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Blacktown City Council

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION Environmental Planning and Assessment Act, 1979 (Section 81)

HOME BUSH ONE PTY LTD
C/O PBD ARCHITECTS
LEVEL 2, 52 ALBION STREET
SURRY HILLS
NSW 2010

Determination Number:
JRPP-16-03311

Property Description: Lots 209, 210 and 211 DP 1189773
H/N 23-27 Schofields Road SCHOFIELDS

Development: Integrated Development Application for the demolition of the existing structures, removal of trees, staged subdivision, staged construction of 9 x 4/5 storey residential flat buildings containing 650 apartments and basement car parking, new public roads and associated landscaping, stormwater drainage works and services.

Determination: *Pursuant to Section 80 of the Act Council advises that the Development Application has been determined by:*

- GRANTING OF CONSENT SUBJECT TO THE CONDITIONS ATTACHED ON THE FOLLOWING PAGES

BY SYDNEY CENTRAL CITY PLANNING PANEL DECISION

Right of Appeal

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

Review of Determination

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

Note: This Consent is generally valid for a period of 5 years effective from the date of this Notice, unless specified otherwise by Sections 83 and 95 of the Act, or by conditions of this Consent.

Kerry Robinson
GENERAL MANAGER

Per 

Date: 25 October 2017

1 Advisory Notes

1.1 Terminology

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

1.2 Scope of Consent

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

1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.3.3 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
 - (b) Any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development.

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).

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All approved building construction plans attached to the Construction Certificate should be approved through the 'Sydney Water Tap In' service to determine whether the development will affect the Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. A receipt must be provided to the PCA. Please refer to the website www.sydneywater.com.au for more information. 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. Should the site require the construction of a Septic Tank or Sewage Management System in accordance with section 68 of the Local Government Act 1993, advice is to be provided from Sydney Water that any necessary requirements are met.

- 1.4.2 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.
- 1.4.3 Telstra (and its authorised contractors) is 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.
- 1.4.4 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.5 **Identification Survey**
- 1.5.1 The applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.

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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
Subdivision Concept Plan – Stage 1, Issue 3	11.08.2017
Subdivision Concept Plan – Stage 2, Issue 3	11.08.2017
DA0000 Cover Page, Issue B	24.05.2017
DA0005 Site Demolition Plan, Issue A	21.04.2016
DA0006 Construction Staging Plan, Issue A	21.04.2016
DA0011 Reference Plan, Site - Roof, Issue B	13.02.2017
DA0012 Reference Plan, Basement 2, Issue A	21.04.2016
DA0013 Reference Plan, Basement 1, Issue A	21.04.2016
DA0014 Reference Plan, Lower Ground Floor, Issue A	21.04.2016
DA0015 Reference Plan, Ground Floor, Issue B	13.02.2017
DA0016 Reference Plan, Typical Floor (Levels 1,2,3), Issue A	21.04.2016
DA0017 Reference Plan Floor 4, Issue A	21.04.2016
DA1101 GA Plans-Construction-Stage 1 Basement 1, North, Issue B	24.05.2017
DA1102 GA Plans-Construction-Stage 1 Basement 1, South, Issue C	24.05.2017
DA1103 GA Plans-Construction-Stage 1 Lower Ground Floor, North, Issue F	24.05.2017
DA1104 GA Plans-Construction-Stage 1 Lower Ground Floor, South, Issue G	24.05.2017
DA1105 GA Plans-Construction-Stage 1 Building A, Ground, Issue D	24.05.2017
DA1106 GA Plans-Construction-Stage 1 Building A Typical Floor Levels 1,2,3, Issue D	24.05.2017
DA1107 GA Plans-Construction-Stage 1 Building A Level 4, Issue D	24.05.2017
DA1108 GA Plans-Construction-Stage 1 Building A Roof, Issue C	24.05.2017
DA1109 GA Plans-Construction-Stage 1 Buildings B & C, Ground, Issue D	24.05.2017
DA1110 GA Plans-Construction-Stage 1 Buildings B & C Typical Floor Levels 1,2,3, Issue C	24.05.2017
DA1111 GA Plans-Construction-Stage 1 Buildings B & C Level 4, Issue D	24.05.2017
DA1112 GA Plans-Construction-Stage 1 Buildings B & C, Roof, Issue C	24.05.2017
DA1201 GA Plans-Construction-Stage 2 Buildings D & E, Basement 2, Issue C	24.05.2017
DA1202 GA Plans-Construction-Stage 2 Buildings D & E, Basement 1, Issue G	24.05.2017
DA1203 GA Plans-Construction-Stage 2 Buildings D & E, Ground Floor, Issue D	24.05.2017
DA1204 GA Plans-Construction-Stage 2	24.05.2017

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Drawing No.	Dated
Buildings D & E, Typical Floor (Levels 1,2,3), Issue E	
DA1205 GA Plans-Construction-Stage 2 Buildings D & E, Level 4, Issue E	24.05.2017
DA1206 GA Plans-Construction-Stage 2 Buildings D & E, Roof, Issue E	05.07.2017
DA1301 GA Plans-Construction-Stage 3 Basement 2, Issue B	24.05.2017
DA1302 GA Plans-Construction-Stage 3 Basement 1, Issue F	24.05.2017
DA1303 GA Plans-Construction-Stage 3 Buildings F & G, Ground Floor, Issue D	24.05.2017
DA1304 GA Plans-Construction-Stage 3 Buildings F & G, Typical Floor (Levels 1,2,3), Issue D	24.05.2017
DA1306 GA Plans-Construction-Stage 3 Buildings F & G, Roof, Issue E	05.07.2017
DA1307 GA Plans-Construction-Stage 3 Buildings H & I, Ground Floor, Issue D	24.05.2017
DA1308 GA Plans-Construction-Stage 3 Buildings H & I, Typical Floor (Levels 1,2,3), Issue E	24.05.2017
DA1309 GA Plans-Construction-Stage 3 Buildings H & I, Level 4, Issue D	24.05.2017
DA1310 GA Plans-Construction-Stage 3 Buildings H & I, Roof, Issue B	15.09.2016
DA2101 GA Elevations & Sections Construction Stage 1 Building A North & South Elevations, Issue -	21.04.2016
DA2102 GA Elevations & Sections Construction Stage 1 Building A East & West Elevations, Issue -	21.04.2016
DA2103 GA Elevations & Sections Construction Stage 1 Buildings B & C North & South Elevations, Issue -	21.04.2016
DA2104 GA Elevations & Sections Construction Stage 1 Buildings B & C East & West Elevations, Issue -	21.04.2016
DA2105 GA Elevations & Sections Construction Stage 1 Buildings A, B & C Section A-A & B-B, Issue -	21.04.2016
DA2106 GA Elevations & Sections Construction Stage 1 Buildings A & B Section C-C, Issue -	21.04.2016
DA2201 GA Elevations & Sections Construction Stage 2 Building D North & South Elevations, Issue B	19.12.2016
DA2202 GA Elevations & Sections Construction Stage 2 Buildings D & E East & West Elevations, Issue C	05.07.2017
DA2203 GA Elevations & Sections Construction Stage 2 Building E North & South Elevations, Issue C	05.07.2017
DA2204 GA Elevations & Sections	05.07.2017

