

Conditions of consent (draft)

Proposed development	Detailed Phase 3 proposal in the Concept Plan approval for JRPP-15-02701 for in the Concept Plan JRPP-15-02701 for 2 x 4 storey residential flat building with basement parking, associated landscaping and stormwater works.
Property description	Proposed Lot 22 under SPP-17-00027 on Lots 1 and 2 in DP 540894 and Lot 114 in DP 208203 96 Cudgegong Road and 88 and 104 Rouse Road, Rouse Hill

PART 1

1 Deferred Commencement Matters

- 1.1 This Development Consent is not to operate until such time as written confirmation and approval from Council's Coordinator Engineering Approvals is issued to verify that the temporary onsite stormwater detention system and associated infrastructure is no longer required by the parent consent SPP-17-00027 to service this development. In this regard, the following requirements shall be adequately demonstrated:
- the relevant regional downstream water cycle management facilities as detailed on the Section 7.11 Contributions Plan No. 22W – Rouse Hill (Works) to be completed and operational to Council's satisfaction.
 - the applicant to demonstrate that there is a safe and legal conveyance of stormwater flows from the subject development (for the 2 to 100 year ARI storm events) to the downstream watercourse channel. No downstream property is to be negatively impacted by stormwater conveyance from the subject site.
- 1.2 All of the requirements listed in the above condition must be completed within 5 years of the date of this "Deferred Commencement" consent. Should these matters not be completed to Council's satisfaction within this time period, this "Deferred Commencement" consent will lapse.

PART 2

2 ADVISORY NOTES

2.1 Terminology

- 2.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.
- 2.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Part 6 of the Environmental Planning and Assessment Act 1979.

2.2 Scope of Consent

- 2.2.1 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.

2.3 Other Approvals

- 2.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 2.3.2 A separate valid Subdivision Works Certificate shall be issued prior to commencement of any construction works.
- 2.3.3 If any aboriginal objects are found during construction, work is to cease immediately. NSW Environment, Energy and Science 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 NSW Environment, Energy and Science. No further works are to be undertaken on the site without the written consent of NSW Environment, Energy and Science.

2.4 Services

- 2.4.1 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.

- 2.4.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

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

2.5 **Tree Planting and Service Locations (after all other services)**

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

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

2.6 **Identification Survey**

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

2.7 **Engineering Notes**

- 2.7.1 All works requiring approval under the *Roads Act 1993* (except standard vehicular crossings) or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate or Subdivision Works Certificate.

2.8 **Payment of Engineering Fees**

- 2.8.1 If the applicant wishes for Council to issue the Construction Certificate or Subdivision Works Certificate as nominated in the 'Prior to Construction Certificate/Subdivision Works Certificate please:

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

2.9 **Other Matters**

- 2.9.1 Any Occupation Certificate is not to be released until Public Road access is provided. This will require the registration of the subdivision approved under SPP-17-00027.

2.10 **Road Damage**

- 2.10.1 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.

3 **GENERAL**

3.1 **Scope of Consent**

- 3.1.1 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:

Plan reference	Revision issue	Dated
Architectural Plans prepared by Turner Architects		
DA-100-001 Site Works Site Plan / Site Analysis	03	9 April 2020
DA-100-007 Basement 01	03	9 April 2020
DA-100-008 Ground Level	03	9 April 2020
DA-100-010 Level 01	03	9 April 2020
DA-100-020 Level 02	03	9 April 2020
DA-100-030 Level 03	03	9 April 2020
DA-100-040 Level 04	03	9 April 2020
DA-110-100 Roof Level	03	9 April 2020
DA-250-001 North & South Context Elevation	03	9 April 2020
DA-250-002 East & West Context Elevation	03	9 April 2020
DA-251-001 North & South Elevation	03	9 April 2020
DA-251-002 East & West Elevations	03	9 April 2020
DA-251-101 Courtyard North & South Elevation / Section	03	9 April 2020
DA-251-102 Courtyard East & West Elevation / Section	03	9 April 2020
DA-251-103 Basement Ramp Section	03	9 April 2020
DA-810-001 Supplementary Diagrams Adaptable Apartment Layouts	03	9 April 2020
DA-810-002 Supplementary Diagrams Adaptable Apartment Layouts 2	03	9 April 2020
DA-810-101 Supplementary Diagrams LHA Apartment Layouts	03	9 April 2020
DA-811-001 Supplementary Diagrams Façade Articulation Plan	03	9 April 2020
DA-811-002 Supplementary Diagrams Façade Articulation Elevation Details	03	9 April 2020
DA-811-003 Supplementary Diagrams Façade Articulation Elevation Details	03	9 April 2020
DA-813-001 Supplementary Diagrams Site Facilities Plan	03	9 April 2020
DA-815-001 Supplementary Diagrams External Material & Finishes Board	03	9 April 2020
Landscape Plans prepared by Scape Design		
L.SK.300 Landscape Plan – Stage 3	F	9 April 2020
L.SK.301 Typical Sections 1	E	9 April 2020
L.SK.302 Typical Sections 2	E	9 April 2020
L.SK.303 Planting Plan - Streetscape	E	9 April 2020
L.SK.304 Planting Character - Streetscape	E	9 April 2020
L.SK.305 Planting Plan – Courtyard	E	9 April 2020
L.SK.306 Planting Character – Courtyard	D	9 April 2020
L.SK.307 Design Statement & Materials	E	9 April 2020

