

**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 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 Separate approval is required 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 appropriate approval for any ancillary development not approved by this consent, including:

- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 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 associated structures, and
- (d) the installation of 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.

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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 Development Application must be lodged with Council and Development Consent granted 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) Energy provider
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

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

All approved building construction plans attached to the Construction Certificate should be submitted to 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 should 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 third party assets from damage, please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 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 is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.

## 2 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. JRPP-14-1593/D |
|--|----------|---|
| Site Plan<br>00 Issue H                | 01/05/15 | 4N  |
| Basement/First Plan<br>01.3 Issue I    | 18/05/15 | 4A  |
| Ground Floor Plan<br>01.4 Issue I      | 18/05/15 | 4B  |
| Second and Third Floor<br>01.5 Issue H | 01/05/15 | 4R  |
| Block A Site Plan<br>01.6 Issue I      | 18/05/15 | 4C  |
| Block B & C Site Plan<br>01.7 Issue I  | 18/05/15 | 4D  |
| Block D & E Site Plan<br>01.8 Issue I  | 18/05/15 | 4E  |
| Basement A, B<br>01.12 Issue I         | 18/05/15 | 4F  |
| Basement C<br>01.13 Issue I            | 18/05/15 | 4G  |
| Basement D & E<br>01.14 Issue I        | 18/05/15 | 4H  |
| Elevations<br>01.10 Issue H            | 01/05/15 | 4W  |
| Elevations 2<br>01.11 Issue H          | 01/05/15 | 4X  |
| Sections<br>01.9 Issue I               | 18/05/15 | 4I  |
| Driveway Sections<br>01.23 Issue I     | 18/05/15 | 4J  |
| Landscape Plan                         | 17/11/14 | 3F – 3H (on Council file JRPP-14-1593/C)    |

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| Drawing No.                | Dated    | Council's File Enclosure No. JRPP-14-1593/D |
|----------------------------|----------|---|
| L-01 – L-03<br>Revision E  |          |   |
| Materials<br>01.23 Issue D | 15/11/14 | 22B   |

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

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

- (a) 38 x 1 bedroom units;
- (b) 205 x 2 bedroom units; and
- (c) 10 x 3 bedroom units.

## 2.2 Services

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

## 2.3 Suburb Name

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

Suburb: ROUSE HILL

## 2.4 Compliance with BASIX Certificate

2.4.1 All commitments listed in the BASIX Certificate number: 563604M\_04 dated 14 November 2014 and held at Enclosure 22C on Council file JRPP-14-1593 shall be complied with.

## 2.5 Engineering Matters

### 2.5.1 Definitions

2.5.1.1 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 Roads Act 1993.

In lieu of issuing a separate Construction Certificate, the abovementioned engineering works can be included on an overall Construction Certificate provided that SPECIFIC REFERENCE is made to the relevant Engineering works. In such

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instances, the certifier shall provide evidence that they are accredited to do so. This is not applicable where Roads Act or Local Government Act Approvals are required.

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

- 2.5.1.2 The Construction Certificate for Engineering works may be issued by Council or by an appropriately qualified certifier. For Council to issue the Construction Certificate a separate application must be made on the prescribed form complete with detailed plans and specifications.

**2.5.2 Design and Works Specification**

- 2.5.2.1 All engineering works required by the 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 documentation prepared in accordance with the above requirements **MUST** be submitted to Council with any application for Construction Certificate, Roads Act 1993 or Local Government Act 1993 Approval.

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

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

**2.5.3 Payment of Engineering Fees**

- 2.5.3.1 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

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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.

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

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

#### **2.5.4 Other Necessary Approvals**

- 2.5.4.1 A separate application or details (as necessary) shall be submitted for the separate approval of Council under the provisions of the Local Government Act 1993 and/or the Roads Act 1993 for any 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.

#### **2.6 Other Matters**

- 2.6.1 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.
- 2.6.2 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.
- 2.6.3 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.

