10.18.1 Trading must not commence until an Occupation Certificate for the development has been issued.

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

10.18.3 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.

10.19 Lighting

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

10.20 Operational Plan of Management

10.20.1 An Operational Plan of Management shall be submitted to Council's Development Assessment Section for the approved building, including the management of a safe operation of the respective land uses in relation to traffic, waste management, and detailing the responsibilities of the future occupants and Building Manager.

10.21 Building Egress

10.21.1 Egress from the Building shall comply with Part D.2 of the National Construction Code-2019 and D.3.

10.22 Geotechnical and Structural

10.22.1 Prior to the issue of an Occupation Certificate, post construction dilapidation reports (with comparison against the dilapidation reports prepared pursuant to condition 7.0.7) are to be prepared by a qualified structural engineer upon completion of construction, and submitted to Council. Reports must present a comparison of results with the pre-construction dilapidation survey and recommendations on repairs where necessary.

10.22.2 The Applicant has the responsibility, at its cost, to make good to the reasonable satisfaction of the land or asset owners any damage caused to adjacent buildings or infrastructure by excavation or other activities at the site. Evidence that it has done so, or has made all reasonable efforts to do so shall be provided to Council prior to the issue of the Occupation Certificate.

11 OPERATIONAL (PLANNING)

11.1 General

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

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

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

11.1.4 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.

11.1.5 The hours of operation of the development shall not be outside of the following nominated times.

Approved hours of operation:

Retail/shops	Monday to Sunday 7am to 10pm
Function Centre	Monday to Sunday 10am to 12am (midnight)
Office use	Monday to Friday 7.30am to 9pm
Recreation facility	Monday to Sunday 7am to 10pm

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

Should Council receive justified complaints that the function centre is operating outside these hours, or is causing noise and disturbance to the neighbouring residents, then Council will be required to investigate, which may result in the commencement of enforcement proceedings in the event of non-compliance.

11.1.6 The maximum number of patrons for the function centre must not to exceed:

Function centre: 450 patrons
Level 1, function room 1 - 160 patrons
Level 2, function room 2 - 130 patrons
Level 2, function room 3 - 160 patrons

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

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

11.2 Signage

11.2.1 The illumination shall be restricted to levels acceptable in accordance with the Department of Planning and Environment's Transport Corridor Outdoor Advertising and Signage Guidelines and will not result in unacceptable glare.

11.2.2 The approved signages are to be installed in strict compliance with the approved plans and details. The signage is to be located wholly within the boundary of the subject site. No part of the signage is to overhang the property boundary.

11.2.3 The level of intensity of illumination is to be set at a level that does not cause any distraction or safety issue for pedestrians, cyclists or motorists.

11.2.4 The proposed signage is not to have/use:

- Displays resembling traffic signs or signals; or giving instruction to traffic by using colours and shapes that imitate a prescribed traffic control device or words such as 'halt' or 'stop'.
- Complex displays that hold a driver's attention beyond 'glance appreciation'.
- Animated display, moving parts or simulated movement.
- A method and level of illumination that distracts or dazzles.
- Flashing lights.

11.2.5 The signages are only to be used for business identification purposes for the commercial premises on the site, Westpoint Blacktown shopping centre, and is not to be used for general advertising purposes.

11.2.6 Any proposal to change the design of the signage or information displayed on the signage from that depicted on the approved plans will require the separate and formal prior approval of Council.

11.2.7 No additional signage is to be erected/installed on the subject property other than that approved under this consent without separate and formal prior approval of Council.

11.3 **Use of Premises**

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

11.3.2 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.

11.4 **Emergency Procedures**

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

11.5 **Waste Management**

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

- 11.5.2 The Building Manager will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.
- 11.5.3 An appropriate person (or a suitable replacement from time to time) must be engaged in perpetuity and for the life of the development to:
- manage bins and bulky waste onsite;
 - clean bins and the waste room(s);
 - arrange clear access to the waste loading bay on collection day (ie, remove lockable bollards or open roller doors and boom gates etc), which are in place to protect the truck turning areas on private property from being parked out; and
 - install and maintain relevant waste management signage onsite
- 11.5.4 The Building Management Statement must be provided to each tenant and/or owner occupier upon commencement of the site, and for every subsequent lease renewal and/or change in ownership of every lot in perpetuity.
- 11.6 Liquor**
- 11.6.1 No liquor is to be sold on the premises unless there is a current Liquor License which has been issued by Liquor and Gaming NSW.
- 11.6.2 No 'BYO' alcohol is permitted on the premises at any time.
- 11.7 Crime Prevention Through Environmental Design**
- 11.7.1 Vandal proof and security lighting, CCTV and security measures endorsed by this consent shall be met and maintained at all times
- 11.8 Graffiti Removal**
- 11.8.1 Removal of any graffiti, visible from any public road or space, is the responsibility of the property owner/s. All graffiti must be removed within 48 hours.
- 11.9 Access/Parking**
- 11.9.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 11.9.2 All loading and unloading operations shall take place at all times wholly within the confines of the land. All vehicles must enter and exit the site in a forward direction at all times.
- 11.9.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1:2021 and 2890.6:2022.
- 11.10 Other Matters**
- 11.10.1 All staff members are to park on the premises at all times utilising the designated staff car parking spaces. At no times are staff to park on the street or in the designated visitor car parking spaces.

11.11 **Lighting and Security**

- 11.11.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 11.11.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 11.11.3 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.
- 11.11.4 Sightlines must be kept free from obstructions. If a lack of natural surveillance occurs this would quickly encourage anti-social behaviour and criminal offences specifically malicious damage to the area. The 'fear of crime' would also no doubt increase if there is sign of malicious damage, rubbish, broken bottles etc around the development. Regular maintenance and up-keep of the site must therefore be adhered to.
- 11.11.5 External Lighting
 - a) All lighting must be designed in accordance with Australian Standard AS4282 – Control of the Obtrusive Effects on Outdoor Lighting.
 - b) All lighting must be operated and maintained in accordance with the Standard above.
 - c) Lighting must be compatible with the Hotel's CCTV system.
 - d) Lighting must be on between dusk and dawn and meet Australian Standard 1128.3.1.

11.12 **Awnings**

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

12 **OPERATIONAL (Environmental Health)**

- 12.1 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environmental Protection Authorities - Noise Policy for Industry and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian

Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.

- 12.2 A post commissioning report must be produced by an acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) within 3 – 6 months of the proposed development operating to validate the Environmental Noise Impact Assessment s findings. The report is to be submitted to Council to review.
- 12.3 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.
- 12.4 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.
- 12.5 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.