

**1 ADVISORY NOTES**

**1.1 Consent Duration**

- 1.1.1 This consent is valid for a period of two (2) years effective from the date of this consent.

**1.2 Terminology**

- 1.2.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.
- 1.2.2 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.

**1.3 Scope of Consent**

- 1.3.1 Separate development consent may be required from Council prior to the use of each individual commercial/retail tenancy within the approved building(s). The applicant is advised to contact Council's Development Services Unit in this regard.
- 1.3.2 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.
- 1.3.3 Should it be intended to subdivide the approved development into strata title allotments, Council will require the lodgement of a separate Development Application for consideration. Council advises that any new Development Application for Strata Subdivision will not be approved until such time as the approved development has reached practical completion and issues such as visitor car parking, internal and external boundary fencing, landscaping or any other works required in accordance with this Notice of Determination and all associated Construction Certificates have been fully completed to Council's satisfaction.
- 1.3.4 The applicant is advised that Council will not release the Subdivision Certificate for the approved development until such time as the relevant conditions, for each stage of the development, have been completed in accordance with the conditions of consent, to Council's satisfaction.

**1.4 Other Approvals**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 1.4.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.4.2 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary development not approved by this consent, including:
- (a) the removal of any tree(s) not indicated on the approved plans;
  - (b) any fence, retaining wall, land excavation or filling, or other development not being exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
  - (c) the erection/display of any advertising sign or business identification sign not being exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 1.4.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

**1.5 Services**

- 1.5.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Integral Energy
- (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 and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. 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.

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

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street/road name and the nearest cross street/road name.

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

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

## **1.6 Tree Planting and Service Locations**

- 1.6.1 In order to facilitate street tree planting that does not impact on public utilities, the applicant is advised to liaise with the relevant service authorities regarding the location and use of their specific service allocation within the public road reserve. These authorities have indicated that it may be possible to lay services on opposite sides of the road thereby providing larger areas for tree planting.

## **1.7 Other Matters**

- 1.7.1 All works/regulatory signposting associated with the development are to be at no cost to the Roads & **Maritime Services (RMS)** or Council.

## **2 GENERAL**

### **2.1 Scope of Consent**

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

Drawing No.	Dated	Council's File Enclosure No.
Site Plan DA:201 Issue H	24/03/11	299D
Basement 2 DA:202 Issue G	18/11/10	299E
Basement 1 DA:203 Issue H	24/03/11	299F
Ground Floor & Privacy Screens DA:204 Issue H	24/03/11	299G

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First Floor Plan DA:205 Issue H	24/03/11	299H
Second Floor Plan DA:206 Issue H	24/03/11	299I
Third Floor Plan DA:207 Issue H	24/03/11	299J
Fourth Floor Plan DA:208 Issue H	24/03/11	299K
Roof Terrace Plan DA:212 Issue H	24/03/11	299L
Roof Plan DA:213 Issue H	24/03/11	299M
Internal Elevations DA:222 Issue H	24/03/11	299O
Elevations DA:223 Issue H	24/03/11	299P
Sections DA:224 Issue H	24/03/11	299Q
Landscape Concept Ground Level – General Layout No. 576-01 Rev. D	04/05/11	322A
Landscape Concept Ground Level – Planting Layout No. 576-02 Rev. C	27/04/11	322B
Landscape Concept Ground Level – Planting Layout No. 576-03 Rev. D	04/05/11	322C
Landscape Concept First Level No. 576-04 Rev. C	27/04/11	322D
Landscape Concept	27/04/11	322E

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Second Level  
No. 576-05 Rev. C

Waste Management  
Plan (Design Cubicle)

April 2011

301A

Drainage Concept Plans  
4754-DR\_D Sheets 1 – 6 Rev. D

16/02/12

411B-G

\* Unless modified by any condition of this consent. In this regard, please refer to Condition 7.1 of this consent.

- 2.1.2 The proposed 4 lot subdivision is to be in accordance with the following drawings/details, subject to compliance with any other conditions of this consent:

Drawing No.	Dated	Council's File Enclosure No.
Subdivision	18/02/11	383B
Subdivision DA:102 Issue J	02/09/11	383C

\* Unless modified by any condition of this consent.

- 2.1.3 This consent grants approval for the development to be constructed in the following stages, subject to full compliance with all other conditions of this consent:

- (a) Initial 4 lot subdivision;
- (b) Stage 1 – Infrastructure & Services;
- (c) Stage 2 – Roads inside the allotments;
- (d) Stage 3 – Lots B & D;
- (e) Stage 4 – Lot C; and
- (f) Stage 5 – Lot A.

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

- (a) 805 sq.m of retail floor space;
- (b) 1,338 sq.m of commercial floor space;
- (c) 41 x 1 bedroom units;
- (d) 129 x 2 bedroom units; and
- (e) 28 x 3 bedroom units.

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Note: The on-site car parking provisions have been based on the commercial/retail precinct having 805sq.m of retail floor space and 1,338sq.m of commercial floor space. The commercial/retail floor space allocation may therefore only be altered with the separate consent of Council.

2.1.5 The approved residential units must not be used for commercial/retail purposes at any time. Note: This excludes “home activities” as defined by BLEP 1988.

2.1.6 The ground level commercial/retail tenancies located within Building ‘A’ (south-east corner of the site) should be occupied by active uses including cafes and restaurants to encourage outdoor dining and activity within this central courtyard area.

**2.2 Suburb Name**

2.2.1 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: Kellyville Ridge

2.2.2 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: Kellyville Ridge

**2.3 Services**

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

**2.4 Engineering Matters**

**2.4.1 Definitions**

2.4.1.1 Where this consent requires both engineering and building works to be undertaken, a separate Construction Certificate may be issued for each category of works i.e. a separate construction Certificate for the Engineering works nominated in “Prior to Construction Certificate (Engineering)” and a separate Construction Certificate (for all building works relating to the erection and fit-out of a structure). This excludes all works on existing public roads significant enough to warrant separate engineering approval pursuant to the Road Act 1993. In relation to this consent, an engineering approval pursuant to the Road Act, 1993 or Section 68 of the Local Government Act must be issued for construction of **road and drainage works, the** roundabout in

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Merriville Road, roadworks in Old Windsor Road and drainage works in Clonmore Street, prior to the issue of the Construction Certificate.

~~In lieu of issuing a separate Construction Certificate, the above-mentioned engineering works can be included on an overall Construction Certificate provided that SPECIFIC REFERENCE is made to the relevant Engineering works. In such instances, the certifier shall provide evidence that they are accredited to do so. This is not applicable where Roads Act or Local Government Act Approvals are required.~~

Council does not permit the private certification of works on existing public roads or reserves, or any land under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works on any dedicated road or reserve.

2.4.1.2 The Construction Certificate for Engineering works may be issued by Council or by an appropriately qualified certifier. For Council to issue the Construction Certificate a separate application must be made on the prescribed form complete with detailed plans and specifications. You are further advised that Council does not permit the private certification of works on existing public roads or reserves Council property or any property under the care and control of Council.

2.4.1.3 Prior to the issue of any Construction Certificate for the approved development it is necessary to obtain the separate approval of Council pursuant to the Roads Act 1993 for all relevant civil works on existing public roads as nominated in "Prior to Construction Certificate (Engineering)" and/or "Scope of Engineering Works and other sections of this consent " The application for this Engineering Approval must be made on the prescribed form and is to include detailed design plans and specifications prepared by a Chartered Professional Engineer or suitably experienced Registered Surveyor.

#### **2.4.2 Design and Works Specification**

2.4.2.1 All engineering works required by Scope of Engineering Works and other sections of 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)

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(d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)

(e) Blacktown City Council Water Sensitive Urban Design and Total Water Management Development Control Plan Part R

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 documentations.

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

#### **2.4.3 Payment of Engineering Fees**

2.4.3.1 If it is the applicant's intention to engage Council to undertake the checking of the engineering design plans and the issue of the Construction Certificate for the engineering works nominated in the "Prior to Construction Certificate (Engineering)" section, it will be necessary to submit the relevant engineering plans to obtain a quote for this service.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

2.4.3.2 If it is the applicant's intention to engage Council to undertake Construction inspections and the issue of the Compliance Certificate for engineering works, it will be necessary to contact Council's Development Services Engineer for a quote.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

2.4.3.3 Fees are required to be paid to Council's Development Services Unit pursuant to Section 223 of the Roads Act 1993 for:

(a) The checking of engineering drawings for road and drainage works and the issue of an Engineering Approval pursuant to the Roads Act 1993.

(b) All construction inspections for the works approved by (a) above. The required fee will be determined upon submission of the relevant plans to Council. This fee is subject to periodic review and may vary at the actual time of payment.

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**2.4.4 Other Fee and Bond/Securities**

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

**2.4.5 Other Necessary Approvals**

- 2.4.5.1 A separate application or details (as necessary) shall be submitted for the separate approval of Council under the provisions of the Local Government Act 1993 and/or the Roads Act 1993 for any Works on or occupation of existing public roads - that are not covered by a Roads Act Approval - which may require a Road Occupancy Licence or Work Zone Permit.

**2.5 Other Matters**

- 2.5.1 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.

**3 PRIOR TO DEMOLITION WORKS**

**3.1 Site Investigation**

- 3.1.1 A qualified Site Auditor accredited by NSW Department of Environment and Conservation (under the provisions of the Contaminated Land Management Act 1997) shall be engaged to undertake an investigation of the land to ascertain if the site has been affected by any contaminants (including, but not limited to, asbestos, organochlorins, arsenic, lead, petroleum residues and the like) that may be detrimental to the health of any future occupants and/or workers. The report shall identify the contaminants (if applicable) and shall make recommendations on the method of remediation of the land.

**3.2 Safety/Health/Amenity**

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

- 3.2.2 A sign shall be erected in a prominent position on the land indicating the name of

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the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

**3.2.3 Should the demolition work:**

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

a hoarding or protective barrier shall be erected between the work site and the public place or adjoining land or 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 or adjoining land or 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.

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

Each toilet provided shall be:

- (a) a standard flushing toilet, and
- (b) connected:
  - (i) to a public sewer, or
  - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
  - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

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

**4 DURING DEMOLITION WORKS**

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**4.1 Safety/Health/Amenity**

- 4.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 4.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 4.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 4.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 4.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 4.1.6 At least one access and egress route shall be made available connecting any undemolished floor to an open space well clear of the structure being demolished. The egress route shall be clearly identified as an emergency exit and maintained clear of obstructions at all times.
- 4.1.7 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 4.1.8 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.

**4.2 Nuisance Control**

- 4.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the demolition works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 4.2.2 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.

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

4.2.4 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.