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Drawing No.	Dated
Construction Stage 2 Buildings D & E Section D-D & E-E, Issue B	
DA2301 GA Elevations & Sections Construction Stage 3 Building F North Elevation & Section F-F, Issue B	19.12.2016
DA2302 GA Elevations & Sections Construction Stage 3 Buildings F & G East & West Elevations, Issue C	05.07.2017
DA2303 GA Elevations & Sections Construction Stage 3 Building G North & South Elevations, Issue C	05.07.2017
DA2304 GA Elevations & Sections Construction Stage 3 Building H North & South Elevations, Issue -	21.04.2016
DA2305 GA Elevations & Sections Construction Stage 3 Buildings H & I East & West Elevations, Issue -	21.04.2016
DA2306 GA Elevations & Sections Construction Stage 3 Building I North Elevation & Section F-F, Issue -	21.04.2016
DA2307 GA Elevations & Sections Construction Stage 3 Building H & I Section G-G, Issue -	21.04.2016
DA4400 GA Plans-Construct-Stage 3 Material Finishes, Issue A	21.12.2016
DA4401 Detailed Façade Section, Issue A	21.12.2016
DA5021 Communal Open Space, Issue B	15.09.2016
DA5001 Area Schedule 01, Issue B	24.05.2017
DA5002 Area Schedule 02, Issue B	24.05.2017
DA5003 Area Schedule 03, Issue B	24.05.2017
DA5011 FSR Plan, Lower Ground, Issue B	24.05.2017
DA5012 FSR Plan, Ground Floor, Issue B	24.05.2017
DA5013 FSR Plan, Typical Floor (Levels 1,2,3) Issue B	24.05.2017
DA5014 FSR Plan, Level 4, Issue B	24.05.2017
DA5021 Communal Open Space, Issue E	05.07.2017
DA5022 Deep Soil Calculation, Issue D	24.05.2017
DA5031 Natural Ventilation Lower Ground Floor, Issue C	24.05.2017
DA5032 Natural Ventilation Ground Floor, Issue C	24.05.2017
DA5033 Natural Ventilation Typical Floor (Levels 1,2,3), Issue C	24.05.2017
DA5034 Natural Ventilation, Level 4, Issue C	24.05.2017
Landscape Plans prepared by Context:	
L-0000 Cover Sheet, Issue C	20.04.2016
L-1001 Site Plan, Sheet 1, Issue D	04.05.2016
L-1101 General Arrangement, Sheet 2, Issue C	20.04.2016
L-1102 General Arrangement, Sheet 3, Issue C (as modified to reflect the cul-de-sac)	20.04.2016
L-1103 General Arrangement, Sheet 4, Issue C	20.04.2016

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Drawing No.	Dated
L-1104 General Arrangement, Sheet 5, Issue C	20.04.2016
L-1105 General Arrangement, Sheet 6, Issue C	20.04.2016
L-6001 Landscape Sections, Sheet 7, Issue C	20.04.2016
L-6002 Landscape Sections, Sheet 8, Issue C	20.04.2016
L-6003 Landscape Sections, Sheet 9, Issue C	20.04.2016

*Unless modified by any condition of this consent, with particular reference to Condition 5.20.

2.2 Staging of the Development

- 2.2.1 Notwithstanding any other condition of this consent, this consent permits separate Construction Certificates and Occupation Certificates to be issued for the development approved in accordance with the staged Subdivision Plans included in **Condition 2.1.1** of this consent, provided that all relevant conditions of consent relevant to each stage have been complied with prior to the release of the Construction Certificate or Occupation Certificate for the relevant stage.

The separate stages of building works are to be generally in accordance with the following staged Construction Certificates and Occupation Certificates, as follows:

- a. Stage 1A: Buildings A
- b. Stage 1B: Buildings B and C
- c. Stage 2: Buildings D and E
- d. Stage 3: Buildings F, G, H and I

2.3 Services

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

2.4 Suburb Name

- 2.4.1 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: SCHOFIELDS

- 2.4.2 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: SCHOFIELDS

2.5 Compliance with BASIX Certificate

These conditions are imposed for the following reasons:

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- 2.5.1 All commitments listed in the BASIX Certificate number: 14734138 shall be complied with (as amended to reflect the necessary plan changes as required by conditions of consent).

2.6 Signage

- 2.6.1 Discreet directional signage which provides clear way finding directions for pedestrians and vehicles are permitted to be erected. No illuminated, LED or moving signs are permitted. No business identification signage is approved.

Any other signage requires separate Council approval prior to installation, except where signage is permitted pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

2.7 Engineering Matters

2.7.1 Definitions

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

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 Schofields Farm Road.

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

- 2.7.1.3 No Subdivision Certificate is to be issued prior to the dedication of an adjoining public road. Staging of the works is permissible provided the primary frontage of any proposed building and the proposed driveway access is from a dedicated public road. Staging of road construction is permissible generally in accordance with the Staging Plan by PBD Architects DA0006 Issue A dated 21.04.2016.

2.7.2 Design and Works Specification

- 2.7.2.1 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)

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- (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)

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.

2.7.3 Other Fee and Bond/Securities

- 2.7.3.1 In conjunction with the civil engineering works required to be constructed as part of this development you will be required to submit to Council security bond(s) for maintenance and/or path paving works as well as a contribution for the final asphaltic concrete (AC) surfacing of the roadwork. These matters are individually addressed within the Consent conditions.
- 2.7.3.2 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.
- 2.7.3.3 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 Council's Development Services Engineers

2.7.4 Other Necessary Approvals

- 2.7.4.1 A separate application or details (as necessary) shall be submitted for the separate approval of Council under the provisions of the Local Government Act 1993 and/or the Roads Act 1993 for any of the following (a) The installation of a vehicular footway crossing servicing the development as required by 'Scope of Engineering Works and other sections of this consent' (b) Works on or occupation of existing public roads - that are not covered by a Roads Act Approval - which may require a Road Occupancy Licence or Work Zone Permit.

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2.7.5 Subdivision

- 2.7.5.1 Principal Certifying Authority - Blacktown City Council shall be the Principal Certifying Authority for the proposed subdivision and shall issue the Subdivision Certificate upon compliance with all conditions of this consent.

2.8 Other Matters

- 2.8.1 With the exception of activities/works directly associated with remediation works permitted to be undertaken in association with Condition 3.4 'Contamination,' 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.
- 2.8.2 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.

2.9 Geotechnical and Salinity Matters

- 2.9.1 The works are to be in accordance with the recommendations of the Preliminary Geotechnical Assessment prepared by Douglas Partners dated April 2016.

2.10 NSW Rural Fire Service Matters

- 2.10.1 The development proposal is to comply with the layout plan titled: 'Plan of Asset Protection Zone to proposed Medium Density Residential Flat complex', prepared by Australian Bushfire Protection Planners Pty Ltd and as identified in Section 7 (page 27) of the Bushfire Protection Assessment report, prepared by Australian Bushfire Protection Planners Pty Limited dated 18/4/16.

2.11 RMS Matters

- 2.11.1 All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Schofields Road boundary.

The proponent's attention should also be drawn to the North West Growth Centre strategy. In this regard further information can be obtained at www.rms.nsw.gov.au/projects/sydneywest/northwest-growth-centre-strategy or by contacting - RiverstoneNWGCrms.nsw.gov.au or by calling 1300 367 561.

- 2.11.2 If access is required via SR2 or within the road reserve, the proponent must obtain authority to enter site by contacting Project Manager Daniel Muirhead on 0488 280 018. Contact must be made a minimum of four weeks prior to establishment.
- 2.11.3 OHL-York JV currently hold an Environmental Protection Licence for the works and therefore the proponent must liaise with OHL-York JV to ensure all obligations of the licence are being met at all times when working in/around the Schofields Road Upgrade.

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- 2.11.4 A dilapidation report must be provided to Roads and Maritime of any completed SR2 works which may affect the proposed development.
- 2.11.5 Roads and Maritime currently hold bi-monthly meetings with developers working in and around the SR2 project. It is recommended that developers attend this meeting to understand the upcoming works by RMS and their Contractors as well as other development works in the area. The developer should liaison with Mr Ibrahim El-Jamal (0429506118 or email Ibrahim.el-jamal@rms.nsw.gov.au) to receive an invite to the meeting.

