

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: SPP-19-00012

Development: Construction of a new two storey 148-bed residential aged care facility, car park, associated uses, landscaping works and services

Site: Lot 2890 DP 1230906, Northbourne Drive Marsden Park

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

Date of determination: 24 September 2021.

Date from which consent takes effect: Date the consent is registered on the NSW Planning Portal.

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 Lot 2890 DP 1230906, Northbourne Drive Marsden Park.

The conditions of consent are as follows:

1 ADVISORY NOTES

1.1 Terminology

- 1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.
- 1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 109C of the Environmental Planning and Assessment Act 1979.

1.2 Scope of Consent

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

1.3 Other Approvals

- 1.3.1 A separate valid relevant Construction Certificate shall be issued prior to commencement of any related construction works. Any relevant preconditions must be satisfied prior to the issue of the relevant Construction Certificate.
- 1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 m from the building perimeter, and
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
 - (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
 - (d) the installation of vehicular footway crossings servicing the development, and
 - (e) the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required.
- 1.3.3 Separate Council approval under the Roads Act 1993 is required for any crane used to construct this development that swings over public air space.
- 1.3.4 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.3.5 If any aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) 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 OEH. No further works are to be undertaken on the site without the written consent of OEH.

1.4 Services

1.4.1 The applicant is advised to consult with:

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

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

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

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

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

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.

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.

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

1.5.1 Street tree planting must not impact on public utilities. The applicant should

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

- 1.5.2 The applicant must ensure street planting does not unreasonably interfere with street light spill. The applicant must ensure street planting is properly maintained during construction to ensure this does not occur.

The existing street trees are to be retained and protected as per AS:4790-2900 "Protection of Trees on Development Sites".

1.6 Identification Survey

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

1.7 Payment of Engineering Fees

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

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

2 GENERAL

2.1 Scope of Consent

- 2.1.1 The proposed development is to be in accordance with the following drawings/details, subject to compliance with any other conditions of this consent:

Drawing No and Revision	Prepared By	Date
Site Plan – DA0.20 (Rev G)	Custance	26/2/2021
Ground Floor Plan – DA1.20 (Rev G)	Custance	26/2/2021
Level 1, Sheet No.DA1.21, Revision F	Custance	04/09/2020
Roof Plan, Sheet No.DA1.22, Revision F	Custance	04/09/2020
Notification Site Plan – DA20.01 (Rev F)	Custance	26/2/2021
Notifications Elevations – DA20.02 (Rev F)	Custance	26/2/2021
External Elevations 1 – DA3.00 (Rev H)	Custance	26/2/2021

External Elevations 1 (Building Only) – DA3.01 (Rev B)	Custance	26/2/2021
External Elevations 2 – DA3.01 (Rev G)	Custance	04/09/2020
Building Sections, Sheet No. DA3.10 Revision F	Custance	04/09/2020
Building Sections, Sheet No. DA3.11 Revision F	Custance	04/09/2020
Material & Finishes Schedule, Sheet DA12.00, Revision E	Custance	04/09/2020
Landscape Masterplan – LA200 (Rev C)	TaylorBrammer	26/2/2021
Community Courtyard, LA201, Rev C	TaylorBrammer	24/08/2020
Memory Support & Public Courtyard, LA202, Rev B	TaylorBrammer	12/03/2020
Evening Courtyard - Level 1, LA203, Rev B	TaylorBrammer	12/03/2020
Level 1 – Landscape Plan – LA204 (Rev B)	TaylorBrammer	26/2/2021
Planting Plan & Schedules – LA400 (Rev C)	TaylorBrammer	26/2/2021
Landscape Sections – LA600 (Rev C)	TaylorBrammer	26/2/2021
Landscape Sections – LA601 (Rev C)	TaylorBrammer	26/2/2021
Landscape Sections – LA602 (Rev C)	TaylorBrammer	26/2/2021
Landscape Elevation – LA603 (Rev C)	TaylorBrammer	26/2/2021
Cover Sheet, Drawing Schedule & Locality Sketch Drawing No. 19459_D2_C000 (Rev 02)	Henry & Hymas	03/09/2020
Bulk Earthworks Cut and Fill Plan Drawing No. 19459_D2_BE00 (Rev 02)	Henry & Hymas	03/09/2020
Bulk Earthworks Sections Drawing No. 19459_D2_BE01 (Rev 02)	Henry & Hymas	03/09/2020
Standard Notes Drawing No. 19459_D2_C001 (Rev 02)	Henry & Hymas	03/09/2020
General Arrangement Plan Drawing No. 19459_D2_C100 (Rev 02)	Henry & Hymas	03/09/2020