## **5 COMPLETION OF DEMOLITION WORKS**

### **5.1 Final Inspection**

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

5.1.2 In the event the site is identified as being affected by any contaminants (including, but not limited to, asbestos, organochlorins, arsenic, lead, petroleum residues and the like), the site must be remediated in accordance with the recommendations of the report submitted to satisfy Condition 3.1 of this consent. After any asbestos/contaminants have been removed from the site, a validation of the soil must be conducted to ensure there is no residual soil contamination.

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

### **6.1 DA Plan Consistency**

6.1.1 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.

### **6.2 Road Deposit/Bond**

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

- (a) Road inspection fee of \$152.00, and
- (b) Road maintenance bond of \$5000.00

The bond is required to cover the cost of any damage to Council's public assets (eg: road, guttering, footpaths, drainage systems) arising from development works. The bond (less an administration fee) will be refunded upon the completion of the development should there be no damage to Council's assets as a result of the

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development works.

The road inspection fee covers Council's costs to inspect public assets adjacent to the development site before and after development work.

**6.3 DCP 2006**

- 6.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Development Control Plan 2006.

**6.4 Lot Registration**

- 6.4.1 The land to which this approval relates is to be identifiable with a Lot and Deposited Plan number and registered with the Department of Lands.

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

**7.1 Necessary Plan Amendments**

- 7.1.1 The following plan amendments shall be included on or addressed Prior to release of a Construction Certificate as follows:

- (a) The retail/commercial tenancies provided at the ground level of Block A (south-east corner) have been orientated 'inwards' and are directly accessed from the central courtyard. These tenancies should be redesigned to have a dual frontage (i.e. to both the street and the central building courtyard). In this regard, it is recommended that the subject tenancies be provided with glazing and door openings on both frontages, to allow unrestricted pedestrian activity and allow better opportunities for casual surveillance between the street and the central courtyard area. Careful attention must also be given to the landscaping of this shared zone. The area should be designed to accommodate uses such as cafes with outdoor seating, or other activities that will provide the residents with an alternate form of recreation and will encourage activity within this central courtyard area. Details of the landscape treatment of this area and the type of shop facades (e.g. glazing to allow passive surveillance) are to be submitted to Council for separate approval prior to release of the Stage 5 Building Construction Certificate (i.e. Lot A).
- (b) Privacy screens or the like, are required adjacent to the window openings of Unit 1 (i.e. Ground Floor Level of Building C) given that the windows open directly onto an area of public open space. Details are to be provided on the Stage 4 Building Construction Certificate plans.

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- (c) All rainwater tanks are to be provided below ground level (e.g. under the basement car park ramps or within the basement car park void areas) to ensure they do not detract from the overall aesthetics of the development. All details are to be provided on the Construction Certificate plans.
- (d) The commercial bin storage area, located immediately adjacent the proposed ground level loading bay, will obstruct the footpath thereby forcing pedestrians to walk through the truck loading/unloading area. Furthermore, if a truck is parked in the loading bay access to the bin area is restricted/unavailable. As such, the commercial bin store area must be recessed into the main wall of the building or relocated to a more appropriate location. Details are to be submitted for the separate approval of Council.
- (e) The Quakers Hill Crime Prevention Officer has indicated that chain link fencing should not be provided to segregate resident parking, as this will not deter the 'would be' thief. Ideally, masonry walls from floor to ceiling with a roller shutter and appropriate locking mechanisms should be provided. However, if this is not a viable option the Police strongly recommend that welded mesh security fencing be installed to segregate each parking compound. The applicant must therefore liaise with the Quakers Hill Crime Prevention Officer to develop a satisfactory design solution which addresses this concern. Details of the proposed resident parking segregation method, as approved by the Quakers Hill Crime Prevention Officer, are to be submitted to Council prior to the release of any Construction Certificate.

## 7.2 Section 94 Contributions

7.2.1 The following monetary contributions pursuant to Section 94 of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are BASE contributions which WILL BE INDEXED from the nominated base date to the date of payment. Payment of the indexed amounts must be made (BY BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. NOTE Council DOES NOT accept payment of S.94 Contributions by credit card or EFTPOS) prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

Contribution Item	Base Amount	Relevant C.P.	Base Date
<b><u>4 LOT SUBDIVISION</u></b>			
(i) Tributary Trunk Drainage (C7a)	\$31,447	5	Sept 2003
(ii) Major Roads	\$43,554	5	Sept 2003

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(iii) Local Roads (2)	\$22,825	5	Sept 2003
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**STAGE 3**

(i) Open Space	\$1,501,022	5	Sept 2003
(ii) Community Facilities	\$224,631	5	Sept 2003

**STAGE 4**

(i) Open Space	\$566,474	5	Sept 2003
(ii) Community Facilities	\$84,774	5	Sept 2003

**STAGE 5**

(i) Open Space	\$531,900	5	Sept 2003
(ii) Community Facilities	\$79,600	5	Sept 2003

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

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Development Services Unit:

**S.94 CP No. 5 - Parklea Release Area**

The Section 94 Contribution(s) have been based on the total developable area, the site's road frontage 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 94 Contribution(s) will be adjusted accordingly.

Developable Area: 1.358 hectares

Additional Population: Stage 3 = 282.2 persons

Stage 4 = 106.5 persons

Stage 5 = 100 persons

- 7.2.2 Any Compliance Certificate issued for the payment of Section 94 Contributions shall be accompanied by a letter from Council acknowledging that the correct Section 94 Contributions have been paid for that particular stage of development.

**7.3 Street Tree Planting**

- 7.3.1 Prior to the issue of any Construction Certificate, the person having the benefit of

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the development consent is to enter into an arrangement satisfactory to the Council for the planting and maintenance of tree(s) along the frontage of the development site for the purposes of improving the amenity of the streetscape.

Number of Trees: 8 x 25 litre street trees (to the satisfaction of Council's Manager Open Space).

NOTE: *Corymbia maculate* as nominated on the submitted plans is not an acceptable street tree species and therefore must be substituted. It is recommended that the developer liaise with Council's Parks and Recreation Section to establish a suitable street tree in this location.

The Applicant is to undertake the planting and maintenance of street tree/s at no cost to Council and obtain any necessary clearances from relevant Service Authorities.

The Applicant is to lodge a tree bond of \$250.00 per tree with Council to ensure the health and vigour of the tree/s. This bond shall be returned six (6) months after the completion of the development (i.e. issue of the final Occupation Certificate) if the trees are in a state of good health and vigour to Council's satisfaction.

After 6 months and prior to seeking a refund of the bond, the Applicant is to call for an inspection by Council's Open Space Section and pay an associated administrative/inspection fee of \$53.00 as per Council's fees and charges.

#### **7.4 Accessible Units**

- 7.4.1 In accordance with Council's DCP, at least 10% of the total number of residential units (i.e. a minimum of 20 units overall) must be designed for persons with a disability. All details are to be shown on the Construction Certificate Plans.

#### **7.5 Aesthetics/Appearance**

- 7.5.1 Council is particularly concerned about the appearance of the development. Accordingly, the following additional information is required to be submitted for Council's separate approval prior to the issue of any Construction Certificate for the approved development:

- (a) Specific details of the proposed external building materials and finishes, including colour samples from brochures and the like. In this regard, the developer has indicated that the overall colour scheme will be grey and white. Feature colours will be incorporated to add warmth, interest and a sense of identity to the development. The developer has also indicated that a variety of materials will be used, including rendered and painted finishes for the

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facade walls, a combination of solid balustrades as well as glazed balustrade treatments, and Alucobond cladding for partial walls.

Note: The selected external building materials should be robust and durable. Where possible, materials which discourage vandalism and graffiti should be selected (e.g. graffiti resistant paints).

## **7.6 Reflectivity**

- 7.6.1 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent, must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. Where appropriate "anti-glare" glazing is to be used to minimise any glare affect.

## **7.7 Awning**

- 7.7.1 The following additional information is required to be submitted for Council's separate approval prior to the issue of the Construction Certificate for Stages 4 and 5 the approved development:

- (a) Details of the proposed awnings, including colour samples of the materials/finishes from brochures or the like. Council's preference is for opaque glass as it will allow an acceptable level of both sunlight and shade to the footpath area below. Note: The height and width of the proposed footpath awning is to comply with the requirements of Council's Maintenance Engineers. In this regard, the awnings must be designed by a practising structural engineer to withstand different loads and must be a minimum height of 2.4m above the finished footpath level. No other hanging is permitted under the awning which may affect the minimum clearance height of 2.4m.

## **7.8 Landscaping**

- 7.8.1 Council is particularly concerned about the appearance of the development. Accordingly, the following additional information is required to be submitted for Council's separate approval prior to the issue of any Construction Certificate for the approved development.

- (a) A detailed landscaping plan prepared by a suitably qualified person which provides for the embellishment of the site by providing:
- (i) Suitable ground covers, shrubs and trees to complement the height, scale, design and function of the approved development.
- (ii) The stabilisation of any exposed soil areas.
- (iii) Measures designed to enable easy long-term maintenance of the property.

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- (iv) Details of the soil depth, plant species and automatic irrigation system for all planter boxes, including on the podium and roof top areas.
- (v) Planting of a combination of 35 litre, 75 litre and 100 litre trees. All shrubs to be planted are to have a minimum pot size of 200mm.
- (b) The submitted landscaping plan must also provide the following:
  - (i) Suitable plantings and landscape features which complement the height, scale, design and function of the development. All parts of the site not built-upon or paved, including the side and rear setbacks and in between the building blocks, are to be provided with soft landscaping and taller plantings;
  - (ii) Suitable street tree planting, paving and roof top planter boxes along the Merriville Road frontage;
  - (iii) Planter boxes, varied paving materials, stencilled finished concrete surfaces, and other landscape features along the internal private access road;
  - (iv) Suitable landscaping at the property boundaries and within the roof top planter boxes to help protect the privacy of the existing adjoining neighbours;
  - (v) A range of recreation features and equipment including deck areas, permanently installed hardwood/anodised aluminium slat tables and bench seating, push button electric barbeque facilities with stainless steel hot plates, gazebos, shade structures, water features, pathways, pergola structures, raised planter boxes and appropriate plantings within the common open space areas;
  - (vi) A combination of different pavement patterns and colours, and surface treatments (e.g. timber decks) throughout the common open space and public areas;
  - (vii) Public/communal area furniture which is designed and located to discourage the potential for people to congregate and partake in anti-social behaviour. All street and garden furniture is to be selectively positioned, and low-rise open-back style seating is to be used to ensure surveillance lines are maintained;
  - (viii) Dense landscaping in the south-west corner of the site behind the new substation. The landscaping is to prevent this area becoming a “dead space”/suitable area for anti-social activities;
  - (ix) Opportunities for unrestricted public surveillance. In this regard, planters and other perceived obstructions must not be located near main access points.

