

## Draft conditions of consent (amended)

<b>Proposed development</b>	Construction of a part 3 and part 4 storey residential flat building containing 106 units and 2 levels of basement car parking and associated landscaping and stormwater drainage works. In accordance with Schedule 4 of the Environmental Planning and Assessment Act 1979, Sydney Central City Planning Panel is the consent authority for the development as the proposal has a Capital Investment Value exceeding \$20 million.
<b>Property description</b>	210 Grange Avenue, Marsden Park (proposed lot7 approved by DA-15-02309 currently lot 9 DP 802880)

### 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 6.4 of the Environmental Planning and Assessment Act 1979.

#### 1.2 Scope of Consent

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

#### 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.
  - (c) the installation of a caravan, temporary structure, stormwater drainage in a public place, amusement device or other activity not being an exempt activity under

Council's Local Approvals Policy adopted under the provisions of the Local Government Act 1993,

(d) the installation of a vehicular footway crossing servicing the development.

- 1.3.3 If any Aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.

#### 1.4 **Services**

- 1.4.1 The applicant is advised to consult with:

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

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

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

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

## **1.5 Tree Planting and Service Locations**

- 1.5.1 Street tree planting must not impact on public utilities. The applicant should liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.

Tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.

## **1.6 Identification Survey**

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

## **1.7 Engineering Notes**

- 1.7.1 Any Construction Certificate covering Engineering Works must include and address the following:

- Design of specified Engineering Works as required by this consent.
- Any ancillary works necessary to make the construction effective

If both Building and Engineering works are required, separate construction certificates can be issued for the following works:

- Construction Certificate for Building Works
- Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent)

Works which require approval under the Roads Act 1993 or Local Government Act 1993 CAN NOT be privately certified. Examples of these works are, but not limited to:

- Works in public areas (i.e. Road Reserve, Public Reserves)
- Inter-allotment drainage (i.e. drainage outside the boundary of the land being developed)

Engineering works (as nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent) can be included within a Construction Certificate for Building works, provided that:

- All Engineering Works are specifically mentioned on the Construction Certificate
- The Certifier holds relevant qualifications to issue a Construction Certificate for the Engineering works. Appropriate accreditation qualifications must be shown on Construction Certificate.

1.7.2 All works requiring approval under the Roads Act 1993 or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate.

## 1.8 **Payment of Engineering Fees**

1.8.1 If the applicant wishes for Council to issue the Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)') the applicant must:

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

1.8.2 If the applicant wishes for Council to undertake Construction inspections and issue a Compliance Certificate for engineering works, the applicant must:

- Complete application form
- Submit all relevant plans produced by a suitably qualified person
- If plans are privately certified, applicant must supply Construction Certificate covering the required works.

## 2 **GENERAL**

### 2.1 **Scope of Consent**

2.1.1 The development shall be in accordance with the following drawings/details submitted to Council with the Development Application except where amended by other conditions of this consent:

Drawing Reference:	Prepared by:	Dated:
Roof Plan and Levels 2 – 4 Floor Plans	Brooks Projects	27.4.18
Level 1 Floor Plan	Brooks Projects	20.9.18
Basement 1 Plan	Brooks Projects	7.3.17
Basement 2 Plan	Brooks Projects	28.6.17
Elevations and Sections Plans	Brooks Projects	8.5.18
Landscape Plans: L01-E L02-D L03-B	Brooks Projects	18.10.18 20.9.18 19.10.18

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

### 2.2 **Services**

2.2.1 Low voltage electricity and telecommunications services for the approved development shall be as per the requirements of the service provider, and reticulated underground.

### 2.3 **Suburb Name**

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

Suburb: Marsden Park

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

Suburb: Marsden Park

## 2.4 **Waste**

- 2.4.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 2.4.2 Waste and recycling collections undertaken by private contractor are to be provided by the Owners Corporation.