Ground Level Detail Plan Sheet 1 of 2 Drawing No. 19459_D2_C101 (Rev 02)	Henry & Hymas	03/09/2020
Ground Level Detail Plan Sheet 2 of 2 Drawing No. 19459_D2_C102 (Rev 02)	Henry & Hymas	03/09/2020
Temporary Level Spreader Detail Plan Drawing No. 19459_D2_C105 (Rev 02)	Henry & Hymas	03/09/2020
Stormwater Miscellaneous Details & Pit Lid Schedule Drawing No. 19459_D2_C200 (Rev 02)	Henry & Hymas	03/09/2020
Stormwater Miscellaneous Details Drawing No. 19459_D2_C201 (Rev 02)	Henry & Hymas	03/09/2020
Cartridge Filter System WQ-1 Plan, Sections and Details Drawing No. 19459_D2_C202 (Rev 02)	Henry & Hymas	03/09/2020
Cartridge Filter System WQ-2 Plan, Sections and Details Drawing No. 19459_D2_C203 (Rev 02)	Henry & Hymas	03/09/2020
Pre-Development/Subdivision Stormwater Catchment Plan Drawing No. 19459_D2_C250 (Rev 02)	Henry & Hymas	03/09/2020
Post-Development Catchment Plan Drawing No. 19459_D2_C251 (Rev 02)	Henry & Hymas	03/09/2020
Retaining Wall Plan Drawing No. 19459_D2_C300 (Rev 02)	Henry & Hymas	03/09/2020
Retaining Wall Type Details Drawing No. 19459_D2_C310 (Rev 02)	Henry & Hymas	03/09/2020
Sediment & Erosion Control Plan Drawing No. 19459_D2_SE01 (Rev 02)	Henry & Hymas	03/09/2020
Sediment & Erosion Control Typical Sections & Details Drawing No. 19459_D2_SE02 (Rev 02)	Henry & Hymas	03/09/2020

*Unless modified by any condition(s) of this consent.

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: Marsden Park

- 2.3.2 Any advertising of land sales in association with the approved development shall clearly indicate that the development is located in the following suburb. No other estate names shall be used in any advertisements or other promotional information:

Suburb: Marsden Park

2.4 Engineering Matters

2.4.1 Design and Works Specification

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council On Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M
- (f) 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 Construction Certificate, *Road Act 1993* or *Local Government Act 1993* approval.

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

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

2.4.2 Drainage matters

- 2.4.2.1 The registered proprietor/lessee is to provide to Council's WSUD Compliance Officer a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule. All

material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer WSUD@blactown.nsw.gov.au.

- 2.4.2.2 Each year the registered proprietor/lessee is to provide to Council's WSUD Compliance Office at WSUD@blactown.nsw.gov.au a report outlining all non-potable water used annually and the percentage of non-potable reuse.
- 2.4.2.3 The Stormfilter chamber and cartridges are not to be installed, until a minimum of 90% of the upstream catchment draining to the basin is fully developed including landscaping as agreed with Council. Once 90% of the upstream catchment is developed as determined by the developer or where notified by Council, the Stormfilter chamber and cartridges must be installed within six (6) months.
- 2.4.2.4 The developer is to maintain the temporary water quality treatment measures and these measures are not to be removed, nor the positive covenants lifted, until the downstream regional Council water quality measures are completed.

2.4.3 Other Matters

- 2.4.3.1 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.
- 2.4.3.2 Any future substation, temporary drainage works or other utility installation required to service the approved subdivision/development shall not be sited on Council land, including road reservations and/or public reserves.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

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

3.2 Road Deposit/Bond

- 3.2.1 The following current fee (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:

- (a) Road inspection fee;

Council will undertake initial and final inspection of civil assets outside the development 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 in accordance with Council's current Goods & Services Pricing Schedule.

3.3 Services/Utilities

- 3.3.1 The following documentary evidence shall accompany any application for Occupation Certificate: Construction Certificate:

- (a) A letter from the Site's Energy Provider is to be provided which confirms that arrangements have been made with the Energy provider 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 Street Tree Planting

3.4.1 The applicant must submit a Street Tree Plan detailing any street trees proposed to be planted and landscaping proposed to be carried out in the public domain. The Street Tree Plan is to reflect the species palette in our Street Tree Guidelines and must include:

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

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

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

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

3.4.2 The applicant must ensure street planting does not unreasonably interfere with street light spill. The applicant must ensure street planting is properly maintained during construction to ensure this does not occur.

The existing street trees are to be retained and protected as per AS:4970-2009 "Protection of Trees on Development Sites.

3.5 Salinity

3.5.1 The recommendations of the Salinity Assessment prepared by Martens Consulting Engineering Report No P1907348JR01V02 , dated October 2019 are to be identified on the construction certificate plans and implemented during construction.