3.1.2 This consent grants approval for the 163 apartments consisting of the following apartment mix, subject to full compliance with all other conditions of this consent:

- (a) 41 x 1 bedroom apartments;
- (b) 111 x 2 bedroom apartments; and
- (c) 11 x 3 bedroom apartments.

3.2 Services

3.2.1 Low voltage electricity and telecommunications services for the approved development

shall be reticulated underground.

3.3 Compliance with BASIX Certificate

- 3.3.1 All commitments listed in BASIX Certificate 952875M_03 dated 9 September 2020 shall be complied with.

3.4 Engineering Matters

3.4.1 Design and Works Specification

- 3.4.1.1 All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council On Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M

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.

- 3.4.1.2 The Applicant is required to submit to Council, Bonds and/or Contributions for works associated with the development in conjunction with the civil engineering works required to be constructed as part of this development. Works may include:

- Maintenance of the construction works

These matters will be individually addressed within the consent

Note: A bond release inspection fee will apply.

- 3.4.1.3 Prior to release of any bond securities held by Council for civil engineering works, the payment of a bond release inspection fee in accordance with Council's Goods and Services Pricing Schedule must be made.

- 3.4.1.4 Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council controlled lands (i.e. Roads, drainage reserves, parks, etc.)

A copy of this notice must be provided to Council's Co-ordinator of Engineering Approval.

3.4.2 Other Necessary Approvals

3.4.2.1 A separate application will be required for the following approvals, under the *Roads Act 1993*.

- Vehicular Crossing
- Reconfiguration of stormwater drainage and associated works located within the surrounding existing road reserve as related to the decommissioning of the temporary on-site detention system.

3.5 **Imported Fill Material**

3.5.1 The only fill material that may be received at the development site is:

- (a) virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*),

3.6 **Other Matters**

3.6.1 No construction preparatory work (such as, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued.

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

3.7 **NSW Rural Fire Services Requirements**

3.7.1 The development shall satisfy the General Terms of Approval issued by NSW Rural Fire Service dated 2 November 2018 as follows:

Asset Protection Zones:

(1) The vegetation within the proposed Rouse Road Pocket Park shall be managed as an outer protection area (OPA) as outlined within Appendices 2 and 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

(2) At the issue of subdivision certificate and in perpetuity the entire residential portion of the property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities:

(3) Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access:

(4) Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

Design and Construction:

(5) New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

4 **PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)**

4.1 **DA Plan Consistency**

- 4.1.1 A Construction Certificate or Subdivision Works 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.
- 4.1.2 No construction certificate for building works is to be released until all civil works related to roads and drainage within the road reserve have been completed and sign-off received from the PCA.

4.2 **Lot Registration**

- 4.2.1 The land to which this approval relates is to be identifiable with a Lot and Deposited Plan number and registered with the NSW Land Registry Services.

4.3 **Aboriginal Heritage Matters**

- 4.3.1 The recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by AECOM Australia and dated 1 April 2015 shall be implemented. This includes the requirement for an Aboriginal Heritage Impact Permit (AHIP) under the *National Parks and Wildlife Act 1974*.

Copies of the additional aboriginal assessment and AHIP, as required, are to be submitted to Council prior to the issue of any construction certificate. The AHIP is to be accompanied by an extensive search site record for the area covered by the AHIP in spread sheet and map format.

No works are to be undertaken on any part of the site unless a construction certificate has been issued for that part of the site and it has been confirmed that there will be no Aboriginal heritage impacts or the requirements of an AHIP has been met.