#### **2.7 Roads and Maritime conditions**

- 2.7.1 Temporary access off Windsor Road under Section 138 of the Roads Act 1993 is required. The following conditions must be adhered to:

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- 2.7.1.1 All buildings or structures, together with any improvements integral to the future use of the site are clear of the Windsor Road road reserve (unlimited in height or depth).
- 2.7.1.2 The proposed temporary access off Windsor Road shall be removed at the time that the alternative access is provided via the installation of roads in the Indicative Layout Plan (ILP). Permanent access to the subject site shall be via the new Area 20 road networks when the collector road system is built in accordance with the ILP.
- 2.7.1.3 The design and construction of the temporary gutter crossing on Windsor Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Project Services Manager, Traffic Projects Section, Parramatta (telephone 8849 2138).

Detailed design plans of the proposed gutter crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

- 2.7.1.4 The redundant driveway on Windsor Road shall be removed and replaced with kerb and gutter to match existing.
- 2.7.1.5 The proposed internal roads and driveways shall be designed and constructed to Council's satisfaction.
- 2.7.1.6 Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:  
The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

- 2.7.1.7 The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

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The report and any enquiries should be forwarded to:  
Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.  
Telephone 8849 2114  
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- 2.7.1.8 The proposed development should be designed such that road traffic noise from Windsor Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.

### **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 \$169.00;
- (b) Road maintenance bond of \$5000.00; and
- (c) Road maintenance bond administration fee of \$100.00

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 development works.

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

- 3.2.2 The payment of the following fee to Council's Maintenance Section pursuant to Sections 608 and 609 of the Local Government Act 1993. The fee is subject to

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periodic review and may vary at actual time of payment.

Vehicular Crossing Application and Inspection Fee per crossing: \$135.00 each

### **3.3 Services/Utilities**

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

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.

### **3.4 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**

3.4.1 No construction certification must be issued unless all design verifications have been provided in accordance with Clause 143A of the Environmental Planning and Assessment 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](#).

### **3.5 Special Infrastructure Contributions**

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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- 3.5.1 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 Construction Certificate is issued in relation to any part of the development to which this consent relates.

#### More information

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

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

### 3.6 Construction Traffic Management Plan

- 3.6.1 A Construction Traffic Management Plan detailing construction vehicle, routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.
- 3.6.2 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004.

## 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 and 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.

#### Buildings A, B and C

| Contribution Item         | Base Amount | Relevant C.P. | Base Date |
|---------------------------|-------------|---------------|-----------|
| (i) Open Space            | \$1,897,627 | 22            | 1.12.2012 |
| (ii) Community Facilities | \$14,790    | 22            | 1.12.2012 |
| (iii) Stormwater Quantity | \$110,968   | 22            | 1.12.2012 |
| (iv) Stormwater Quality   | \$69,442    | 22            | 1.12.2012 |
| (v) Traffic Management    | \$164,858   | 22            | 1.12.2012 |
| (vi) E2 Conservation zone | \$72,065    | 22            | 1.12.2012 |

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Developable Area: 0.8529 hectares  
Additional Population: 268.9 persons

**Buildings D and E**

| Contribution Item         | Base Amount | Relevant C.P. | Base Date |
|---------------------------|-------------|---------------|-----------|
| (i) Open Space            | \$1,363,412 | 22            | 1.12.2012 |
| (ii) Community Facilities | \$10,626    | 22            | 1.12.2012 |
| (iii) Stormwater Quantity | \$85,441    | 22            | 1.12.2012 |
| (iv) Stormwater Quality   | \$53,482    | 22            | 1.12.2012 |
| (v) Traffic Management    | \$126,934   | 22            | 1.12.2012 |
| (vi) E2 Conservation zone | \$51,778    | 22            | 1.12.2012 |

Developable Area: 0.6567 hectares  
Additional Population: 193.2 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. 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.

**Total**

**Developable Area: 1.5096 hectares**  
**Additional Population: 462.1 persons**

**4.2 Lighting**

4.2.1 A detailed lighting plan, prepared by a suitably qualified person, is to be prepared for the site. 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

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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.

#### **4.3 Access/Parking**

4.3.1 The internal driveways and parking areas are to be designed in accordance with Australian Standard 2890.1 - 2004.

4.3.2 A minimum 321 car parking spaces are required to be provided on site, being 269 resident spaces and 52 visitor car parking spaces, and all are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Uncovered Car Space (excluding commercial): 2.5m x 5.4m

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

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

Disabled Car Space: 4.8m x 5.4m (including shared zone)

In addition, 151 bicycle parking spaces are to be provided.

