

Conditions of consent (draft)

Proposed development	Demolition of the existing structures, removal of all trees construction and operation of a 9 storey hotel with 70 suites and ancillary restaurant, offices and conferencing rooms, 18 existing at-grade parking spaces at-grade and 110 parking spaces in 3 basement levels, a rooftop swimming pool and recreational area and associated stormwater drainage works and landscaping.
Property description	Lot 141 DP 879706, 142 Sunnyholt Road, Blacktown

1 Advisory Notes

1.1 Terminology

- 1.1.1 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 6.4 of the *Environmental Planning and Assessment Act 1979*.

1.2 Scope of Consent

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

1.3 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 permanent building structure over or within any easement. The wet weather roof at the hotel entrance area is permitted to be erected.
- 1.3.3 Separate Council approval under the *Roads Act 1993* is required for any crane used to construct this development that swings over public air space.
- 1.3.4 If any aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.

1.4 Services

- 1.4.1 The applicant is advised to consult with:
- (a) Sydney Water Corporation Limited
 - (b) A recognised energy provider

- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

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

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

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

- 1.4.2 Information regarding the location of underground services may be obtained from the Sydney 'Dial Before You Dig' service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.
- 1.4.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.4 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.
- 1.4.5 If any food or public health related commercial activities are to be provided, formal written approval for the use and fit out of the premises is required to be provided by Council's Environmental Health Officer and comply with the requirements of the:
 - a. *Food Act 2003* and Regulations there under.
 - b. Australian Standard 4674-2004 *Design, construction & fit-out of food premises*.

1.5 Demolition

- 1.5.1 Where any work on an older building is proposed, the applicant should ascertain whether the building contains any contaminants that may present a potential health risk to humans (including asbestos, lead-based paint and the like) and apply appropriate precautions during the work. Further information regarding safe working methods may be obtained from the following organisations and publications (including those which may supersede such publications):
 - a. NSW WorkCover Authority (Ph: 13 10 50) – 'Short Guide to Working with Asbestos',
 - b. NSW Department of Environment and Conservation (Ph: 9995-5000) – 'A Guide to Keep Your Family Safe from Lead', 'A Renovators Guide to the Dangers of Lead',
 - c. 'Code of Practice for the Safe Removal of Asbestos' – National Occupational Health and Safety Commission:2002 (1988),

- d. Australian Standard 4361.1-1995 – Guide to Lead Paint Management (Industrial Applications),
- e. Australian Standard 4361.2-1998 – Guide to Lead Paint Management (Residential and Commercial Applications), and
- f. Australian Standard 2601-2001 – The Demolition of Structures.

1.6 Identification Survey

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

1.7 Engineering Notes

- 1.7.1 Any Construction Certificate covering Engineering Works must include and address the following:
 - Design of specified Engineering Works as required by this consent.
 - Any ancillary works necessary to make the construction effective

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

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

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

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

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

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

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

1.8 Payment of Engineering Fees

- 1.8.1 If the applicant wishes for Council to issue the Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)') the applicant must:
 - Complete application form
 - Submit all relevant plans produced by a suitably qualified person and in accordance with Councils Standards.

A quote will be provided verbally generally within 14 followed by confirmation in writing.
- 1.8.2 If the applicant wishes for Council to undertake Construction inspections and issue a Compliance Certificate for engineering works, the applicant must:
 - Complete application form
 - Submit all relevant plans produced by a suitably qualified person

- If plans are privately certified, applicant must supply Construction Certificate covering the required works.

A quote will be provided verbally generally within 14, followed by confirmation in writing.

2 GENERAL

1.15 Swimming Pool Register

- 1.15.1 The Swimming Pool Act 1992 (as amended) requires a pool/spa, upon its completion, to be registered on the NSW Swimming Pool Register at www.swimmingpoolregister.nsw.gov.au.

5.6 Swimming Pools

- 5.6.1 The swimming pool and child-resistance barrier(s) shall comply with the design and construction requirements of Part 2 of the Swimming Pool Act 1992, Australian Standard 1926.1-2012: "Swimming Pool Safety - Safety Barriers"

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 REFERENCE	DATE
Architectural Plans prepared by PTI Architecture Pty Ltd	
Cover Page	May 2019
DA01 Project Information, Revision E	06.11.2018
DA04 Site Plan, Revision D	06.11.2018
DA05 Basement 3 Plan, Revision C	27.07.2018
DA06 Basement 2 Plan, Revision D	30.10.2018
DA07 Basement 1 Plan, Revision E	06.11.2018
DA08 Ground Floor Plan, Revision F	06.11.2018
DA09 Level 1 Floor Plan, Revision C	13.09.2018
DA10 Level 2 Floor Plan, Revision B	27.07.2018
DA11 Level 3 Floor Plan, Revision B	27.07.2018
DA12 Level 4 Floor Plan, Revision B	27.07.2018
DA13 Level 5 Floor Plan, Revision B	27.07.2018
DA14 Level 6 Floor Plan, Revision B	27.07.2018
DA15 Level 7 Floor Plan, Revision B	27.07.2018
DA16 Level 8 Floor Plan, Revision B	27.07.2018
DA17 Roof Plan, Revision B	27.07.2018
DA18 Section A, Revision D	06.11.2018
DA19 Section B, Revision D	06.11.2018
DA20 Section C, Revision E	06.11.2018
DA20.1 Section D, Revision B	13.09.2018
DA21 East Elevation – Sunnyholt Road, Revision F	06.11.2018