4.4 **Development Control Plan**

- 4.4.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Growth Centres Development Control Plan 2018.

4.5 **Construction Traffic Management Plan**

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

4.6 **Construction Environmental Management Plan**

- 4.6.1 A Construction Environmental Management Plan is to be submitted to Council prior to the issue of any Construction Certificate as required by clause 3.3 *Construction Environmental Management* of the Growth Centres Precincts DCP 2010.

The CEMP is to state that all construction activities shall be limited to between 7 am to 6 pm, Mondays to Fridays: 7 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

The CEMP is to include measures to ensure minimal disturbance is caused to neighbours, including dust management measures.

4.7 **Street Tree Planting**

- 4.7.1 The applicant must submit a Street Tree Plan detailing the proposed street tree planting and landscaping for the approved subdivision. The Street Tree Plan is to reflect the species palette in our Street Tree Guidelines and must include:
- cross-sections showing dimensions of tree pits
 - species
 - details of root protection barriers
 - soil specifications
 - location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

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

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

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

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

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

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

- 4.8.1 No construction certification must be issued unless all design verifications have been provided in accordance with Clause 143A of the Environmental Planning and Assessment Regulation 2000. A certifying authority must not issue a construction certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.

4.9 **Waste Matters**

- 4.9.1 The applicant must ensure that roads and driveways etc are rated suitable for 24 tonne trucks.
- 4.9.2 Access for collection vehicles must be designed in accordance with the dimensions indicated on the approved architectural plans, CAD files and vertical clearances (as per Australian Standards), showing adequate truck entry and exit and in all manoeuvring areas.

4.10 **NSW Rural Fire Services Requirements**

- 4.10.1 The construction certificate documentation shall satisfy the General Terms of Approval issued by NSW Rural Fire Service dated 2 November 2018 in Condition 3.6.

4.11 **NSW Police Requirements**

4.11.1 Prior to the issue of any construction certificate for building works, the development shall satisfy the requirements of the NSW Police in their correspondence dated 29 October 2018 as follows:

- a) All access points into the buildings and to residential common areas shall be secured through the use of gates, roller doors or similar and fitted with a security mechanism (i.e. swipe card, keys, etc.) to restrict access to authorised persons only.
- b) The location and design of the mailboxes shall be designed to the satisfaction of Australia Post in relation to mailbox requirements. Mailbox facilities should ideally be installed within the secure lobby of the building, or alternatively, built into the front glass section of the lobby. Mailbox facilities need to be under constant CCTV surveillance. Applicants will be required to install a key safe from Australia Post to facilitate access into the lobby or provide Australia Post with the pin code to gain access into the lobby.
- c) CCTV cameras shall be provided within all car park facilities, stairways, lifts, foyers, entry/exit points, loading bays, the waste room, communal areas and mailbox facilities.
- d) All materials along the ground level of the building around the perimeter of site shall be treated with a permanent graffiti resistant coating. This includes outdoor furniture in the communal areas.
- e) Building identification shall be provided near the entry of the building and be visible from the street to facilitate easy identification of the site for emergency services (including street number and block number).
- f) A lighting plan is to be prepared showing the location of lighting around all entry/exit points to the building, along all footpaths within the site, car parking areas and to the street number to facilitate identification of the site/building.
- g) It is recommended that each vehicle garage facility space in the basement parking is separated by robust steel welded mesh fencing, floor to ceiling and annotated on the plans.
- h) Each vehicle garage facility must have a lockable security door, such as a 'tilta' roller shutter security door, in a well-lit area with CCTV coverage.
- i) Security steel welded mesh fencing from floor to ceiling must be installed separating visitors' parking from residents in the basement parking.
- j) Fencing to private courtyards along the ground level shall be provided as either solid or palisade fencing (not aluminium screen panels as per illustrated in the Landscape Package) to minimise opportunities for climbing.
- k) A security plan is to be prepared showing the location, type and number of CCTV systems per block. The areas that should include building foyers, mailbox facilities, building entry and exit points, basement car park areas, bike storage areas, lifts, common areas and waste rooms.