## 2.5 **Engineering Matters**

### 2.5.1 **Design and Works Specification**

- 2.5.1.1 All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:
- (a) Blacktown City Council's Works Specification - Civil (Current Version)
  - (b) Blacktown City Council's Engineering Guide for Development (Current Version)
  - (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
  - (d) Blacktown City Council Growth Centre Precincts Development Control Plan
  - (e) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
  - (f) Blacktown City Council On Site Detention General Guidelines and Checklist

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

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

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

### 2.5.2 **Other Necessary Approvals**

- 2.5.2.1 A separate application will be required for the following approvals, under the Local Government Act 1993 and/or the Roads Act 1993.
- Vehicular Crossing
  - Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)

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

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

#### **3.1 DA Plan Consistency**

- 3.1.1 A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.
- 3.1.2 The land to which this approval relates shall be identifiable with a Lot and Deposited Plan number and registered with NSW Registry Services. In this regard, the proposed Lot 7 had been approved by DA-15-02309 and must be registered prior to a Construction Certificate for building works being issued. This includes clearance from any salinity management and remediation works that make the site suitable for construction.
- 3.1.3 All commitments listed in BASIX Certificate: 687275M dated 30 November 2015 shall be complied with.

#### **3.1.4 Relationship with other Approvals**

- 3.1.4.1 Compliance with the requirements of the following nominated approvals:
- a) Development Consent No. 15-2309 dated 28 October 2017 issued by Blacktown City Council
  - b) Relevant requirement of any other development consent, Construction Certificate issued under the *Environmental Planning and Assessment Act, 1979*, *The Local Government Act, 1993* or *The Roads Act 1993*.

The construction, completion and dedication of all adjoining roads and associated conditions of consent contained within the above approvals shall be fully complied with in order to obtain release of the Construction Certificate.

The authorised person issuing the Construction Certificate 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.

### **4 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)**

#### **4.1 General**

- 4.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.
- 4.1.2 All fees for Construction, 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. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.
- 4.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No. Sheet No.	Revision	Dated
C and M Consulting	01451	01451_7_100	1	26/11/2015
C and M Consulting	01451	01451_7_110	1	26/11/2015
C and M Consulting	01451	01451_7_201	1	26/11/2015
C and M Consulting	01451	01451_7_202	1	26/11/2015
C and M Consulting	01451	01451_7_701	1	26/11/2015
C and M Consulting	01451	01451_7_702	1	26/11/2015

## 4.2 Construction Certificate Requirements

4.2.1 Under the *Environmental Planning and Assessment Act 1979* a Construction Certificate for engineering work is required. These works include but are not limited to the following:

- Road and drainage construction
- On-site stormwater detention
- Water quality treatment
- Earthworks

The above requirements are further outlined in this section of the consent.

## 4.3 Roads Act Requirements

4.3.1 Under Section 138 of the *Roads Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Any works within Council's road reserve
- Kerb inlet pit connections or construction
- Vehicular crossings
- Path Paving

The above requirements are further outlined in this section of the consent.

## 4.4 Other Engineering Requirements

4.4.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater then a long service levy payment is required. Provide proof of this payment to Council.

4.4.2 Any ancillary works undertaken shall be at no cost to Council.

#### **4.5 Drainage**

- 4.5.1 Drainage from the site must be connected into Council's existing drainage system that is to be constructed and completed as part of DA-15-2309.
- 4.5.2 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.
- 4.5.3 Where the internal driveway cannot be drained to an internal pit a grated trench drain shall be provided at the property boundary.

#### **4.6 Erosion and Sediment Control**

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

#### **4.7 Earthworks**

- 4.7.1 Proposed lots must be filled so that the ground levels behind the building are a minimum of 500mm above the designed 100-year average recurrence interval flood level.
- 4.7.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 4.7.3 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.

#### **4.8 Stormwater Quality Control**

- 4.8.1 Provide a stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 4.8.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 4.55 application.
- 4.8.3 Provide details for permanent interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tanks and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.
- 4.8.4 Submit the following certificates which are to be prepared by a registered engineer (NER):
  - Certification that the structures associated with the water quality system have been designed to withstand all loads likely to be imposed on them during their lifetime.
  - Certification that the water quality system will perform to meet the water quality requirement as specified in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.



- 4.8.5 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

#### 4.9 **Vehicular Crossings**

- 4.9.1 Construct a commercial and industrial vehicular crossing to Council's standard A(BS)103S.

#### 4.10 **Construction Traffic Management Plan**

- 4.10.1 A Construction Traffic Management Plan detailing construction vehicle routes, parking, number of trucks, hours of access, access arrangements, road safety and traffic control is to be submitted to Council prior to the issue of any Construction Certificate.

#### 4.11 **Construction Environmental Management Plan**

- 4.11.1 A Construction Environmental Management Plan is to be submitted to Council prior to the issue of any Construction Certificate as required by clause 3.3 *Construction Environmental Management of the Growth Centres Precincts DCP 2018*.