3.6 Waste

3.6.1 The removal of asbestos from the site and its transportation to its final destination is to be undertaken in accordance with the NSW Environment Protection Authority's WasteLocate online system for tracking asbestos waste. Upon completion of the transportation, the WasteLocate consignment number is

to be submitted to Council. For more information, please refer to the following link: <https://www.epa.nsw.gov.au/your-environment/waste/transporting-asbestos-waste-tyres>

- 3.6.2 The applicant must ensure that internal roads and driveways are rated suitable for 24 tonne trucks.
- 3.6.3 The applicant must ensure the approved bin collection points for all bins for the whole site are shown on the stamp approved plans with each bin indicated.
- 3.6.4 The applicant must provide to Council's satisfaction, a waste management plan to detail the management of waste onsite during the demolition and construction stages of development (as stated on the Waste Management Plan dated 15/2/2021 - page 6).

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Section 7.11 Contributions under Section 7.17 Directions

The following monetary contributions pursuant to Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as 10 August 2021. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted. However, payments by credit card or EFTPOS over \$10,000.00 are levied a 0.5% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Contribution Item	Amount	Relevant C.P.
Stormwater Quantity		
Marsden Creek	\$650,889.00	21
Stormwater Quality		
Marsden Creek	\$94,416.00	21
Traffic Management	\$172,259.00	21
Total	\$917,564.00	

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

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

S7.11 CP No. 21 Marsden Park

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

Developable Area: 1.005 hectares

4.2 Special Infrastructure Contribution

- 4.2.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Environment before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

More information

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

<http://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding>

4.3 Aesthetics/Landscaping

- 4.3.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.
- 4.3.2 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.
- 4.3.3 The development approved by Council is to be constructed in accordance with the schedule of materials, finishes and colours endorsed by Council as part of the subject approval process.
- 4.3.4 The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the Building Code of Australia.
- 4.3.5 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.
- 4.3.6 Fencing details are to be in accordance with the details submitted on the approved fencing plans. All fencing is to be erected on top of any retaining walls at full cost to the developer. A 1.8m high palisade fence shall be constructed along the Northbourne Drive and Beale Street frontages. Fencing along the eastern and the southern side of the car park are to be accordance with the recommendations provided in the Development Application Acoustic Report, report number 20190829.2, prepared by Acoustic Logic, dated 12 September 2019. The eastern boundary of the site shall be constructed with a 1.8m high lapped and capped or colorbond fence at full cost of the developer.

4.4 Necessary Plan Amendments

- 4.4.1 The landscape plan shall be amended to include installation of the additional planting as shown in the sketch on page 2 of the Landscaping Expert Report dated 22 February 2021 within the Drop off area to the south of the building entry. The additional planting shall include 1 new tree, 102 new shrubs plus groundcovers are to be installed in the drop off area as shown and with a new planter at the building edge of 500mm width".

- 4.4.2 The location and specification of the trees of the landscaped area facing Northbourne Drive on the north western corner of the site shall be amended on the landscape plan to be consistent with the sketch on page 8 of the Landscaping Expert Report dated 22 February 2021.

4.5 Access/Parking

- 4.5.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 4.5.2 47 car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1
- 4.5.3 All internal driveways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 4.5.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.
- 4.5.5 Layout of the proposed car parking area including circulation aisles/ramps, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, parking bay dimensions, headroom clearance are to be in accordance with AS 2890.1 -2004 and AS 2890.2 -2002 for heavy vehicle.

5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

5.1 National Construction Code Australia

- 5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the National Construction Code Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) Complying with the deemed to satisfy solutions, or
 - (b) Formulating a performance solution which:
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy solutions, or
 - (iii) A combination of (a) and (b).

5.2 Site Works and Drainage

- 5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 5.2.2 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.
- 5.2.3 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:

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

Such details shall accompany the Construction Certificate.

6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

6.1 General

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

6.2 Construction Certificate Requirements

- 6.2.1 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 section 4.55 application

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

- I. Architectural Dwg. DA1.20, Job No. 3341 Revision G, dated 26/02/2021
- II. Stormwater Management Plan by Henry & Hymas, Rev.2, Oct.2019.
- III. Civil Engineering Works by Henry & Hymas, Dwg. C000 to BE01 in consecutive, Job No. 19459 Revision 2 dated 03.09.2020

6.3 Other Engineering Requirements

- 6.3.1 If the estimated cost is \$25,000 or greater proof of long service levy payment is required.
- 6.3.2 Any ancillary engineering works (including but not limited to relocation of cables, kerb pits, power poles and driveways) undertaken as a result of the Proponent's development shall be at no cost to Council.