DRAWING REFERENCE	DATE
DA22 South Elevation – R.O.W. Easement, Revision F	06.11.2018
DA23 North Elevation, Revision F	06.11.2018
DA24 West Elevation, Revision C	06.11.2018
DA34 Height Plane Diagram, Revision B	06.11.2018
DA35 Exterior Finishes, Revision A	19.10.2017
DA37 B99 Entry & Exit Paths, Revision D	06.11.2018
DA38 22 Seat Minibus Entry & Exit Paths, Revision D	06.11.2018
DA39 MRV Entry & Exit Paths, Revision D	06.11.2018
Landscape Plans prepared by Site Image Landscape Architects	
SS17-3591 000 Cover Sheet, Issue E	07.11.2018
SS17-3591 C101 Colour Landscape Plan Composite, Issue E	07.11.2018
SS17-3591 101 Ground Floor, Issue E	07.11.2018
SS17-3591 102 Rooftop, Issue E	07.11.2018
SS17-3591 401 Ground Floor, Issue E	07.11.2018
SS17-3591 402 Rooftop, Issue E	07.11.2018
SS17-3591 500 Landscape Specifications, Issue E	07.11.2018
SS17-3591 501 Landscape Details, Issue E	07.11.2018

2.2 Services

- 2.2.1 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.
- 2.2.2 The applicant shall obtain approval from service providers/authorities which are affected by the approved development including NBN, Optus, Telstra, Jemena, Endeavour Energy and Sydney Water.

2.3 Suburb Name

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

Suburb: Blacktown

2.4 Building Matters

- 2.4.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 2.4.2 Any future substation or other utility installation, including easement impositions required to service the approved subdivision/development must not under any circumstances be sited on future or existing Council land, including, but not limited to road reservations, drainage land and/or public reserves. Any proposal to locate a proposed substation, easement or other utility installation on Council land must be negotiated with and fully endorsed by the relevant Council Directorates.
- 2.4.3 Prior to the commencement of any work the applicant is to submit the details regarding the proposed demolition works. These details are to include a site investigation report, work plan, hazardous materials and waste management plan.

- 2.4.4 The demolition work are to be carried out by a contractor who has a current asbestos and demolition licence as issued by Safe Work NSW.

2.5 Engineering Matters - Design and Works Specification

- 2.5.1 All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:
- (a) Blacktown City Council's Works Specification - Civil (Current Version)
 - (b) Blacktown City Council's Engineering Guide for Development (Current Version)
 - (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
 - (d) Blacktown City Council Growth Centre Precincts Development Control Plan
 - (e) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
 - (f) Blacktown City Council On Site Detention General Guidelines and Checklist
 - (g) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook Fourth Edition December 1999.

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.

2.6 Required Engineering Approvals

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

2.7 Other Engineering Matters

- 2.7.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 2.7.2 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.

2.8 Drainage Matters

- 2.8.1 Each year by the first business day on or after 1 September the registered proprietor/lessee is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Device and rainwater tank and stormwater tank in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed are to be

disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.

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
 - (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 Site Investigation

A qualified Site Auditor accredited by NSW Department of Environment and Conservation (under the provisions of the *Contaminated Land Management Act 1997*) shall be engaged to undertake an investigation of the land to ascertain if the site has been affected by any contaminants (including, but not limited to, asbestos, organochlorins, arsenic, lead, petroleum residues and the like) that may be detrimental to the health of any future occupants and/or workers. The report shall identify the contaminants (if applicable) and shall make recommendations on the method of remediation of the land.

3.3 Notice to Neighbours

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 contact@workcover.nsw.gov.au

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 works 'DANGER - DEMOLITION IN PROGRESS', or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 4.1.2 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).
- 4.1.3 Any asbestos material is to be handled and treated in accordance with the WorkCover document '*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*' dated March 2008.
- 4.1.4 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.
- 4.1.5 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 4.1.6 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.
- 4.1.7 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is required to consult with the various service authorities regarding their requirements for the disconnection of services. This includes NBN, Optus, Telstra, Jemena, Endeavour Energy and Sydney Water.
- 4.1.8 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.

4.2 Nuisance Control

- 4.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the demolition works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 4.2.2 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 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.

- 4.2.3 The waste material sorting, storing 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 the demolition works.

5 PRIOR TO DEVELOPMENT WORKS

5.1 Safety/Health/Amenity

- 5.1.1 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.

- 5.1.2 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.

- 5.1.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involve the enclosure of a public place,
- a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

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

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

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

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

- 5.1.6 A single vehicle/plant access to the land shall be provided to minimise ground

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

- 5.1.7 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.
- 5.1.8 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
 - (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

5.2 Notification to Council

- 5.2.1 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.

5.3 Sydney Water Authorisation

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

5.4 Protection of Fauna

- 5.4.1 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. In the event that fauna is evident an ecologist shall be engaged on-site to undertake appropriate relocation any fauna.

5.5 Roads and Maritime Services - Requirements

- 5.5.1 The development is to be in accordance with the requirements of Roads and Maritime Services in their correspondence dated 5 October 2018 and as follows:
 - i. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

A plan checking fee will be payable and a performance bond is required before Roads and Maritime approval is issued.

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

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

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

- iii. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Sunnyholt Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

6 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

6.1 DA Plan Consistency

- 6.1.1 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.

6.2 Section 7.11 Contributions

- 6.2.1 The following monetary contributions under Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at the BASE date of March 2015. They WILL BE INDEXED from the base date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: 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.

Contribution Item	Base Amount	Relevant C.P.
Floor Mitigation Breakfast Creek Catchment	\$ 5,202.00	19
Stormwater Quality Blacktown Growth Precinct	\$ 20,553.00	19

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

The Section 7.11 Contribution(s) have been based on the total developable area of 0.2457 hectares. Should the final plan of survey indicate any change in the total developable area the information for this Section 7.11 Contribution(s) will be adjusted accordingly.

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

S.7.11 CP No. 19 Blacktown Growth Precinct.

6.3 Construction Traffic Management Plan

- 6.3.1 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.