2.12 Transport for NSW Matters

- 2.12.1 The development basement construction may only utilise temporary removable ground anchors if needed.
- 2.12.2 Confirmation is required that any contamination issues encountered during the development of the site (e.g. demolition of existing structures) are to be resolved taking cognizance of the future transport infrastructure, and that there will be no cross-contamination into the adjacent reserved transport corridor land.
- 2.12.3 No modifications may be made to the approved design without the consent of Transport for NSW (TfNSW). TfNSW and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

2.13 NSW Local Police Matters

- 2.13.1 All recommendations in the Harris Crime Prevention Service CPTED Report dated November 2016 are required to be demonstrated on the Construction Certificate documentation and adhered to during works and operation of the development. All mailboxes are to be maintained in a manner to ensure that they are highly visible, kept clear of landscaping, well illuminated and under constant CCTV surveillance.

The CCTV is to be provided around all open space areas, any common areas, access ramps, building entries, car parking areas and the roof top area. CCTV is to be installed in accordance with AS 48006.1 and Applications Guidelines - AS 4806.2.

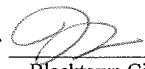
In relation to the installation of CCTV cameras:

- a. They must be installed at entry and exit doorways to the lobby and driveway access points, car park and loading docks.
- b. They must be of high resolution and set up with appropriate field of view to capture good detail.
- c. The soft copy images recorded by the CCTV system shall be appropriately stored in accordance with legal requirements.

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- d. Appropriate signage is to be installed in prominent locations to ensure all visitors are aware that CCTV is operating.
- e. Certification that the CCTV has been appropriately installed is to be provided prior to the release of any Occupation Certificate.

2.14 Sydney Water Matters

2.14.1 Water:

- The drinking water mains available for connection is the 150mm main on the northern side of Schofields Road and the 200mm main on the western side of Schofields Farm Road
- Amplifications and additional works to support the proposed development may be required
- Detailed water requirements will be provided at the Section 73 application phase.

2.14.2 Wastewater:

- The proposed development will be served by wastewater extensions from the wastewater mains being constructed for the adjacent subdivision
- An accredited Hydraulic Designer will need to ensure new pipe works constructed to service the proposed development allow for sufficient capacity to meet Code requirements
- Detailed wastewater requirements will be provided at the Section 73 application phase.

3 Prior to Demolition Works

3.1 Safety/Health/Amenity

- 3.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words 'DANGER - DEMOLITION IN PROGRESS', or similar message shall be fixed to the fencing at appropriate places to warn the public.
- 3.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 3.1.3 Should the demolition work:
 - (a) Be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
 - (b) Be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

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(c) Involve the enclosure of a public place,

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

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

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

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

Each toilet provided shall be:

(a) A standard flushing toilet, and

(b) Connected:

(i) To a public sewer, or

(ii) If connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or

(iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

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

3.2 Tree Protection

3.2.1 Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage.

3.3 Other Matters

3.3.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 2 days prior to the intended work and include the following information:

- Date/s, hours and duration of the works
- Contact name and phone number of the applicant
- Contact name and phone number of the licensed demolisher
- WorkCover NSW contact number 131050, and email address

These conditions are imposed for the following reasons:

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contact@workcover.nsw.gov.au

3.4 Contamination

- 3.4.1 The Applicant is to prepare a Remediation Action Plan (RAP) in accordance with the recommendations of the Detailed Site Investigation prepared by Aargus, Document No. ES7021/2, dated 18 October 2017, to make the site suitable for residential use.

4 During Demolition Works

4.1 Safety/Health/Amenity

- 4.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the words 'DANGER - DEMOLITION IN PROGRESS', or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 4.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 4.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 4.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 4.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 4.1.6 Any excavation and/or backfilling associated with the demolition 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.
- 4.1.7 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 4.1.8 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos' – National Occupational Health and Safety Commission:2002 (if applicable).
- 4.1.9 The recommendations in the Detailed Site Investigation prepared by Aargus, Document No. ES7021/2, dated 18 October 2017, are to be adhered to.

4.2 Nuisance Control

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 4.2.1 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7 am and 6 pm, Monday to Friday, and 8 am to 1 pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.

5 Prior to Construction Certificate (General)

5.1 DA Plan Consistency

- 5.1.1 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.

5.2 Road Deposit/Bond

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

- (a) Road inspection fee of \$180.00;
- (b) Road maintenance bond of \$6,000.00; and
- (c) Road maintenance bond administration fee of \$104.00.

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

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

5.3 Blacktown Growth Centres Development Control Plan 2014

- 5.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Growth Centres Development Control Plan 2014.

5.4 Site Contamination and Salinity

- 5.4.1 The recommendations of the Detailed Site Investigation prepared by Aargus, Document No. ES7021/2, dated 18 October 2017, are to be adhered to.
- 5.4.2 Prior to the issue of a Construction Certificate for Stage 1A the Applicant is to issue to Council a Validation Report to confirm that Lot 1 and Road 1 have been remediated in accordance with the abovementioned testing and reports.
- 5.4.3 Prior to the issue of a Construction Certificate for Stage 1B the Applicant is to issue to Council a Validation Report to confirm that Lot 2 has been remediated in accordance with the abovementioned testing and reports.
- 5.4.4 Prior to the issue of a Construction Certificate for Stage 2 the Applicant is to issue

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to Council a Validation Report to confirm that Lot 6 and Road 2 have been remediated in accordance with the above mentioned testing and reports.

- 5.4.5 Prior to the issue of a Construction Certificate for Stage 3 the Applicant is to issue to Council a Validation Report to confirm that Lot 7 has been remediated in accordance with the abovementioned testing and reports.

5.5 Construction Traffic Management Plan

- 5.5.1 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.

5.6 Construction Environmental Management Plan

- 5.6.1 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 2014.

5.7 Section 94 Contributions under Section 94E Directions

- 5.7.1 Contributions under Section 94 of the Environmental Planning & Assessment Act 1979 must be paid.

Under the Section 94E Direction issued by the Minister for Planning on 4 March 2011, Council must not impose a condition of development consent under Sections 94 (1) or 94 (3) or the Act requiring the payment of a monetary contribution exceeding \$30,000 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 \$30,000 for each residential lot authorised to be created by the development consent. The Section 94 contributions payable below have been assessed in accordance with this Direction.

Contributions are permitted to be paid in stages as identified in **Condition 2.2** above, and as detailed as follows:

Stage 1A

No. of intended dwellings / apartments:	119
Total Developable Area:	0.7141 hectares
Stormwater Quality Developable Area:	0.1785 hectares
Additional Population:	219.5 persons

Stage 1B

No. of intended dwellings / apartments:	137
Total Developable Area:	0.5418 hectares

These conditions are imposed for the following reasons:

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Stormwater Quality Developable Area: 0.1355 hectares

Additional Population: 234 persons

Stage 2

No. of intended dwellings / apartments: 138

Total Developable Area: 0.8079 hectares

Stormwater Quality Developable Area: 0.2020 hectares

Additional Population: 231.4 persons

Stage 3

No. of intended dwellings / apartments: 256

Total Developable Area: 1.1869 hectares

Stormwater Quality Developable Area: 0.2967 hectares

Additional Population: 456.1 persons

Payment of this amount must be made prior to the issue of a Construction Certificate (for building works) for each relevant stage.

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. However, payments by credit card or EFTPOS over \$10,000.00 are levied a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Notes: In complying with the Minister's Section 94E Direction, the applicant is advised that Council may not be in a position to provide all of the facilities listed in the applicable contributions plan due to the potential shortfall of contributions to be received as a result of the \$30,000 per dwelling / lot limit.

