



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Environmental Planning and Assessment Act, 1979 (Section 81)

Applicant: WINTER PROPERTIES PTY LTD
PO BOX 463
ROUND CORNER 2158

Determination Number: 14-91

Property Description: LOT 209 DP208203, 9 TERRY ROAD, ROUSE HILL

Development: Two lot subdivision to excise RE1 zoned land and the staged construction of 4 x 4 storey residential flat buildings comprising a total of 256 units over 1 level basement car park and strata subdivision of residential units.

Determination: *Pursuant to Section 81 of the Act Council advises that the Development Application has been determined by:*

- GRANTING OF DEVELOPMENT CONSENT SUBJECT TO CONDITIONS ON THE FOLLOWING PAGES.

BY SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Right of Appeal

Section 97 of the Act confers on an applicant who is dissatisfied with the determination of the consent authority a right of appeal to the Land and Environment Court. Section 97 does not apply to State significant development or development that has been subject to a Commission of Inquiry.

Review of Determination

Section 82A of the Act provides that an applicant may request the Council to review the determination. Section 82A does not apply to complying development, designated development, integrated development, or a determination made by Council under Division 4 of the act in respect of Crown applications

Note: This Consent is generally valid for a period of five years effective from the date of this Notice, unless specified otherwise by Sections 83 and 95 of the Act, or by conditions of this Consent.

Kerry Robinson
GENERAL MANAGER

Per 

Date 15 December 2014

1 ADVISORY NOTES

1.1 Terminology

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

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

1.2 Scope of Consent

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

1.2.2 The applicant is required to lodge a separate Development Application (Building) for Council's consideration for the demolition of the existing dwelling and associated structures. Any application made must include a Site Plan, Site Investigation Report, Work Plan, and Waste Management Plan, for the disposal of the demolition materials and should also address potential contamination concerns. A copy of the contractor's licence as issued by WorkCover Authority NSW is also to be submitted.

1.3 Other Approvals

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

1.3.2 The applicant's attention is drawn to the need to obtain 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 and any tree(s) located greater than 3 metres from the building perimeter, and
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
- (c) demolition of any existing buildings, and
- (d) the installation of a vehicular footway crossings servicing the development, and
- (e) separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required for any crane used to construct this development that swings over public air space.

1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

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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- 1.3.4 The demolition or removal of the existing building(s) or structure(s) is not approved by this consent. A separate Application must be lodged with Council prior to the demolition or removal of the existing building(s) or structure(s).

1.4 Services

- 1.4.1 The applicant is advised to consult with:

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

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


All approved building construction plans attached to the Construction Certificate should be submitted to 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.

- 1.4.2 Prior to any demolition works, all services or utilities must be disconnected in consultation with the relevant service provider.
- 1.4.3 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.4.4 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect

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or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

1.5 Identification Survey

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

1.6 Roads and Maritime Services

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

1.7 Services

- 1.7.1 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.

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 04-17 Rev. B	7/04/14	57A
Basement Plan 05-17 Rev. B	7/04/14	57B
Ground Floor 06-17 Rev. B	7/04/14	57C
Level 1 Floor Plan 07-17 Rev. B	7/04/14	57D
Level 2 Floor Plan 08-17 Rev. B	7/04/14	57E
Level 3 Floor Plan 09-17 Rev. B	7/04/14	57F

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Roof Plan 10-17 Rev. B	7/04/14	57G
Elevations – Block A 11-17 Rev. B	7/04/14	57H
Elevations – Block B 12-17 Rev. B	7/04/14	57I
Elevations – Block C 13-17 Rev. B	7/04/14	57J
Elevations – Block D 14-17 Rev. B	7/04/14	57K
Sections & Details 15-17 Rev. B	7/04/14	57L
Bulk Earthworks Plan Dwg. 401 Issue A	7/04/14	57M
Landscape Masterplan DAL101 & DAL102 Rev. B	08/04/14	57N & 57O
External Colours and Finishes 01-01 Issue DA	7/04/2014	58B

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

- 2.1.2 The proposed 2 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.
Plan of proposed Subdivision of Lot 209 DP 208203 Drawing No. 22944 – SUB 1	04.04.2014	61K

- 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 2 lot subdivision;
- (b) Stage 1 – Building A;
- (c) Stage 2 – Building B;
- (d) Stage 3 – Building C; and

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(e) Stage 4 – Building D.