6.4 Access and Parking

- 6.4.1 The 18 existing at-grade car parking spaces (located to the south of the site in the easement shared with 140 Sunnyholt Road, Blacktown) are to be retained and available for the use of this development and 140 Sunnyholt Road, Blacktown.
- 6.4.2 110 basement car parking spaces are required to be provided on site.
- 6.4.3 The loading dock and associated turntable and access driveway are to be available for use at all times to ensure that waste collection, loading and maintenance services are capable of being serviced at all times.
- 6.4.4 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network.
- 6.4.5 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 (AS) 2890.1 – 2004, AS2890.6 – 2009 and AS 2890.2 – 2002 for heavy vehicle usage.
- 6.4.6 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009 and AS1428.1 - 2009.

6.5 Aesthetics and Materials

- 6.5.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20%.
- 6.5.2 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.
- 6.5.3 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the Material Board Plan submitted with the application. Building materials and finishes are to be finished with an anti-graffiti coating. Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans. Materials and finishes including the external walls of the development are to comply with the requirements of the *Environmental Planning and Assessment Amendment (Identification of Buildings with Combustible Cladding) Regulation 2018* and *State Environmental Planning Policy Amendment (Exempt Development – Cladding and Decorative Work) 2018* which commenced on 22 October 2018.
- 6.5.4 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.

- 6.5.5 Windows in the hotels from the first floor level through to the top floor level are to be fitted with a child safety mechanism to prevent accidental falls out of windows by persons such as children. Details of such safety mechanisms shall be shown on the Construction Certificate plans and provided to the principal certifying authority/principal certifier.

6.6 Fencing and Retaining Structures

- 6.6.1 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. All boundary fencing adjoining neighbouring residential properties are to be replaced at full cost to the developer and are to be of suitable quality. Fencing is to be constructed on top of any masonry retaining walls.
- 6.6.2 All retaining walls/structures shall be of masonry construction (i.e. no timber walls).
- 6.6.3 With regard to the treatment of any front fences or walls at the ground level which is in the vicinity of the public domain / public footway, appropriate measures are to be in place to deter the potential for graffiti on these front fences or walls, such as landscaping which limits access to these front fences or walls, or a varied finish to these front fences / walls and with an anti-graffiti finish. These details are to be shown on the construction certificate plans to the satisfaction of the Certifying Authority.
- 6.6.4 Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti. All fencing which is visible from the public domain is not permitted to be continuous, closed board, or the like.

6.7 Common Areas and Landscaping

- 6.7.1 All common areas and landscaping shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate. The minimum pot sizes are to be 45 litres for medium sized plants and 100 litres for trees. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.
- 6.7.2 Indigenous species from the area are encouraged for all landscape plantings however, non-native species may be planted to external courtyard areas to achieve seasonal climate management.
- 6.7.3 All landscaping, lawn areas, recreation features and furniture, pathways, ramps and fencing shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate.

6.8 Utilities, Services, Plant and Equipment

- 6.8.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, substations and pool servicing equipment, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the streetscape presentation and adjoining properties with regard to visual, acoustic and odour impacts.
- 6.8.2 The garbage and recycling storage areas 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.

- 6.8.3 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 and vibration criteria.
- 6.8.4 A 'Notification of Arrangement' Certificate is to be obtained from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development, including providing of any onsite substation.
- 6.8.5 The applicant shall obtain approval from service providers/authorities which are affected by the approved development including NBN, Optus, Telstra, Jemena, Endeavour Energy and Sydney Water.

6.9 NSW Local Police – Requirements

- 6.9.1 The following recommendations provided by the Local Police shall be included in the Construction Certificate plans and documentation:
- i. Surveillance – Closed Circuit Television Systems (CCTV), Management and Operation shall be installed in accordance with AS:48006.1 and the Applications Guidelines AS 4806.2.
 - ii. Lighting – A lighting maintenance policy for the development shall be prepared.
 - iii. Lighting – Lighting shall be vandal resistant and placed around the perimeter of the property, at all entry/exits points leading into the hotel and throughout outdoor areas and driveway. Possible entrapment spots such as the storage units, waste/rubbish bin areas should be lit with vandal- resistant and energy saving lighting.
 - iv. Lighting – Lighting used in the carpark areas should illuminate continuously in hours of darkness.
 - v. Lighting – The ceiling of the car park should be painted white, or be light in colour.
 - vi. Barriers – Limit the number of blank surfaces on the external parts of the building, walls and fencing lines. These surfaces should be coated with graffiti resistant material/paint to reduce opportunities for malicious damage type offences (graffiti) and allow ease of cleaning to these structures. Consideration in landscaping for planting low line hedge or plants along these structures to decrease accessibility to the blank surfaces. The use of screen landscaping (green screens) or creepers, murals, vandal resistant paint or other means to discourage graffiti are encouraged.
 - vii. Barriers – Glass within vulnerable areas like entry points of the proposal to be reinforced with shatter resistant film or laminated glass to control access.
 - viii. Barriers – Entry doors are to be fitted with security devices and electronic communication devices such as voice and visual intercom to minimise break and enter offences and unauthorised access to the hotel.
 - ix. Barriers – Barrier fencing is to be installed at the perimeter of the accessible parts of the rooftop area. The design of the fence is to deter the fence being used as a ladder, including any planter box structures and furniture.
 - x. The design of the car park shall permit maximum natural surveillance, access control and illumination.
 - xi. Space activity management – the exterior CCTV coverage shall capture all entrances and exits and the immediate vicinity of the building.
 - xii. Space activity management – access and use of the rooftop is to be limited to hotel guests only.
 - xiii. Space activity management – no glass cups or bottles are permitted within the rooftop pool area.
 - xiv. Access Control – landscaping is to be designed to avoid opportunities for persons to conceal themselves and are to be free from stones / rocks.
 - xv. Territorial reinforcement – appropriate signage is to be erected, for example Trespassers will be prosecuted, surveillance systems operating and security personal on duty, etc.