6.4 Deleted

6.5 Drainage

- 6.5.1 Drainage from the site must be connected into Council's existing drainage system.
- 6.5.2 Drainage Engineering plans from Henry&Hymas, Dwg. 19459_D2_C000 (Rev 02) to BE01 in consecutive, Job No. 19459_D2 (Rev 02) dated 03.09.2020 are to be amended as follows:
 - a. Dwg. 19459_D2_C101 (Revision 02) dated 03.09.2020
 - i. Show the temporary level spreader option as the primary concept plan with the ultimate being on a separate plan.
 - ii. Adjust the level spreader note to the top left-hand corner of the page to state that 'ultimate system to be in place once downstream drainage - Infrastructure is up and running...'

- iii. Provide a note stating that a Roads Act approval is required for any roadworks such as Ex-1 pipe upgrade.
 - iv. Provide a note to state that all water quality devices are temporary until the downstream regional basin is constructed.
 - b. Dwg. 19459_D2_C202 (Revision 02) dated 03.09.2020
 - i. Provide a non-return flap valve for the rainwater tank overflow pipe within pit A-2.
 - ii. State the number of cartridges on the plan. Repeat for Dwg. C203.
 - c. Dwg. 19459_D2_C251 (Revision 02) dated 03.09.2020
 - i. 4,641.56m² of roof area is to be directed to the rainwater tanks to achieve the target of 80% non-potable reuse. This method will not require an additional stormwater tank. The final volume of 220kL rainwater tank, inclusive of 10% increase, is to cater for the site's target of 80% non-potable reuse.
 - d. Detail Confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater and stormfilter tanks in accordance with Council's Engineering Guide for Development 2005.
- 6.5.3 An experienced Drainage Engineer registered with NER and supported by a DRAINS or other hydraulic modelling is to certify that the internal drainage system is capable of carrying the 5% AEP flows without surcharge at any pits.
- 6.5.4 A Chartered Structural Engineer, registered with NER, must certify the structural design for pier footings adjacent to the detention and Stormfilter tanks to be founded a minimum of 300mm below the underside of the tanks. The depth of piers away from the tanks will be subject to the zone of influence.
- 6.5.5 Development shall incorporate water efficient fixtures such as taps, showerheads, and toilets. The fixtures must be rated to at least AAA under the National Water Conservation Rating and Labelling Scheme.
- 6.5.6 An experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses on the site including all toilet/urinal flushing and landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:
 - i) a first flush or pre-treatment system (typically 0.2 litres / m² of roof area going to the tank for a first flush),
 - ii) a pump with isolation valves;
 - iii) a solenoid controlled mains water bypass;
 - iv) **flow meters** on the solenoid controlled mains water bypass line and the pump outflow line, to determine non-potable usage and actual percentage reuse;
 - v) an inline filter and preferably an automatic backwash inline filter;
 - vi) a control panel with warning light to indicate pump failure;
 - vii) a timer and control box for landscape watering and
 - viii) an irrigation watering plan allowing for a minimum of 580kL/yr and accounting for seasonal variations;
 - ix) providing a minimum tank size of 220kL;

- x) ensuring all the rainwater reuse pipes and taps are coloured purple;
 - xi) UV disinfection;
 - xii) fitting rainwater warning signs to all external taps using rainwater.
- 6.5.7 An experienced irrigation specialist is to prepare and certify a detailed Landscape Watering Plan for non-potable landscape watering. The plan is to show the irrigation layout based on non-potable water supply point from the stormwater tank, including:
- a. isolation valve for maintenance or during water restrictions
 - b. a timer and control box for landscape watering, allowing for seasonal variations and split systems
 - c. designed to automatically achieve a minimum average usage rate of 580kL/yr at (0.4 kL/yr/m²) including increasing the frequency of watering by a minimum 50% above average for the hotter months and reducing for the cooler months
 - d. ensuring all the reuse pipes and taps are coloured purple
 - e. fitting warning signs to all external taps using non-potable water
- 6.5.8 A Chartered Engineer, registered with NER, is to certify that the water from the Rainwater Tank used for irrigation only has after application of all necessary treatment meets the criteria under table 6.4 of *Managing Urban Stormwater: harvesting and reuse* by the Department of Environment and Conservation NSW Dec 2006 and is of a standard appropriate for its intended use.
- 6.5.9 As UV disinfection is required, a designer experienced in the use of UV treatment, is to provide details of the system arrangement. The arrangement is to include the size and configuration of UV lamps required, level of filtration as pre-treatment, together with design flowrate. Provide maintenance details.