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

- (a) 29 x 1 bedroom units;
- (b) 186 x 2 bedroom units; and
- (c) 41 x 3 bedroom units.

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: ROUSE HILL

2.3 Compliance with BASIX Certificate

2.3.1 All commitments listed in the BASIX Certificate number: 520728M dated 19 December 2013 and held at Enclosure 2D on Council File JRPP-14-91 shall be complied with.

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 half road reconstruction in Terry road 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.

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- 2.4.1.2 The Construction Certificate for Engineering works may be issued by Council's Co-ordinator Engineering Approvals 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.

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)
- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (e) Blacktown City Council Stormwater Quality Control Policy DCP Part R

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements **MUST** be submitted to Council's Co-ordinator, Engineering Approvals 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.

Any variations from these design requirements must be separately approved by Council's Co-ordinator, Engineering Approvals.

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.

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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 half road reconstruction 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.

2.4.4 Other Fee and Bond/Securities

- 2.4.4.1 In conjunction with the civil engineering works required to be constructed as part of this development you will be required to submit to Council security bond(s) for maintenance and/or path paving works as well as a contribution for the final asphaltic concrete (AC) surfacing of the roadwork. These matters are individually addressed within the Consent conditions.

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's Co-ordinator, Engineering Approvals under the provisions of the Local Government Act 1993 and/or the Roads Act 1993 for any of the following
- (a) The installation of a vehicular footway crossing servicing the development as required by "Scope of Engineering Works and other sections of this consent" (b) 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 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 2.5.2 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.
- 2.5.3 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of the Department of Environment and Climate Change (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

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2.5.4 The removal of trees on Council's road reserve is not approved as part of this application.

2.6 Dedication of RE1 zone

2.6.1 The following nominated land is to be dedicated to Council and:

- (a) Compensation for the land is to be determined as at the date of this consent determination.
- (b) A valuation of the land is to be submitted to Council prior to the issue of any related Construction Certificate to facilitate negotiations on this matter. Failure to address this matter may result in significant delays as Council will require the exchange of contracts for the sale of the land to be dedicated prior to the release of any Occupation Certificate.
- (c) Council shall be entitled to offset against the amount of compensation payable pursuant to this condition, the amount of any Section 94 Contribution(s) payable by the applicant.

Nominated Land: Proposed Lot 91 - zoned RE1

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

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

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

3.2 Road Deposit/Bond

3.2.1 The following current fee 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 \$164.00;
- (b) Road maintenance bond of \$5000.00; and
- (c) Road maintenance bond administration fee of \$97.00.

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.

3.3 Lot Registration

- 3.3.1 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.

3.4 Services/Utilities

- 3.4.1 The following documentary evidence shall accompany any Construction Certificate:

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

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority (PCA) prior to the Construction Certificate (CC) being issued. The Section 73 Certificate must be submitted to the PCA prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

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

3.5 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

- 3.5.1 In accordance with Clause 143A of the Environmental Planning and Assessment

These conditions are imposed for the following reasons:

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Regulation 2000, a certifying authority must not issue a construction certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.

3.6 Other Matters

3.6.1 Each stage of the development is to provide a Work Method Statement and Construction Traffic Management Plan (CTMP) must be prepared for the development by a suitably qualified person and submitted to Council's Co-ordinator, Traffic Management for separate approval prior to the release of the Construction Certificate. The Work Method Statement is to demonstrate how the basement is to be excavated. The CTMP is to address truck movements associated with the construction, in particular the disposal of excavated soil from the site as well as the impact on adjacent pedestrian and traffic movement.