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Dense “bushy” plants must also not be provided where they will cause a visual obstruction or potential area for concealment;

- (x) Plants which enhance the overall ambience of the public spaces and provide areas of shade as required, but also allow enhanced natural surveillance opportunities throughout the public areas, along pathways and around the retail/commercial tenancies;
- (xi) Appropriate landscaping and/or fences adjacent to windows and private courtyards located at ground level. Careful consideration is to be given to the type of plants provided in the planter boxes located in front of ground level windows. In this regard, the plants selected must ensure that opportunities for casual surveillance are available while also providing a suitable level of privacy for residents; and
- (xii) Children’s play equipment within the central courtyard space to Building ‘B’ (i.e. building in the north-east portion of the site). Details of the type and number of pieces of play equipment are to be nominated on the Construction Certificate plans.
- (xiii) Landscaping to eliminate potential graffiti/vandalism public areas and boundary fencing. In particular, appropriate landscaping/”green” screens are to be provided along the eastern boundary of the site adjacent to the right-of-carriageway.

## **7.9 Water Saving Measures**

- 7.9.1 Details of any water saving measures to be incorporated including rainwater tanks, rainwater farm, ‘zeroscape’ landscaping, and water-wise fixtures and fittings to be installed on site as part of the development are to be submitted to Council for separate approval prior to the issue of any Construction Certificate.

Note: All rainwater tanks must be provided below ground level.

## **7.10 Fencing**

- 7.10.1 Council is particularly concerned about the appearance of the development. Accordingly, the following additional information is required to be submitted for Council’s separate approval prior to the issue of any Construction Certificate for the approved development.

- (a) Details of all fencing materials and finishes, including colour samples from brochures and the like. The following details must also be provided:

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- (i) The use of internal fencing and screen walls are to be provided only where they are required to protect resident's privacy and differentiate between public and private areas. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.
- (ii) Gated entry pavilions, with security keypad controls, are to provide a clear zone of transition between the shared public zones of the site and the private residential parts of the site. Details of the entry pavilions/gateways are to be submitted to Council for separate approval. The entry pavilions should also be designed to ensure that these entrances are clearly identifiable and provide a clear sense of address for each residential block.
- (iii) Any public pedestrian access point provided along the Clonmore Street frontage is to be closed/gated at 9.00pm each night. Details of the proposed fencing and gates/barriers to be provided across the Clonmore Street frontage are to be submitted to Council for separate approval prior to the release of any Building Construction Certificate. Note: Any fencing forward of the building line must be of a decorative nature (e.g. brick piers with horizontal slat infill panels).
- (iv) No pedestrian access is to be permitted along the eastern boundary of the site (i.e. adjoining the 6m right of carriageway). In this regard, the ROW must be appropriately fenced/gated until such time as Lot 13, DP 1067209 is developed and access is required to this allotment. The locked gates/fencing will prevent anti-social activities from occurring in this isolated portion of the site. In terms of the new fencing required along the length of the ROW, blank fencing will not be supported by Council as it could be a target for graffiti attacks. As such, perforated metal screens or the like are to be provided along the length of the ROW. Suitable plantings (e.g. vines) are to be provided in the adjacent planter boxes so that the metal fencing will be completely covered and therefore an unsuitable surface for graffiti. Details are to be submitted for the separate approval of Council.  
NOTE: Alternatively, the applicant may negotiate with all affected parties for the provision of alternate vehicular access for Lot 13 and extinguishment of the easement, in which case the area could be incorporated as part of the development (e.g. for private courtyards).

The remaining rear and side property boundaries are to be provided with 1.8m high lapped and capped infill timber or colorbond fencing at the full cost to the developer.

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- (v) Pre-painted open metal (pool type) fencing is to be provided around the children's play equipment. The fencing is to be a minimum height of 1.2 metres and is to be provided with a self-closing latch top child-proof gate.

#### **7.11 Retaining Walls**

- 7.11.1 Details of any retaining walls to be constructed on site as part of the development are to be submitted. Please note that Council requires the construction of masonry retaining walls (i.e. no timber walls) where such walls are proposed to be located within a publicly visible area (such as future front building setbacks) or proposed to have a height in excess of 900mm.

#### **7.12 Lighting**

- 7.12.1 A detailed lighting plan, prepared by a suitably qualified person, is to be submitted for the separate approval of Council. 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) The method of illuminating the commercial/retail areas of the development, all public areas/accessways, pedestrian walkways, fence lines, residential entry/exit points, lift areas, foyers, garbage disposal areas and common open spaces from dusk to dawn. In this regard, vandal proof security lighting and/or motion activated lighting is to be provided throughout the complex to discourage undesirable persons from congregating within the public/communal areas at night;
  - (d) Appropriate vandal proof security lighting to ensure the basement car parks, vehicle and building entry points, stairwells, walkways and public/communal 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 along the elevations fronting Clonmore and Kilbenny Streets (i.e. the 6m rear setback area);

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- (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 courtyard building entries) to enable face recognition when CCTV cameras are in use.
- (f) All external lighting, including any illuminated signage associated with the commercial/retail tenancies, 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.

### **7.13 Acoustic**

7.13.1 The Construction Certificate Plans are to comply with the recommendations of the Acoustic Assessment prepared by RSA Acoustic Consultants (amended version dated 28 March 2011, copy held at Enclosure 308A on Council's File DA-09-2379). In this regard, the following details are to be provided for the separate approval of Council:

- (a) All bedroom windows located immediately adjacent to either the children's playground (Block "B") or a ground level recreation area are to be fitted with improved glazing of at least Rw 40 (i.e. double glazing) in order to help protect the amenity of the future occupants.
- (b) Improved glazing of at least Rw 40 (i.e. double glazing) is to be provided to all windows and glazed doors directly adjoining or in line of sight of the southern and eastern boundaries.
- (c) Acoustic louvers are to be located on the balconies facing Merriville Road and Windsor Road to assist in controlling noise emitted from the surrounding commercial premises (i.e. 24 hour McDonalds and the Ettamogah Hotel).
- (d) Alternative methods of ventilation are to be provided so that door and window opening may remain fully closed during noisy periods.
- (e) The selected mechanical plant, ventilation, air-conditioning and refrigeration equipment is to be selected and positioned to ensure compliance with the DECCA's recommended "acceptable noise levels" (ANLs) for residential premises located in a "Suburban" area. Any mechanical plant located in the basement car park must not displace any of the required car parking spaces. In the event any plant equipment or the like is provided at ground level, details are to be submitted for the separate approval of Council. In this regard, plant equipment should not obstruct any public walkways or parking/loading areas, should not cause unreasonable noise disturbance and should complement the design and overall appearance of the development. If

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enclosures or localised barriers are required to reduce noise levels, details are to be submitted for Council's separate approval.

#### **7.14 Signage**

7.14.1 The following signage details are to be submitted for the separate approval of Council:

- (a) The plans indicate that the directory boards proposed at the entry to the site will encroach across the pedestrian pathways, therefore forcing pedestrians onto the private roadway. One of the directory boards also prevents direct access into the adjoining lift well and encroaches into the proposed disabled parking spaces. As such, further details of the 2 'directory boards' and their location are required. In this regard, approval has been granted for 2 free-standing internally illuminated, brushed aluminium signs measuring 450mm x 900mm. The directory boards are to clearly identify circulation spaces, entrance and exit points to parking and residential lobbies, along with the location of the retail and commercial suites.
- (b) Details of all signage to be placed around the site, including final wording, size and location of each sign. In this regard, well designed and placed signage is required throughout the complex to ensure residents, customers and visitors have a clear and concise understanding of where they are permitted and not permitted to go. Signage should also address such matters as access restrictions, car parking allocations, appropriate use of the common open space areas, notification of the security measures installed throughout the site including the existence of video surveillance cameras, etc.
- (c) Details of all signage to be displayed within the children's play area located within the central courtyard of 'Block B'. In this regard, the signage is to advise that no noisy activities or amplified music is to be undertaken in the area at any time and that the operating hours of the children's playground is limited to 7.00am-7.00pm, 7 days a week.
- (d) Appropriate signage and operating procedures are required to ensure that all loading/unloading activities associated with the development occur in the designated areas. The 2 street level loading areas are to be signposted "Reverse In Only", and are to be utilised by large trucks only (including commercial delivery trucks and removalists). The loading bays are to be clearly signposted accordingly.
- (e) Illuminated signs are to be provided at the carpark entrance to Blocks B & D to warn motorists exiting the carpark that trucks may be manoeuvring in the vicinity of the internal roundabout. The sign should display the legend "Truck

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Manoeuvring Ahead” and should be illuminated when sensors detect the movement of trucks proceeding to or from the proposed loading bays.

**7.15 Letterboxes**

- 7.15.1 Details regarding the location, size and design of the proposed letter-box wall/s are to be submitted for the separate approval of Council. In this regard, the proposed “letter-box wall/s” should be illuminated, tamper-proof and provided in a prominent location so as to minimise vandal attacks. Each box should also be appropriately numbered and provided with a key lock. Street numbers should also be displayed to ensure the site is easily identified.

**7.16 Public Toilet**

- 7.16.1 In the event a public toilet is proposed, access must only be available by way of a key available from select retail tenancies or from the Building Manager. Details of any public toilet are to be provided for the separate approval of Council.

**7.17 Security**

- 7.17.1 A specialist security advisor is to prepare a “total” security management plan to ensure all levels of security and safety are addressed. A copy of the plan is to be submitted for the separate approval of Council. The security management plan is to address relevant matters such as:

- (a) The constant monitoring of the retail/commercial areas, all public spaces, the roof-top recreation areas, building entry points, lift entry/exit points and the basement car park by a fully integrated CCTV system. As part of the Plan, the number and placement of the CCTV cameras is to be nominated. The CCTV system is to include back to base 24 hour video surveillance/alarm system, complete with a suitable image bank to cater for long-term file storage and is to be monitored by a professional security company. The CCTV camera and monitoring systems should also be housed within a secure area (card-key access) within the Building Manager’s office.
- (b) The number of security personnel to be employed, their hours of operation and their responsibilities. In this regard, it is Council’s preference that all areas of the complex be monitored on a 24/7 basis to ensure people utilising the complex are afforded optimum safety at all times, and that more isolated areas such as the rear setback area adjacent to the northern boundary are kept clear of any loitering persons at night. As a minimum, on-foot patrols must be undertaken Thursday, Friday and Saturday nights (i.e. when patrons are leaving the Ettamogah Hotel). The specialist security advisor is to also review the need for panic alarms at select areas on the ground floor level and

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within the basement car parks and stairwells, for use in the event of a robbery or other such serious event.