6.6 Signage and Line Marking

- 6.6.1 A formal submission must be made to the Local Traffic Committee (LTC) through Council's Traffic Engineering department for all signage and line marking details proposed as part of these works as they are applicable to the public road reserve. This will be limited to relocation of existing and installation of additional signage and some minor adjustments to the existing line marking for the frontage of the site in Northbourne Avenue.
- 6.6.2 A determination will be required prior to the implementation of all signage and line marking works proposed in respect of the public road reserve.

6.7 Erosion and Sediment Control

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

6.8 Vehicular Crossings

- 6.8.1 Plans to demonstrate the construction a commercial and industrial vehicular crossing to Council's standard A(BS)103S. The boundary shall 4% above the top of kerb level, to be free draining to the street and of neat appearance.

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

- 7.1 Plans and specifications are to be submitted that demonstrate the salon on the premises is compliant with the requirements of;
- Clause 10 of Schedule 2 Part 2 of the Local Government (General) Regulation 2005.
- 7.2 Plans and specifications are to be submitted that demonstrate the food premises is compliant with the requirements of;
- Food Act 2003 (NSW) and Regulations there under; and
 - Australia New Zealand Food Standards Code
 - Australian Standard 4674-2004 Design, construction and fit-out of food premises.
 - Australian Standard 1668.2-2002 The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control.
- 7.3 An appropriately qualified contamination consultant is to prepare a “Review of Contamination” to verify the site contamination status. In completing the review, they are to conduct an additional investigation of the site to confirm no contamination of the site has occurred since 28 August 2019 (being the date of *Martens & Associates – Site Contamination Review – P1907348JC01V01*). This review is to include at a minimum a site walkover and historical aerial photo analysis. The review is to confirm if the site is suitable for the proposed purpose.
- 7.4 Should it be concluded that the site is not suitable, further site investigation is required by the qualified contamination consultant in the form of a Detailed Site Investigation (DSI). Should the DSI conclude remediation is required to make the site suitable for the purpose, a remediation action plan (RAP) shall be prepared for the site. The site shall be remediated in accordance with the RAP and upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with:
- NSW Environment Protection Authority’s Guidelines for Consultants Reporting on Contaminated Sites (2020)
 - NSW Environment Protection Authority’s Contaminated Sites Sampling Design Guidelines (1995)
 - National Environment Protection (Assessment of Site Contamination) Measure (1999, amended 2013)
 - NSW Environmental Protection Authority’s Guidelines for the NSW Site Auditor Scheme (3rd Edition) (2017)
- 7.5 A qualified acoustic engineer must certify that the buildings have been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

Internal Space	Time Period	Criteria LAeq (period)
----------------	-------------	---------------------------

Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 dB(A)

- 7.6 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:
- does not exceed the project noise trigger levels of the NSW EPA Noise Policy for Industry 2017 at the most affected point on or within any residential property boundary, or
 - Does not exceed the background noise level by more than 5 dB(A) Leq at the external edge of any sole occupancy unit balcony within the premises itself at any time the plan or equipment operates.
- 7.7 The recommendations provided in the Development Application Acoustic Report, report number 20190829.2, prepared by Acoustic Logic, dated 12 September 2019, shall be shown on the construction certificate drawings:
- Construct a minimum 2.1-meter high boundary fence along the eastern side of the car park. The fence shall be constructed such that there are no gaps within the structure. The fence can be constructed from glass, timber, sheet-metal, concrete or other masonry elements.
 - Construct a minimum 1.8-meter high boundary fence along the southern side of the car park. The fence shall be constructed such that there are no gaps within the structure. The fence can be constructed from glass, timber, sheet-metal, concrete or other masonry elements.
- 7.8 All food preparation areas shall be constructed so as to comply with the requirements of;
- The Food Act 2003 and Regulations there under.
 - Australian Standard 4674-2004 Design, construction and fit-out of food premises.
 - Australian Standard 1668.2-2002 The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control.
- 7.9 The hair salon is to be constructed to comply with the requirements of:
- Clause 10 of Schedule 2 Part 2 of the Local Government (General) Regulation 2005
- 7.10 A designated hand wash basin is to be provided within the activity area. The hand washbasin shall be provided with a supply of hot and cold water through an approved mixing device with a single spout.
- 7.11 The finish on all floor and joinery surfaces within the hair salon shall be constructed of a durable, smooth, impervious material capable of being easily cleaned as per

Clause 10 of Schedule 2 (Standards enforceable by orders) Part 2 (Standards for hairdressers shops) of the Local Government (General) Regulation 2005.

- 7.12 A separate sink shall be provided within the hair salon for the purpose of washing equipment. The sink shall be of an adequate size to allow full submersion of the largest piece of equipment.
- 7.13 The walls immediately behind the hand wash basin and sink within the hair salon are to be tiled to a height of 450mm and for a distance of 150mm on either side of the basin and sink.
- 7.14 The hair salon must be provided with washing, drainage, and ventilation facilities that are adequate for the carrying out of the hair salon activities.