3.6.2 A dilapidation report shall be carried out for any of the potentially affected existing buildings surrounding the proposed development as well as Terry and Rous Roads. A copy of the report shall be submitted to Council's Manager, Development Services prior to construction commencing.

3.7 Acoustic Assessment

3.7.1 In accordance with the State Environmental Planning Policy (Infrastructure) 2007, an acoustic assessment is to be prepared by a suitably qualified consultant consistent with the Department of Planning's *Development near Rail Corridors and Busy Guidelines – Interim Guideline*. In this regard, the report is to demonstrate that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Any recommendation of the Assessment report are to be implemented.

3.8 Tree Retention

3.8.1 The recommendations of the Tree Inspection Report prepared by Treehaven Environscapes dated 20/12/2013 are to be implemented.

3.8.2 The consent does not approve the removal of trees from the Council road reserve. In this regard, trees are to be retained on Council footway except where otherwise approval as part of a separate tree removal application or vehicle crossing

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application.

3.9 Special Infrastructure Contributions

- 3.9.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 94EE of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Infrastructure before a Subdivision Certificate is issued in relation to any part of the development to which this consent relates.

More information

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

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx>

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Section 94 Contributions

- 4.1.1 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) either by Council or any accredited certifier, whichever occurs first.

Contribution Item	Base Amount	Relevant C.P.	Base Date
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STAGE 1

(i) Stormwater Quantity	\$50,833	22	1 December 2012
(ii) Stormwater Quality	\$31,814	22	1 December 2012
(iii) Traffic Management	\$75,519	22	1 December 2012
(iv) Open Space	\$880,714	22	1 December 2012
(v) Community Facilities	\$6,864	22	1 December 2012
(vi) E2 Conservation zone	\$33,446	22	1 December 2012

Stage 1 Developable Area: 0.3907 hectares

Stage 1 Additional Population: 124.8 persons

STAGE 2

These conditions are imposed for the following reasons:

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(i) Stormwater Quantity	\$47,073	22	1 December 2012
(ii) Stormwater Quality	\$29,461	22	1 December 2012
(iii) Traffic Management	\$69,933	22	1 December 2012
(iv) Open Space	\$901,179	22	1 December 2012
(v) Community Facilities	\$7,024	22	1 December 2012
(vi) E2 Conservation zone	\$34,224	22	1 December 2012

Stage 2 Developable Area: 0.3618 hectares
 Stage 2 Additional Population: 127.7 persons

STAGE 3

(i) Stormwater Quantity	\$58,223	22	1 December 2012
(ii) Stormwater Quality	\$36,439	22	1 December 2012
(iii) Traffic Management	\$86,498	22	1 December 2012
(iv) Open Space	\$863,777	22	1 December 2012
(v) Community Facilities	\$6,732	22	1 December 2012
(vi) E2 Conservation zone	\$32,803	22	1 December 2012

Stage 3 Developable Area: 0.4475 hectares
 Stage 3 Additional Population: 122.4 persons

STAGE 4

(i) Stormwater Quantity	\$43,976	22	1 December 2012
(ii) Stormwater Quality	\$27,523	22	1 December 2012
(iii) Traffic Management	\$65,332	22	1 December 2012
(iv) Open Space	\$875,068	22	1 December 2012
(v) Community Facilities	\$6,820	22	1 December 2012
(vi) E2 Conservation zone	\$33,232	22	1 December 2012

Stage 4 Developable Area: 0.3380 hectares
 Stage 4 Additional Population: 124 persons

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. 22 – Area 20 Precinct

The Section 94 Contribution(s) have been based on the total developable area, the site's road frontage and/or the potential additional population nominated below.

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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.

4.2 Accessible Units

- 4.2.1 At least 10% of the total number of residential units must be designed for persons with a disability. All details are to be shown on the Construction Certificate plans.

4.3 Aesthetics/Appearance

- 4.3.1 The development approved by this consent is to be constructed in accordance with the schedule of materials, finishes and colours submitted as part of the development application (Exterior Finishes Schedule dated 07/04/14 and held at Enclosure 58F on Council File JRPP-14-91).

