

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 Separate approval is required prior to the fit out of the business/retail floor space at the ground and first floor level. The applicant is advised to contact Council's Development Services Unit for further information.

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

1.3 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) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development
- (b) the erection of any advertising sign, not being "Exempt Development" within the State Environmental Planning Policy (Exempt and Complying Development) 2008
- (c) the use or fit-out of the business/retail floor space not being "Exempt Development" within the State Environmental Planning Policy (Exempt and Complying Development) 2008
- (d) strata subdivision
- (e) the installation of a vehicular footway crossing servicing the development

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- (f) separate Council approval under the Roads Act 1993 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.

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 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.
- 1.4.3 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.4.4 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's

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infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

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

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

1.5 Tree Planting and Service Locations

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

1.6 Identification Survey

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

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 Encl. No.
Architectural plans		
A003A Site plan Rev. 03	11/02/16	107F
A100 Basement 4 Rev. 03	11/02/16	107G
A101 Basement 3 Rev. 03	11/02/16	107H
A102 Basement 2 Rev. 03	11/02/16	107I
A103 Basement 1 Rev. 03	11/02/16	107J
A104 Ground floor Rev. 03	11/02/16 (resubmitted 17/05/16)	162A
A105 Level 01 Rev. 03	11/02/16 (resubmitted 17/05/16)	162B
A106 Level 02 Rev. 03	11/02/16	107M

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A107 – A121 Level 03 to Level 17 Re. 03	11/02/16	107N to 107BB
A122 Roof plan Rev. 03	11/02/16	107CC
A123 Mech roof plan Rev. 03	11/02/16	107DD
A200 North elevation Rev. 03* (as amended)	11/02/16 (resubmitted 18/02/16)	119B
A201 South elevation Rev. 03* (as amended)	11/02/16 (resubmitted 18/02/16)	119C
A202 East elevation Rev. 03* (as amended)	11/02/16 (resubmitted 18/02/16)	119D
A203 West elevation Rev. 03* (as amended)	11/02/16 (resubmitted 18/02/16)	119E
A205 Façade details Rev. 02	30/11/15	107JJ
A300 Section A & B Rev. 03	11/02/16	107NN
Materials and finishes		
A210 Materials and finishes Rev. 02	30/11/15	107KK
A510 Renderings Rev. 01	11/09/15	152A
A511 Renderings Rev. 01	11/09/15	152B
Landscape plans		
L001 Landscape – Ground floor (subject to amended street trees)	Feb 2016	107TT
L002 Landscape - Level 2 terrace	Sept 2015	107UU
L003 Landscape – Balcony planting	Feb 2016	107VV
L004 Landscape – Indicative planting palette – sheet 1	Sept 2015	107WW
L005 Landscape – Indicative planting palette – sheet 2	Sept 2015	107XX
A511 Renderings Rev. 01	11/09/15	152B
Waste management details		
A611 Section through truck entry Rev. 03	11/02/16	130B
Engineering plans		
Concept stormwater management plan C3.01 Rev. C	11/09/15	2G [i.e. Appendix D of the Statement of Environmental Effects (SEE)]
Concept stormwater management plan – ground floor C3.02 Rev. C	11/09/15	2G Appendix D of the SEE
Concept stormwater management plan – 1 st floor C3.03 Rev. B	11/09/15	2G Appendix D of the SEE

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Concept stormwater management plan – 2 nd floor C3.04 Rev. A	11/09/15	2G Appendix D of the SEE
Catchment plans C3.05 Rev. B	11/09/15	2G Appendix D of the SEE
On-site detention tank 1 sections and details C4.01 Rev. B	09/09/15	2G Appendix D of the SEE
On-site detention tank 2 sections and details C4.02 Rev. A	09/09/15	2G Appendix D of the SEE

* Unless modified by any conditions of this consent. Refer to pre-construction certificate (engineering) conditions.