- xvi. Territorial reinforcement – warning signs in the basement car parking areas shall be clear and prominent warning people not to leave valuables in their cars. For example 'Lock it or lose it' or 'Don't leave valuables in your vehicle.'

6.10 Use of Cranes

- 6.10.1 Separate Council approval under the *Roads Act 1993* is required for any crane used to construct this development that swings over public air space.

7 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

7.1 Building Code of Australia Compliance

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

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

7.2 Site Works and Drainage

- 7.2.1 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.
- 7.2.2 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.
- 7.2.3 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.
- 7.2.4 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.

7.3 Easements

- 7.3.1 The footing system adjacent to the drainage easement shall be designed by an

appropriately qualified person to ensure the structural adequacy of the building and the integrity of any pipe within the easement.

7.4 Demolition

- 7.4.1 A report from a site auditor accredited by the NSW Department of Environment and Conservation (under the provisions of the Contaminated Land Management Act 1997) shall be lodged with Council stating that, where the land has been affected by any contaminants (including asbestos, organochlorines, arsenic, lead, petroleum residues and the like), the land has been remediated in accordance with the recommendations of the initial investigation report. A copy of the report is to be attached to the Construction Certificate.

8 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

8.1 Environmental Management

- 8.1.1 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with:
- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (1997)
 - NSW Environment Protection Authority's '*Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites*' (2011)
 - NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995)
 - National Environment Protection Council '*National Environment Protection (Assessment of Site Contamination) Measure*' (2011).
 - Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (1992).
 - NSW Environment Protection Authority's '*Contaminated Sites: Guidelines for NSW Site Auditor Scheme*' (2006).
- 8.1.2 The recommendations provided in the DA Acoustic Assessment prepared by Acoustic Logic dated July 2017, shall be implemented.
- 8.1.3 A qualified acoustic engineer must certify that the buildings have been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

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

- 8.1.4 A certificate must be provided by a qualified acoustic engineer stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:
- a) does not exceed an L_{Aeq} sound pressure level of 5dB (A) above the ambient background noise level when measured
 - at the most effected point on or within any residential property boundary or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.

- b) cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

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

9 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

9.1 General

- 9.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.
- 9.1.2 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.
- 9.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing Nos.	Revision	Dated
Lam Consulting Engineers	3305	H01 – H16 inclusive	P14	05.11.2018

9.2 Construction Certificate Requirements

- 9.2.1 Under the *Environmental Planning and Assessment Act 1979* a Construction Certificate for engineering work is required. These works include but are not limited to the following:
- Drainage construction
 - On-site stormwater detention
 - Water quality treatment
 - Path paving
- The above requirements are further outlined in this section of the consent.

9.3 Local Government Act Requirements

- 9.3.1 Under *Section 68 of the Local Government Act 1993* an approval for engineering work is required. These works include but are not limited to the following:
- Any works on adjoining land (outside the subject site boundaries) including the upgrade of the existing adjoining private access road on lot 140 (DP 879706), to standards outlined further in this consent.
- The above requirements are further outlined in this section of the consent.

9.4 Roads Act Requirements

- 9.4.1 Under *Section 138 of the Roads Act 1993* an approval for engineering work is required. These works include but are not limited to the following:
- Any works within Council's road reserve
 - Reconstruction of footpath at the frontage of the development
 - Kerb inlet pit connections Vehicular crossings
 - Path Paving
- The above requirements are further outlined in this section of the consent.

9.5 Other Engineering Requirements

- 9.5.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater than a long service levy payment is required. Provide proof of this payment to Council.
- 9.5.2 Any ancillary works undertaken shall be at no cost to Council.
- 9.5.3 Submit written permission from the affected property owner for any works proposed on adjoining land.
- 9.5.4 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

9.6 Roads

- 9.6.1 Submit a pavement report prepared and designed by a professional civil engineer with soil tests carried out by a registered NATA soils laboratory. The pavement design shall withstand the traffic loadings listed in this consent.
- 9.6.2 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer.
- 9.6.3 The existing right-of-way driveway on lot 140 (DP 879706) shall be upgraded. The standard for the design and construction of this upgrade shall be as follows:

Lots Benefited	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Lot 141 (DP 879706)	Match existing	64	Match existing	5 x 10 ⁵

- 9.6.4 Replace the redundant layback and footway crossing with Council's standard kerb and gutter. The footway area shall be restored with turf in accordance with Council's specifications.

9.7 Drainage

- 9.7.1 Drainage from the site shall be connected into Council's existing drainage system. In this regard it is required to connect the drainage pipe into an existing Council kerb inlet pit in Sunnyholt Road.
- 9.7.2 Where the internal driveway cannot be drained to an internal pit a grated trench drain shall be provided at the property boundary.

9.8 Erosion and Sediment Control

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

9.9 Earthworks

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

9.10 On-Site Detention

- 9.10.1 Provide an on-site detention system in accordance with Council's Engineering Guide for Development.
- 9.10.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings however any significant variation to the on-site detention design shall require a section 96 application.
- 9.10.3 Submit the following certificates which are to be prepared by a registered engineer (NER):
- Certification that the structures associated with the on-site stormwater detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
 - Certification that the on-site stormwater detention system will perform to meet the on-site stormwater detention requirements.
- 9.10.4 The following documents shall be submitted to accompany the on-site detention design in accordance with the design and construction specification:
- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
 - OSD detailed design submission and calculation summary sheet
 - A maintenance schedule that is signed and dated by the designer

9.11 Stormwater Quality Control

- 9.11.1 Provide a stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 9.11.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 96 application.
- 9.11.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

9.12 Vehicular Crossings

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

9.13 Drainage Matters

- 9.13.1 Amended drainage plans by Lam Consulting Engineers Pty Ltd are to be provided to meet the requirements under Councils DCP Part J 2015 and Councils Engineering Guide for Development 2005. The amended plans must address the following:
- a) DWG No. H05 (P14)
 - (i) Connect all the roof water pipes to the rainwater tank.
 - (ii) Set the top level of the retaining wall at the front boundary and along the northern edge of the driveway up to the front wall of the rainwater tank to a minimum RL 46.95.
 - (iii) Show connection from communal roof space direct to the stormwater tank.