- 4.3.2 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.

4.4 Reflectivity

- 4.4.1 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. "Anti-glare" glazing is to be used to minimise any glare affect.

4.5 Fencing

- 4.5.1 The following additional information is required to be submitted for Council's Manager, Development Services 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:
 - (i) Fencing adjoining RE1 zoned land to the north is to be 1.8m pre-painted open metal (pool type) fencing.
 - (ii) Fencing adjoining Terry Road is to be decorative style 1.8m high constructed of aluminium slats and posts, with a 12m return to the boundary of the southern property boundary.
 - (iii) 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.
 - (iv) Pre-painted open metal (pool type) fencing is to be required around the proposed pool in accordance with the Swimming Pools Act 1992.

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4.6 Retaining Walls

- 4.6.1 Details of any retaining walls to be constructed on site as part of the development are to be submitted. In this regard, all retaining walls are to be constructed of masonry (i.e. no timber walls).

4.7 Lighting

- 4.7.1 A detailed lighting plan, prepared by a suitably qualified person, is to be submitted for the separate approval of Council's Manager, Development Services and Administration. 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 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.
- (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.

4.8 Letterboxes

- 4.8.1 Details regarding the location, size and design of the proposed letter-box wall/s are to be submitted for the separate approval of Council's Manager, Development Services. 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

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should also be appropriately numbered and provided with a key lock. Street numbers should also be displayed to ensure the site is easily identified.

4.9 Security

4.9.1 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's Manager, Development Services. The security management plan is to address relevant matters such as:


- (a) The constant monitoring of 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 video surveillance is to be installed in areas such as the basement car park, entry and exit points of the basement driveway, near to mail box facilities and near entry and exit doors.
- (c) Erection of signage to refer to the existence of video surveillance systems.
- (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.
- (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 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's Manager, Development Services. Appropriate signage is also required to advise of these access restrictions.

A copy of the Total Security Management Plan (TSMP) is to be submitted for both Council's Manager, Development Services and the Quakers Hill Local Area Command's (LAC) separate approval prior to the release of any Building Construction Certificate. Should no response be received from the Quakers Hill LAC within 28 days, Council may proceed to determine the TSMP.

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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4.10 Parking/Bicycles

- 4.10.1 A minimum of 297 residential car parking spaces and 52 visitor car spaces are to be provided on site. The car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

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

128 resident and 22 visitor bicycle parking must also be provided as indicated on the approved plans.

- 4.10.2 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.

- 4.10.3 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

- 4.10.4 An overall parking tenancy plan (i.e. for all stages of the development) is to be submitted for the separate approval of Council's Manager, Development Services. 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.
- (b) 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.
- (c) Stacked car parking spaces provided at the basement. Spaces provided in a stacked formation must be allocated to the 1 housing unit to ensure the ownership relates to the same tenancy.

- 4.10.5 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 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.

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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4.10.6 Paint work in the basement car park is to be of white colour.

4.11 Site Contamination

4.11.1 The development is to comply with the recommendations of the Preliminary Contamination Assessment (Report No. 13046/1-AAR2) dated 19 December 2013 and held at Enclosure 2F on file JRPP-14-91. Prior to the release of any Construction Certificate a final validation report must be submitted to Council's Manager, Development Services to confirm there is no residual soil contamination and that the subject site is suitable for the proposed residential purposes.

4.12 Salinity

4.12.1 The recommendations of the Salinity Assessment (Report No. 13046/2-AAR2) dated 19 December 2013 prepared by Geotechnique Pty Ltd for the site are to be implemented.

5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

5.1 Building Code of Australia Compliance

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

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

5.1.2 A 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


5.2 Site Works and Drainage

5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.

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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- 5.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:

- (a) be in accordance with Australian Standard 3500.3, and
- (b) provide for drainage discharge to an existing Council drainage system, and
- (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.