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

- (a) 49 x 1 bedroom units
- (b) 111 x 2 bedroom units
- (c) 369 sq.m of business/retail floor space at the ground level
- (d) 531 sq.m of business/retail floor space at the 1st floor level

Note: The on-site car parking provisions have been based on a total of 900 sq.m of business/retail floor space. Any increase to the business/retail floor space will require the separate consent of Council and will only be considered if appropriate car parking arrangements can be provided.

2.2 Suburb Name

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

Suburb: BLACKTOWN

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

Suburb: BLACKTOWN

2.3 Engineering Matters

2.3.1 Definitions

2.3.1.1 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

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Construction Certificate (Engineering)" and a separate Construction Certificate (for all building works relating to the erection and fit-out of a structure). This excludes all works on existing public roads significant enough to warrant separate engineering approval pursuant to the Road Act 1993. In relation to this consent, an engineering approval pursuant to the Road Act, 1993 or Section 68 of the Local Government Act must be issued for # prior to the issue of the Construction Certificate.

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

Council does not permit the private certification of works on existing public roads or reserves, or any land under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works on any of the 3 public streets or laneways.

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

2.3.2 Design and Works Specification

- 2.3.2.1 All engineering works required by Scope of Engineering Works and other sections of this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (d) Blacktown City Council On Site Detention General Guidelines and Checklist
- (e) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook THIRD Edition December 1999.
- (f) Blacktown City Council Water Sensitive Urban Design and Integrated Water Cycle Water Management DCP Part S

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

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

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

2.3.3 Payment of Engineering Fees

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

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

- 2.3.3.2 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.

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

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

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

2.3.4 Other Fee and Bond/Securities

- 2.3.4.1 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 periodic review and may vary at actual time of payment.

(a) Vehicular Crossing Application and Inspection Fee: \$135.

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NOTE: This amount is valid until the 30th June 2016 after which time it will be reviewed in accordance with Council's Goods and Services Pricing Schedule.

NOTE: Council may grant a reduction in the above fee dependent upon the timing of the placement of the footpath crossings.

- 2.3.4.2 In conjunction with the civil engineering works required to be constructed as part of this development you will be required to submit to Council security bond(s) for maintenance and/or path paving works as well as a contribution for the final asphaltic concrete (AC) surfacing of the roadwork. These matters are individually addressed within the consent conditions.
- 2.3.4.3 Prior to release of any bond securities held by Council for civil engineering works payment of a bond release inspection fee in accordance with Council's Goods and Services Pricing Schedule must be made.
- 2.3.4.4 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Councils Development Services Engineers

2.4 Other Matters

- 2.4.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.

2.5 Other Matters

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

3 PRIOR TO 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

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vary at time of payment) shall be lodged with Council:

- (a) Road inspection fee of \$169.00
- (b) Road maintenance bond of \$5,000.00 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 (e.g. 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.

3.3 Services/Utilities

3.3.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) A "Notification of Arrangement" Certificate from a 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 A construction certificate must not 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 Other Matters

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

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- 3.5.2 A dilapidation report shall be carried out for any potentially affected existing buildings (i.e. Centrelink) surrounding the proposed development. A copy of the report shall be submitted to Council prior to construction commencing.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Section 94 Contributions

- 4.1.1 The following monetary contributions pursuant to *Section 94 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted up to \$10,000.00 only. Any payments above \$10,000.00 must be made by cheque. Payments above \$10,000.00 cannot be split between different credit or EFTPOS cards.