8 PRIOR TO DEVELOPMENT WORKS

8.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

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

This condition does not apply to:

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

- 8.1.3 Should the development work:

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

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

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

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

- 8.1.4 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.
- 8.1.5 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 8.1.6 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.

8.2 Notification to Council

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

8.3 Sydney Water Authorisation

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

OR

The approved plans are to be submitted to a Sydney Water 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.

9 DURING CONSTRUCTION (BUILDING)

9.1 Safety/Health/Amenity

- 9.1.1 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.
- 9.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

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

9.1.3 Should the development work:

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

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

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

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

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

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

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

9.2 The National Construction Code of Australia Compliance

9.2.1 All building work shall be carried out in accordance with the provisions of The National Construction Code of Australia.

9.3 Nuisance Control

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

9.3.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

9.4 **Waste Control**

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

- The applicant must provide evidence of tipping dockets for all demolition and construction waste generated onsite.
- The applicant must ensure all litter is managed onsite by ensuring waste receptacles are covered when not in use.

9.5 **Salinity**

9.5.1 The recommendations of Geotechnical Investigation and Salinity Assessment prepared by Martens Consulting Engineering Report No P1907348JR01V02 are to be implemented.

9.6 **Other Matters**

9.6.1 The approved development shall be constructed in accordance with the approved external building materials, finishes and colours shown on the approved plans and schedule. The external building materials, finishes and colours shall not be altered without separate approval.

9.6.2 All landscaping, fencing, retaining walls and driveways are to be provided in accordance with the approved plans, and the details submitted and approved as part of the Construction Certificate.

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

10 **DURING CONSTRUCTION (ENGINEERING)**

10.1 **Insurances**

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

10.2 **Service Authority Approvals**

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

10.3 Soil Erosion and Sediment Control Measures

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

10.4 Deleted

10.5 Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993

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

Inspections must be pre-booked with a minimum 24 hours' notice. Councils Development Overseers may be contacted on 02 9839 6586 between 6 am – 7 am, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

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

- 10.5.3 A plumber licensed with NSW Fair Trading is to undertake flow testing of the non-potable water reuse system to verify that all the toilets are capable of being supplied by rainwater and that there is no cross mixing with the potable water supply

10.6 Public Safety

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

10.7 Traffic Control

- 10.7.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2009.

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

10.8 Road Line Marking and Traffic Signage

- 10.8.1 Line marking and signage in the Public Domain as approved under Condition 6.6 of the Development Consent shall not be implemented prior to receipt of Approval for these works under Section 138 of the *Roads Act 1993*.

11 PRIOR TO OCCUPATION CERTIFICATE

11.1 ENVIRONMENTAL HEALTH

- 11.1.1 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.
- 11.1.2 A health inspection is to be conducted by Council's Environmental Health Officer to ensure that the fit out of the kitchen and cafe complies with the requirements of the Food Act 2003 and Australian Standard 4674-2004 Design, construction and fit-out of food premises.
- 11.1.3 A health inspection is to be conducted by Council's Environmental Health Officer to ensure that the salon fit out is compliant with the requirements of:
- Clause 10 of Schedule 2 Part 2 of the Local Government (General) Regulation 2005

The installation of any grease arrestor shall comply with the requirements of the Sydney Water Corporation. A copy of the Corporation's Trade Waste Agreement, shall be submitted to Council.

- 11.1.4 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that the ventilation system has been installed and is operating in accordance with Australian Standard 1668.2:2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.
- 11.1.5 On completion of the installation of the ventilation system, a Compliance Certificate is to be submitted to Council certifying that the system has been installed and commissioned in accordance with the approved details.
- 11.1.6 Where any warm water or water cooling system is installed, the following shall be undertaken:
- (a) A Compliance Certificate shall be obtained certifying that the system has been installed in accordance with the provisions of the Public Health Act 2010, the Regulations thereunder, the NSW Code of Practice for the Control of Legionnaires Disease and Australian Standard 3666.
 - (a) The occupier of the premises shall be given both an operation and maintenance manual. The system shall be maintained monthly. All inspection results shall be kept on site.

Submit a Registration form to Council.

11.2 Compliance with Conditions

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

11.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Sections 6.9 and 6.10 of the Environmental Planning & Assessment Act 1979.

11.3 Fire Safety Certificate

11.3.1 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).

11.4 Services/Utilities

11.4.1 The following documentary evidence shall accompany any Occupation Certificate

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

11.5 Temporary Facilities Removal

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

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

11.5.3 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.