5.3 Demolition

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

5.4 Hazardous Materials and Waste

- 5.4.1 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling. A copy of the report is to be attached to the Construction Certificate.

5.5 BASIX Certificate Compliance

- 5.5.1 The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 520728M dated 19 December 2013 and held at Enclosure 2D on Council File JRPP-14-91.

6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)


6.1 Compliance with Conditions

- 6.1.1 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.
- 6.1.2 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.

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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6.2 Road-works

6.2.1 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's Co-ordinator, Engineering Approvals for approval prior to issue of the Construction Certificate for Engineering works.

6.2.2 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 RTA Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RTA accredited.

6.3 Drainage

6.3.1 Where the internal driveway cannot be drained to an internal pit a grated drain shall be provided at the property boundary.

6.4 Erosion and Sediment Control

6.4.1 Soil erosion and sediment control measures for road, drainage, 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.

6.5 Compaction Requirements

6.5.1 Special attention is drawn to the following requirements of Council's current Works Specification – Civil.

- (i) Submission of compaction certificates for fill within road reserves.
- (ii) Submission of compaction certificates for road subgrade.
- (iii) Submission of compaction certificates for road pavement materials.
- (iv) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A Restriction as to User with Council's standard wording must be placed on filled lots.
- (v) Certificates from road material suppliers.

6.6 Asset Management

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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- 6.6.1 A detailed estimate of the cost of civil engineering work must be submitted to Council's Co-ordinator, Engineering Approvals 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.

6.7 Other Approvals/Clearances/Adjoining Owners Permission.

- 6.7.1 Written permission from the affected property owners shall be obtained to:

- (a) discharge stormwater onto adjoining land
- (b) carry out works on adjoining land
- (c) drain the site across adjoining land

prior to the issue of any Construction Certificate. A copy of any such permission and evidence of the creation of necessary easements must be submitted to Council's Co-ordinator, Engineering Approvals prior to the issue of any Construction Certificates.

6.8 Tree Preservation

- 6.8.1 A tree retention plan shall be included with any Construction Certificate indicating:

- (a) the trees to be retained.
- (b) all areas left undisturbed and to be cordoned off from construction works.

- 6.8.2 The recommendations of the Tree Inspection Report prepared by Treehaven Environscapes dated 20/12/2013 are to be implemented.

6.9 Ancillary Works

- 6.9.1 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.

6.10 Street Furniture

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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- 6.10.1 A notation is to be placed on the Engineering Construction Plans "that all light poles and street name poles will be black powder coated to the satisfaction of Blacktown City Council. Further that these light poles will comply with Council's specifications.

6.11 Scope of Engineering Works

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

6.11.1 Road and Drainage works

- 6.11.1.1 Existing road(s) must be constructed generally as follows:

Name	Width	Length (m)	Formation (m)	Traffic Loading (m) <u>N(E.S.A.)</u>
Terry Rd	20.115	Approx.120m	4.55/11/4.55	1x10 ⁶

Half width construction only, fronting developable area of site. The section of Terry Rd and Rouse Rd fronting the proposed reserve to be constructed as part of the S94 contribution plan.

- 6.11.1.2 Drainage from the site must be connected into Council's existing or proposed drainage system. Where it is proposed to discharge stormwater directly into the proposed basin within the proposed reserve, approval must be sought from Council's Co-ordinator, Engineering Approvals with regard to the design levels and discharge detail to ensure it does not adversely impact on the design of the future bio-retention basin.

- 6.11.1.3 Stormwater Drainage must generally be provided as shown in the stormwater concept plans by Umbrella Group Consulting Engineers Drawing No UMB13162.CIV.DA Drawings 000 to 301 revision A except as otherwise conditioned within this consent. Stormwater Quality provisions must comply with Council's DCP Part R, the Engineering Guide for Development 2005 and the Facility for Advancing Water Biofiltration "Adoption Guidelines" for a lined standard biofiltration system.