CONTRIBUTION ITEM	AMOUNT (indexed to date of consent) *	Relevant C.P
Flood Mitigation	\$4,528	19
Stormwater Quality	\$17,889	19
Traffic Management (High density development)	\$218,533	19
Traffic Management	\$305,753	19
Open space (High density development)	\$1,057,261	19
Open space	\$292,879	19
Community facilities	\$76,599	19
Local road construction	\$213,517	19
Streetscape facilities	\$162,192	19
Traffic Management (Residential development)	\$268,417	19
Traffic Management (Commercial/office)	\$61,437	19
Traffic Management (Retail)	\$125,946	19
TOTAL CONTRIBUTIONS	\$2,804,951	19

* Next CPI due 27 July 2016

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

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

S.94 CP No. 19 – Blacktown Growth Precinct

The Section 94 contribution(s) have been based on the total developable area, the total number of units, the GFA of the business/retail space, the site's road frontage (First Ave and Humphries Lane only) and the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 94 contribution(s) will be adjusted accordingly.

Developable Area:	0.2111 hectares
Additional Population:	317.7 persons
Road Frontage:	94.3450 m
Number of Units:	160 units
Business Floor Area:	531 sqm
Retail Floor Area:	369 sqm

4.2 Aesthetics

4.2.1 The approved development is to be constructed as follows:

- (a) In accordance with the schedule of materials, finishes and colours identified on drawings A210, A510 and A511 and held at enclosures 107KK, 152A and 152B on Council's file JRPP-15-2087. The approved finishes should include painted concrete, glass, aluminium and high pressure laminate. The finishes must also be durable, graffiti resistant and easily cleanable.
- (b) Each façade is to be provided with visual interest and variety through the irregular placement of windows and through the use of contrasting dark panels as shown on the approved elevation plans.
- (c) Air conditioning units should be fully integrated into the building design and should not be highly visible from the street if located on balconies.
- (d) The external walls of the building are to be free of plumbing and fixtures, service conduits/wiring and other building services.
- (e) 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.

4.3 Adaptable Housing Units

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- 4.3.1 A minimum of 10% of the units within each residential flat building are to be designed in accordance with the Australian Adaptable Housing Code (AS 4299-1995) which includes "pre-adaptation" design details to ensure visitability is achieved.

4.4 **Privacy**

- 4.4.1 Units 4 and 7 on each residential level are located quite close to each other. As such, fixed screens with obscure glass and sound baffles are proposed. Details of these privacy devices are to be submitted prior to release of a Construction Certificate.

4.5 **Landscaping**

- 4.5.1 The development is to be provided with a communal open space area at the podium level and a meeting room/gymnasium at the first floor level for the exclusive use of the residents. The outdoor communal open space is to be embellished with paving, timber decking, bench seating, tables, barbeques, synthetic grass, as well as suitable trees and shrubs within landscape planter boxes.

The landscaping is to be consistent with the approved landscape plans, drawing numbers L001-L005 and A511, held at enclosures 107TT-107XX and 152B on Council's file JRPP-15-2087. Additional landscaping/planter boxes are also to be provided at the upper levels, including on north-east corner of the building, as shown on the approved north and east elevation plans.

4.6 **Street tree planting**

- 4.6.1 The street tree species (*Lagerstroemia indica*) nominated on the approved landscape plans is unsuitable for planting in the CBD location as it is too small for the scale of the proposed building. The street trees must be substituted with a larger tree (such as *Populus simonii* – Chinese Poplar). The trees will need to be planted in a minimum 200 litre container.
- 4.6.2 If the applicant wishes to undertake the planting and maintenance of the street trees to Council's satisfaction at no cost to Council (making any necessary applications with Council or obtaining any necessary clearances from relevant service authorities), the applicant is, subject to any alternative arrangements satisfactory to the Council, to lodge a tree bond of \$300 per tree and \$120 inspection fee to ensure the health and vigour of the trees. Council will return the bond 12 months after the issue of a final Occupation certificate if the trees are in a state of good health and vigour to Council's satisfaction.

On this basis the following bond is applicable:

- 4 street trees @ \$310 per tree = \$1,240 (refundable)
- inspection fee @ \$130 = \$130 (non-refundable)

- 4.6.3 All street tree planting in the CBD area must be in accordance with the 'tree pit 'detail' plan attached to this consent. This detail will allow for the trees to grow to maturity without causing damage to the surrounding infrastructure.