## 5 **PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)**

### 5.1 **Acoustic**

- 5.1.1 An acoustic report shall be carried out to consider and address any noise impact. Any measures as recommended by the report shall be implemented on the plans to be submitted prior to the issue of a Construction Certificate

The Acoustic Assessment is to be carried out in accordance with the requirements of the NSW Environment Protection Authority's Noise Policy for Industry (2017) and provide recommendations to mitigate the emission and of offensive noise from the premises and limit the intrusion of noise into the premises to acceptable levels.

The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to the satisfaction of a Principal Certifying Authority.

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

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

- 5.1.3 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 LAeq 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.
- 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.

5.1.4 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with and submitted to Council for approval;

- NSW Office of Environment and Heritage's *Guidelines for Consultants Reporting on Contaminated Sites* (2011)
- NSW *Environment Protection Authority's Contaminated Sites Sampling Design Guidelines* (1995).
- Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (1992).
- National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013 (No. 1), National Environment Protection Council, 2013.

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

### **6.1 Sight distance**

6.1.1 Provision for adequate sight distance shall be demonstrated in the plans for Construction Certificate, to be in accordance with Section 3.2.4 AS2890.1 and Figure 3.2 of AS2890.1 which ensure safety of pedestrians on the footpath system and motor vehicles along the approved driveway.

## **7 PRIOR TO CONSTRUCTION CERTIFICATE (WASTE)**

### **7.1 Required amendments**

- 7.1.1 Prior to issue of the Construction Certificate, the applicant must provide physical treatment to the loading bay (eg, removable, lockable bollards) to prevent unauthorised parking. This will complement the proposed line marking and signposting.
  - truck turning areas must be maintained.
  - access must be coordinated with the building manager.
  - indicate the physical treatment on amended plans
  - update the waste management plan to this effect.
- 7.1.2 The applicant must update the waste management plan to include:
  - proposed physical treatment (eg, lockable, removable bollards) of the loading bay

- waste vehicle access to the loading bay must be coordinated with the building manager
- 7.1.3 Access for collection vehicles must be designed in accordance with approved architectural plans, CAD files and vertical clearances as per Australian Standards.
- 7.1.4 The applicant must ensure roads and driveways etc are suitably designed for the 6.4m long, small rigid vehicle.

## **8 PRIOR TO CONSTRUCTION CERTIFICATE (OTHER MATTERS)**

- 8.1 All mail boxes are to accord with the requirements of Australia Post with regard to location, access and size. The letterbox system is to be vandal resistant and secure. Appropriate sight lines are to be provided for vehicles using the mail box waiting bay for safety purposes.
- 8.2 The Construction Certificate plans are to show that the location of signage or lighting for the private road/driveway areas is to be designed and located so as not to obstruct access for any vehicles.
- 8.3 The basement car park vents shall not be visually prominent and appropriately treated. Details shall be provided to the satisfaction of a Principal Certifying Authority prior to a Construction Certificate.

## **9 PRIOR TO CONSTRUCTION CERTIFICATE (NSW POLICE)**

- 9.1 The applicant shall provide further information on the following security and crime prevention measures:
- Type of fencing/gates - Palisade security fencing to be used around the site to prevent unauthorised access. All access points into the site and into common areas must be secured through the use of palisade gates fitted with a security mechanism (i.e. swipe card, keys, etc) to restrict access to authorised persons only.
  - The application of permanent graffiti resistant coating on all materials along the ground level of the building around the perimeter of the site.
  - Submission of a lighting plan. This plan is required to show the location of lighting around all entry/exit points to the building, along all footpaths within the site, car parking areas and to the street number to facilitate identification of the site/building.
  - Each vehicle garage facility space in the basement parking is to be separated by robust steel welded mesh fencing, floor to ceiling and annotated on the plans. This additional measure reflects the increase in Theft From Motor Vehicles that has recently been experienced in Quakers Hill LAC.
  - The contents inside the vehicle garage facility space must not be able to be visible from the outside.
  - Each vehicle garage facility must have a lockable 'tilta' roller shutter security door, in a well-lit area with CCTV coverage.
  - Security steel welded mesh fencing from floor to ceiling must be installed separating visitors' parking from residents in the basement parking.