6.11.2 Vehicular Crossings

- 6.11.2.1 Construction of Council's standard commercial and industrial vehicular footway crossing in accordance with Council plan A(BS)103S at each driveway.

6.11.3 Footpaths

- 6.11.3.1 The footway area being fully turfed in an appropriate manner to be free draining to the street and of neat appearance.

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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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- 6.11.3.2 Path paving is to be provided to the frontage of the developable area in Terry Road and constructed as 2.5m wide cycleway in accordance with Council Plan No A(BS)134S. Linemarking and signposting is to be provided in accordance with the requirements of Austroads "Guide to Road Design" Part 6A Pedestrian and Cyclist Paths and the RTA NSW Bicycle Guidelines 2003.

6.11.4 Finished Boundary Levels

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

6.11.5 Stormwater Quality Control

- 6.11.5.1 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.

7 PRIOR TO DEVELOPMENT WORKS

7.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

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

This condition does not apply to:

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

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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7.1.3 Should the development work:

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

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

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

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

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

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

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

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

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

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

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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7.2 Notification to Council

- 7.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.
- 7.2.2 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.

7.3 Sydney Water Authorisation

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

OR

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

7.4 Adjoining Owners

- 7.4.1 Written permission from the respective owner(s) must be obtained to:
- (a) discharge stormwater onto adjoining owner's land.
 - (b) carry out works on adjoining land.
 - (c) drain the site across land owned by others.

A copy of such written permission shall be lodged with Council.

7.5 Construction Details

- 7.5.1 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.

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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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

7.6 Site Contamination

7.6.1 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's Manager, Development Services for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.

7.6.2 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's Manager, Development Services.

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.

7.7 Use of Crane

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

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

8 DURING CONSTRUCTION (BUILDING)

8.1 Safety/Health/Amenity

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

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

- (c) the name, address and telephone number of the principal certifying authority for the work, and
- (d) 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
- (e) stating that unauthorised entry to the work site is prohibited.

8.1.3 Should the development work:

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

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

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

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

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

8.1.6 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil

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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.

- 8.1.7 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 8.1.8 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 8.1.9 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

8.2 Building Code of Australia Compliance

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

8.3 Surveys

- 8.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.
- 8.3.2 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.

8.4 Nuisance Control

- 8.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 8.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am 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.

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- 8.4.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

8.5 Waste Control

- 8.5.1 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.

8.6 Construction Inspections

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

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

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

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

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

8.7 Site Contamination

- 8.7.1 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

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Council's Manager, Development Services 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 Manager, Development Services for approval prior to release of the Occupation Certificate.

8.8 Aboriginal Archaeology

- 8.8.1 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.

8.9 Other matters

- 8.9.1 All construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

9 DURING CONSTRUCTION (ENGINEERING)

9.1 Compaction Requirements

- 9.1.1 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.

9.2 Tree Protection

- 9.2.1 Prior to the commencement of any earthworks the site shall be inspected by Council's representative or an appropriately accredited private certifier and the applicant's representative to identify and appropriately mark:-

- (i) The trees to be retained.
- (ii) All areas to be left undisturbed and cordoned off.

9.3 Maintenance of Soil Erosion Measures

- 9.3.1 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing

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paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

9.4 Filling of Land & Compaction

9.4.1 Regular wetting down of the site must be undertaken during the course of works being carried out in order to control wind blown dust from the site.

9.4.2 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.

9.5 Inspections of Works

9.5.1 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

These conditions are imposed for the following reasons:

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- (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
- (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 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.

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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.

- 9.5.2 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 6586 between 7am - 8am and 12.30pm - 1.30pm. A site 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).

9.6 Public Safety

- 9.6.1 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.

9.7 Site Security

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

10 PRIOR TO OCCUPATION CERTIFICATE

10.1 Road Damage

- 10.1.1 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.

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.

10.2 Compliance with Conditions

- 10.2.1 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.

- 10.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation

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Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

10.3 Temporary Facilities Removal

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

10.4 Services/Utilities

- 10.4.1 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, 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.
- 10.4.2 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.