- (c) Details of the on-site Building Manager's office and the **24 hour** Manager's responsibilities/**shifts**. In this regard, the Building Manager's Office should be easily identifiable and accessible to all residents and visitors to the site. The on-site Building Manager must also be responsible for the closing/opening of the gates along the Clonmore Street frontage each night.
- (d) A detailed on-going funding model outlining the cost of employing an on-site **24 hour** Building Manager and Security Personnel, and how these costs will be met once the development is Strata Titled and in private ownership.
- (e) Installation of security mirrors to eliminate any potential areas of concealment and vehicular conflict points.
- (f) Details regarding the location of any ATM's.
- (g) Measures proposed to maintain a clear delineation between public and private areas. In this regard, the resident recreation areas are to be available for the exclusive use of residents and their visitors only. Access to the rooftop recreation areas, children's play area, residential units and resident basement car parking spaces should therefore be via a card-key system only. Details of the secure "resident only" card-key security system and the gated residential entry pavilions are to be submitted for the separate approval of Council. Appropriate signage is also required to advise of these access restrictions.
- (h) The lifts/stairwells are to provide direct access between the public basement car parking areas and the retail/commercial precinct so that the general public have no reason to enter private residential areas. In this regard, appropriate measures are to be adopted to ensure customers/visitors using the lifts/stairs do not have unrestricted access to "resident only" areas.

**Note:** The Plan should be prepared in consultation with the adjoining property owners (i.e. the Ettamogah Hotel, McDonalds and Woolworths) to ensure that all external safety/security requirements are met and that appropriate measures are in place to control/eliminate anti-social behaviour. Evidence that this has occurred is to be submitted to Council.

A copy of the Total Security Management Plan is to be submitted for both Council's and the Quakers Hill LAC's separate approval prior to the release of any Building Construction Certificate.

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- 7.17.2 Public access to the central courtyard of Block A (south-east corner of the site) is to be restricted to business trading hours only. To prevent the area becoming a meeting place at night and to ensure a high level of security for residents, “after hours” access to this area is to be made available via the resident-only card-key system. Details are to be shown on the Construction Certificate Plans for Stage 5 (i.e. Block A).

**7.18 Parking/Bicycles**

- 7.18.1 A minimum of 226 residential car parking spaces, 80 visitor car spaces and 67 retail/commercial car spaces are to be provided on site. In addition, 1 courier space must be provided within each building (i.e. 4 in total). The car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Commercial Car Space: 2.6m x 5.4m

Residential Flat Building (excluding width of pillar): 2.5m x 5.4m

Residential Flat Building (adjacent to solid wall): 2.7m x 5.4m

Disabled Car Space: 3.2m x 5.4m

Note: As part of the parking allocation, 1 disabled car space is to be provided for each 1 and 2 bedroom accessible unit, and 2 disabled car spaces are to be provided for each 3 bedroom accessible unit. All disabled car parking spaces are to have convenient access to the lifts. **In accordance with Council's DCP, at least 10% of the total number of residential units (i.e. a minimum of 20 units overall) must be designed for persons with a disability.**

- 7.18.2 Off-street parking associated with the proposed development should be designed in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.
- 7.18.3 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 7.18.4 Suitable provisions should be made for bicycle parking within the retail/commercial precinct. Details are to be submitted as part of the Construction Certificate.
- 7.18.5 An overall parking tenancy plan (i.e. for all stages of the development) is to be submitted for the separate approval of Council. In this regard, the plan must provide for the following:
- (a) Parking that has been calculated on the basis of each individual tenancy size or the number of bedrooms within each residential unit.

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- (b) Direct access from the commercial/retail car parking spaces to the relevant commercial/retail tenancies. In this regard, customers/visitors must not be capable of accessing any private residential area from the basement car park. Note: The approved plans nominate the commercial/retail car parking spaces predominantly within Lot D & B. The lifts and stairwells from these areas, however, lead directly to the residential units. This arrangement is unacceptable to Council.
- (c) Secure direct “resident only” access from the resident car parking areas to the associated residential units. In this regard, residents must be allocated basement car parking that is located directly under their building. Similarly, the visitor car parking spaces should be proportionately distributed between the buildings.
- (d) It is noted that there are 9 stacked car parking spaces provided at Basement level 2. Spaces provided in a stacked formation must be allocated to the 1 housing unit to ensure the ownership relates to the same tenancy.

7.18.6 The Quakers Hill Crime Prevention Officer has expressed concerns in relation to the security of the basement car park and the potential for a high level of theft to occur in this area. Accordingly, a roller shutter and card-key system is to be installed at the segregation points between the commercial/visitor and residential parking areas. While boom-gates may be installed at the entry/exit points of the basement car park to control normal daily use, a roller shutter door and out-of-hours card-key system must be installed at the entry/exit points to restrict after-hour access to the basement car parks. Any non-resident wishing to gain access to the basement car parks outside normal business hours will therefore need to contact the on-site security guard/building manager. All details are to be shown on the Construction Certificate plans.

## **7.19 Heritage**

7.19.1 A plaque is to be installed at the entry to the development indicating the location of Merriville House (State Heritage Item 00091) and its significance to the naming of Merriville Road. A ‘Tourist Information Board’ is also to be provided within the proposed retail/commercial precinct providing details regarding the significance of Merriville House, the Battle at Vinegar Hill and Windsor Road. Details of Mungerie House (a SHI within The Hills Shire Local Government Area) must also be displayed on the board. Details of the plaque and ‘Tourist Information Board’ are to be submitted for the separate approval of Council’s Heritage Consultant, prior to the release of any Building Construction Certificate.

## **7.20 Site Contamination**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council’s codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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**7.20.1** The development is to comply with the recommendations of the Site Contamination assessment undertaken by Environmental Earth Sciences NSW in 2002, together with the additional recommendations of the Site Contamination Addendum Report dated 22/10/10 and held at Enclosure 190A on file DA-09-2379. In this regard, the Assessment has identified elevated levels of Total Petroleum Hydrocarbons (TPHs). As such, appropriate disposal of the contaminated material must be undertaken in accordance with the NSW DECCW (2009) – *Waste Classified Guidelines* and remediation is to occur in accordance with the recommendations of the Site Contamination Report. Following demolition of the existing Motel and removal of the contaminated material (including any asbestos), a final validation of the soil will need to be undertaken by an EPA Accredited Site Auditor. Prior to the release of any Building Construction Certificate a final validation report must be submitted to Council to confirm there is no residual soil contamination and that the subject site is suitable for the proposed residential purposes.

## **7.21 Salinity**

**7.21.1** Prior to the issue of any Construction Certificate, a site specific Preliminary Salinity Investigation and Management Plan, prepared in accordance with the Department of Land and Water Conservation's (DLWC) publication 'Site Investigations for Urban Salinity' and WSROC Western Sydney Salinity Code of Practice publications, shall be submitted to Council for approval. This report is to include salinity mitigation measures for Bulk Earthworks, services, stormwater drainage infrastructure, roads, landscaping and future building construction to be incorporated as a part of the Construction Certificate design.

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

### **8.1 Release of Construction Certificate for the Residential Flat Buildings**

**8.1.1** In accordance with Condition 14.7.2 of this consent, the required drainage works in proposed Lots 42 and 43 must be completed prior to the commencement of building works for any Residential Flat Building in any proposed Lot. The roundabout in Merriville Road which provide vehicular access to the site, and the half-road construction in Merriville Rd, shall also be constructed prior to the release of any Construction Certificate relating to the construction of the Residential Flat Buildings.

### **8.2 Building Code of Australia Compliance**

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

These conditions are imposed for the following reasons:

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

8.2.2 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:

- (a) Section C, D, E, F and J

### 8.3 Easements

8.3.1 The footing system adjacent to the drainage easement shall be designed by an appropriately qualified person to ensure the structural adequacy of the building and the integrity of any pipe within the easement.

### 8.4 Hazardous Materials and Waste

8.4.1 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing buildings (i.e. Lochinvar Motel).

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

### 8.5 Other Matters

8.5.1 A list and layout of all the required essential services proposed for this development, must accompany any Construction Certificate. The list shall describe the extent, capability and basic design of each such service.

8.5.2 Submit a report from a suitably qualified person covering all relevant aspects of Section J of the BCA.

## 9 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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**9.1 Compliance with Conditions**

- 9.1.1 All conditions in the “Prior to Construction Certificate (Engineering)” Section and the relevant conditions in the “General” Section of this consent, must be complied with prior to the issue of any Construction certificates.
- 9.1.2 All fees for Construction and Compliance Certificates, Roads Act 1993 and Local government Act 1993 approvals must be paid to Council prior to the issue of any of the above certificates or approvals.

**9.2 Road-works**

- 9.2.1 Road pavements are to be designed by a Professional Civil Engineer in accordance with the current version of Council's Engineering Guide for Developments and based upon soil tests performed by a registered NATA soils Laboratory and the traffic loadings listed in “Scope of Engineering Works” of this consent. The pavement designs must be lodged with Council for approval prior to issue of the Construction Certificate for Engineering works.
- 9.2.2 A Traffic Management/Control Plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and current **RMS** Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be **RMS** accredited. The plan must also include details of construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures.

**9.3 Drainage**

- 9.3.1 Council requires that any lot created not draining directly to a public road be serviced by an inter-allotment drainage line and appropriate easement. Designs including longitudinal sections of the inter-allotment drainage lines are to be included with any Construction Certificate for engineering works.

**9.4 Erosion and Sediment Control**

- 9.4.1 Soil erosion and sediment control measures for road, drainage, On Site Stormwater Detention and earth works shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development. Details are to be included with the plans and specifications to accompany any Construction Certificate.

**9.5 Compaction Requirements**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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9.5.1 Special attention is drawn to the following requirements of Council's current Works Specification – Civil.

- (i) Submission of compaction certificates for road subgrade.
- (ii) Submission of compaction certificates for road pavement materials.
- (iii) Certificates from road material suppliers.

**9.6 Asset Management**

9.6.1 A detailed estimate of the cost of civil engineering work must be submitted to Council prior to the issue of the Construction Certificate for engineering works. If engineering works are of a value greater than \$25,000; documentary proof of payment of the levy required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plans either by Council or an appropriately accredited certifier.

**9.7 Other Approvals/Clearances/Adjoining Owners Permission.**

9.7.1 Written evidence shall be obtained from the Roads & Maritime Services indicating compliance with its requirements, including the payment of any necessary supervision fees. A copy of any such permission shall accompany any Construction Certificate.

**9.8 Flood Protection**

9.8.1 All habitable ground floor building slab levels and underground garage driveway crest levels shall be a minimum of 0.3 m above the 1 in 100 year flow level.