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.

Contribution Item	Amount	Relevant CP
Stormwater Quantity Eastern Creek	\$2,211,363	20
Stormwater Quality Eastern Creek	\$94,365	20
Traffic Management	\$604,901	20
Open Space	\$8,246,943	20
Community Facilities	\$111,398	20

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E2 Conservation Zone	\$355,300	20
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These contributions are based upon the following parameters as specified in the Contributions Plan.

No. of intended dwellings / apartments:	650 apartments
Total Developable Area:	3.4530 hectares
Total Stormwater Quality Developable Area:	0.8633 hectares
Total Additional Population:	1,141 persons

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:

Section 94 CP No. 20 Riverstone and Alex Avenue Precincts

The Section 94 Contribution(s) have been based on the total developable area, total stormwater quality developable area, and/or the additional population nominated. Should the final plan of survey indicate any change in the total developable area and total stormwater quality developable area, or should amendments change the potential additional population, the information for this Section 94 Contribution(s) will be adjusted accordingly.

5.8 Special Infrastructure Contributions

- 5.8.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 94EE of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Environment before the relevant Construction Certificate for each building stage in the development is issued.

More information

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

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

5.9 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the Apartment Design Guide

- 5.9.1 No construction certification must be issued unless all design verifications have been provided in accordance with Clause 143A of the Environmental Planning and Assessment Regulation 2000. A certifying authority must not issue a construction certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted,

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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.

5.10 Aesthetics / Landscaping / Fencing

- 5.10.1 The reflectivity index of glass used in the external facade of the development is not to exceed 20%.
- 5.10.2 The development approved by Council is to be constructed in accordance with the approved Materials Finishes Plan. The finishes must also be durable, graffiti resistant, easily cleanable and fire resistant.
- 5.10.3 Any bathroom, WC or laundry window in the external walls of the buildings fitted with translucent glazing.
- 5.10.4 All proposed new retaining walls shall be made of masonry material. Where these walls are to be visible from a public place or road they are to be finished in a decorative appearance and not plain blockwork.
- 5.10.5 All 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.
- 5.10.6 With regard to the treatment of any boundary fencing / acoustics walls in the vicinity of the public domain / public footway, appropriate measures are to be in place to deter the potential for graffiti on these fences / acoustic walls, such as landscaping which limits access to these boundary fences / acoustic walls, or an anti-graffiti finish. Any fencing proposed around the site fronting the public road is required to be a powder coated palisade fence. These details are to be shown on the construction certificate plans to the satisfaction of the Certifying Authority.
- 5.10.7 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.
- 5.10.8 Service conduits which are located on the external facade of the building, and which are visible from the public domain, are not permitted to be exposed, and are to be appropriately screened from view so as to blend in and integrate with the overall presentation of the building.
- 5.10.9 Basement car park vents not to be visually prominent.

5.11 Street Tree Planting

- 5.11.1 Prior to the issue of any Construction Certificate, the person having the benefit of the development consent is to enter into an arrangement satisfactory to the Council for the planting and maintenance of trees along the street frontages of the development site for the purposes of improving the amenity of the streetscape. The Applicant is to undertake the planting and maintenance of street tree/s at no cost to Council and obtain any necessary clearances from relevant Service Authorities. Street tree planting must not interfere with the street light spill.

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The Applicant is to lodge a tree bond of \$320 per tree with Council to ensure the health and vigour of the tree/s. This bond shall be returned 12 months after the completion of the development (i.e. issue of the final Occupation Certificate) if the trees are in a state of good health and vigour to Council's satisfaction.

- 5.11.2 All trees within the Transport Corridor Investigation Area and all trees to be retained as part of the development, as noted in the Applicant's 'LTR response to council' dated 14 September 2016, Item 1.5, are to be retained and protected as per AS 4970-2009 protection of trees on development sites.
- 5.11.3 Council Officers attend the site with the Project Arborist to ensure and confirm the trees to be retained are protected as per AS 4970-2009 and the Sections 4 of the Arboricultural Impact Appraisal and Method Statement, prior to the commencement of any construction or earthworks.
- 5.11.4 A Monetary Bond or Bank Guarantee should be held by Council and supplied by the developer for the site for the ensured survival of the trees to be retained. The bond should be to an agreed value before the commencement of any site works. This money will be retained in part or whole in consideration of the overall adherence to the Management Plan and to the relative health of the retained trees at the completion of construction. A final report by the Site Arborist shall recommended to the consent authority the full or partial return of bond money one year from the date of completion of all construction work. At the consent authorities discretion, this period may be reduced under circumstances where the Site Arborist is able to guarantee the ongoing health and survival of the relevant trees.
- 5.11.5 A revised street tree landscape plan is to be submitted to Council for approval prior a construction certificate being issued. This plan is to show the locations for approximately 188 street trees and include the following:
 - i. The nominated locations for street tree planting with an approximate spacing of 8 metres between each tree.
 - ii. The planting of street trees is to ensure street lighting and vehicle sightlines are not impeded.
 - iii. The nominated street tree species for each street is listed below.
 - The suitable street tree species for Schofields Farm Road is *Waterhousia floribunda* – Weeping Lilly Pilly.
 - The suitable street tree species for Road 1 is *Tristaniopsis laurina* – Water gum.
 - The suitable street tree species for Roads 4 & 5 is *Cupaniopsis anacardioides* – Tuckeroo.

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- The suitable street tree species for Schofields Road is *Angophora costata*
- Smooth Bark Apple

5.12 Access and Parking

5.12.1 Car parking and bicycle parking spaces are to be provided as follows:

Stage	Resident	Visitor	Total	Bicycle
Stage 1	264	51	315	86
Stage 2	147	28	175	48
Stage 3	280	51	331	86
Total	691	130	821	220

5.12.2 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.

5.12.3 All required car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

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

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

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

5.12.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.

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

5.13 Staging

5.13.1 The development is permitted to be constructed and occupied in a staged manner, generally in accordance with the staging described in Condition 2.2.

5.14 Adaptable Housing Units

5.14.1 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.

5.15 Floor to Ceiling Heights

These conditions are imposed for the following reasons:

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- 5.15.1 All residential habitable rooms are to have a minimum floor to ceiling height of 2.7 m. The intrusion of the service bulkheads into habitable spaces is to be minimised to a maximum of 300 mm.

5.16 Services, Plant and Equipment

- 5.16.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the streetscape presentation, apartments and communal open space areas with regard to visual, acoustic and odour impacts.
- 5.16.2 The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.
- 5.16.3 Written evidence is to be provided to Council from an appropriately qualified acoustic consultant stating that all plant and equipment have been selected to meet the project noise criteria.

5.17 Services/Utilities

- 5.17.1 The following documentary evidence shall accompany any Construction Certificate:
- (a) A 'Notification of Arrangement' Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the removal of any power poles and any provision of street lighting, to the development.
 - (b) 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.

5.18 Waste Storage and Collection Matters

- 5.18.1 The construction certificate documentation is required to include the following details/amendments:
- a. Access for waste and recycling collection is required to be undertaken by private contractor collection vehicles (not Council) and is to 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) showing adequate truck entry and exit and in all manoeuvring areas. The roads and driveways, etc, to be accessed by waste vehicles are to be rated/designed for 6.4 m long, small rigid vehicles with a 3.5 m height clearance.
 - b. A bi-fold door is to be provided to the chute and 240 L recycling bin cupboards

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on each residential floor to encourage source separation by residents.