- A security plan is to be provided prior to the release of the Construction Certificate Stage. This plan should show the location, type and number of CCTV systems per block. The areas that should include;
- Building foyer, mailbox facility, building entry and exit points, basement car park including bike storage area, lifts, common areas and waste rooms

## 10 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

### 10.1 Section 7.11 Contributions under Section 7.17 Directions

#### 10.1.1 Contributions under Section 7.11 of the Environmental Planning & Assessment Act 1979 must be paid.

Under the Section 7.17 Direction issued by the Minister for Planning on 4 March 2011, Council must not impose a condition of development consent under Sections 7.11 (1) or 7.11 (3) or the Act requiring the payment of a monetary contribution exceeding \$40,000 for each dwelling authorised by the development consent, or in the case of a development consent that authorises the subdivision of land into residential lots, exceeding \$35,000 for each residential lot authorised to be created by the development consent. The Section 7.11 contributions payable below have been assessed in accordance with this Direction:

Contribution Item	Base Amount	Relevant C.P.
Stormwater Quantity Bells Creek	\$ 331,437.61	21
Stormwater Quality Bells Creek	\$ 12,337.14	21
Traffic Management	\$ 83,722.98	21
Open Space	\$ 1,864,187.40	21
Community Facilities	\$ 23,944.40	21
E2 Conservation Zone	\$ 59,281.70	21
Aquatic Facility	\$ 39,006.20	21
Total Contributions Amount:	\$ 2,413,917.44	21

Payment of this amount must be made prior to the issue of a Construction Certificate.

These contributions are based upon the following parameters as specified in the Contributions Plan.

Developable Area: 0.5182 hectares

Additional Population: 193.1 persons

**PLEASE NOTE:** 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.

The amounts below are the INDEXED contributions as at the date of this consent which, if not for the Ministerial Direction, would have applied to this consent. These amounts have been supplied for your information.

No. of intended dwellings: 106

Contribution: \$4,240,000.00

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Customer Information Centre. Alternatively, Contributions Plans may be downloaded from Council's website:

S.7.11 CP No. 21 Marsden Park Precinct

## **10.2 Special Infrastructure Contributions**

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

### **More information**

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

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

## **10.3 Aesthetics**

- 10.3.1 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent and must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.
- 10.3.2 Any bathroom, w.c. or laundry window in the external walls of the buildings shall be fitted with translucent glazing.
- 10.3.3 The development approved by Council is to be constructed in accordance with the approved external colour schedules and colour schemes.
- 10.3.4 The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the Building Code of Australia.
- 10.3.5 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.

## **10.4 Fencing**

- 10.4.1 Front fences (including any masonry retaining wall above the natural ground level) shall be of a maximum 1 metre in height from the natural ground level.
- 10.4.2 Any proposed fence/side boundary fence/landscape element on either side next to the proposed driveways must not exceed 900mm in height for a length of 2.5 metres from the property boundary within the property and 2 metres along the property boundary (see Figure 3.3 AS2890.1) to ensure safety of pedestrians on footpath.

10.4.3 All other fencing details and materials are to be as per the approved plans. All fencing is to be provided at full cost to the developer and is to be constructed on top of any masonry retaining walls. The selected fencing material / design must also minimise / eliminate the potential for graffiti attacks.

10.4.4 Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti. All fencing which is visible from the public domain is not permitted to be continuous, closed board, or the like.

#### **10.5 Access and Parking**

10.5.1 A minimum of 136 car parking spaces are required to be provided within the site, being 114 resident spaces, 22 visitor car parking spaces, and all are to be designed having minimum internal clear dimensions in accordance with the Growth Centres Precincts DCP 2018.

10.5.2 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network. Provision for 25 bicycle spaces is required to be provided within the site.

10.5.3 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) is to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.

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

#### **10.6 Services**

10.6.1 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.

#### **10.7 Salinity Management**

10.7.1. The applicant is to prepare a salinity management plan in the event of encountering potentially saline soil during construction. The measures recommended in the plan are to be implemented during construction accordingly.

### **11 PRIOR TO CONSTRUCTION CERTIFICATE (CIVIL AND PARK INFRASTRUCTURE)**

#### **11.1 Street Tree Planting**

11.1.1 The applicant must submit a Street Tree Plan detailing the proposed street tree planting and landscaping for the approved subdivision. The Street Tree Plan is to reflect the species palette in our Street Tree Guidelines and must include:

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

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

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

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

Street tree planting must not interfere with the street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting.

This information must be received before a construction certificate can be issued.