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

4.3.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009 and AS1428.1 - 2009.

4.3.5 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.

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4.3.6 As 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, a roller shutter and card-key system at the entry/exit points of the basement car park must be provided and any non-resident wishing to gain access to the basement car parks will therefore need to contact the resident they are visiting. All details are to be shown on the Construction Certificate plans.

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

#### 4.4 Accessible Units

4.4.1 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.

#### 4.5 Aesthetics/Appearance

4.5.1 The development approved by this consent is to be constructed in accordance with the schedule of materials, finishes and colours sample board submitted as part of the development application.

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

#### 4.6 Landscaping

4.6.1 A revised landscape plan is to be submitted to Council's Manager Development Assessment for separate approval for the dense landscaping within the setback to Windsor Road and proposed Local Road to the west of the site in accordance with the Area 20 Public Domain and Landscape Strategy within Appendix 4 of the Blacktown City Council Growth Centre Precincts Development Control Plan.

#### 4.7 Reflectivity

4.7.1 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.

#### 4.8 Fencing

4.8.1 Fencing enclosing ground floor terraces is to be decorative and open-style placed at 1.5m high, constructed in accordance with details submitted on the site and roof plan. Details of proposed fencing is to be submitted to Council's Manager Development Assessment for separate approval prior to the issue of a construction certificate.

4.8.2 Fencing on the property boundary adjoining Windsor Road is to be 1.8 m open pre-painted palisade fencing at full cost to the developer.

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#### 4.9 Retaining Walls

- 4.9.1 Details of any retaining walls including height and material to be constructed on site as part of the development are to be shown on the construction certificate plans. In this regard, all retaining walls are to be constructed of masonry (i.e. no timber walls).

#### 4.10 Salinity

- 4.10.1 The salinity management measures recommended in the Network Geotechnics Salinity Report (Ref. G09/1093-B), dated October 2013, are to be shown on the construction certificate plans.

#### 4.11 Site Contamination

- 4.11.1 Testing under any areas previously occupied by buildings and sheds after removal/demolition shall be undertaken prior to engineering works commencing in these areas, and a copy of the testing and assessment prepared by a suitably qualified consultant shall be submitted to and approved by Council prior to works commencing in these areas.

Remediation works shall be undertaken during the course of the engineering work strictly in accordance with the Remediation Action Plan prepared by GeoEnviro Consultancy Pty Ltd (Ref JC14188A-r1), dated July 2014. Final validation of the site for every aspect of these works shall be submitted for Council's approval prior to release of any construction certificate. The validation is to be prepared by a suitably qualified person and the site must be validated as suitable for residential purposes.

#### 4.12 Environmental Health matters

- 4.12.1 A qualified acoustic engineer must certify that the building has been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

| Internal Space | Time Period        | Criteria<br>$L_{Aeq}(\text{period})$ |
|----------------|--------------------|--------------------------------------|
| Living Areas   | Any time           | 40 dB(A)                             |
| Sleeping Areas | Day (7am – 10pm)   | 40 dB(A)                             |
|                | Night (10pm – 7am) | 35 dB(A)                             |

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

- a) does not exceed an  $L_{Aeq}$  sound pressure level of 5dB (A) above the ambient background noise level when measured

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- at the most effected point on or within any residential property boundary or
  - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
- b) cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

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

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

4.12.4 The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

## 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 and J

### 5.2 Demolition

5.2.1 A clearance certificate/statement prepared in accordance with the National Code of

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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.

- 5.2.2 The applicant must submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing buildings. A copy of the receipt is to be attached to the Construction Certificate.

**5.3 BASIX Certificate Compliance**

The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 563604M\_04 dated 14 November 2014 and held at Enclosure 22C on Council file JRPP-14-1593.

**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 and Local Government Act approvals must be paid to Council prior to the issue of any of the above certificates or approvals.

**6.2 Asset Management**

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

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

- 6.3.1 Written evidence shall be obtained from the Roads and Maritime Services indicating compliance with its requirements, including the payment of any

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necessary supervision fees. A copy of any such permission shall accompany any Construction Certificate.