- c. The bulky waste storage rooms are to be notated on the plans as 'bulky waste storage' not 'BWS' (as shown) for identification purposes.
- d. 240L recycling bins (not 1,100 L ones) are to be provided (refer to the main waste rooms near the loading bay shown on Drawings DA1103 and 1,104).
Note: The reason for this is because recycling bins larger than 240 L attract contamination and often result in the rejection of recycling bins at collection time.

5.19 Transport for NSW matters

- 5.19.1 The development basement construction may only utilise temporary removable ground anchors if needed.
- 5.19.2 Prior to the issue of a Construction Certificate the Applicant is to submit a report to Transport for NSW for review prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document title 'Development Near Rail Corridors and Busy Roads — Interim Guidelines'. This assessment is also to assess the likely impact of airborne noise, ground borne noise and vibration from the future rail operations. In addition, noise and vibration effects arising from the future construction activities of the Northwest Transport Corridor at this location on the already completed development buildings. The Applicant should refer to relevant current noise and vibration information from Transport for NSW in order to test that the internal noise criteria and recommended noise control measures remain valid. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.

Appropriate acoustic measures must be taken to ensure that the following LAeq levels are not exceeded:

- (a) In any bedroom in the building - 35dB(A) at any time 10 pm–7 am
 - (b) Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40 dB(A) at any time.
- 5.19.3 Prior to the issue of a Construction Certificate, the Applicant is to engage an Electrolysis Expert to submit a report to TfNSW on the Electrolysis Risk to the development from stray currents from future transport operations. This may require consultation with TfNSW to determine the potential of stray current leakage in this vicinity. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.
 - 5.19.4 Confirmation is required that any contamination issues encountered during the development of the site (e.g. demolition of existing structures) are to be resolved taking cognizance of the future transport infrastructure, and that there will be no cross-contamination into the adjacent reserved transport corridor land.

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- 5.19.5 Prior to the issue of a Construction Certificate, the Applicant should identify what means of access, maintenance equipment and space clearance requirements will be required for the general maintenance of the buildings.

5.20 Necessary Plan Changes

- 5.20.1 Building F is to be modified as below:

- a. All balconies of Building F which are orientated towards Lot 39 DP 1318200 are to be solid balustrades for the purpose of visual privacy.
- b. All window openings of Building F which are orientated towards Lot 39 DP 1218200 are to have fixed horizontal louvres to reduce the potential for downward viewing for the purpose of visual privacy.

Modified plans are to be provided to the satisfaction of Council's Manager of Development Assessment, prior to the issue of the relevant Construction Certificate for Building F.

- 5.20.2 The communal pavilion in Stage 2 is to be deleted.
- 5.20.3 Community rooms are to be provided in Stages 1, 2 and 3 of the development. These rooms are to be shown on modified plans to the satisfaction of Council's Manager of Development Assessment, prior to the issue of a Construction Certificate for the relevant stage of the development.
- 5.20.4 The Landscape Plans are to be updated to reflect the cul-de-sac at the end of Road 2 and a public access shall be designed between Road 2 and Road 4 to the satisfaction of Council's Manager of Development Assessment, prior to the issue of a relevant Construction Certificate for Stage 2.
- 5.20.5 The apartment mix is to be modified to provide at least 6% of the total number of dwellings as 3 bedroom units. Updated architectural plans are to be provided to the satisfaction of Council's Manager of Development Assessment, prior to the issue of the relevant Construction Certificate for Stage 2.
- 5.20.6 All rooftop lift overruns and stairwells which exceed the height plane are to be screened within an architectural roof feature. Updated architectural plans are to be provided to the satisfaction of Council's City Architect, prior to the issue of the relevant Construction Certificate for each building.

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

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- (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.

Such details shall accompany the Construction Certificate.

6.3 Fire Services

- 6.3.1 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.
- 6.3.2 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.

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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6.4 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 Blacktown Local Environmental Plan.

6.5 BASIX Certificate Compliance

- 6.5.1 The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 14734138 (as amended to reflect the necessary plan changes as required by conditions of consent).

6.6 Hazardous Materials and Waste

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

7 Prior to Construction Certificate (Engineering)

7.1 General

- 7.1.1 All relevant conditions within the 'Prior to Construction Certificate (Engineering)' section of this consent shall be satisfied before any Construction Certificate can be issued.
- 7.1.2 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 for each relevant stage.

7.2 Road-works

- 7.2.1 Road pavements are to be designed by a Professional Civil Engineer in accordance with the current version of Council's Engineering Guide for Developments and based upon soil tests performed by a registered NATA soils Laboratory and the traffic loadings listed in 'Scope of Engineering Works' of this consent. The pavement

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designs must be lodged with Council for approval prior to the issue of the relevant Construction Certificate for Engineering works.

7.2.2 A Traffic Management / Control Plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and current RTA Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RTA accredited.

7.2.3 A Road Opening Occupancy Licence is required from the relevant Road Authorities (Council or RTA) for all works on existing public roads. The application for this licence must be accompanied by a Traffic Management / Control plans.

7.3 Erosion and Sediment Control

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

7.4 Compaction Requirements

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

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

7.5 Asset Management

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

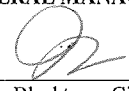
7.6 Other Approvals/Clearances/Adjoining Owners Permission

7.6.1 Written evidence shall be obtained from the Roads & Maritime Services Traffic Authority indicating compliance with its requirements, including the payment of any

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necessary supervision fees. A copy of any such permission shall accompany the relevant Construction Certificates.

7.7 Tree Preservation

7.7.1 A tree retention plan shall be included with the relevant Construction Certificate indicating:

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

7.8 Ancillary Works

7.8.1 Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this consent effective. Such works shall include but are not limited to the following:

- (a) The relocation of underground services where required by the positioning of new drainage and road infrastructure.
- (b) The relocation of above ground power and telephone services.
- (c) The matching of new infrastructure into existing or future designed infrastructure.

7.9 Street Furniture

7.9.1 A notation is to be placed on the Engineering Construction Plans 'that all light poles street name poles and bus shelters in this subdivision will be black powder coated to the satisfaction of Blacktown City Council. Further that these light poles will comply with Council's specifications.'

7.10 Scope of Engineering Works

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

7.10.1 Road and Drainage works

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

7.10.1.2 Proposed new road(s) must be constructed generally as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic>Loading N(E.S.A.)
Road 1	18	296.5	3.5/11/3.5	5x10 ⁵

Note: Formation varies to footway 1m wide adjacent rail corridor.

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Note: Road 1 to have cul-de-sac head as shown on Drawing 147-15C-DA-101, Rev C, by Craig and Rhodes, Dated 02.05.2017 and in accordance with Blacktown Councils Engineering Guide for Development 2005.

Note: Staging of road construction is permissible generally in accordance with Condition 2.2 of this consent.

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

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A.)
Schofields Farm Rd Lot 211	20.115 (Half width)	Full frontage	4.55/11/4.55	5x10 ⁵

Note: This requires an amendment to the submitted concept engineering plans by Craig & Rhodes 147-15C-DA-001 to 541 Revision A.

7.10.1.4 The existing depression through the site between Schofields Farm Road and Proposed Road 1 must be piped to contain stormwater discharges up to the 1% A.E.P. (100 year Average Recurrence Interval) event, and conveyed through the road network to discharge into Council's drainage system.

An overland flow path must be provided capable of conveying the 1% AEP stormwater discharge allowing for 100% blockage of the trapped sag point in Schofields Farm Road.

7.10.1.5 Drainage from the site must be connected into the proposed Council drainage system. Any stormwater and subsoil discharge from a basement must be discharged directly into Council's piped stormwater system.

7.10.1.6 Flows from the upstream catchment draining to approximate CH 263.941 of Road 1, up to and including the 100 ARI storm event, must be collected and conveyed through the site in a piped drainage system and connection made Councils existing system within Road 5. Works within existing public road requires approval under the Roads Act 1993 prior to issue of a Construction Certificate.