## **11.2 Tree preservation**

11.2.1 A Tree Retention Plan shall be included with any Construction Certificate indicating:

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

These trees/areas are to be identified and marked by a Blacktown City representative (or appointed private certifier) and the applicant before the start of any earthworks, but after the road centrelines have been pegged and/or permanently marked.

All trees to be retained on site are to be protected in line with Australian Standard 4970 - Protection of Trees on Development Sites.

Any tree not approved for removal or more than 3m from the building perimeter is to be effectively protected against damage.

Details must be provided to show how the developer can decommission any median feature and road verge landscaping and reinstate landscaping suitable to Blacktown City at handover.

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

This information must be received before a construction certificate can be issued.

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

### **12.1 Building Code of Australia Compliance**

12.1.1 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).

## **12.2 Site Works and Drainage**

- 12.2.1 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.
- 12.2.2 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.
- 12.2.3 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.
- 12.2.4 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.Such details shall accompany the Construction Certificate.

## **12.3 Fire Services**

- 12.3.1 Where any external on-site fire hydrant or hydrant booster assembly is to be located within any building setback from a boundary, the hydrant or booster assembly shall be located or protected in accordance with the requirements of AS 2419.1.
- 12.3.2 Where any external on-site water storage tank is required by AS 2118.1 or AS 2419.1, details of the location and type of any proposed tank are to be submitted to and approved by Council prior to the issue of the relevant Construction Certificate.

# **13 PRIOR TO DEVELOPMENT WORKS**

## **13.1 Compliance Certificate Fee**

- 13.1.1 All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.

## **13.2 Safety / Health / Amenity**

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

Each toilet provided shall be:

- (a) a standard flushing toilet, or



- (b) a temporary on-site toilet which is regularly maintained and the waste disposed to an approved sewerage management facility.
- 13.2.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
  - (a) the name, address and telephone number of the principal certifying authority for the work, and
  - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

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

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

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

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.
- 13.2.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 13.2.5 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.
- 13.2.6 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 13.2.7 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.

### 13.3 **Notification to Council**

- 13.3.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.
- 13.3.2 At least five (5) full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$20,000,000.

#### 13.4 **Adjoining Owners**

- 13.4.1 Written permission from the respective owner(s) must be obtained to:

- (a) discharge stormwater onto adjoining owner's land.
- (b) carry out works on adjoining land.
- (c) drain the site across land owned by others.

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

#### 13.5 **Home Building Act**

- 13.5.1 The construction of *residential building work* within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
  - (i) the name and licence number of the principal contractor, and
  - (ii) the NSW Home Building Compensation Fund "Statement of Cover" under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
  - (i) the name of the owner-builder, and
  - (ii) if the owner-builder is required to hold an owner-builder permit under Part 3 of the Act, the number of the owner-builder permit.

#### 13.6 **Sydney Water Authorisation**

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

OR

The approved plans are to be submitted to a Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For further information please refer to the "Developing Your Land" section of the website: [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone 1300 082 746 for assistance.

### 13.7 **Construction Details**

- 13.7.1 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

### 14 **During Construction (Building)**

#### 14.1 **Safety/Health/Amenity**

- 14.1.1 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.

- 14.1.2 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:

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

- 14.1.3 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.

- 14.1.4 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.

- 14.1.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger

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

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

- 14.1.7 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.

#### 14.2 **Building Code of Australia Compliance**

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

#### 14.3 **Surveys**

- 14.3.1 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.

#### 14.4 **Nuisance Control**

- 14.4.1 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.
- 14.4.2 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.
- 14.4.3 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.

#### 14.5 **Stormwater Drainage**

- 14.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:
  - (a) the floor level being a minimum 225mm above the adjoining finished ground level, and/or
  - (b) being drained to an effective drainage system.

#### 14.6 **Waste Control**

- 14.6.1 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. This includes the sorting and storage of waste and recyclable building materials on site for collection and disposal by the nominated waste/recycling contractor to the nominated disposal site.