- b) DWG No.s H05, H06, H07 and H15 (P14)
 - (i) Divert approximately 803 m² of roof area (clear of communal roof space) to the rainwater tank.
 - (ii) Direct approximately 340 m² of communal roof area to the stormwater tank.
 - (iii) Use different line type to distinguish between pipes for the stormwater tank and rainwater tank pipes to avoid cross contamination.
 - (iv) Use different notations such as DP-RW and DP-SW for the pipes directed to rainwater and stormwater tanks shown on all the floor levels.
 - c) DWG No. H14 (P14)
 - (i) The roof top drainage is to be designed for the 100 year ARI. Roof inlets are to be minimum Reln 250 Uni-Pit or similar.
 - d) DWG No. H15 (P14)
 - (i) On Section D7 of Stormwater & Rainwater Reuse Tanks, set the overflow weir level of Stormwater tank to RL 45.70.
 - (ii) On Section D3 of Detention Tank, show 1.5 year control pit weir level lower than the 100 year ARI control pit weir level.
 - (iii) Provide galvanised or equivalent step irons for all entry points to the tanks.
 - (iv) Provide Maximesh Rh3030 trash screens for 1.5 year and 100 year orifices at Section D3.
 - (v) For the Section D3 and Detail D9 amend the 100 year orifice note and replace 107mm with twin 78mm orifices to match the spreadsheet.
 - (vi) Consider relocating Section D7 to the left of D3 to more accurately represent the tank arrangements.
 - e) Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the rainwater tank, stormwater tank and on-site detention tank in accordance with Council's Engineering Guide for Development 2005.
 - f) Provide on-site detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.
 - g) The minimum storage and dual alternating pump requirements for the basement garage is to satisfy AS/NZS 3500.3:2015 – Plumbing and Drainage Part 3: Stormwater Drainage.
 - h) Provide a basement design that ensures a minimum 0.5% slope to all surface inlet pits.
- 9.13.2 An experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for toilet/urinal flushing and landscape watering that all Sydney Water requirements have been satisfied. The plan is to show the reuse pipe and tank arrangement including:
- i) a first flush or pre-treatment system (typically 0.2 litres / m² of roof area going to the rainwater tank),
 - ii) a pump with isolation valves and a warning light to indicate pump failure for both the rainwater and stormwater tanks;
 - iii) a mains water direct tank top up with air gap for landscape watering for the stormwater tank only;
 - iv) a solenoid controlled mains water bypass for toilet flushing only using the rainwater tank;
 - v) **flow meters** on the mains water tank top-up line, the solenoid controlled mains water bypass line and the pump outflow line, to determine actual non-potable usage;
 - vi) a timer and control box for landscape watering, allowing for seasonal variations;
 - vii) ensuring all the reuse pipes are coloured purple;

- viii) an inline filter and preferably an automatic backwash inline filter.
- ix) fitting rainwater/stormwater warning signs to all external taps using rainwater /stormwater;
- x) ensure that all Sydney Water requirements have been satisfied.

- 9.13.3 The Landscape Irrigation system is designed to automatically achieve an average minimum usage rate of 174 kL/year, excluding turf areas, as nominated in MUSIC allowing for seasonal variations.
- 9.13.4 A Chartered hydraulic Engineer, registered with NER, is to certify that the water from the Stormwater Tank used for irrigation has after application of all necessary treatment (if any) meets the criteria under tables 4.5 and 6.4 of *Managing Urban Stormwater: harvesting and reuse* by the Department of Environment and Conservation NSW Dec 2006 and is appropriate for its intended use.
- 9.13.5 The retaining wall on the eastern side of the site is to be designed and certified by a Structural Engineer registered with NER.
- 9.13.6 Provide details for a permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process, water conservation and on-site detention process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures the water quality device, rainwater tank, stormwater tank and on-site detention and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located in an area accessible by the public. The wording and detail is to be approved by Council.
- 9.13.7 Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- i. 5 star dual-flush toilets;
 - ii. 3 star showerheads;
 - iii. 6 star taps (for all taps other than bath outlets and garden taps);
 - iv. 3 star urinals; and
 - v. Water efficient washing machines and dishwashers are to be specified.
- 9.13.8 Due to the cut and/or fill exceeding 1.5 m, a desktop Groundwater Assessment Report is required for the site in accordance with section 4.6 of DCP 2015 Part J. Where there is the potential for interaction with groundwater, a Groundwater Management Plan must be prepared by a Geotechnical Engineer registered with NER.

10 DURING CONSTRUCTION (GENERAL)

10.1 Environmental Management

- 10.1.1 The recommendations provided in the DA Acoustic Assessment prepared by Acoustic Logic dated July 2017, shall be implemented.
- 10.1.2 A Construction Environment Management Plan should be in place and must include specific advice on how water treatment and dewatering will be undertaken in accordance with the Blue Book, as well as demonstrating the discharged water complies with ANZECC water quality guidelines.
- 10.1.3 When basins are required to be pumped out, the necessary dosing must occur within 24 hours of the conclusion of each storm event and the basin must be drained within 36 to 48 hours if gypsum is used.