10.5 Fire Safety Certificate

- 10.5.1 A final fire safety certificate complying with Clause 153 of the Environmental

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Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

10.6 Landscaping/Car Parking

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

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

10.6.3 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.

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

10.7 Fee Payment

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

10.8 Engineering Matters

10.8.1 Surveys/Certificates/Works As Executed plans

10.8.1.1 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 engineering works are completed.

10.8.1.2 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.

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

10.8.1.4 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.

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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(c) Submission of compaction certificates for road pavement materials (sub base and base courses).

(d) Compliance Certificates from road material suppliers.

10.8.1.5 The submission to Council's Co-ordinator, Engineering Approvals of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

10.8.2 Easements/Restrictions/Positive Covenants

10.8.2.1 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.

10.8.2.2 Restrictions and positive covenants must be provided over the Stormwater Quality Control devices and outlet works. Prior to Council's Manager, Development Services endorsing the Restrictions and Positive Covenants, all the engineering conditions in the consent must be complied with. All relevant STM documentations as required by the conditions of consent must be submitted to Council in accordance with Council's standards and requirements. All submitted documentations will be checked by Council's officer for compliance prior to endorsement of required instruments.

In summary the following documentations will be required;

1. An approved and certified design plan of the STM system by an accredited certifier.
2. STM maintenance schedule including a manufacturer maintenance manual.
3. Inspection Certificate from an Accredited Certifier or a (NPER registered) Professional Engineer for the installation of STM system.
4. A certificate from a chartered professional engineer verifying that the installed STM (including its specific name, type and model number) will function effectively in accordance with Council's Stormwater Quality Control Policy.
5. Works as executed (WAE) plan for STM system in accordance with Council' requirements.

10.8.2.3 Should Council's Co-ordinator, Engineering Approvals approve the location of Bioretention 8 within Lot 129 DP 208203, it will be necessary to create an

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Easement to Drain Water minimum 2.5 metres wide, free of cost to Council. The easement shall be created under the Conveyancing Act 1919 and have Blacktown City Council benefited.

10.8.3 Bonds/Securities/Payments in Lieu of Works

10.8.3.1 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.

10.8.3.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council's Co-ordinator, Engineering Approvals prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.

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

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

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

10.8.3.3 Concrete path paving must not be placed until about 75% of the units have been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Pricing Schedule. The security will be released upon satisfactory completion of the works.

10.8.4 Inspection of Work

10.8.4.1 All road 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's Co-ordinator, Engineering Approvals 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.

10.9 Street Tree Planting

10.9.1 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 Maintenance Section satisfaction.

10.10 Graffiti Management Plan

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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10.10.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council's Manager, Development Services. The plan is to address the following issues:

- (a) Methods to minimise the potential for graffiti;
- (b) Management/notification procedures for the "early" removal of graffiti;
- (c) Annual review of any "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.

10.11 Total Maintenance Plan

10.11.1 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's Manager, Development Services for separate approval prior to the release of any Occupation Certificate.

10.11.2 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.

10.12 Emergency Evacuation Plan

10.12.1A 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.

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A copy of the Emergency Evacuation Plan is to be submitted for Council's Manager, Development Services 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 emergency services groups inviting them to review and comment on the Plan prior to its finalisation.

10.13 Landscaping

10.13.1 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.

10.13.2 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

10.14 Fencing

10.14.1 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 4.5 of this consent. All fencing/retaining work must be provided at full cost to the developer.

10.15 Lighting

10.15.1 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 4.7 of this consent.

10.16 Signage

10.16.1 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 4.10 of this consent.

10.16.2 Appropriate crime prevention signage is to be installed throughout the development, including signage stating private property, trespassers will be prosecuted, 24 hour security and CCTV 24 hours per day.

10.17 Letterboxes

10.17.1 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.

10.17.2 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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10.18 Power Boards

- 10.18.1 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.

10.19 Security/Surveillance

- 10.19.1 The measures outlined in the Total Security Management Plan, required by condition 4.9.1 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.