#### 14.7 **Construction Inspections**

- 14.7.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical

stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

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

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

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

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

## **15 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)**

### **15.1 Material Disposal**

- 15.1.1 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act (NSW) 1997 and the NSW Environment Protection Authority’s Waste Classification Guidelines (2014)
- 15.1.2 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.
  - A Construction Environment Management Plan should be in place and must include specific advice on how water treatment and dewatering will be undertaken in accordance with the Blue Book, as well as demonstrating the discharged water complies with ANZECC water quality guidelines.
  - When basins are required to be pumped out, the necessary dosing must occur within 24 hours of the conclusion of each storm event and the basin must be drained within 36 to 48 hours if gypsum is used.
  - Councils Environmental Health Section must be notified prior to 4pm on the business day prior to any controlled discharge from any temporary drainage basin outside of standard business hours (9am to 5pm, Monday to Friday), or, 1 hour prior to any controlled discharge from any temporary drainage basin during standard business hours.
  - Any water discharging from the premises is to be sampled at 30 minute intervals from the discharge point for the entire period that water is leaving the site.

- If any sample is recorded above the parameters in the plan, the discharge will need to cease immediately and Council's Environmental Health Section must be notified by telephone at the time of detection and followed up in writing.
  - If no adverse results are identified that require immediate notification the results must still be submitted to Council's Environmental Health Section at the completion of the required controlled discharges.
- 15.1.3 Site validation by an accredited certified geoscientist is to be undertaken to NEPM 2013 Guidelines, in the event of any asbestos found or other contamination material unearthed during the course of works.

## **16 DURING CONSTRUCTION (HERITAGE)**

### **16.1 European Heritage**

- 16.1.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the Heritage Act 1977. Relevant works shall not recommence until written authorisation from the Heritage Council is issued.

### **16.2 Aboriginal Heritage**

- 16.2.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the NSW Office of Environment & Heritage informed in accordance with Section 89A of the National Parks and Wildlife Act 1974. Relevant works shall not recommence until written authorisation from the NSW Office of Environment & Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

## **17 DURING CONSTRUCTION (ENGINEERING)**

### **17.1 Notification of Works**

- 17.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum five (5) business days prior to commencement of engineering works.
- 17.1.2 A notification of works flyer (letter drop) is to be provided to all residential housing, businesses and organisations adjacent to any engineering works approved by this consent. This is for works undertaken on Council controlled lands such as roads, drainage reserves and parks. The notification of works flyer must contain details of the proposed works, locality map of works, contact details and the anticipated time period. A signed copy of the notice is to be provided to Council's Engineering Approvals Team and is to show the date of the letter drop as well as highlight the area that received the notification.

### **17.2 Insurances**

- 17.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council's Engineering Approvals Team. This shall be submitted prior to commencement of engineering works required by this consent that are carried out on

Council controlled lands such as roads, drainage reserves and parks. This includes Public Liability Insurance with a minimum of \$20,000,000.00 Indemnity and Workers Compensation.

### **17.3 Boundary Levels**

- 17.3.1 Any construction at the property boundary, including but not limited to fences, retaining walls and driveways shall not be carried out until boundary alignment levels have been fixed.

### **17.4 Soil Erosion and Sediment Control Measures**

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

### **17.5 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**

- 17.5.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under *Part 4A of the Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

Where Council is appointed as the Principal Certifying Authority for the development, only compliance certificates issued by accredited certifiers will be accepted. All compliance certificate(s) must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction Certificate.

### **17.6 Inspection of Engineering Works - Roads Act 1993**

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

Inspections must be pre-booked with a minimum twenty-four (24) hours notice. Council's Development Overseers may be contacted on 02 9839 6586 between 7am - 8am and 12.30pm - 1.30pm, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

### **17.7 Public Safety**

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

### **17.8 Site Security**

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

### **17.9 Powder Coated Furniture**

- 17.9.1 Where the conditions of this consent permit the installation of powder coated furniture (i.e. street lighting poles, bus shelters, rubbish bins, seats or any other items of street furniture), a certificate from the manufacturers shall be provided to Council confirming

that the nominated powder coated items have been prepared and coated in accordance with Australian Standard AS/NZ 4506-2005 (service condition category 3). This certificate must be no more than 3 months old and shall be provided to Council prior to the installation of the relevant items of the street furniture. Any items of street furniture not so certified shall be removed and replaced at no cost to Council with items appropriately certified.

## **18 PRIOR TO OCCUPATION CERTIFICATE**

### **18.1 Road Damage**

- 18.1.1 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.

### **18.2 Compliance with Conditions**

- 18.2.1 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.
- 18.2.2 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 6.9 and 6.10 of the Environmental Planning & Assessment Act 1979.

### **18.3 Fire Safety Certificate**

- 18.3.1 A final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

### **18.4 Fee Payment**

- 18.4.1 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.