Detailed plans and calculations showing proposed pipe to have adequate capacity to cater for the 100 ARI storm event, as well as calculations and detail plans showing overland flow path over the top of the pipe will convey water in accordance with Councils Engineering Guide for Development 2005 and hazard requirements as listed within Australian Rainfall and Runoff Book 6, catering for 50% blockage of kerb inlet, must be provided to Council prior to the release of the Construction Certificate.

7.10.2 Temporary On Site Stormwater Detention System

7.10.2.1 Temporary On-Site Detention

(A) If the regional stormwater detention basin servicing the catchment is not constructed at the time of development, Temporary On-site detention of

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stormwater runoff from the site must be provided to limit post development flows to the predevelopment level for the 2 year to 100 year storm.

- (B) Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer to be issued with a Construction Certificate under the Environmental Planning and Assessment Act 1979 prior to the commencement of works.

Note: Council has preference for a fully above ground On-site Stormwater Detention system. This type of system would significantly reduce confined space issues and may have cost saving advantages in comparison with a below ground system.

7.10.3 Vehicular Crossings

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

7.10.4 Footpaths

- 7.10.4.1 The footway area being fully turfed in an appropriate manner to be free draining to the street and of neat appearance.
- 7.10.4.2 The construction of path paving is to be provided to the following nominated street:

Name	Side	Paving Width	Length
Road 1	Both	1.2 m	Full length
(not including adjacent rail corridor)			
Schofields Farm Rd	West	1.2 m	Full frontage

7.10.5 Finished Boundary Levels

- 7.10.5.1 Finished levels of all internal works at the road boundary of the property must be:
- (a) 4% above the top of the proposed kerb.

7.10.6 Stormwater Quality Control

- 7.10.6.1 Stormwater Treatment Measures for the proposed development shall be designed in accordance with the requirements of Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management. Details are to be included with the plans and specifications accompanying any Construction Certificate application.
- 7.10.6.2 A Maintenance Schedule must be provided for the stormwater treatment measures in accordance with the requirements of Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management. The

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designer of the stormwater treatment measures must prepare the Maintenance Schedule and this schedule must show the designer's name, signature and date on it.

8 Prior to Development Works

8.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

- (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.

- 8.1.3 Should the development work:

- (a) Be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) 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.

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

- 8.1.4 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.
- 8.1.5 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.
- 8.1.6 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.
- 8.1.7 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) Shall be preserved and protected from damage, and
 - (b) If necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) The owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

8.2 Notification to Council

- 8.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.
- 8.2.2 At least five (5) full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$10,000,000.

8.3 Home Building Act

- 8.3.1 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:

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- (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.

8.4 **Sydney Water Authorisation**

- 8.4.1 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, or telephone 1300 082 746 for assistance.

8.5 **Roads and Maritime Services**

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

8.6 **Removal of Dams**

- 8.6.1 Any dam on site shall be de-watered in stages. All native fauna located within and surrounding the dam shall be collected by an appropriately qualified and licensed ecologist. Any captured native fauna shall be relocated to a suitable location managed by the applicant or as nominated by Council. Details shall be submitted to Council, including photographs, surveys and diary entries of species found and details of relocation.

8.7 **Protection of Fauna**

- 8.7.1 It is the responsibility of the developer to ensure that the removal of hollow-bearing trees or trees containing nests is conducted with due regard to any fauna present.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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In the event that fauna is evident an ecologist shall be engaged on-site to undertake appropriate relocation any fauna.

9 During Construction (Building)

9.1 Safety/Health/Amenity

9.1.1 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.

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

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

9.1.3 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.

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

9.1.5 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 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided.

9.1.6 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.

9.1.7 Should any excavation associated with the ongoing development works extend

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

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

9.1.8 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.

9.2 Building Code of Australia Compliance

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

9.3 Surveys

9.3.1 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.

9.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

9.4 Nuisance Control

9.4.1 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.

9.4.2 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

9.4.3 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.

9.5 Stormwater Drainage

9.5.1 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 225 mm above the adjoining finished ground level, and/or

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(b) Being drained to an effective drainage system.

9.6 Waste Control

9.6.1 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.

9.7 Construction Inspections

9.7.1 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.

10 During Construction (Engineering)

10.1 Notification of Work Commencement

10.1.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$20,000,000.

10.1.2 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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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.

10.2 Compaction Requirements

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

- (a) Submission of compaction certificates for fill within road reserves.
- (b) Submission of compaction certificates for road sub-grade.
- (c) Submission of compaction certificates for road pavement materials (sub-base and base courses).
- (d) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- (e) Compliance Certificates from road material suppliers.

10.3 Tree Protection

10.3.1 Prior to the commencement of any earthworks, and after the road centrelines have been pegged and/or permanently marked, the site shall be inspected by Council's representative or an appropriately accredited private certifier and the applicant's representative to identify and appropriately mark:

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

10.4 Soil Erosion and Sediment Control Measures

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

10.4.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.

10.4.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

10.5 Filling of Land and Compaction Requirements

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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- 10.5.1 Regular wetting down of the site must be undertaken during the course of works being carried out in order to control wind-blown dust from the site.
- 10.5.2 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.
- 10.5.3 Site filling and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's 'Works Specification - Civil (Current Version)'. Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 10.5.4 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.

10.6 Inspection of Works

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

- (i) Soil Erosion and Sediment Control
 - (a) Implementation of erosion and sediment control
 - (b) Revegetation of disturbed areas
 - (c) Construction of major controls (i.e gabions mattresses shotcreting etc)
 - (d) Removal of sediment basins/ fencing etc.
 - (e) Internal sediment/ pollution control devices
 - (f) Final Inspection
- (ii) Traffic Control
 - (a) Implementation of traffic control
 - (b) Maintenance of traffic control during works
 - (c) Removal of traffic control
- (iii) Construction of Drainage works (including inter-allotment)
 - (a) Pipes before backfilling including trench excavation and bedding
 - (b) Sand Backfilling
 - (c) Final pipe inspection
 - (d) Pit bases and headwall aprons
 - (e) Pit Walls/ wingwalls/ headwalls

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- (f) Concrete pit tops
- (g) Connection to existing system
- (h) Tailout works
- (i) Final Inspection
- (iv) Construction of Road Pavement
 - (a) Boxing out
 - (b) Sub-grade roller test
 - (c) Subsoil drainage
 - (d) Sandstone roller test layer 1
 - (e) Sandstone roller test layer 2
 - (f) Kerb pre-laying
 - (g) Kerb during laying including provision of roof-water outlets
 - (h) Sandstone depth
 - (i) Pavement profiles
 - (j) DGB depths and roller tests
 - (k) Wearing Course
 - (l) Kerb final
 - (m) Concrete tests
 - (n) Formwork concrete pavements
 - (o) Final inspection
- (v) Provision of Street Furniture
 - (a) Street Furniture (including street signs guideposts guardrail etc)
 - (b) Erection of fencing adjoining public/ drainage reserves
- (vi) Footpath Works
 - (a) Footpath Trimming and/or turfing (to ensure 4% fall)
 - (b) Pathway construction (cycle/ link pathways)
 - (c) Path-paving construction
 - (d) Service Adjustments
 - (e) Final Inspection
- (vii) Construction of on-site detention system
 - (a) Steel and Formwork for tank/ HED control pit
 - (b) Completion of HED control pit
 - (c) Pit formwork
 - (d) Pipes upstream/ downstream of HED control pit before backfilling
 - (e) Completion of OSD system

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- (viii) Stormwater Quality Control
 - (a) Installation of Stormwater Quality Control devices
 - (b) Final Inspection
- (ix) CCTV Inspection of Drainage Structures (pipelines and pits)
 - (a) All road drainage
- (x) Final overall Inspections
 - (a) Preliminary overall final inspection
 - (b) Overall final inspection

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

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

- 10.6.2 Inspection of the works required pursuant to the engineering approval issued under the Roads Act 1993 must be made by Council's Development Overseers who can be contacted on 9839 6586 between 7am - 8am and 12.30pm - 1.30pm. A site inspection is required prior to commencement of work. A minimum 24 hours' notice must be given prior to any required inspection. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

10.7 Public Safety

- 10.7.1 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.