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4.6.4 The pavement treatment adjacent to the street trees is to be as follows:

- 100 mm unreinforced concrete slab
- 30 mm bedding sand
- paving units
- pavers supplied by 'Sam the Paving Man'. The main paving colour is to be 'Basalt Black' and the banding is to be 'Sesame Grey'.

4.7 **Awning**

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

- (a) The general provisions applicable to awnings under the Local Approvals Policy 2015 Parts A, E, E1 and E2.
- (b) It must not cover, obstruct or interfere with facilities essential to the function or occupation of any building (e.g. ventilation ducts/openings and architectural features).
- (c) Must have a minimum horizontal distance of 600mm from the road kerb/shoulder.
- (d) Must have a minimum height of 3 m to the underside of the awning (i.e. measured above the adjacent finished/proposed footway level).
- (e) Must have a maximum height of 5 m to the upper side of the awning (excluding the overhead support components).

Details are to be submitted for the separate approval of Council's Maintenance Engineers.

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

4.8 **Safety**

4.8.1 The construction certificate plans are to demonstrate compliance with the submitted 'Crime Prevention through Environmental Design' checklist held at Enclosure 72A on Council's JRPP-15-2087/3. This includes the provision of CCTV, appropriate street numbering, signage, sensor/security lighting, key locked letterboxes within the residential lobby, secure residential parking and security doors. A Body Corporate Statement must also be submitted to address the rapid removal of graffiti.

4.9 **Letterboxes**

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

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4.10 Lighting

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

- (a) The location, method of lighting, levels of illumination, and the spacing between all lighting. The lighting is to be designed in accordance with Australian/New Zealand lighting standards for public space, pedestrian walkways and basement car park areas.
- (b) Lighting that is "vandal proof". In this regard, all lighting must be protected by way of vandal proof metal guards to ensure globes/tubes are not broken and that any potential "dark-spots" are eliminated. Where possible, lighting should be positioned at a height to deter vandal attacks.
- (c) Appropriate vandal proof security lighting to ensure the basement car parks, vehicle and building entry points, business/retail areas, stairwells, walkways and public/communal areas, residential entry/exit points, lift areas, foyers, garbage disposal areas are a safe environment for all occupants and users of the site. Where appropriate sensor/motion activated and 24 hour timer activated lighting is to be provided to ensure all external public areas are well illuminated, to deter vandal and nuisance activity, eliminate areas of concealment, and provide better safety at night. In this regard, motion-activated lighting and strategically positioned CCTV cameras should also be provided.
- (e) Vandal proof lighting that ensures the effective operation of the CCTV system. In this regard, lighting levels are to be enhanced around all CCTV cameras (e.g. around lift entries, basement car parks and building entries) to enable face recognition when CCTV cameras are in use.
- (f) All external lighting must be within the recommended lux rating of the Australian Standard to reduce glare on residential neighbours and occupants of the development. To ensure all lighting is satisfactory, a light spillage diagram will need to be submitted together with the lighting details.

4.11 Access/Parking

4.11.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.

4.11.2 The loading facility must be designed so that trucks do not interfere with resident/visitor/customer vehicles during loading/unloading operations.

4.11.3 A total of 191 car parking spaces are to be provided across the 5 levels (i.e. ground level and 4 basement levels) as follows:

- 30 spaces are to be nominated for business/retail use

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- 23 spaces are to be allocated for visitors
- 138 spaces are to be allocated to the residential units, including 1 space for each of the 111 x 2 bedroom units. The remaining 27 spaces are to be allocated to the 1 bedroom units.

The car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1. Suitable bicycle parking must also be provided as indicated on the approved plans.

Note: A 6 m clearance is to be provided at the entry point off Humphries Lane for vehicles turning off a public roadway into the site.