- 10.1.4 Councils Environmental Health Section must be notified prior to 4pm on the business day prior to any controlled discharge from any temporary drainage basin outside of standard business hours (9am to 5pm, Monday to Friday), or, 1 hour prior to any controlled discharge from any temporary drainage basin during standard business hours.
- 10.1.5 Any water discharging from the premises is to be sampled at 30 minute intervals from the discharge point for the entire period that water is leaving the site.
- 10.1.6 If any sample is recorded above the parameters in the plan, the discharge will need to cease immediately and Council's Environmental Health Section must be notified by telephone at the time of detection and followed up in writing.
- 10.1.7 If no adverse results are identified that require immediate notification the results must still be submitted to Council's Environmental Health Section at the completion of the required controlled discharges.

10.2 **European Heritage**

- 10.2.1 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.

10.3 **Aboriginal Heritage**

- 10.3.1 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 and Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

10.4 **Tree Protection Measures**

- 10.4.1 Any existing trees located outside of the boundary of this site are not approved for removal and must be retained and protected as per AS 4970-2009 Protection of Trees on Development Sites.

10.5 **Construction Traffic Management**

- 10.5.1 The Construction Traffic Management Plan submitted to Council is to be adhered to at all times.
- 10.5.2 All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone is not permitted on Sunnyholt Road.

10.6 **NSW Local Police – Requirements**

- 10.6.1 A Traffic Management Plan is required to be prepared in consultation with Blacktown Police Area Command Traffic Sergeant Greg Frail. The Plan is required to ensure

minimal disruption to Sunnyholt Road for vehicle use and to ensure appropriate safety barriers for pedestrian traffic.

- 10.6.2 A security guard is to be on site outside business hours including public holidays and weekends, from the day construction commences until completion.
- 10.6.3 Suitable traffic control and safety messages are to be incorporated throughout the construction process to increase safety to motorists and minimise risk.
- 10.6.4 All tools and building materials shall be stored in strong rooms with tamper proof security systems.
- 10.6.5 Lighting shall be installed and in operation on the development site during construction.
- 10.6.6 Ambulance, Fire Brigade and Police must be able to access the site in an emergency.

11 DURING CONSTRUCTION (BUILDING)

10.5 Swimming Pools

- 10.5.1 Any child-resistant barrier required by the Swimming Pool Act 1992 shall be erected prior to filling, or allowing the pool to fill, with water to a depth exceeding 300mm.
- 10.5.2 A poster (warning notice) prepared by the Royal Life Saving Society shall be exhibited in a prominent position adjacent the pool area. The poster shall contain the wording referred to in Part 3 of the Swimming Pools Regulation 2008, including a flow sequence containing details of resuscitation techniques (for infants, children and adults).

11.1 Safety/Health/Amenity

- 11.1.1 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.

11.2 Building Code of Australia Compliance

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

11.3 Surveys

- 11.3.1 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.
- 11.3.2 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.

11.4 Nuisance Control

- 11.4.1 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.
- 11.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

11.5 Stormwater Drainage

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

11.6 Waste Control

- 11.6.1 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.

11.7 Construction Inspections

- 11.7.1 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.

12 DURING CONSTRUCTION (ENGINEERING)

12.1 Notification of Works

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

A signed copy of the notice is to be provided to Council's Engineering Approvals Team and is to show the date of the letter drop as well as highlight the area that received the notification.

12.2 Insurances

- 12.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council's Engineering Approvals Team. This shall be submitted prior to commencement of engineering works required by this consent that are carried out on Council controlled lands such as roads, drainage reserves and parks. This includes Public Liability Insurance with a minimum of \$20,000,000.00 Indemnity and Workers Compensation.

12.3 Service Authority Approvals

- 12.3.1 Prior to the commencement for construction of footway crossings and driveways a clearance shall be obtained from the relevant telecommunications carriers and Endeavour Energy. The clearance shall notify that all necessary ducts have been provided under the proposed crossing.

12.4 Boundary Levels

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

12.5 Tree Protection and Preservation

- 12.5.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 12.5.2 Prior to commencement of engineering works that may disturb existing vegetation/trees, the site shall be inspected to identify and appropriately mark out any trees to be retained as well as determine areas that are to be left undisturbed. Proposed roads must be set-out onsite prior to this inspection. Note: Inspection must be carried out by Council's representative or an appropriately accredited private certifier. The applicant's representative must be present during this inspection.
- 12.5.3 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.
- 12.5.4 Council must be notified a minimum of 24 hours prior to the removal of any branches from existing trees which are to be retained. Subject to Council's direction, this work must be generally undertaken by a qualified Arborist.

12.6 Soil Erosion and Sediment Control Measures

- 12.6.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 12.6.2 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.

- 12.6.3 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.

12.7 Inspection of Engineering Works – EP&A Act 1979

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

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

12.8 Inspection of Engineering Works - Roads Act 1993

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

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

12.9 Public Safety

- 12.9.1 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.

12.10 Site Security

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

12.11 Drainage Matters

- 12.11.1 The Vortsentry Model HS12 GPT is not to be reduced in size, nor replaced with an alternate manufacturer's product.

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, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.8 of the *Environmental Planning & Assessment Act 1979*.

13.2 Temporary Facilities Removal

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

13.3 Fire Safety Certificate

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

13.4 Retaining Walls

- 13.4.1 Retaining wall(s) and/or other effective methods to retain excavated or filled ground (other than those sites works which may be Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be constructed and/or provided in accordance with the plans attached to the Construction Certificate.

13.5 Environmental Health Matters

- 13.5.1 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.

13.6 Contamination and Remediation

- 13.6.1 Should any remediation works be undertaken as a result of contaminated soil/material identified and disposed of during works, a validation report is to be prepared and submitted to Council's Environmental Health Officer. The validation report is to be prepared by a qualified geoscientist without any limitations in accordance with the *National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999* as amended 2013.

13.7 Waste Matters

- 13.7.1 Written confirmation is to be provided to Council that arrangements are in place for waste collection by a private waste contractor.

13.8 Services / Utilities

- 13.8.1 A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.
- 13.8.2 A final written clearance shall be obtained from Sydney Water Corporation, a recognised energy provider and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc.) has not previously been issued.