10.8 Site Security

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

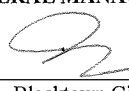
10.9 Powder Coated Furniture

- 10.9.1 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

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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.

11 During Construction

11.1 Environmental Management

- 11.1.1 The recommendations provided in the Noise Impact Assessment prepared by Acoustic Logic dated April 2016 shall be implemented.
- 11.1.2 Written evidence is to be provided to Council from an appropriately qualified acoustic consultant stating that all plant and equipment have been selected to meet the project noise criteria.
- 11.1.3 Any asbestos material is to be handled and treated in accordance with the WorkCover document '*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*' dated March 2008.
- 11.1.4 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, a Remediation Action Plan (RAP) is to be submitted to Council's Manager, Development Services for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.
- 11.1.5 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:
 - (a) The applicant is to ensure that validation for the entire subject site can be prepared by a suitably qualified environmental consultant in accordance with Council's Contamination Land Policy.
 - (b) The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
 - (c) Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
 - (d) Any filling shall be undertaken in accordance with the fill protocol approved by Council's Manager, Development Assessment.

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

11.2 European Heritage

These conditions are imposed for the following reasons:

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- 11.2.1 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.

11.3 Aboriginal Heritage

- 11.3.1 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.

11.4 Construction Traffic Management Plan

- 11.4.1 The Construction Traffic Management Plan submitted to Council is to be adhered to at all times.

12 Prior to Subdivision Certificate

12.1 Site Access

- 12.1.1 All lots shall have access from a dedicated public road. In this regard, all proposed roads shall be dedicated as public road free of cost to Council.

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

12.2 Road Damage

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

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

12.3 Asset Management

- 12.3.1 An amount is to be paid to Council for the ongoing maintenance of the black powder coated light poles, street name poles and bus shelters proposed in this subdivision. This amount is based on a fee of \$42.50 per lot proposed in the subdivision and is to be paid prior to the release of the Linen Plan. This amount is valid only until 30

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June 2018, upon which this amount will be updated in accordance with Council's adopted fee structure at the time. Any enquiries regarding this fee are to be directed to the Maintenance Section of the City Assets Directorate.

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

12.4 Roads and Traffic Authority

12.4.1 The applicant shall contact the Roads and Traffic Authority regarding arrangements for the acquisition of that portion of the site required for arterial road widening. Written evidence of such arrangements having been made is to be submitted with, or prior to, the Subdivision Certificate application.

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

12.5 Consent Compliance

12.5.1 Subdivision Certificate(s) for each relevant stage shall not be issued until all relevant conditions of this consent have been satisfied.

12.6 Additional Inspections

12.6.1 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.

12.7 Fee Payment

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

12.8 Engineering Matters

12.8.1 Surveys/Certificates/Works As Executed plans

12.8.1.1 A Work-As-Executed plan (to a standard suitable for scanning) signed by a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed. Council requires the Work-As-Executed plans to be submitted in both hardcopy and electronically on a CD (in PDF and DWG format). All engineering Work-As-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

12.8.1.2 A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the on-site detention system as

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constructed will function hydraulically in accordance with the approved design plans.

12.8.1.4 A certificate from a Registered Engineer (NPER) must be lodged with Council verifying that the structures associated with the on-site detention systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.

12.8.1.5 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.

12.8.1.6 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

12.8.1.7 Written evidence is to be obtained from the Roads & Traffic Authority indicating compliance with its requirements including the payment of any necessary works supervision fees.

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

- (a) Submission of compaction certificates for fill within road reserves.
- (b) Submission of compaction certificates for road sub-grade.
- (c) Submission of compaction certificates for road pavement materials (sub base and base courses).
- (d) The submission of two (2) contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- (e) Compliance Certificates from road material suppliers.

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

12.8.2 Easements/Restrictions/Positive Covenants

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

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

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- 12.8.2.2 Restrictions and/ or positive covenant must be provided over the overland flow-paths.
- 12.8.2.3 Creation of an Easement to Drain Water over proposed Stage 2 free of cost to Council. The easement must be created under the Conveyancing Act 1919 and have the nominated lots burdened and Blacktown City Council Benefitted. Easement width to be in accordance with Council's Engineering Guide for Development 2005.
- 12.8.2.4 Restrictions and positive covenants must be provided over the on-site detention storage areas and outlet works.
- 12.8.2.5 An easement for Right of carriage way benefitting Blacktown City Council must be provided over the area between the Road 1 cul-de-sac and Road 5 to ensure access to the public can be maintained.
- 12.8.2.6 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.

12.8.3 Dedications

- 12.8.3.1 Dedication at no cost to Council of 5m x 5m (residential) splay corners on allotments at each street intersection in accordance with the staged subdivision.
- 12.8.3.2 The final plan of subdivision will not be released unless written evidence from the Roads and Traffic Authority has been obtained indicating any works required by the RTA have been satisfactorily addressed.

12.8.4 Bonds/Securities/Payments in Lieu of Works

- 12.8.4.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (ac) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of the relevant Construction Certificate for the work.
- 12.8.4.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.
- (a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)
- (b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

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

- 12.8.4.3 Concrete path paving must not be placed until the majority of each stage of the development, for example about 75% of each Stage/lot has been built upon, or until approved in writing by Council. The applicant has the option of lodging a security

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deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Services Pricing Schedule. The Security will be released upon satisfactory completion of the works.

12.8.5 Inspections

12.8.5.1 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.

12.8.6 Inspection of Work

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

12.8.7 Service Authorities

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

12.8.7.2 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 relevant stage of the development is to be submitted to Council prior to the issue of the relevant stage of any Occupation Certificate.

12.8.7.3 A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the relevant stage of the development or that arrangements have been made for the provision of services to the development.

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12.8.8 Special Infrastructure Contributions

- 12.8.8.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 94EE of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Environment before the relevant Construction Certificate for each building stage in the development is issued, or before the relevant Subdivision Certificate for each subdivision stage in the development is issued, whichever is the earliest.

More information

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

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

13 Prior to Occupation Certificate

13.1 Compliance with Conditions

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

13.2 Road Damage

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

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

13.3 Other Matters

- 13.3.1 The landscaped areas for each stage are to be provided in accordance with the approved landscaping design plan prior to the issue of the Occupation Certificate for the relevant stage.
- 13.3.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.