5 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

5.1 Section 7.11 Contributions under Section 7.17 Directions

5.1.1 The following monetary contributions pursuant to *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as 29 October 2020. They WILL BE INDEXED from this 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) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted. 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	Amount	Relevant C.P.
Stormwater Quantity Second Ponds Creek Land	\$325,606.00	22
Stormwater Quantity Second Ponds Creek Works	\$46,960.00	22
Stormwater Quality Second Ponds Creek	\$64,971.00	22
Traffic Management Rouse Hill Land	\$155,478.00	22
Traffic Management Rouse Hill Works	\$868,034.00	22
Open Space Rouse Hill Land	\$3,239,219.00	22
Open Space Rouse Hill Works	\$988,094.00	22
Community Facilities	\$12,606.00	22
Community Facilities Land	\$24,312.00	22
E2 Conservation Zone Land	\$58,529.00	22
E2 Conservation Zone Works	\$21,011.00	22
Total	\$5,804,820.00	

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).

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

S7.11 CP No. 22 – Rouse Hill (Works and Land)

The Section 7.11 contribution(s) have been based on the total developable area, the site's road frontage and the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

Developable Area: 0.9640 hectares
Additional Population: 289.1 persons

5.2 Special Infrastructure Contributions

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

More information

Information about the special infrastructure contribution can be found on the Department of Planning, Industry and Environment's website:
<http://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding>

5.3 Aesthetics/Landscaping

- 5.3.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20% must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. "Anti-glare" glazing is to be used to minimise any glare affect. Details are to be provided as part of the Construction Certificate plans.
- 5.3.2 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.
- 5.3.3 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the photomontage and the approved external material and finishes board plan. 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.
- 5.3.4 The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the Building Code of Australia.
- 5.3.5 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.
- 5.3.6 Windows in the residential apartments 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.

5.4 Fencing

- 5.4.1 All fencing is to be erected on top of any retaining walls at full cost to the developer.
- 5.4.2 Fencing adjoining public roads is to be finished with an anti-graffiti coating.

5.5 Common Areas and Landscaping

- 5.5.1 All common areas and landscaping shall be of high quality and detailed on the landscaping design plans as part of the Construction Certificate. The minimum pot sizes are to be 45 L for medium sized plants and 100 L 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.
- 5.5.2 Detailed landscaping design plans are to be prepared which demonstrate at least 50 % of the trees and vegetation are native species which complement the remnant native vegetation.
- 5.5.3 All landscaping, lawn areas, recreation features and furniture, BBQ facilities, pathways, ramps and safety fencing/measures shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate.
- 5.5.4 The basement deep soil areas which relate to the above tree plantings are to be provided to ensure the viability of these trees.

5.6 Access/Parking

- 5.6.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 5.6.2 A minimum of 202 car parking spaces are required to be provided on site, being 169 residential spaces and 33 visitor car parking spaces and are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1.
- 5.6.3 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.
- 5.6.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
- 5.6.5 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 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.
- 5.6.6 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.
- 5.6.7 The basement storage areas are to be provided with quality doors/cages and lock sets to restrict unauthorised access.
- 5.6.8 A total of 44 bicycle and 10 motorcycle spaces shall be provided in accordance with the approved plans.

5.7 Adaptable Housing Units

- 5.7.1 The 17 adaptable units as shown on the plans are to be designed in accordance with the Australian Adaptable Housing Code (AS 4299-1995) which includes “pre-adaptation” design details to ensure visitability is achieved.

5.8 Communal Open Space and Landscaping

- 5.8.1 All landscaping, recreation features and furniture, bbq facilities, children’s play equipment and clothes drying facilities shall be of a high quality and detailed on the approved landscaping design plans.

5.9 Floor to Ceiling Heights

- 5.9.1 All habitable rooms are to have a minimum floor to ceiling height of 2.7 m. Service bulkheads are not to intrude into habitable spaces.

5.10 Plant and Equipment

- 5.10.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the units and communal open spaces with regard to visual, acoustic and odour impacts.

5.11 Other matters

- 5.11.1 External service fixtures and conduits are to be part of the overall appearance of the

building, or are to be screen from view.

5.11.2 A master TV antenna is to be installed on the rooftop in an appropriate location.

5.12 Natural Cross Ventilation

5.12.1 Any apartments which rely on a skylight/rooftop vent to gain natural cross ventilation to meet a minimum of 60% of the total apartments having natural ventilation as required by Section 4B of the Apartment Design Guide, are to address the following:

- i. Be supported by a report prepared by an appropriately experienced and qualified professional that the skylights are appropriately placed, sized and designed to ensure that natural cross ventilation is achieved for these apartments.
- ii. Provide details of how the rooftop vents are capable of being manually operable by the occupants of those apartments.
- iii. Provide details to verify that the rooftop skylights are appropriately treated against water/rain.

If the above items are not capable of being satisfied, the development is required to be redesigned to ensure that at least 60% of the apartments are naturally cross ventilated in accordance with Section 4B of the Apartment Design Guide.