9.8.2 Structural design certification by an experienced professional structural engineer (registered on NPER) is required prior to release of the Construction Certificate indicating that the structure has been designed to withstand all flood impact. The certificate should consider impact of debris, hydrodynamic pressure, hydrostatic and buoyancy forces in a 1 in 100 year storm plus 0.5 m event.

**9.9 Work Adjacent to Easements**

9.9.1 Foundations adjacent to any existing or proposed drainage easements shall not place a loading on the pipe within the easement. An NPER Registered Engineer shall certify that this condition has been satisfied. No development is to encroach upon the easement.

**9.10 Ancillary Works**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 9.10.1 Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this consent effective. Such works shall include but are not limited to the following:

(a) the relocation of underground services where required by the positioning of new drainage and road infrastructure.

(b) the relocation of above ground power and telephone services.

(c) the matching of new infrastructure into existing or future designed infrastructure.

**9.11 Stormwater Quality Control**

- 9.11.1 Stormwater Treatment Measures for the proposed development shall be designed in accordance with the requirements of Council's Development Control Plan Part R and in accordance with the submitted drainage concept plans by Mepstead & Associates, Reference 4754-DR\_D Sheets 1 to 6, held on Council's File JRPP-09-2379 at Enclosures 411B-G.

**9.12 Street Furniture**

- 9.12.1 A notation is to be placed on the Engineering Construction Plans "that all light poles street name poles and bus shelters within the road reserve adjacent this development will be black powder coated to the satisfaction of Blacktown City Council, and that these light poles will comply with Council's specifications".

**9.13 Scope of Engineering Works**

The following scope of works shall be included in the design documentation accompanying the Construction Certificate for engineering works:

**9.13.1 Road and Drainage works**

- 9.13.1.1 The construction and dedication of all new roads associated with the development and the creation/provision of temporary roads, drainage, pathways, concrete path paving and any other ancillary work necessary to make this construction effective.

- 9.13.1.2 Construction of the road shoulder in Merriville Road adjacent the development (minimum pavement width 2.5m to a maximum of half width road construction, depending on existing pavement and to the satisfaction of Council's Co-ordinator Engineering Approvals) together with drainage, kerb and gutter, path paving, including service adjustments and any other ancillary work necessary to make this construction effective.

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**9.13.1.3** Half width road dedication over the full frontage of the development in Clonmore Street.

**9.13.1.4** The existing depression/watercourse through the site must be piped and/or channelled to contain stormwater discharges up to the 1% A.E.P. (100 year Average Recurrence Interval) event. All drainage through the site and from the site must be constructed at no cost to Council in accordance with the submitted drainage plans by Mepstead & Associates, Reference 4754-DR\_D Sheets 1 to 6, held on Council's File JRPP-09-2379 at Enclosures 411B-G.

**9.13.1.5** Prior to release of the Construction Certificate an experienced hydraulic engineer is to prepare a detailed Rainwater Supply, Pipe and Fixture Plan for non-potable water uses on the site, including the BASIX requirements and toilet and landscaping use for the commercial areas of site generally in accordance with the submitted drainage concept plans by Mepstead & Associates, Reference 4754-DR\_D Sheets 1 to 6, held on Council's File JRPP-09-2379 at Enclosures 411B-G.. The plan is to show the rainwater pipe arrangement including pump, solenoid controlled mains bypass (no direct tank top up), isolation valves, an inline filter and indicate all Sydney Water requirements have been satisfied. Rainwater warning signs are to be fitted to all external taps where this is used as a source.

**9.13.1.6** (a) Construction of the internal central driveway as reciprocal rights of way in reinforced concrete pavement, structurally designed to a minimum traffic loading of N(E.S.A) 5x10<sup>4</sup>.

Note: A restriction as to user for "Maintenance and Repair of Shared Access" is to be placed over the nominated lots. The restriction is to be in accordance with Blacktown City Council's recitals for Terms of Easements and restrictions (Current Version).

(b) Construction of a reinforced concrete carriageway a minimum of 4.5m wide to service the right of carriageway to Lot 13 DP 1067209 to a minimum standard as detailed in BCC accessway detail Plan A(BS)110S. The remainder of the easement to be landscaped or otherwise treated to provide a low maintenance area. Suitable drainage is to be provided. The vehicular crossing to Merryville Road to be constructed in accordance with BCC Standard Industrial and Commercial Footway Crossing Plan A(BS)103S. Note that this will require the relocation of an existing stormwater drainage pit in Merryville Road. Separation between this crossing and the existing crossing servicing Lots 2 and 3 DP 870330 is to be provided.

NOTE: Where suitable alternative permanent access can be provided to service Lot 13, alternative treatment of this area will be considered.

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- 9.13.1.7** A roundabout shall be constructed in Merriville Road at the location as shown on the approved plans. The roundabout shall cater for two lanes eastbound and a single lane westbound. This roundabout must be designed to ensure that the turning path, deflection and other requirements set out in Austroads "Guide to Traffic Engineering Practice - Roundabouts Part 6" have been complied with. The roundabout must have a non-mountable central island surrounded by a mountable annulus. The design and construction is to incorporate signposting, line marking, landscaping, increase in kerb return radii, the capital cost of street lighting to Integral Energy requirements, reinstatements, service relocations and adjustments and any other work required to make a smooth connection to existing construction and any other associated costs. Relocation of the existing bus stop and street posting box may be required. Any works involved in bus stop or mail box relocation to be at the full expense of the developer. Any decision on relocation of the bus stop should involve input from the relevant bus operators, while the post box location will require appreciation of any proposed parking restrictions and the lane configuration on Merriville Road. The roundabout is also to be designed to accommodate bus traffic and is to incorporate provision for cyclists and pedestrians to cross traffic at right angles in a safe manner and in accordance with Council standard A(BS)143M and the BCC Pedestrian Refuge Guideline February 2009 or as amended. The increased road reserve required is to be dedicated as road at no cost, and shall include a minimum length of road within the entry to the development site to accommodate one Austroad standard single unit truck, and must also include a footway area of minimum width 3.5m at the design location for pedestrians to cross. **NOTE: THIS MAY REQUIRE AMENDMENT TO THE APPROVED PLAN.**
- 9.13.1.8** Appropriate signage is required on all approaches to the roundabout advising drivers not to queue through the roundabout. Details are to be submitted as part of the CC.
- 9.13.1.9** In addition to catering for the movements of a 12.5m long bus/truck, a pedestrian "refuge" crossing is to be incorporated into the design of the roundabout. Final details are to be submitted for Council's Manager Traffic and City Projects separate approval prior to release of any Construction Certificate. Signage to direct pedestrians to the traffic light controlled intersection at Windsor Road should also be provided as part of the design.
- 9.13.1.10** The applicant is to make application to Council's Local Traffic Committee (LTC) and request that consideration be given to the installation of "No Stopping" restrictions along the Merriville Road frontage, extending to the existing restrictions on the approach to Windsor Road. The Construction Certificate plans are to be prepared in accordance with the recommendations of the LTC.
- 9.13.1.11** A central median must be provided in Merriville Road easterly from the roundabout across the full frontage of the site. Construction of the median can only proceed after approval by Council following consultation with adjoining property owners and arrangements for the full construction of a median to

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Windsor Road. Where construction is delayed, the work may be bonded or a contribution paid to Council to cover the cost of the works.

- 9.13.1.12 The right turn lane in Windsor Road for traffic turning right into Merriville Road is to be lengthened by 50 metres, at full cost to the developer, to accommodate the additional right turning traffic generated by the development. The proposed works, including associated civil and signal works to facilitate the extension, shall be designed to meet the RMS's requirements, and endorsed by a suitably qualified and chartered engineer, registered with the Institute of Engineers Australia. The design requirements shall be in accordance with the RMS's Road Design Guide and other Australian Codes of Practice. The certified copies of the civil/traffic signal design shall be submitted to the RMS for consideration and approval prior to the release of any Construction Certificate for the development.

The RMS fees for administration, plan checking, any traffic signals works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to the RMS's assessment of the detailed plans.

- 9.13.1.13 All works/regulatory signposting associated with the proposed development are to be at no cost to Council or the RMS (former RTA).

#### 9.13.2 **Footpaths**

- 9.13.2.1 Construction of segmental block path paving (65mm thick clay paver) for the full width of the footway area in Merriville Road over the full frontage of the site. Any street trees are to be planted in suitable grates or bays. Please contact Council's Development Services Engineers for details of type and colour of pavers to be laid.

- 9.13.2.2 The construction of 1.2m wide concrete path paving is also to be provided to the full frontage of the site in Clonmore Street.

#### 9.13.3 **Finished Boundary Levels**

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

#### 9.13.4 **Stormwater Quality Control**

- 9.13.4.1 A Maintenance Schedule must be provided for the stormwater treatment measures in accordance with the requirements of Council's Stormwater Quality Control Policy. The designer of the stormwater treatment measures must prepare the Maintenance Schedule and this schedule must show the designer's name, signature and date on it.

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**10 PRIOR TO DEVELOPMENT WORKS**

**10.1 Cultural Heritage**

- 10.1.1 Prior to any earthworks or removal of topsoil being undertaken on the site, it will be necessary for the applicant to contact the Western Sydney Aboriginal Stakeholder Groups to arrange for the initial earthworks to be monitored for the presence of any archaeological artefacts. A minimum of 14 days notice shall be given to each group.

Upon completion of the monitoring process, written evidence shall be submitted by the applicant to council, from the group concerned, documenting the inspection and their findings. This is to be done prior to any further construction works commencing.

In the event archaeological relics are uncovered during construction, all works must cease until the appropriate "consent to destroy" is obtained from the NSW Office of Environment and Heritage (OEH).

**10.2 Safety/Health/Amenity**

- 10.2.1 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, and
- (b) connected:
  - (i) to a public sewer, or
  - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
  - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

- 10.2.2 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:

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- (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.

**10.2.3 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.

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

**10.2.5 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.**

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

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

**10.2.8 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

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- (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.

### 10.3 Notification to Council

- 10.3.1 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.
- 10.3.2 At least five (5) full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$10,000,000.

### 10.4 Roads and Maritime Services

- 10.4.1 Written evidence shall be obtained from the Roads & Maritime Services indicating compliance with its requirements, including the payment of any necessary works supervision fees. A copy of such approval shall be lodged with Council.

### 10.5 Construction Details

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

#### Nominated Component

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

### 10.6 Site Contamination

- 10.6.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, an amended Remediation Action Plan (RAP) is to be submitted to Council for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant

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engaged for this project is to be on site for regular monitoring of the approved site works.