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- 13.3.3 All required car parking spaces for residents and visitors shall be line-marked and clearly identified.
- 13.3.4 Appropriate way finding signage is to be erected which directs residents, visitors and delivery vehicles to the appropriate locations.
- 13.3.5 All privacy screening measures, landscaping and boundary fencing detailed on the approved plans are to be installed and completed prior to the issue of any Occupation Certificate. This includes the privacy screening requirements for Building F in **Conditions 5.20.1 (b) and (c)**. The full cost of any boundary fencing is to be borne by the person acting on this consent.
- 13.3.6 Any above ground rainwater tank and services that are visible from the street or a public place is to be screened from view by a physical screen and landscape screening.
- 13.4 **Acoustic Verification**
- 13.4.1 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, and specifically the requirements of Transport for NSW.
- 13.5 **Street Tree Planting**
- 13.5.1 Prior to the issue of the final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to Council's Maintenance Section satisfaction.
- 13.6 **Site Contamination**
- 13.6.1 A final site contamination Validation Report confirming the suitability of the site for the proposed development is to be endorsed by Council prior to the release of the final plan of subdivision. The Validation Report shall be prepared by a consultant engaged under the terms of Council's Contaminated Lands Policy.
- 13.7 **Salinity**
- 13.7.1 A report from a geotechnical engineer is to be submitted to Council certifying the site classification for the reactivity of the lots in the subdivision after identification of the soil characteristics in accordance with the provisions of AS 2870, 'Residential Slabs and Footings.'
- 13.8 **Waste Storage and Collection Matters**
- 13.8.1 The development is to be completed in accordance with the waste requirements of **Condition 5.18**.
- 13.8.2 Access for waste and recycling collection is required to be undertaken by private contractor collection vehicles (not Council) and is to 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

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allowances) showing adequate truck entry and exit and in all manoeuvring areas. The roads and driveways, etc. to be accessed by waste vehicles are to be rated for 6.4m long, small rigid vehicles.

13.8.3 A Strata Management Agreement, or similar, must exist which clearly outlines:

- a. Include the requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the updated and approved waste management plan.
- b. State who is responsible for maintenance of the garbage collection system and bin cleaning.
- c. Detail how the waste collection points will be kept clear and unobstructed prior to and during collection times.
- d. Include the method/s of communication to new tenants and residents regarding the waste management service and collection system for the development.
- e. Include the updated and approved waste management plan.

13.8.4 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. This restriction is to be included on any land title document related to this application/site.

13.8.5 An updated Waste Management Plan is to be prepared and submitted to Council which reflects the final waste management procedures including the requirements of **Condition 5.18** and **Conditions 13.8.2, 13.8.3 and 13.8.4**.

13.9 Other Matters

13.9.1 All landscaping, recreation features and furniture, BBQ facilities, children's play equipment and lighting shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.

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

13.9.3 All fencing and retaining walls shall be completed in accordance with the approved 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 any potential for graffiti.

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

These conditions are imposed for the following reasons:

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- 13.9.5 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.
- 13.9.6 All power boards should be housed within a locked cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.
- 13.9.7 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 13.9.8 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 13.9.9 Head room clearance at the basement ramp must comply with requirements of AS2 890.1 (Section 5.3) for a Disabled Vehicle, and meet AS 2890.1 – Appendix C for the disabled parking space and access to the lift.
- 13.9.10 All required internal roads/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.
- 13.9.11 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.
- 13.9.12 A roller shutter and card-key/secure access system is to be installed at the entry/exit points of the basement car parks.
- 13.9.13 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.
- 13.10 **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**
- 13.10.1 No occupation certification must be issued unless all design verifications have been provided in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000. A certifying authority must not issue an occupation certificate for the 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.
- 13.11 **Adaptable Housing Units**
- 13.11.1 Certification from a qualified Access Consultant confirming that the Adaptable Housing Units are capable of being modified when required by the occupants in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) is to be submitted to Council.

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13.12 Total Maintenance Plan

13.12.1 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, driveways, car park areas, fencing, soft and hard landscaping, outdoor play areas, outdoor furniture, communal areas/rooms, security systems, directional signage, lighting, plant and equipment, loading areas, services and the Transport Investigation Corridor Area 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 always managed by a Building Manager / Caretaker.

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

13.13 Graffiti Management Plan

13.13.1 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.

13.14 Service Authorities

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

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13.14.2 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 is to be submitted to Council prior to the issue of any Occupation Certificate.

13.14.3 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.

13.15 Fire Safety Certificate

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

13.16 Fee Payment

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

13.17 Engineering Matters

13.17.1 Surveys/Certificates/Works As Executed plans

13.17.1.1 A Work-As-Executed plan (to a standard suitable for scanning) signed by a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed. Council requires the Work-As-Executed plans to be submitted in both hardcopy and electronically on a CD (in PDF and DWG format). All engineering Work-As-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

13.17.1.2 A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the on-site detention system as constructed will function hydraulically in accordance with the approved design plans.

13.17.1.3 A certificate from a Registered Engineer (NPER) must be lodged with Council verifying that the structures associated with the on-site detention systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.

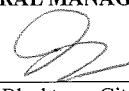
13.17.1.4 A certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.

13.17.1.5 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

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- 13.17.1.6 Written evidence is to be obtained from the Roads & Maritime Time Services indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 13.17.1.7 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):
- (a) Submission of compaction certificates for fill within road reserves.
 - (b) Submission of compaction certificates for road sub-grade.
 - (c) Submission of compaction certificates for road pavement materials (sub base and base courses).
 - (d) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
 - (e) Compliance Certificates from road material suppliers.
- 13.17.1.8 Prior to the release of any Occupation Certificate related to Stage 2 and 3 as referred to on the Construction Stage Plan DA0006, an easement for Right of carriage way benefitting Blacktown City Council must be provided over the area between the Road 1 cul-de-sac and Road 5 to ensure access to the public can be maintained.

14 Operational

14.1 Specific Uses

- 14.1.1 The approved development shall comply with the requirements of the following definition contained within State Environmental Planning Policy (Sydney Region Growth Centres) 2006:

'residential flat building' means 'a building containing 3 or more dwellings, but does not include an attached dwelling, a manor home or multi dwelling housing.'

- 14.1.2 The hours of operation and noise levels from the Ground Level outdoor communal open space areas and the communal rooms are to be appropriately managed to ensure that the occupiers of the buildings are not adversely affected by noise and vibrations, in particular not prior to 8am and not after 8pm daily.

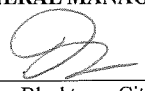
14.2 Environmental Management

- 14.2.1 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 14.2.2 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution

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of land and/or water as defined by the Protection of the Environment Operations Act 1997.

14.2.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

14.2.4 To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10pm and 7am.

14.4 Access / Parking

14.4.1 All required off-street car parking spaces (315 for Stage 1, 175 or Stage 2 and 331 for Stage 3) and internal roads/driveways shall be maintained to a standard suitable for the intended purpose.

14.4.2 All vehicles must enter and exit the site in a forward direction.

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

14.4.4 All loading and unloading operations shall take place at all times wholly within the confines of the land. All unloading activities are to be conducted in a manner that does not impact on the amenity of adjoining property owners/occupants.

14.5 Waste storage and collection matters

14.5.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.

14.5.2 Waste collection activities are not to adversely affect the occupants of the surrounding properties at any time, including traffic, noise and odour impacts.

14.5.3 The management and operation of the waste, recycling and bulky waste storage and collection activities are to be undertaken by a private waste contractor and under the responsibility of the Owners Corporation / any future Strata Management Plan, or the like, as required by **Condition 13.8**.

14.6 General

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

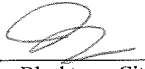
14.6.2 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

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

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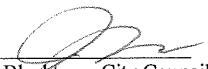
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- 14.6.4 No signage, goods, materials, or the like, are to be stored at any time outside of the building on either the internal vehicular driveway, car parking area, landscaping or footpath.
- 14.6.5 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 14.6.6 Removal of any graffiti visible from any public road or place is the responsibility of the property owner/s. Once identified, all graffiti must be removed within 48 hours. The development is to be maintained in accordance with the Total Maintenance Plan and Graffiti Management Plan as required by **Conditions 13.12 and 13.13**.
- 14.6.7 The maintenance of the setback area to the adjoining Transport Corridor to the south and any associated fencing, pathways, landscaping and lighting are to be kept in a well maintained condition for the life of the development.

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