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

11.5.5 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.

11.6 Landscaping

- 11.6.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 11.6.2 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 11.6.3 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.
- 11.6.4 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 11.6.5 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 11.6.6 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.
- 11.6.7 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public or drainage reserves.

11.7 Waste

The waste management plan must be amended to Council's satisfaction to include:

- a) correct reference to 4 x 1100L bulk bins for recycling; not waste as stated on page 16 of the Waste Management Plan dated 15/2/2021 (see Section 3.3, Point 5).

11.8 Engineering Matters

11.8.1 Surveys/Certificates/Works As Executed plans

- 11.8.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 11.8.1.2 Deleted
- 11.8.1.3 Deleted
- 11.8.1.4 Deleted

11.8.1.5 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

11.8.1.6 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

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

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

- a. all the requirements of the approved drainage plan have been undertaken;
- b. a minimum 200m³ rainwater tank has been provided collecting roof water from a minimum 4,641.56m² of roof area from the western catchment;
- c. all warning notices have been installed;
- d. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
- e. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

11.8.3 Ocean Protect is to certify for the installation of the 200-micron OceanGuards and Stormfilters that:

- a. They are installed in accordance with the Ocean Protect standard operational guidelines and production drawings;
- b. A minimum of 23 x 200-micron OceanGuards have been installed, 7 x 460mm and 15 x 690mm ZPG Ocean Protect cartridges have been installed;
- c. The Stormfilter tank includes a baffle 300mm (460mm cartridge) and 400mm (690mm cartridge) below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils;
- d. The Stormfilter weir length is as per the approved plans;
- e. The Stormfilters have minimum flow rates as per Ocean Protects standard weir height;
- f. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank;
- g. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber; and
- h. A maintenance contract has been entered into for the maintenance of the Stormfilter cartridges.

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

- a. All external non-potable water uses are being supplied by rainwater;
- b. All the requirements of the detailed Non-Potable Water Supply & Irrigation Plan have been installed to the required locations;
- c. The flow meters have been installed on the pump outflow and the solenoid controlled mains water bypass to determine non-potable usage and actual percentage of reuse;
- d. The pumps, alarms and all other systems are working correctly;
- e. The water from at least one garden tap and two toilets (one from each level) have been tested to show no chlorine residual;
- f. Rainwater warning signs are fitted to all external taps using rainwater; and
- g. A signed, works-as-executed Non-Potable Water Supply & Irrigation Plan is to be provided to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au

11.8.5 An experienced irrigation specialist, is to certify that:

- a. All the non-potable landscape water uses are being supplied by rainwater;
- b. All the requirements of the detailed Landscape Watering Plan have been installed to the required locations;
- c. The automatic timer has been set up for time and frequency to deliver 580kL/yr on average and the system has been design will adjust for twice the rate in summer and half the rate in winter;
- d. The pumps, alarms and all other systems are working correctly;
- e. 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;
- f. Rainwater warning signs are fitted to all external taps using rainwater; and
- g. A signed, works-as-executed Landscape Watering Plan is to be provided to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au

11.8.6 A designer experienced in the design and operation of UV treatment, is to certify that the UV and filtration system has been installed in accordance with the approved plans and will operate correctly to achieve the criteria for UV treatment under Table 6.4 of Managing Urban Stormwater: harvesting and reuse by the Department of Environment and Conservation NSW Dec 2006.

11.8 EASEMENTS/RESTRICTIONS/POSITIVE COVENANTS

- 11.9.1 Provide a Restriction to User and Positive Covenant over the Temporary Stormfilter systems and OceanGuards 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. The covenant is to contain a sunset clause that the covenant is to only remain until the regional basin is constructed and operational.
- 11.9.2 Provide a Restriction to User and Positive Covenant over the Rainwater Tanks generally in accordance with the requirements of Council's Engineering Guide for Development 2005 using the detention recital as a base.

The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate.

11.9 OTHER MATTERS

- 11.10.1 Prior to the issue of the Occupation certificate, the applicant shall apply for a Maintenance schedule from Council for the Temporary Water sensitive urban design (WSUD) assets installed on the property. WSUD assets are defined in Council's WSUD inspection and maintenance guidelines available on Council's website. As part of this application, the applicant shall provide documentation to Council's WSUD Compliance Officer at wsud@blacktown.nsw.gov.au that details the DA reference number, identifies the correct locations, types, models and model numbers of WSUD assets installed on the property, including the final version of the Stormwater management report and certified and signed stormwater Works-as-executed plans. The covenant is to contain a sunset clause that the covenant is to only remain until the regional basin is constructed and operational.
- 11.10.2 Provide written evidence that the registered owner/lessee has entered into a signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the rainwater tanks, stormfilter systems (excluding replacement of filter media and/or filter cartridges) and OceanGuards. The duration of maintenance contract for the stormfilter systems shall be relevant until such time as Council's downstream stormwater infrastructure is constructed, at which point no such maintenance contract for this system will be required. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard.
- 11.10.3 The maintenance contract is to contain a requirement that the filter cartridges and/or filter media replacement is undertaken by Ocean Protect and either the filter cartridges are replaced no later than three years after the date of installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's WSUD developer handbook. The flow test is to be repeated and passed each and every year after that for the filters to be retained, but the filters must be replaced after a maximum of 5 years unless the regional water quality basin is operational before the 5-year period.