10.6.2 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:

- a) The applicant is to ensure that validation for the entire subject site can be prepared by a suitably qualified environmental consultant in accordance with Council's Contamination Land Policy.
- b) The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
- c) Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
- d) Any filling shall be undertaken in accordance with the fill protocol approved by Council.

Should Council receive any complaints regarding non-compliance with any of the above matters or other such operational type matters, then Council will have no alternative but to fully investigate the complaint and pursue an appropriate course of action.

## **11 DURING CONSTRUCTION (BUILDING)**

### **11.1 Building Code of Australia Compliance**

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

### **11.2 Safety/Health/Amenity**

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

11.2.2 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

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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- (c) stating that unauthorised entry to the work site is prohibited.

**11.2.3 Should the development work:**

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

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

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

**11.2.4 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.**

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

**11.2.6 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 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.**

**11.2.7 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.**

**11.2.8 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.

**11.2.9 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.**

**11.3 Surveys**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 11.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.
- 11.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level. All habitable ground floor building slab levels and underground garage driveway crest levels shall be checked and certified by the Registered Surveyor confirming that these levels are a minimum of 0.3 m above the 1 in 100 year overland stormwater flow level and in accordance with the levels shown on the submitted drainage concept plans by Mepstead & Associates, Reference 4754-DR\_D Sheets 1 to 6, held on Council's File JRPP-09-2379 at Enclosures 411B-G, before pouring the concrete slabs.

**11.4 Nuisance Control**

- 11.4.1 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.
- 11.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 11.4.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

**11.5 Waste Control**

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

**11.6 Construction Inspections**

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

- (a) At the commencement of the building work; and
- (b) After excavation for, and prior to placement of, any footings; and
- (c) Prior to pouring any in-situ reinforced concrete building element; and

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(d) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and

(e) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and

(f) Prior to covering any stormwater drainage connections; and

(g) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

#### **11.7 Vehicular Movements**

11.7.1 The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS **Guide to Road Design Part 4 Intersections and Crossings General**.

11.7.2 All vehicles are to enter and leave the site in a forward direction.

#### **11.8 Site Contamination**

11.8.1 In relation to site contamination matters should any contamination be found and remediation works be required, then a Remediation Action Plan (RAP) shall be prepared by a suitably qualified environmental consultant and be submitted to Council for approval. Any required remediation works shall be undertaken during the course of the engineering work. Final validation of the site for every aspect of these works shall be submitted for Council's approval prior to release of the Occupation Certificate.

#### **11.9 Aboriginal Archaeology**

11.9.1 Should any archaeological material be uncovered during construction activities on any location within the approved development, then all works are to cease immediately and representatives of the Office of Environment & Heritage (OEH) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

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**11.10 Waste Management**

- 11.10.1 The measures outlined in the approved Waste Management Plan held at Enclosure 301A on Council's file DA-09-2379, must be implemented during the demolition and construction phases of the development. 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.

Note: The developer is to retain receipts from the waste/recycling disposal contractor or some form of evidence of compliance with the Waste Management Plan. This information is to be submitted to Council prior to issue of any Occupation Certificate.

**12 DURING CONSTRUCTION (ENGINEERING)****12.1 Notice of work Commencement**

- 12.1.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$10,000,000.

- 12.1.2 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Councils Development Services Engineers.

**12.2 Compaction Requirements**

- 12.2.1 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):

- (a) Submission of compaction certificates for road sub-grade.
- (b) Submission of compaction certificates for road pavement materials (sub-base and base courses).
- (c) Compliance Certificates from road material suppliers.

**12.3 Maintenance of Soil Erosion Measures**

- 12.3.1 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

**12.4 Filling of Land & Compaction**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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12.4.1 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.

**12.5 Inspections of Works**

12.5.1 Inspection Compliance Certificates issued by a Registered Engineer (NPER) or Registered Surveyor or Compliance Certificates issued by an accredited certifier, under Part A of Environmental Planning and Assessment Act 1979 as amended, are to be issued for works covered by the Construction Certificate for engineering works at the completion of the following mandatory inspection stages:

(i) Soil Erosion and Sediment Control

- (a) Implementation of erosion and sediment control
- (b) Revegetation of disturbed areas
- (c) Construction of major controls (i.e gabions mattresses shotcreting etc)
- (d) Removal of sediment basins/ fencing etc.
- (e) Internal sediment/ pollution control devices
- (f) Final Inspection

(ii) Traffic Control

- (a) Implementation of traffic control
- (b) Maintenance of traffic control during works
- (c) Removal of traffic control

(iii) Construction of Drainage works (including inter-allotment)

- (a) Pipes before backfilling including trench excavation and bedding
- (b) Sand Backfilling
- (c) Final pipe inspection
- (d) Pit bases and headwall aprons
- (e) Pit Walls/ wingwalls/ headwalls
- (f) Concrete pit tops
- (g) Connection to existing system
- (h) Tailout works
- (i) Final Inspection

(iv) Construction of Road Pavement

- (a) Boxing out
- (b) Sub-grade roller test
- (c) Subsoil drainage
- (d) Sandstone roller test layer 1
- (e) Sandstone roller test layer 2
- (f) Kerb pre-laying
- (g) Kerb during laying including provision of roof-water outlets
- (h) Sandstone depth

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- (i) Pavement profiles
- (j) DGB depths and roller tests
- (k) Wearing Course
- (l) Kerb final
- (m) Concrete tests
- (n) Formwork concrete pavements
- (o) Final inspection

(v) Provision of Street Furniture

- (a) Street Furniture (including street signs guideposts guardrail etc)
- (b) Erection of fencing adjoining public/ drainage reserves

(vi) Footpath Works

- (a) Footpath Trimming and/or turfing (to ensure 4% fall)
- (b) Pathway construction (cycle/ link pathways)
- (c) Path-paving construction
- (d) Service Adjustments
- (e) Final Inspection

(vii) Stormwater Quality Control

- (a) Installation of Stormwater Quality Control devices
- (b) Final Inspection

(viii) CCTV Inspection of Drainage Structures (pipelines and pits)

- (a) All road and Council easement drainage

(ix) Final overall Inspections

- (a) Preliminary overall final inspection
- (b) Overall final inspection

ALTERNATIVELY, one comprehensive Inspection Certificate or Compliance certificate may be issued to include all of the above-mentioned stages of construction.

Where Council is appointed as the Principal Certifying Authority for the development (e.g. all Torrens Title subdivisions), only Compliance Certificates issued by accredited certifiers will be accepted at the completion of the above-mentioned stages. Any Compliance Certificate must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction certificate.

**12.5.2** Inspection of the works required pursuant to the engineering approval issued under the Roads Act 1993 must be made by Council's Development Overseers who can be contacted on 9839 9718 between 7am - 8am and 12.30pm - 1.30pm. A site

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inspection is required prior to commencement of work. A minimum twenty-four (24) hours notice must be given prior to any required inspection. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

## **12.6 Public Safety**

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

## **12.7 Site Security**

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

## **13 PRIOR TO OCCUPATION CERTIFICATE**

### **13.1 Compliance with Conditions**

- 13.1.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 13.1.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the principal certifying authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

### **13.2 Road Damage**

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

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

### **13.3 Services/Utilities**

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

- 13.3.2 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be

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

- 13.3.3 A final written clearance shall be obtained from Integral Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Notification of Arrangement, etc) has not previously been issued.

#### **13.4 Temporary Facilities Removal**

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

#### **13.5 Fire Safety Certificate**

- 13.5.1 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).

#### **13.6 Fire Safety**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 13.6.1 Smoke alarm/s complying with the provisions of the Environmental Planning and Assessment Amendment (smoke alarms) Regulation, 2006, shall be installed in the existing residential portion of the building.

**13.7 Fee Payment**

- 13.7.1 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.

**13.8 Engineering Matters**

- 13.8.1 Certificate from a Registered Engineer (NPER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline or other approved construction to ensure no load is imposed on the pipe.

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

- 13.9.1 Works-as-executed plans (to a standard suitable for microfilming) under the hand of a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works (stormwater drainage and roadworks) are completed.

- 13.9.2 Upon completion of the works a certificate from a Registered Surveyor must be obtained and submitted to Council verifying the minimum finished ground floor levels and driveway levels have been achieved and that the freeboard to the 100year ARI stormwater overland flow has been satisfied in accordance with the requirements of the BCC Engineering Guide for Developments 2005. All levels must be to Australian Height Datum. This will require a) All habitable ground floor building slab levels and underground garage driveway crest levels are a minimum of 0.3 m above the 1 in 100 year stormwater overland flow level;

b) the flow through fencing is at the correct location and height;

c) the finished ground levels along the line of the overland flow path are at or below the approved design ground levels.

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

- 13.9.4 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Council's Stormwater Quality Control Policy.

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- 13.9.5 Prior to occupation an accredited plumber is to certify that all the non-potable water uses are being supplied by rainwater and that all the requirements of the detailed Rainwater Supply, Pipe and Fixture Plan have been installed and are working correctly.
- 13.9.6 Written evidence is to be obtained from the Roads & Maritime Services indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 13.9.7 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):
- (a) Submission of compaction certificates for road sub-grade.
  - (b) Submission of compaction certificates for road pavement materials (sub base and base courses).
  - (c) Compliance Certificates from road material suppliers.
- 13.9.8 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

**13.10 Easements/Restrictions/Positive Covenants**

- 13.10.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
  - (b) The standard format for easements and restrictions as accepted by the Lands Title Office.
- 13.10.2 Restrictions and/ or positive covenants must be provided over the overland flow-path.
- 13.10.3 The creation of the following nominated easement. The easement shall have a minimum width of 6.0 metres widening to 12.0 metres at Clonmore Street as shown on Sheet 6 of the submitted drainage concept plans by Mepstead & Associates held on Council's File JRPP-09-2379 at Enclosure 411G.
- (a) Easement over piped stormwater drainage.
- 13.10.4 Restrictions and positive covenants must be provided over the Stormwater Quality Control devices and Rainwater Tanks in accordance with the requirements of

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Council's Engineering Guide for Development 2005 (and as amended) and Blacktown City Council Development Control Plan Part R.

**13.11 Dedications**

- 13.11.1 The land required for road widening in connection with the required roundabout and for the dedication of Clonmore Street is to be dedicated at no cost to Council.

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

- 13.12.1 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least 12 months.

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

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

**13.13 Inspections**

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

**13.14 Inspection of Work**

- 13.14.1 All road stormwater drainage structures or structures within a proposed Council easement (pipelines and pits) must be inspected by a CCTV in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of DVD of the inspection video, a hard copy printout of the SEWRAT (or equivalent) report, and a CCTV certified statement in accordance with section 6.8 of Council's Works Specification Civil and that any defects identified by this inspection have been rectified.