### **18.5 Temporary Facilities Removal**

- 18.5.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 18.5.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 18.5.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 18.5.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 18.5.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner



satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

**18.6 Fee Payment**

- 18.6.1 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.

**18.7 Additional Inspections**

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

**18.8 Services / Utilities**

- 18.8.1 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.
- 18.8.2 A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.
- 18.8.3 If required, the applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.

**18.9 Waste Matters**

- 18.9.1 Access for collection vehicles must be built in accordance with the dimensions indicated on the approved architectural plans and vertical cross-section plans (demonstrating compliance with Australian Standards for headroom allowances) and showing adequate truck entry and exit and in all manoeuvring areas.
- 18.9.2 The applicant is to ensure that roads and driveways are rated for the proposed 6.4m long, small rigid vehicle.
- 18.9.3 The Strata Management Agreement should indicate:
- a requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan.

- the responsibility for maintenance of the garbage collection system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times.
- the method of communication to new tenants and residents regarding the waste management service and collection system for the complex.
- Include a copy of the updated and approved waste management plan as a consent condition for this development application.

#### **18.10 Site Contamination**

18.10.1 A final site contamination Validation Report confirming the suitability of the site for the proposed development is to be endorsed by Council prior to the release of an Occupation Certificate. The Validation Report shall be prepared by a consultant engaged under the terms of Council's Contaminated Lands Policy.

#### **18.11 Salinity**

18.11.1 A report from a geotechnical engineer is to be submitted to Council certifying the site classification for the reactivity of the lot after identification of the soil characteristics in accordance with the provisions of AS 2870, "Residential Slabs and Footings."

#### **18.12 Other Matters**

18.12.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

18.12.2 All common areas and private driveways and pathways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.

18.12.3 All fencing and retaining walls shall be completed in accordance with the approved plans and with the details submitted as part of the Construction Certificate. All fencing / retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material / design must also minimise / eliminate the potential for graffiti attacks. Where possible, foliage should be grown on / over fencing adjacent to public areas to minimise the potential for graffiti.

18.12.4 Vandal proof and security lighting, and appropriate security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.

18.12.5 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.

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

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

18.12.8 The turning bay areas at the end of the internal aisles within the development are to be signposted as 'Turning Bays' and 'No Parking'.

18.12.9 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves and also not on drainage zoned land.

18.12.10 All privacy screening measures / devices detailed on the approved plans are to be installed.

#### 18.13 **Graffiti Management Plan**

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

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

#### 18.14 **Total Maintenance Plan**

18.14.1 A "total" maintenance plan is to be prepared for the site. The plan is to ensure the following:

- (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, through site links, soft and hard landscaping, security systems, mail boxes, lighting, bulky waste storage and loading areas, feature entry signage, parking signage and services 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 development is managed by a Site / Strata / Building Manager.

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

#### 18.15 **Acoustic Verification**

18.15.1 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.

#### 18.16 **Positive covenant**

18.16.1 A positive covenant is to be placed on the title of the land to warn all purchasers of units on this property that an intensive agricultural business operates 24 hours / 7 days a week on land to the north of the subject land. This use may remain in the vicinity of the subject land in perpetuity. This positive covenant is to be created under Section 88B of the Conveyancing Act 1919 Blacktown City Council is the authority to vary release and modify this covenant.

## **18.17 Temporary Facilities Removal**

- 18.17.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 18.17.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 18.17.3 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.
- 18.17.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 18.17.5 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.

## **18.18 Engineering Matters**

### **18.18.1 Surveys/Certificates/Works As Executed plans**

- 18.18.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 18.18.1.2 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 18.18.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 18.18.1.4 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

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

### **18.18.2 Easements/Restrictions/Positive Covenants**

- 18.18.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
  - (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).

- (b) The standard format for easements and restrictions as accepted by NSW Land Registry Services.

18.18.2.2 As the development will be serviced by private waste and recycling contractors, residents are unable to access Council's household clean up service, or garbage and recycling service. These must be provided by the Owners Corporation. A Section 88B or similar is to be listed on the title to this effect and suitably drafted by Council's planning or legal team.

18.18.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the on-site detention storage areas and outlet works.

18.18.2.4 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the Stormwater Quality Control devices/system and outlet works.

18.18.2.5 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Land Registry Services over the overland flow-path.

18.18.2.6 All potential purchasers shall be advised of the development being located nearby an existing chicken hatchery. A Section 88B or similar is to be listed on the title to this effect.