- 4.11.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009.
- 4.11.5 Customers and visitors to the site must not be capable of accessing any private residential area from the basement car park.
- 4.11.6 A roller shutter and card-key system is to be installed at the segregation point between the retail/business/visitor spaces and the secure residential parking spaces. An additional roller door is to be installed at the entry/exit point of the basement car park to restrict after-hour access to the basement car park. Any non-resident/customer wishing to gain access to the car park outside normal business hours will therefore need to contact an on-site building manager. All details are to be shown on the Construction Certificate plans.

4.12 Salinity and Aggressive Soil Management

- 4.12.1 A Salinity and Geotechnical Report prepared by a suitably qualified consultant shall be submitted to Council prior to the issue of a construction certificate. The recommendations of the report are to be identified on the construction certificate plans.

5 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

5.1 Acoustic

- 5.1.1 The following acoustic matters are to be addressed:

- (a) The recommendations of the submitted acoustic assessment prepared by Wood and Grieve Engineers (Report No. 27971-SYD-N) dated 17 September 2015 and held at Enclosure 20 are to be implemented (including the minimum recommended glazing thicknesses). All mitigation/acoustic measures are to be identified on the construction plans.
- (b) The submitted acoustic assessment must ensure compliance with the Department of Planning's document titled 'Development Near Rail Corridors and Busy Roads-Interim Guidelines'. The document is available on the

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Department of Planning and Environment's website. If necessary, the acoustic report is to be updated and all recommended acoustic measures are to be identified on the construction plans.

- (c) All mechanical plant items must be selected prior to the release of a construction certificate. In accordance with the recommendations of the acoustic assessment prepared by Wood and Grieve Engineers (Report No. 27971-SYD-N) a detailed review of the selected external mechanical plant must be undertaken. A certificate must also 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:
- i. does not exceed an L_{Aeq} sound pressure level of 5dB (A) above the ambient background noise level when measured:
 - at the most effected point on or within any residential property boundary or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
 - ii. 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.

If necessary, acoustic treatments such as noise screen, enclosures, in-duct treatments (silencers/lined ducting) must be provided. All details are to be included on the construction plans.

- (d) A qualified acoustic engineer must certify that the development has been designed to minimise the noise intrusion from any external noise source and when constructed will satisfy the following criteria with windows and doors closed:

Internal Space	Time Period	Criteria L_{Aeq} (period)
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 dB(A)

Note: Should any external modifications be made to the development as a result of recommended attenuation measures, then a Section 96 application may be required.

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6 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

6.1 Building Code of Australia Compliance

6.1.1 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).

6.2 Site Works and Drainage

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

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

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

6.2.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.

6.2.4 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:

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

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Such details shall accompany the Construction Certificate.

6.3 Fire Services

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

6.4 Internal Works

- 6.4.1 A separate application for development consent shall be lodged with Council for any proposed fit out of a commercial and industrial building (which includes any fixed internal partition wall/display/storage racking/machinery /equipment and the like) that was not approved by this Notice of Determination. This condition does not apply to work or development that is Exempt Development or Complying Development under the State Environment Planning Policy (Exempt and Complying Development Codes) 2008.

6.5 BASIX Certificate Compliance

The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 622845M_03 dated 4 December 2015 and held at enclosure 71A on Council's file JRPP-15-2087/3. An updated BASIX Certificate is required if it does not reflect the final Construction Certificate plans.

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

7.1 Compliance with Conditions

- 7.1.1 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.
- 7.1.2 All fees for Construction and Compliance Certificates, Roads Act 1993 and Local government Act 1993 approvals must be paid to Council prior to the issue of any of the above certificates or approvals.

7.2 Amended plans

- 7.2.1 The approved engineering plans (enclosure 2G on Council's file JRPP-15-2087) require modifications for the Construction Certificate and the Roads Act approval from Council as follows:

DRG C3.01 Rev. C:

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