**13.15 Street Tree Planting**

- 13.15.1 Prior to the issue of the Final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to Council's satisfaction.

**13.16 Graffiti Management Plan**

- 13.16.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council. The Plan is to address the following issues:

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- (a) Methods to minimise the potential for graffiti;
- (b) Management/notification procedures for the “early” removal of graffiti;
- (c) Annual review of any “management agreement” for the removal of graffiti to ensure the property is maintained at its optimum level; and
- (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

### **13.17 Total Maintenance Plan**

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

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

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

**13.17.2** The Owners Corporation is to manage the total maintenance plan. Where appropriate, the recommendations of the plan are to be integrated into a Strata Management Agreement/bi-laws.

### **13.18 Emergency Evacuation Plan**

**13.18.1** A detailed Emergency Evacuation and Management Plan is to be prepared in conjunction with a specialist consultant in accordance with Australian Standard “Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces”. As part of the Emergency Plan, an “audio” system is to be installed at strategic locations (e.g. car park entry/exits, lift door access, select public areas) to ensure the safety of residents and the public in the event of an emergency.

A copy of the Emergency Evacuation Plan is to be submitted for Council’s and the Quakers Hill LAC’s separate approval prior to the release of any Occupation Certificate. A copy of the Emergency Evacuation Plan must also be issued to all

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emergency services groups inviting them to review and comment on the Plan prior to its finalisation.

**13.19 Landscaping**

- 13.19.1 All landscaping, landscape/recreation features and children's play equipment required for each stage of the development shall be completed in accordance with the approved landscaping design plans submitted to satisfy Condition 7.8 of this consent. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

**13.20 Fencing**

- 13.20.1 All new fencing, entry pavilions and retaining walls required for each stage of the development shall be completed in accordance with the approved details submitted to satisfy Conditions 7.10 & 7.11 of this consent. All fencing/retaining work must be provided at full cost to the developer.

**13.21 Lighting**

- 13.21.1 Vandal proof and security lighting required for each stage of the development is to be provided in accordance with the approved details submitted to satisfy Condition 7.12 of this consent.

**13.22 Acoustic Verification Report**

- 13.22.1 A verification report, prepared by a suitability qualified acoustic consultant, is to be submitted for each stage of the development (i.e. Stages 3, 4 and 5) certifying all the acoustic measures, recommended by RSA Acoustic Consultants in their report "Amended DA Acoustic Assessment Proposed Residential Development 6 Merriville Road, Kellyville Ridge" dated 28 March 2011, have been implemented.

**13.23 Signage**

- 13.23.1 Directory boards and signage required for each stage of the development must be provided on site in accordance with the approved details submitted to satisfy Conditions 7.14 of this consent.

**13.24 Letterboxes**

- 13.24.1 The letterboxes required for each stage of the development are to comply with the details submitted as part of the Construction Certificate and must comply with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 13.24.2 The street number must be displayed prominently at the front of the premises to comply with Local Government Act, 1973 Section 124, Order 8. The street number is to be visible at night.

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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**13.25 Power Boards**

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

**13.26 Security/Surveillance**

- 13.26.1** The measures outlined in the Total Security Management Plan, required by Condition 7.17 of this consent, are to be provided to Council's satisfaction. The Plan must also provide a detailed funding model outlining the cost of employing an on-site Building Manager and Security Personnel on an on-going basis, and how these costs will be met once the development is Strata Titled and in private ownership.
- 13.26.2** Where required, steel bollards and/or suitable barriers are to be installed to eliminate the potential for ram-raid attacks.
- 13.26.3** Where applicable, shatter-proof film should be applied to shopfronts to minimise smash and grab opportunities.
- 13.26.4** All emergency services groups and the Quakers Hill Police LAC are to be invited to attend the property to inspect and comment on any "short-fall" elements of the Security Management Plan and Emergency Evacuation Plan. Evidence that the necessary consultation was undertaken and any feedback received is to be submitted to Council prior to an Occupation Certificate being issued for Stages 3, 4 and 5 of the development.

**13.27 Car Parking**

- 13.27.1** The car parking allocation, required by Condition 7.18 of this consent, 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 residential and non-residential parking spaces is maintained at all times.
- (b) The ongoing maintenance of the parking area to ensure the allocation is in accordance with Conditions 7.18.1 & 17.18.5.

The parking strategy is to be submitted to Council for separate approval, prior to the release of any Construction Certificate

- 13.27.2** Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 13.27.3** Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.

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- 13.27.4 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 13.27.5 All required internal roads and car parking spaces required for each stage of the development shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 13.27.6 In accordance with the parking tenancy plan submitted to satisfy Condition 7.18.5 of this consent, all car spaces are to be appropriately signposted for their intended use and allocation.
- 13.27.7 The ceiling of each basement car park is to be painted white to enhance lighting illumination.
- 13.27.8 A roller shutter and card-key system is to be installed at the segregation points between the commercial/visitor and residential parking areas, and at the entry/exit points of the basement car parks.
- 13.27.9 The 2 street level loading bays are to be signposted "Reverse In Only".

**13.28 Heritage**

- 13.28.1 A plaque and 'Tourist Information Board' is to be provided in accordance with the approved details submitted to satisfy Condition 7.19 of this consent.

**13.29 Waste**

- 13.29.1 Evidence (eg. in the form of receipts) is to be submitted to confirm that waste and recyclable materials have been managed and disposed of in accordance with the submitted Waste Management Plan held at Enclosure 301A on Council's file DA-09-2379.
- 13.29.2 A suitable agreement outlining the provisions and responsibilities relating to the waste arrangements must be submitted to Council for information. In this regard, the agreement will be required to include:
- (a) Provision for the placement of waste and recycling bins.
  - (b) Responsibility for:
    - (i) The maintenance of the garbage and recycling collection system.
    - (ii) Ensuring that designated collection points are clear and unobstructed for collection vehicles.
  - (ii) The residential bins are collected within the basement and not at street level.

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- (iv) Cleaning of bins and garbage rooms, and ensuring they are kept free of odours and pests.

Appropriate signage must be provided in the “garbage areas” to advise residents and commercial/retail tenants where waste and recycling materials are to be placed, and what are appropriate materials for recycling.

## **14 PRIOR TO SUBDIVISION CERTIFICATE**

### **14.1 Demolition**

- 14.1.1 The demolition of all buildings and structures must be carried out in accordance with Australian Standard 2601-2001.
- 14.1.2 Asbestos removal to be undertaken with the approval of Workcover and in compliance with the NSW Department of Environment and Conservation and Occupational Health and Safety Standards. The removal contractors are to be accredited by Workcover. Identification of disposal to metropolitan waste tip to be submitted to Council. Upon completion of asbestos removal and decontamination of the site, a clearance certificate from a NATA registered environmentalist shall be submitted to Council. Copies of receipts from the disposal of asbestos from the site shall be submitted to Council and shall be to the satisfaction of Council.

### **14.2 Site Contamination**

- 14.2.1 A final site contamination Validation Report confirming the suitability of the site for the proposed development is to be endorsed by Council prior to the release of the final plan of subdivision. The Validation Report shall be prepared by a consultant engaged under the terms of Council’s Contaminated Lands Policy.

### **14.3 Section 94 Contributions**

- 14.3.1 The request to allow payment of the required Section 94 Contributions in stages has resulted in the following base amounts being required for each of the stages nominated below:

Contribution Item	Base Amount	Relevant C.P.	Base Date
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#### **4 LOT SUBDIVISION**

(i) Tributary Trunk Drainage (C7a)	\$31,447	5	Sept 2003
(ii) Major Roads	\$43,554	5	Sept 2003
(iii) Local Roads (2)	\$22,825	5	Sept 2003

#### **STAGE 3**

(i) Open Space	\$1,501,022	5	Sept 2003
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(ii) Community Facilities	\$224,631	5	Sept 2003
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**STAGE 4**

(i) Open Space	\$566,474	5	Sept 2003
(ii) Community Facilities	\$84,774	5	Sept 2003

**STAGE 5**

(i) Open Space	\$531,900	5	Sept 2003
(ii) Community Facilities	\$79,600	5	Sept 2003

The amounts above are BASE contributions which WILL BE INDEXED from the nominated base date to the date of payment. Payment of the indexed amounts must be made (BY BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. NOTE Council DOES NOT accept payment of S.94 Contributions by credit card or EFTPOS) prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

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

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Development Services Unit:

**S.94 CP No. 5 - Parklea Release Area**

The Section 94 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 94 Contribution(s) will be adjusted accordingly.

Developable Area: 1.358 hectares

Additional Population: Stage 3 = 282.2 persons

Stage 4 = 106.5 persons

Stage 5 = 100 persons

- 14.3.2 Any Compliance Certificate issued for the payment of Section 94 Contributions shall be accompanied by a letter from Council acknowledging that the correct Section 94 Contributions have been paid for that particular stage of development.

**14.4 Site Access**

- 14.4.1 There shall be no direct vehicular access to and/or from the following nominated road for any lots having frontage to that road. An appropriate restriction on the use

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of land shall be created under Section 88B of the Conveyancing Act 1919 covering this requirement. The Section 88B Instrument shall contain a provision that it may not be extinguished or altered except with the consent of Blacktown City Council.

Nominated Road(s): Clonmore Street.

- 14.4.2 The plan of subdivision (4 lot subdivision) is not to be released until Public Road access is provided to of the proposed allotments. In this regard, the creation of reciprocal rights-of-way over the access to the lots under Section 88B of the Conveyancing Act 1919 is required.

NOTE: A restriction as to user for "Maintenance and Repair of the Shared Access" shall also be created over each nominated lot and this shall be in accordance with Blacktown City Council's standard recitals for Terms of Easements and Restrictions (current version).

**14.5 Dedications**

- 14.5.1 The proposed road widening in Clonmore Street (i.e. portion of the subject site currently zoned 2(a) Residential) and at the roundabout in Merriville Road shall be dedicated at no cost to Council as Public Road.

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

**14.6 Road Damage**

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

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

**14.7 Easements/Restrictions**

- 14.7.1 The following nominated easements shall be created.

(a) Easement over piped stormwater drainage. The easement shall have a minimum width of 6.0 metres **widening to 12.0 metres at Clonmore Street as shown on Sheet 6 of the submitted drainage concept plans by Mepstead & Associates held on Council's File JRPP-09-2379 at Enclosure 411G.**

(b) The creation of easements related to the provision of interallotment drainage.

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- 14.7.2 In the event that subdivision precedes construction of buildings on any of the lots, Council will require the lodgement of a Section 88B Instrument to ensure that development proceeds in accordance with this consent. The restriction should contain a provision that it may not be extinguished or altered except with the consent of the Council of the City of Blacktown.