5.13 Salinity

5.13.1 A fresh Addendum to the Geotechnical Assessment Report dated 28 October 2014 prepared by Asset Geotechnical shall be submitted to Council and the Principal Certifying Authority, certifying that the recommendations made in the 2014 Report are still relevant and current to the site.

5.13.2 The final salinity recommendations and measures shall be incorporated into the structural plans to be submitted for a Construction Certificate to ensure the foundations/buildings are protected from saline attack.

6 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

6.1 Building Code of Australia Compliance

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

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

6.1.2 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:

- (a) Part C
- (b) Part D
- (c) Part E
- (d) Part F
- (e) Part J

6.2 Site Works and Drainage

- 6.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 6.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159 mm per hour over an average recurrence interval of 20 years. The design shall:
- (a) be in accordance with Australian Standard 3500.3, and
 - (b) provide for drainage discharge to an existing Council drainage system, and
 - (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.
- 6.2.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.
- 6.2.4 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:
- (a) Preserved and protected from damage, and
 - (b) Underpinned and supported.

Such details shall accompany the Construction Certificate.

6.3 Fire Services

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

6.4 Internal Works

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

6.5 BASIX Certificate Compliance

- 6.5.1 The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number 952875M_03 dated 9 September 2020.

7 PRIOR TO CONSTRUCTION CERTIFICATE/SUBDIVISION WORKS CERTIFICATE (ENGINEERING)

7.1 DA Plan Consistency

- 7.1.1 A Construction Certificate or Subdivision Works 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.

7.2 Road Deposit/Bond

- 7.2.1 A Road Inspection Fee (which is subject to periodic review and may vary at time of payment) shall be lodged with Council in accordance with Council's Goods and Service Schedule (current).

Council will undertake initial and final inspection of civil assets outside the development site. The applicant will be held liable for any damage arising from construction activities. Council will undertake reinstatement works and recover the costs from the applicant in accordance with Council's current Goods & Services Pricing Schedule.

- 7.2.2 The payment of the following fee to Council's Maintenance Section pursuant to Sections 608 and 609 of the Local Government Act 1993. The fee is subject to periodic review and may vary at actual time of payment.

Vehicular Crossing Application and Inspection Fee: \$390

7.3 Development Control Plan

- 7.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate/Subdivision Works Certificate shall comply with the design criteria specified in Council's Growth Centres Development Control Plan 2010.

7.4 General

- 7.4.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate or Subdivision Works Certificate can be issued.
- 7.4.2 No construction certificate for building works is to be issued until all subdivision works on Council approved development SPP-17-00027 have been completed to the satisfaction of Council, and the Subdivision Certificate issued. This includes future public infrastructure such as roads and road drainage systems as well as any engineering infrastructure required to serve the road and road drainage system.
- 7.4.3 No construction certificate for building works is to be issued until the temporary basin located on the subject lot has been decommissioned to the satisfaction of Council's Coordinator Engineering Approvals and generally in accordance with Council's Engineering Guide for Development.

Note prior to the decommissioning of the temporary onsite stormwater detention system and associated works the applicant is to acquire Council's Coordinator Engineering Approvals to verify that the temporary onsite stormwater detention system and associated infrastructure is made redundant and is no longer required by parent consent SPP-17-00027 to serve that development.

- 7.4.4 The engineering drawings referred to below are not for construction. The Construction Certificate/Subdivision Works Certificate drawings shall be generally in accordance with the approved drawings and conditions of consent. Any significant variation to the design shall require a section 4.55 application

Construction Certificate/Subdivision Works Certificate plans shall be generally in accordance with the following drawings and relevant Consent conditions:

Prepared By	Sheet No.	Revision	Dated
Craig and Rhodes Pty Ltd	061-15C-DA-S2-P3-0001	C	02/09/20
Craig and Rhodes Pty Ltd	061-15C-DA-S2-P3-0002	C	02/09/20
Craig and Rhodes Pty Ltd	061-15C-DA-S2-P3-0003	C	02/09/20
Craig and Rhodes Pty Ltd	061-15C-DA-S2-P3-0101	C	02/09/20
Craig and Rhodes Pty Ltd	061-15C-DA-S2-P3-0701	C	02/09/20
Craig and Rhodes Pty Ltd	061-15C-DA-S2-P3-0702	C	02/09/20
Craig and Rhodes Pty Ltd	061-15C-DA-S2-P3-0901	C	02/09/20
Craig and Rhodes Pty Ltd	061-15C-DA-S2-P3-0902	C	02/09/20

The following items are required to be addressed on the Construction Certificate plans:

- i. The proposed on-lot stormwater treatment system is to be adjusted to generally meet the requirements of Council's Engineering Guide for Development and DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management as well as Councils Standard Drawing A(BS)175M.
- ii. The stormwater discharge from the subject development must make smooth connection with the proposed stormwater infrastructure within future Road No.1 as detailed on Council Approval SPP-17-00027.