#### **6.4 Scope of Engineering Works**

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

##### **6.4.1 Road and Drainage works**

- 6.4.1.1 Drainage from the site must be connected into Council's existing drainage system

##### **6.4.2 Vehicular Crossings**

- 6.4.2.1 Construction of Council's standard commercial and industrial vehicular footway crossing to each entry point in accordance with Council plan A(BS)103S.

##### **6.4.3 Footpaths**

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

##### **6.4.4 Finished Boundary Levels**

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

##### **6.4.5 Stormwater Quality Control**

- 6.4.5.1 Stormwater Treatment Measures are required for this development. These measures must be designed, implemented and constructed in accordance with Council's Stormwater Quality Development Control Policy Part R. Council acknowledges the "Water Sensitive Urban Design Strategy Report. 828 Windsor Rd, Rouse Hill Proposed Development for Norwest Kingsland Developments P/L" Job Number 101-14 dated 23 December 2014, and plan 101-14C DRG DA S1 E031 Revision B dated 23.12.14, by Craig & Rhodes. Stormwater must be treated generally in accordance with this Report. The plan should be modified to be consistent with the report and the temporary access road between Block D and E on proposed Lot 2 is to be drained to Bioswale BS 2-1-1, not directly to the public road drainage system. All stormwater treatment and associated drainage to be undertaken in accordance with the requirements of DCP part R and Council's Engineering Guide for Developments 2005.

- 6.4.5.2 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

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

This condition does not apply to:

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

- 7.1.3 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

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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.

## **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

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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](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.

#### **7.4 Roads and Maritime Services**

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

#### **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.

##### 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 Use of Crane**

- 7.6.1 Any crane used in the construction of this development to swing over public air spaces must have approval under the Roads Act 1993 and Local Government Act 1993 from Council's Manager, Civil and Open Space Maintenance.
- 7.6.2 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

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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:

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

8.1.3 Should the development work:

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

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

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

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

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

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

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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.

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**

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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- 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)" above must be carried out by the Principal Certifying Authority.

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

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

**8.7 Site Contamination**

- 8.7.1 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.

- 8.7.2 Throughout the duration of the works, the applicant is to demonstrate compliance

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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 Assessment.

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.

## **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 Notice of work Commencement**

- 9.1.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$20,000,000.
- 9.1.2 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks.

These conditions are imposed for the following reasons:

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The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Councils Development Services Engineers.

**9.2 Service Authority Approvals**

- 9.2.1 Prior to commencement of construction of footway crossings a clearance shall be obtained from the relevant telecommunications carriers and Integral Energy that all necessary ducts have been provided under the proposed crossing.

**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 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, 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

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(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

(vi) Footpath Works

- (a) Footpath Trimming and/or turfing (to ensure 4% fall)
- (b) Service Adjustments
- (c) Final Inspection

(vii) Stormwater Quality Control

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

(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 abovementioned stages of construction.

Where Council is appointed as the Principal Certifying Authority for the development (e.g. all Torrens Title subdivisions), only Compliance Certificates issued by accredited certifiers will be accepted at the completion of the abovementioned 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.

**9.6 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**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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- 9.7.1 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.

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

**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 Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning and 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. 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.

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

10.4.2 A final written clearance shall be obtained from an energy service provider 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 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 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 2890.6 - 2009

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

**10.7 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.

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**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 from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Council's Stormwater Quality Control Policy.
- 10.8.1.3 Written evidence is to be obtained from the Roads & Traffic Authority indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 10.8.1.4 The submission to Council 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 Restrictions and positive covenants must be provided over the Stormwater Quality Control devices and outlet works. Prior to Council endorsing the Restrictions and Positive Covenants, all the relevant Stormwater Treatment Measure (STM) engineering conditions in the consent must be satisfied. All relevant STM documentation as required by the conditions of consent must be submitted to Council in accordance with Council's standards and requirements. All submitted documentation will be checked by Council's officer for compliance prior to endorsement of required instruments.

In summary the following documentations will be required;

- i. An approved and certified design plan of the STM system by an accredited certifier.
- ii. STM maintenance schedule including a manufacturer maintenance manual.
- iii. Inspection Certificate from an Accredited Certifier or a Professional Engineer (NPER registered) for the installation of STM system.
- iv. 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.
- v. Works as executed (WAE) plan for STM system in accordance with Council' requirements.