The restriction must include appropriate wording that the required drainage works in proposed Lots 42 and 43 must be completed prior to the commencement of building works in any proposed Lot. The restriction must also include appropriate wording that the roundabout in Merriville Road is to provide vehicular access to the site, and the half-road construction in Merriville Rd, shall be constructed prior to the release of any Construction Certificate relating to the construction of the Residential Flat Buildings. The proposed road widening in Merriville Road to accommodate the roundabout shall also be dedicated at no cost to Council as Public Road.

#### **14.8 Asset Management**

- 14.8.1 An amount of \$134.00 is to be paid to Council for the ongoing maintenance of any black powder coated light poles, street name poles or bus shelters proposed in this subdivision. This amount is based on a fee of \$33.50 per lot proposed in the subdivision and is to be paid prior to the release of the Linen Plan. This amount is valid only until 30 June 2012, upon which this amount will be updated in accordance with Council's adopted fee structure at the time. Any enquiries regarding this fee are to be directed to the Maintenance Section of the Directorate of Technical and Transport Services.

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

#### **14.9 Additional Inspections**

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

#### **14.10 Fee Payment**

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

#### **14.11 Final Plans**

- 14.11.1 The submission of a final plan of subdivision, together with 7 exact copies and the appropriate fee. The final plan of subdivision will not be released until all relevant

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conditions of the determination have been complied with.

- 14.11.2 Where any permanent control marks are placed in accordance with the Survey Practice Regulation 1990 in the preparation of the plan, 2 copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision.

**14.12 Engineering Matters**

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

- 14.12.1.1 A works-as-executed plan (to a standard suitable for microfilming) under the hand of a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the required engineering works are completed.

- 14.12.1.2 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):

- (a) Submission of compaction certificates for fill within road reserves.
- (b) Submission of compaction certificates for road sub-grade.
- (c) Submission of compaction certificates for road pavement materials (sub base and base courses).
- (d) Compliance Certificates from road material suppliers.

- 14.12.1.3 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

**14.12.2 Easements/Restrictions/Positive Covenants**

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

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

- 14.12.2.2 Restrictions and/ or positive covenant must be provided over the overland flow-path.

- 14.12.2.3 Restrictions and positive covenants must be provided over the Stormwater Quality Control devices and outlet works.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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#### 14.12.3 Bonds/Securities/Payments in Lieu of Works

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

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

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

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

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

#### 14.12.4 Inspection of Work

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

#### 14.13 Site Contamination

14.13.1 In the event of any contamination having to be remediated, a final site contamination Validation Report confirming the suitability of the site for the proposed development is to be endorsed by Council prior to the release of the final plan of subdivision. The Validation Report shall be prepared by a consultant accredited as an officer of Environmental and Heritage site auditor. Upon completion of asbestos removal and decontamination of the site, a clearance certificate from a NATA registered environmentalist shall be submitted to Council.

#### 14.14 Roads and Maritime Services

14.14.1 The final plan of subdivision will not be released unless written evidence from the RMS has been obtained indicating that satisfactory arrangements have been made by the applicant/developer for the payment of a contribution towards the cost of the arterial road network.

#### 14.15 Services/Utilities

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 14.15.1 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.
- 14.15.2 A written clearance shall be obtained from Integral Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Notification of Arrangement, etc) has not previously been issued.

## **15 OPERATIONAL (PLANNING)**

### **15.1 Access/Parking**

- 15.1.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 15.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land, within the designated loading/unloading bays. Loading and unloading operations are not to obstruct the internal accessways/roads or car parking spaces at any time.
- 15.1.3 All deliveries by light commercial vehicles, vans and the like must access the designated unloading/loading bays provided within the basement car parks. The loading/unloading bays provided at ground level are for the exclusive use of medium/large rigid trucks up to 12.5m in length only. No deliveries by vans or light commercial vehicles are permitted in these areas.
- 15.1.4 The on-site Building Manager is to supervise the use and operation of the street level loading bays to ensure that they remain for the exclusive use of large trucks only, and that no trucks reverse out of the loading bays.
- 15.1.5 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 15.1.6 All vehicles are to enter and leave the site in a forward direction at all times.

### **15.2 Graffiti Removal**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 15.2.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed as soon as practical and no later than 48 hours of detection.

**15.3 Noise & Nuisance**

- 15.3.1 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 15.3.2 The use of the land is not to interfere with the amenity of the surrounding residential area.
- 15.3.3 Any nuisance created by the use of any aerial or transmitting or receiving equipment associated with the development shall be addressed to the satisfaction of the Spectrum Management Agency.
- 15.3.4 In accordance with the requirements of Council's DCP, no plant or equipment shall generate a noise level greater than 5dBA above the ambient L90 sound level.
- 15.3.5 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. Note: The Protection of the Environment Operations Act 1997 requires Council to investigate complaints where only one person complains.

**15.4 Use of Premises**

- 15.4.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 15.4.2 Access to any public toilet must only be by way of a key available from select retail tenancies or from the Building Manager.

**15.5 Hours of Operation**

- 15.5.1 The hours of operation of the development shall not be outside of the following nominated times. Any alteration to these hours will require the separate approval of Council.

Retail/Commercial Uses

8.00am to 10.00pm, Thursday-Saturday  
8.00am to 9.00pm, Sunday-Wednesday and Public Holidays.

Note: Public access to the central courtyard to 'Block A' must be restricted to the business trading hours only. To prevent the area becoming a meeting place at night and to ensure a high level of security for residents, "after hours" access to this area is to be available via the resident-only card-key system only.

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Deliveries & Garbage Collection

All loading/unloading activities associated with the commercial/retail tenancies and garbage collection operations, must be undertaken outside core business trading hours to eliminate any potential conflict with resident and customer movements.

Children's Playground

To eliminate unreasonable noise disturbance during the early morning period and at night, use of the children's playground located within the central courtyard space of Building 'B' is to be limited to the hours of 7am and 7pm. Suitable signage is to be displayed within the playground area advising of the restrictions of use.

Access via Clonmore Street

To prevent unnecessary disturbance to the existing adjoining dwellings, any public pedestrian access point provided along the Clonmore Street frontage is to be closed/gated between 9.00pm and 6.00am each night by the Building Site Manager.

Note: Should Council receive justified complaints that the development 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. In the event ongoing justified complaints are received in relation to the Clonmore Street pedestrian access, the developer will be required to close the pedestrian accessway on a permanent basis.

**15.6 Storage**

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

**15.7 Landscaping**

- 15.7.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 15.7.2 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.

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 15.7.3 The management of vegetation, gardens, planter boxes, communal areas, BBQ facilities, children's play equipment, etc is to be incorporated within the future strata management plan once the development is occupied.

#### 15.8 Awnings

- 15.8.1 No other hanging is permitted under the awning which may affect the minimum clearance height of 2.4m.
- 15.8.2 The property owner is responsible for the maintenance of the awnings at all times.

#### 15.9 Lighting & Security

- 15.9.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 15.9.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 15.9.3 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.
- 15.9.4 Access to the internal central courtyards (except Block A located in the south-east corner) and rooftop terraces are for the exclusive use of the residents and their visitors only.
- 15.9.5 To ensure the program for the "foot patrol security" is maintained at optimum levels, the contract is to be reviewed on an annual basis by the Owners Corporation.

#### 15.10 Signage

- 15.10.1 In accordance with Clause 37(2)(b)(v) of Blacktown Local Environmental Plan (BLEP) 1988, the approved Directory Boards must not contain any flashing or moving elements.
- 15.10.2 The approved Directory Boards are to be provided strictly in accordance with the approved plans. Should any changes to the signage be proposed (including changes to sign content, size, dimensions, colours, etc) the separate approval of Council must be obtained. At no time is the signage to be used for general advertising purposes.
- 15.10.3 The approved signage must not have or incorporate any of the following:
- (a) flashing lights;
  - (b) electronically changeable or variable messages;
  - (c) animated displays, moving parts or simulated movements;
  - (d) complex displays that hold motorists attention;

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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- (e) displays resembling or imitating road traffic signs or signals;
- (f) a method and level of illumination that distracts or dazzles;
- (g) instructions to passing traffic (i.e. 'Halt', 'Stop' or the like); or
- (h) glossy paints or luminous colours.

#### **15.11 Waste**

**15.11.1** Arrangements shall be made for an effective commercial refuse removal service. In this regard, a private contractor must be engaged and appropriate provisions are to be included in the future Strata Management Plan for the ongoing management of waste and recyclables on the property during the operations of the development. The following provisions are to be addressed in the Strata Management Plan:

- (i) Indicate responsibility for the maintenance of the garbage collection system;
- (ii) Indicate responsibility for the cleaning of bins;
- (iii) Ensure that designated collections points are clear and unobstructed for collection vehicles;
- (iv) After collection the bins would need to be removed back in the bin storage areas as soon as practical and before 5pm on the day of collection; and

**15.11.2** The managing agent and future Body Corporate is to be responsible for ensuring the implementation of the ongoing waste management system, including the collection of all recycled materials.

**15.11.3** Contact details of the private contractor used to provide the collection services will need to be provided to Council once the development is operational.

**15.11.4** All waste and recycling must be collected by a private contractor a minimum of 2 times each week.

**15.11.5** Given that a Private Contractor will be used to collect the waste, future residents are not be permitted to access Council's "Household Clean Up Service" for their bulky waste.

**15.11.6** All waste generated on site must be disposed of in accordance with the Waste Management Plan held at Enclosure **301A** on Council's file **JRPP-09-2379**.

#### **15.12 Emergency Procedures**

**15.12.1** Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed throughout the development for both public and staff information at all times to the satisfaction of Council.

#### **15.13 Clothes Drying**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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- 15.13.1 The hanging/drying of clothes on balconies (where visible from a public place) is prohibited. If the development is to be strata subdivided, a clause is to be included in the Plan of Strata Management prohibiting the drying of clothes on balconies (where visible from a public place). Note: Any future Strata Management Plan is to contain a restriction to this effect.

## 16 OPERATIONAL (ENVIRONMENTAL HEALTH)

### 16.1 Environmental Management

- 16.1.1 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.
- 16.1.2 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.
- 16.1.3 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.

### 16.2 Noise

- 16.2.1 The development is to comply at all times with the recommendations of the Amended DA Acoustic Assessment prepared by RSA Acoustics (report 4911 Rev. 1 dated 28 March 2011 and held at Enclosure 308A on Council's File DA-09-2379).
- 16.2.2 A post commissioning report produced by an independent organisation that is eligible for membership with the *Association of Australian Acoustic Consultants*, is to be submitted within 3 – 6 months of the development operating to validate the Acoustic Report's findings.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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