18.18.2.7 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.

### 18.18.3 **Inspections**

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

### 18.18.4 **Relationship with other Approvals**

18.18.4.1 Compliance with the requirements of the following nominated approvals:

- a) Development Consent No. 15-02309 dated 28 October 2017 issued by Blacktown City Council.
- b) Relevant requirement of any other development consent, Construction Certificate issued under the Environmental Planning and Assessment Act, 1979, The Local Government Act, 1993 or The Roads Act 1993.

The conditions contained within the above approvals shall be fully complied with, including the registration of subdivision of DA-15-02309 with NSW Land Registry Services, prior to the release of the Occupation Certificate.

The authorised person issuing the Occupation Certificate 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.

### 18.19 **Street tree planting**

Any tree planting (and maintenance) along the frontage of the development site to improve the amenity of the streetscape must be approved before an Occupation Certificate is issued.

The number of trees should equal the number lots/dwellings with street frontage. Trees will be planted at a minimum spacing of 8 metres.

Additional trees may be requested following assessment of the subdivision configuration.

Trees must be of a minimum container size of 45 litres with root directors.

The applicant must obtain clearances from relevant service authorities.

The applicant will be required to pay a bond of \$330 per tree to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), to council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed.

The applicant will also be required to pay a \$136 inspection fee. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification.

### 18.20 **NSW Police Matters**

18.20.1 The following security and crime prevention measures are installed and operating satisfactorily:

- Installation of all required CCTV around the site. Cameras shall monitor car park facilities, stairways, lifts, foyers, entry/exit points, loading bays, the waste room and mailbox facilities.
- Appropriate signage shall be installed at the site to notify occupants and visitors that CCTV cameras are present.
- All lighting details shown on the submitted lighting plan shall be installed at the site. This includes lighting around all entry/exit points to the building, along all footpaths within the site, car parking areas and to the street number to facilitate identification of the site/building.
- It should also be noted that the latch/locking mechanism for the gates inside the development, should not be within the arm reach of any person externally.
- The building shall clearly indicate building names, block number and unit numbers to facilitate easy identification of the site for emergency services and visitors.
- All materials used along the ground level of the building around the perimeter of the site shall have permanent graffiti resistant coating applied.
- All palisade fencing shall be installed around the site preventing unauthorised access. All access points between each unit complex, pathways in and to common areas must be secured through the use of gates, roller doors or similar

and fitted with a security mechanism (i.e. swipe card, keys, etc.) to restrict access to authorised persons only.

- Patio bolt locks (or similar) installed to any sliding door and any open able window along the ground level as per picture below;

## **19 OPERATIONAL (PLANNING)**

### **19.1 Use of Premises**

19.1.1 The development shall not be used or converted for use for any purpose other than that:

- (a) Granted consent by Council's Notice of Determination, or
- (b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

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

### **19.2 Access / Parking**

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

### **19.3 Landscaping**

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

19.3.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.

19.3.3 The management of vegetation, gardens, communal areas, fences, lighting and other similar areas is to be incorporated within the future strata management plan once the development is occupied.

### **19.4 Storage**

19.4.1 No goods, materials, or trade waste shall be stored, displayed for sale or manufactured at any time outside the buildings on either the internal driveway / road, car parking areas, landscaping or footpaths, other than the approved garbage areas.

### **19.5 Lighting and Security**

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

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

19.5.3 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.

### **19.6 Graffiti Removal**

19.6.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed no later than 48 hours after detection. The approved Graffiti Management Plan is to be adhered to at all times.

## **19.7 Environmental Management**

- 19.7.1 The recommendations provided in the acoustic report shall be implemented.
- 19.7.2 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environment Protection Authority's Noise Policy for Industry (2017) and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.
- 19.7.3 A post commissioning report produced by an acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) within 3 – 6 months of the centre operating to validate the Acoustic reports findings.
- 19.7.4 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.
- 19.7.5 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.
- 19.7.6 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 19.7.7 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.
- 19.7.8 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.

## **19.8 NSW Police matters**

- 19.8.1 All security measures required by this consent to be installed are required to be appropriately maintained and in good working order.
- 19.8.2 Contact details for the Body Corporate and Building Manager must be forward to the NSW Police once the Body Corporate is formed and in the event of any changes to these contact details.
- 19.8.3 Security management plan and evacuation plan to be forwarded to Riverstone Police Station.