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

**10.8.3 Relationship with other Approvals**

- 10.8.3.1 Compliance with the requirements of the following nominated approvals:

A. Development Consent No.14-1591 dated 12 January 2015 issued by Blacktown City Council

B. Relevant requirement of any other development consent, Construction Certificate issued under the Environmental Planning and Assessment Act 1979 or Building Approval issued under the Local Government Act 1993.

The conditions contained within the above approvals shall be fully complied with in order to obtain release of the Final Plan of Subdivision/ Occupation Certificate.

The authorised person signing the linen plan shall ascertain whether any Compliance Certificate(s) for the developments, are required to be issued in relation to any element, component or system incorporate in the development. A copy of each required Compliance certificate shall be lodged with Council.

**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**

- 10.10.1 A "Graffiti Management Plan" is to be submitted to Council for its records. 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, subject to separate approval of Council's Co-ordinator City Image;
- (c) 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:

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- (a) The long term upkeep 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 Building Manager, **who is to be on-site 2 days per week.**

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 and total security management plan. The recommendations of the plan are to be integrated into a Strata Management Agreement/by-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.

A copy of the Emergency Evacuation Plan is to be submitted to for Council's Manager, Development Services and the Quakers Hill Local Area Command'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 Security/Surveillance**

10.13.1 A specialist security advisor is to prepare the 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, 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

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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 mailbox 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 a Building Manager and Security Personnel, and how these costs will be met once the development is Strata Titled and in private ownership.
- (e) Installation of security mirrors to eliminate any potential areas of concealment and vehicular conflict points.
- (f) 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.
- (g) Installation of Australian Standard security screen doors be installed on all balcony doors. Security windows screens and multifunction locking mechanisms should also be installed on windows.

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 Occupation Certificate. Should no response be received from the Quakers Hill LAC within 28 days, Council may proceed to determine the TSMP.

10.13.2 The measures outlined in the Total Security Management Plan, required by condition 10.13.1 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.

#### 10.14 Landscaping

10.14.1 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 as approved in condition 2.1.1 and modified

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by condition 4.6.1 of this consent.

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

#### **10.15 Fencing**

10.15.1 All new fencing, entry pavilions and retaining walls required for each stage of the development shall be completed in accordance with the approved fencing details and the fencing requirements of condition 4.8 of this consent. All fencing/retaining work must be provided at full cost to the developer.

#### **10.16 Lighting**

10.16.1 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 4.2.1 of this consent.

#### **10.17 Signage**

10.17.1 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".

#### **10.18 Letterboxes**

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

10.18.2 The letterboxes required for each stage of the development are to comply with the details submitted to satisfy condition 10.17.1 and must comply with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.

10.18.3 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.

#### **10.19 Power Boards**

10.19.1 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.

#### **10.20 Car Parking**

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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10.20.1 An overall parking tenancy plan (i.e. for all stages of the development) is to be **prepared for the site**. 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.

10.20.2 The car parking allocation, required by Condition 10.20.1 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 10.20.1.

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

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

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

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

10.20.6 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.

10.20.7 In accordance with the parking tenancy plan submitted to satisfy Condition 10.20.1 of this consent, all car spaces are to be appropriately signposted for their intended use and allocation.

10.20.8 The ceiling of each basement car park is to be painted white to enhance lighting illumination.

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10.20.9 A roller shutter and card-key system is to be installed 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 of legally.

10.21.2 Arrangements are to be made for a private contractor to service the development. The private contractor is to be engaged prior to the release of any occupation certificate.

10.21.3 Appropriate provisions are to be included in any future Strata Management Plan for the ongoing management of waste and recyclables on the property during the operations of the development. The following provisions must also be adopted:

- a. The managing agent and future Body Corporate is to be responsible for ensuring the implementation of the ongoing waste management system in accordance with this condition, including the collection of recycled materials from the residential levels and transporting them to the storage and collection room.
- b. If the development is to be strata subdivided, a clause is to be included in the Plan of Strata Management to incorporate the requirements of this condition to address the ongoing management of waste and recycled materials in accordance with this Condition.