10.20 Car Parking

- 10.20.1 The car parking allocation, required by Condition 4.10.4 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 condition 4.10.4.

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

- 10.20.2 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 10.20.3 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 10.20.4 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 10.20.5 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.
- 10.20.6 In accordance with the parking tenancy plan submitted to satisfy Condition 4.10.4 of this consent, all car spaces are to be appropriately signposted for their intended use and allocation.
- 10.20.7 The ceiling of each basement car park is to be painted white to enhance lighting illumination.

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10.20.8 A roller shutter and card-key system is to be installed at the segregation points between the visitor and residential parking areas, and at the entry/exit points of the basement car parks.

10.21 Waste

10.21.1 Evidence (e.g. in the form of receipts) is to be submitted to confirm that waste and recyclable materials, including fill from the excavation of the basement car parking have been managed and disposed.

10.21.2 A suitable agreement outlining the provisions and responsibilities relating to the waste arrangements must be submitted to Council's Waste Services Section 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.
 - (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 where waste and recycling materials are to be placed, and what are appropriate materials for recycling.

10.22 Noise Assessment

10.22.1 Verification prepared by a suitably qualified person is to be submitted to the Principal Certifying Authority that the recommendations of the Acoustic Assessment undertaken to satisfy condition 3.7.1 of this consent have been implemented.

10.23 Salinity

10.23.1 Final validation from a suitably qualified person must be submitted to Council verifying that the recommendations of the Salinity Assessment (Report No. 13046/2-AAR2) dated 19 December 2013 prepared by Geotechnique Pty Ltd have been implemented.

11 PRIOR TO SUBDIVISION CERTIFICATE

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11.1 Consent Compliance

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

11.2 Additional Inspections

- 11.2.1 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.

11.3 Fee Payment

- 11.3.1 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.

11.4 Final Plans

- 11.4.1 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 conditions of the determination have been complied with.

- 11.4.2 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.

11.5 Other Matters

- 11.4.3 All dwellings, fencing, landscaping, clotheslines, hot water systems, mailboxes and driveways are to be completed in accordance with the approved plans and conditions of this consent to Council's satisfaction prior to the release of the Strata Subdivision Certificate.

- 11.4.4 The Strata Management Agreement is to include the Management Agreement identifying the site is to be serviced by a private waste contractor and the agreement submitted to satisfy condition 10.21.2 of this consent.

12 OPERATIONAL (PLANNING)

12.1 Access/Parking

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

- 12.1.2 All loading and unloading operations shall take place at all times wholly within the

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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.

12.1.3 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.

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

12.1.5 All vehicles are to enter and leave the site in a forward direction at all times.

12.2 Graffiti Removal

12.2.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed in accordance with the approved "Graffiti Management Plan" and no later than 48 hours of detection.

12.3 Noise & Nuisance

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

12.3.2 The use of the land is not to interfere with the amenity of the surrounding residential area.

12.3.3 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.

12.3.4 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.

12.3.5 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. The Protection of the Environment Operations Act 1997 requires Council to investigate complaints where only one person complains.

12.4 Use of Premises

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

12.5 Storage

12.5.1 No goods, materials, or trade waste shall be stored at any time outside the building

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on either the internal roadway, car parking areas, landscaping or footpaths, other than in approved garbage receptacles.

- 12.5.2 No goods or materials shall be stored, displayed for sale or manufactured at any time outside the building.

12.6 Landscaping

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

- 12.6.2 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.

- 12.6.3 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.

12.7 Lighting & Security

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

- 12.7.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

- 12.7.3 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.

12.8 Waste

- 12.8.1 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;

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(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

12.8.2 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.

12.8.3 Contact details of the private contractor used to provide the collection services will need to be provided to Council's Waste Services Section once the development is operational.

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

12.9 Emergency Procedures

12.9.1 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.

12.10 Clothes Drying

12.11.1 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). Any future Strata Management Plan is to contain a restriction to this effect.

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