13.9 Other Matters

- 13.9.1 All landscaping, recreation features and furniture, swimming pool, fencing and lighting shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.
- 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.
- 13.9.5 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.
- 13.9.6 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 13.9.7 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.

13.9.8 Head room clearance at the basement ramp must comply with requirements of AS2890.1 (Section 5.3) for a Disabled Vehicle, and meet AS2890.1 – Appendix C for the disabled parking space and access to the lift.

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

13.10 **Graffiti Management Plan**

13.10.1 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 no later than 48 hours after detection. Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s;
- (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.

13.11 **Total Maintenance Plan**

13.11.1 A 'total' maintenance plan is to be prepared for the site and it to ensure:

- (a) The long term up-keep and cleanliness of the development, to ensure the building, pathways, soft and hard landscaping, swimming pool and gymnasium, fencing, access facilities, lighting, loading areas, feature entry signage, parking signage and services are regularly inspected and maintained at optimum levels at all times.
- (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted 'junk mail' is to be collected on a regular basis and disposed of as necessary.
- (c) The development is managed by the hotel operator at all times, including the operation of the conference facility, restaurant, loading bay and turntable, and on-site parking for staff and guests.

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

13.12 **NSW Local Police – Requirements**

13.12.1 The Local Police requirements provided in Condition 6.9 are to be satisfied.

13.12.2 The applicant is to verify that the following requirements are met:

- i. CCTV footage is to record the correct time and date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- ii. CCTV footage is to be stored and kept for a minimum of 30 days.
- iii. A copy of CCTV footage is to be reproduced on compact disk, DVD, USB memory stick as required by the Police.
- iv. Immediate access to the CCTV system and the ability to review recordings is to be granted to NSW Police Officers upon request.
- v. Any CCTV footage is to be reproduced upon request by any member of the NSW

- Police force within a reasonable time, being within 12 hours of the request.
- vi. Vandal proof security lighting, CCTV and security measures as required by this consent shall be installed and maintained at all times.
- vii. Blacktown Area Police Command shall be notified of the Hotel operator.
- viii. A Liquor Licence shall be obtained in consultation with Blacktown Area Police Command.
- ix. Protocols shall be in place for dealing with any incident on site, including violence or alcohol related incidents.
- x. The hours of operation for the reception desk, restaurant, rooftop pool area and conference centre are restricted to Monday to Sunday from 10am to 12am (midnight).
- xi. No entertainment or amplified music is to be provided within the premises from 10pm daily (restrictions to control anti-social behaviour.)
- xii. Prominent notices shall be placed at the entry and exit points to the carpark and hotel to remind patrons that noise levels are to be kept to a minimum at all times.

13.12.3 Prior to the serving of any liquor on the premises, the Applicant is to satisfy the following requirements:

- i. That the Licensee operate under a Venue Management Plan (VMP) that addresses the overall good conduct and management of the Licensed Premises, including, but not limited to, the following:
 - Management and operation of the function rooms
 - Ongoing maintenance of crime prevention through environmental design (CPTED)
 - Location and role of Security Guards on site
 - Training of staff procedures
 - Implementation and management of the closed-circuit television, including locations, recording measures and maintenance of information.
 - Protocols for dealing with any incident on site, including violence or alcohol related incidents
 - A Security Management Plan incorporating security management measures to ensure the safe operation of the premises
 - Operational Measures for drinking vessels
 - Minors authorisation anywhere that liquor is permitted to be implemented.
 - Maximum crowd numbers are assigned to each specific room of the proposal (i.e. restaurant, conference rooms) and that this information is sign posted outside the entry to each of these areas. These numbers are then to be imposed on any relevant development consent that the Applicant must abide by.
 - Crime Scene preservation.
- ii. That this plan be endorsed by the Police Area Commander at Blacktown Police Area Command.
- iii. That any proposed changes to the Venue Management Plan must be endorsed by the Police Area Commander, Blacktown.
- iv. A copy of the current plan must be maintained at the licensed premises and made available for immediate inspection by members of the NSW Police Force or Inspectors from Liquor and Gaming NSW.
- v. A copy of the plan must be served on the Police Area Commander and the Director Compliance, Liquor and Gaming NSW:
 - a) Within 6 weeks of the imposition of this condition, and
 - b) Within 14 days of any variation to the plan after initial endorsement has been

granted by the Blacktown Police Area Command.

13.13 Fee Payment

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

13.14 Road Damage

- 13.14.1 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.

13.15 Engineering Matters - Surveys/Certificates/Works as Executed Plans

- 13.15.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 13.15.2 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 13.15.3 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 13.15.4 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 13.15.5 Written evidence is to be obtained from the Roads and Maritime Services (RMS) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 13.15.6 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

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

13.16 Engineering Matters - Easements/Restrictions/Positive Covenants

- 13.16.1 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.

13.16.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the on-site detention storage areas and outlet works.

13.16.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the Stormwater Quality Control devices/system and outlet works.

13.16.4 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.

13.17 **Inspections**

13.17.1 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.

13.18 **Drainage Matters**

13.18.1 A Chartered Civil Engineer registered with NER, is to certify that:

- a) all the requirements of the approved drainage plan have been undertaken;
- b) the minimum detention storage of 74 m³ has been provided below the 1.5 year ARI weir and a minimum of 112 m³ has been provided below the 100 year ARI emergency overflow weir;
- c) the orifice size matches the approved construction certificate plans;
- d) for the detention basin the 1.5 year ARI orifice discharge does not exceed 8 l/s and the 100 year ARI orifice discharge does not exceed 37 l/s.
- e) a minimum 30 m³ rainwater tank has been provided as per the approved construction certificate plans collecting roof water from a minimum 803 m² of roof area shown on plan.
- f) a minimum 19.6 m³ stormwater tank has been provided as per the approved construction certificate plans collecting roof water from the communal roof space and surface areas shown on plan.
- g) all the signage and warning notices have been installed;
- h) the interpretative water quality sign has been correctly installed
- i) the GPT has been installed for the site as per the manufacturer's recommendations.
- j) a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

13.18.2 Provide a Restriction to User and Positive Covenant over the On-Site Detention System in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.