12 OPERATIONAL (PLANNING)

12.1 Access/Parking

- 12.1.1 All required off-street car parking spaces and internal driveways shall be maintained to a standard suitable for the intended purpose. In this regard, 47 car parking spaces are to be made available at all times being a minimum 27 spaces for staff (including 5 staff car parking spaces for allied health facility) and 19 spaces for visitors (including 4 visitor car parking spaces for allied health facility), 1 drop off car space and 1 ambulance space must be provided on site at all times.
- 12.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.

- 12.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 12.1.4 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 12.1.5 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 12.1.6 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 12.1.7 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.

12.2 **General**

- 12.2.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 12.2.2 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 12.2.3 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.
- 12.2.4 Emission of sound from the land shall be controlled at all times so as not to cause offensive noise as defined by the Protection of the Environment Operations Act 1997.

12.3 **Landscaping**

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

12.4 **Waste**

- 12.4.1 Building Management will be responsible for ensuring that clear access is provided to waste collection trucks entering the property. 12.4.2 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 12.4.3 Waste and recycling collections undertaken by private contractor are to be provided by site management and/or the building owner.
- 12.4.4 The applicant must ensure that bulky waste items such as lounges and fridges etc are collected by private contractors directly from the site. These items must not be presented at the kerbside for collection.
- 12.4.5 Any waste collection vehicle used to service this site in perpetuity, must not exceed 9.8m in length. Truck access and design for this site has been provided based on a specific vehicle as stated in the Waste Management Plan (dated 15/2/2021 – page 24).
- 12.4.6 Ongoing management of waste for the site must be in accordance with the waste

requirements outlined in the approved waste management plan as submitted with the development application. This includes:

- a. provision and maintenance of suitable signage in all areas with waste facilities such as bin storage areas, bin collection points, loading bays or any other relevant area accessible to residents, cleaners and/or building management staff.
- b. Line marking and sign posting in and around the loading bay to indicate 'no parking'.
- c. engagement of a building manager and/or caretaker onsite to manage the waste system as proposed for this site. This includes prompt removal of illegal dumping onsite.
- d. A building manager must be engaged in perpetuity and for the life of the development to:
 - i. manage bins and bulky waste onsite
 - ii. clean bins and the waste room(s)
 - iii. arrange clear access to the waste loading bay on collection day
 - iv. install and maintain relevant waste management signage onsite

12.5 Other Matters

12.5.1 Any graffiti visible from a public place or road is to be removed as soon as practicable.

12.5.2 All common areas throughout the village are to be maintained.

12.5.3 Arrangements are to be made for the commercial collection of waste.

12.6 OPERATIONAL (ENVIRONMENTAL HEALTH)

12.6.1 Environmental Management

12.6.1.1 Parking space nearest the eastern property boundary is to be designated for visitor parking to ensure that the space is not used in the 10pm-7am period.

12.6.1.2 Delivery vehicles are to turn off their engines when loading and unloading within the loading dock.

12.6.1.3 Garbage trucks are not to enter the site between the hours of 10:00pm and 7:00am.

12.6.1.4 A post commissioning report produced by a suitably qualified independent organisation who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member within 3 – 6 months of the centre operating to validate the findings provided in Development Application Acoustic Report, report number 20190829.2, prepared by Acoustic Logic, dated 12 September 2019.

12.6.1.5 The recommendations provided in Development Application Acoustic Report, report number 20190829.2, prepared by Acoustic Logic, dated 12 September 2019, shall be implemented.

12.6.1.6 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 Environment Protection Authority's Noise Policy for Industry (2017) 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.

- 12.6.1.7 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.
- 12.6.1.8 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.
- 12.6.1.9 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.
- 12.6.1.10 The food premises shall be maintained in accordance with the requirements of;
 - i. Food Act 2003 and Regulations there under.
 - ii. Australian Standard 4674-2004 Design, construction and fit-out of food premises.
- 12.6.1.11 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.
- 12.6.1.12 Upon commencement of trading, notify NSW Food Authority of the food business.