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

Note: Should a private contractor be engaged for the residential component, residents will not be able to access Council's household clean up service, or garbage/recycling service.

10.21.5 A Community Management/Strata Management Agreement must identify the following:

- That it is the caretaker/building manager responsibility to transfer bins to nominated collection points and remove them on the same day of service.
- The method of communication to new tenants and residents regarding the waste management services and collection system for the complex.
- Their responsibility for maintenance of the garbage collection system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times.

Appropriate signage and painting of loading dock area to ensure no parking must be provided in the garbage areas to advise where waste and recycling materials are to

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be placed, and what are appropriate materials for recycling.

The agreement is to form part of any future strata management agreement.

**10.22 Salinity**

- 10.22.1 Final validation from a suitably qualified person must be submitted to Council verifying that the recommendations of the Network Geotechnics Salinity Report (Ref. G09/1093-B), dated October 2013 for the site have been implemented.

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

- 10.23.1 No occupation certification must be issued unless all design verifications have been provided in accordance with Clause 154A of the Environmental Planning and Assessment 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](#).

**10.24 Acoustic matters**

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

**10.25 Lot Registration**

- 10.25.1 The land to which this approval relates is to be identifiable with a Lot and Deposited Plan number and registered with the Land and Property Information.

**11 OPERATIONAL (PLANNING)**

**11.1 Access/Parking**

- 11.1.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 11.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the building.
- 11.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 - 2009 and AS 2890.6 – 2009

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11.1.4 **The on-site Building Manager is to supervise the use and operation of the basement bays and ensure no trucks reverse out of the loading bays.**

11.1.5 All vehicles, including garbage and removalist vehicles, are to enter and leave the site in a forward direction at all times.

11.1.6 The roller door entry heights must comply with the 3.5m height clearance as stipulated in the Australian Standards for a small rigid vehicle.

## **11.2 Graffiti Removal**

11.2.1 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 after detection.

## **11.3 Noise & Nuisance**

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

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

11.3.3 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 Australian Communications and Media Authority.

11.3.4 In accordance with the requirements of Council's Development Control Plan, no plant or equipment shall generate a noise level greater than 5dB(A) above the ambient L90 sound level.

11.3.5 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.

## **11.4 Use of Premises**

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

## **11.5 Storage**

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

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

**11.6 Landscaping**

- 11.6.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 11.6.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.
- 11.6.3 The management of vegetation, gardens, planter boxes, communal areas, BBQ facilities, children's play equipment and similar areas is to be incorporated within the future strata management plan once the development is occupied.

**11.7 Lighting & Security**

- 11.7.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 11.7.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 11.7.3 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.

**11.8 Waste**

- 11.8.1 Arrangements shall be made for an effective refuse removal service. There shall be a future Strata Management Plan for the ongoing management of waste and recyclables on the property during the operation of the development. The following provisions are to be addressed in the Strata Management Plan:
- i. Indicate responsibility for the maintenance of the garbage collection system;
  - ii. Indicate responsibility for the cleaning of bins;
  - iii. Ensure that designated collections points are clear and unobstructed for collection vehicles;
  - iv. All matters specified in condition 10.21 of this consent.
- 11.8.2 Waste collection vehicles must enter and exit the site in a forward direction.
- 11.8.3 Waste and recycling collections will be undertaken by private contractor and are to be provided by the Owners Corporation. Note: Residents are not be able to access Council's household clean up service or garbage/recycling service.

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- 11.8.4 The managing agent and future Owners Corporation is to be responsible for ensuring the implementation of the ongoing waste management system, including the collection of all recycled materials. Note that at the commencement of the service to the development, Council will require the Strata management to sign the Agreement for Onsite Waste Collection form.

**11.9 Emergency Procedures**

- 11.9.1 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.

**11.10 Clothes Drying**

- 11.10.1 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.

**12 OPERATIONAL (ENVIRONMENTAL HEALTH)**

**12.1 Environmental Management**

- 12.1.1 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 12.1.2 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 12.1.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out any approved activity where material harm to the environment is caused or threatened.
- 12.1.4 To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10pm and 7am.
- 12.1.5 All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

These conditions are imposed for the following reasons:

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

Kerry Robinson  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council