13.18.3 Provide a Restriction to User and Positive Covenant over the GPT, Rainwater Tank and Stormwater tank in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the

submission of an annual report on water treatment and non-potable water usage by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate.

- 13.18.4 Provide maintenance requirements for each of the proposed Stormwater Quality Improvement Devices including the rainwater tank and stormwater tank. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.
- 13.18.5 Provide a maintenance plan for the basement pump systems to ensure effective ongoing operation of the pumps including replacement as required.
- 13.18.6 Provide written evidence that the registered owner/lessee has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the GPT, rainwater tank, stormwater tank and the On-site Detention Tank. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au . This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard.
- 13.18.7 A plumber, licensed with NSW Fair Trading, or experienced hydraulic engineer registered with NER, is to certify that toilet flushing of all the toilets/urinals on ground floor and Level 1 are being supplied by rainwater and all the landscape watering is supplied by stormwater tank and that all the requirements of the detailed Non-Potable Water Reuse Plan have been installed and are working correctly. Provide a copy of the certification and a signed, works-as-executed Non-Potable Water Reuse Plan to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au .
- 13.18.8 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- i. 5 star dual-flush toilets;
 - ii. 3 star showerheads;
 - iii. 6 star taps (for all taps other than bath outlets and garden taps);
 - iv. 3 star urinals; and
 - v. 3 star Water efficient washing machines and dishwashers have been used.
- 13.18.9 Where the Groundwater Assessment Report indicated the requirement for a Groundwater Management Plan, then a Geotechnical Engineer registered with NER, is to certify that all the requirements of the Groundwater Management Plan have been undertaken and that there is no adverse impact due to groundwater.

14 OPERATIONAL (PLANNING)

14.1 Use of Premises

- 14.1.1 The approved development shall comply with the requirements of the following definitions contained within *Blacktown Local Environmental Plan 2015*:

'Hotel or motel accommodation' means 'a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

(a) comprises rooms or self-contained suites, and
(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,
but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.'

'Office premises' means a 'building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.'

- 14.1.2 The hotel is not permitted to operate as 'serviced apartments' or permanent residential apartments at any time as these are prohibited uses in this zone.
- 14.1.3 The office spaces (including the business lounge/business centre/meeting room) are only to be used in conjunction with the operation of the hotel and conference rooms.
- 14.1.4 The development shall not be used or converted for use for any purpose other than that:
 - (a) Granted consent by Council's Notice of Determination, or
 - (b) Which is 'Exempt Development' under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.
- 14.1.5 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 14.1.6 The hours of operation are 7 am to 11 pm daily for the reception desk, restaurant and rooftop pool and recreational area. Outside of these hours, guest access is to be made available by guest room access cards, or similar.
- 14.1.7 The conference room is permitted to accommodate functions between 7 am to 11 pm daily and up to 60 attendees only.

14.2 Access / Parking

- 14.2.1 All required off-street car parking spaces and internal driveways shall be maintained to a standard suitable for the intended purpose.
- 14.2.2 And gates and boom gates are to be appropriately managed to ensure that all vehicles are capable of entering the site to avoid queuing on Sunnyholt Road and the driveway shared with 140 Sunnyholt Road, Blacktown.
- 14.2.3 On-site car parking must be made available to staff, building maintenance, deliveries, removalists, hotel guests, conference guests and restaurant patrons at all times.
- 14.2.4 All vehicles are to enter and leave the site in a forward direction.
- 14.2.5 All vehicles are to be wholly contained on site before being required to stop.
- 14.2.6 Sight lines are to be kept clear for vehicles, pedestrians and cyclists at all times.

14.3 Waste Management and Collection

- 14.3.1 All waste and recycling collection areas and activities shall be appropriately managed wholly within the development site at all times and are the responsibility of the operator

of the hotel development. All waste management activities are to be in accordance with the Waste Management Plan submitted with this application (prepared by Elephants Foot Recycling Solutions dated October 2017).

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

14.3.3 No goods, materials, or trade waste shall be stored, displayed for sale or manufactured at any time outside the building on either the internal roadway, car parking areas, landscaping or footpaths.

14.4 Landscaping

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

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

14.5 Swimming Pool Certification

14.5.2 The swimming pool shall have a valid Certificate of Compliance to ensure that compliance is obtained to Swimming Pools Act 1992 and AS1926.

14.5 Lighting and Security

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

14.6 Emergency Procedures

14.6.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed throughout the development for resident, guest and emergency information at all times to the satisfaction of Council.

14.7 Graffiti Removal

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

14.8 Total Maintenance Plan

14.8.1 The approved Total Maintenance Plan must be adhered to at all times.

14.9 NSW Local Police Matters

14.9.1 All security measures required by this consent shall be appropriately maintained and in good working order.

15 OPERATIONAL (ENVIRONMENTAL HEALTH)

15.1 Environmental Management

15.1.1 The recommendations provided in the DA Acoustic Assessment prepared by Acoustic Logic dated July 2017, shall be implemented.

- 15.1.2 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.
- 15.1.3 A post commissioning report produced by an independent organisation that is eligible for membership with the *Association of Australian Acoustic Consultants* within 3 – 6 months of the centre operating to validate the Acoustic reports findings.
- 15.1.4 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.
- 15.1.5 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.
- 15.1.6 In accordance with the requirements of Part 5.7 *Protection of the Environment Operations Act 1997*, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 15.1.7 To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10pm and 7am.