7.5 Subdivision Works/Construction Certificate Requirements

- 7.5.1 Under the *Environmental Planning and Assessment Act 1979* a Subdivision Works/Construction Certificate is required. These works include but are not limited to the following:

- Decommissioning of temporary on-site stormwater detention.
- Construction of permanent on-lot stormwater quality treatment works

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

7.6 Roads Act Requirements

- 7.6.1 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:

- Kerb inlet pit connections or construction along road No. 1.
- Reconfiguration of stormwater drainage and associated works located within the surrounding existing road reserve as related to the decommissioning of the temporary on-site detention system.

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

7.7 Other Engineering Requirements

- 7.7.1 If the estimated cost is \$25,000 or greater proof of long service levy payment is required.

- 7.7.2 Any ancillary works undertaken shall be at no cost to Council.
- 7.7.3 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.
- 7.7.4 Any approved design drawings must show a 5 m x 5 m splay for residential allotments at each street intersection.

7.8 Drainage

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

7.9 Erosion and Sediment Control

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

7.10 Earthworks

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

7.11 Stormwater Quality Control

- 7.11.1 Stormwater quality treatment system shall be designed in accordance with Council's Engineering Guide for Development and DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management.
- 7.11.2 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
- 7.11.3 Bio-retention basin(s) to be designed in accordance with Council's Water Sensitive Urban Design standard drawings and Council's Engineering Guide for Development and DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management.
- 7.11.4 A registered engineer (NER) must certify that the stormwater quality treatment system will perform to meet the requirements of Council's Engineering Guide for Development and DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management.

7.12 Vehicular Crossings

- 7.12.1 Plans to demonstrate the construction a commercial and industrial vehicular crossing to Council's standard A(BS)103S.

8 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

8.1 Environmental Management

- 8.1.1 The recommendations provided in the DA Noise Impact Assessment (prepared by Acoustic Logic, Project No. 20151724.1 and dated 14 December 2015) shall be implemented.
- 8.1.2 A qualified acoustic engineer must certify that the buildings have been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

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

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

- 8.1.4 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.
- 8.1.5 Recommendations outlined in *Site Validation Report, prepared by SLR Consulting Australia Pty Ltd, report no. 610.13644, dated 11 August 2016* must be carried out.
- 8.1.6 All areas that are suspected to be contaminated must be remediated. Upon completion of remediation an appropriately qualified environmental consultant must prepare a validation report in accordance with;
- 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)
 - NSW Environment Protection Authority’s “*Contaminated Sites: Guidelines for NSW Site Auditor Scheme*” (2006)
 - National Environment Protection Council “*National Environment Protection (Assessment of Site Contamination) Measure*” (2011).

A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use.

- 8.1.7 A Construction Environment Management Plan should be in place and must include specific advice on how water treatment and dam dewatering will be undertaken in accordance with the Blue Book, as well as demonstrating the discharged water complies with ANZECC water quality guidelines.
- 8.1.8 In accordance with section 68 of the Local Government Act 1993 an 'Application for Approval to Install, Construct or Alter a Septic Tank or Sewage Management System' shall be submitted to Council for consideration. Approval must be obtained prior to construction work commencing

9 PRIOR TO DEVELOPMENT WORKS COMMENCING

9.1 Safety/Health/Amenity

- 9.1.1 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.

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

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

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.

- 9.1.3 Should the development work:

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

- 9.1.4 All soil erosion and sedimentation control measures indicated in the documentation

accompanying the Construction Certificate shall be installed prior to the commencement of development works.

- 9.1.5 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 9.1.6 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.
- 9.1.7 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

9.2 Notification to Council

- 9.2.1 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.
- 9.2.2 At least 5 full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$20,000,000.

9.3 Home Building Act

- 9.3.1 The construction of *residential building work* within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the NSW Home Building Compensation Fund "Statement of Cover" under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under Part 3 of the Act, the number of the owner-builder permit.

9.4 Sydney Water Authorisation

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

OR

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

9.5 Service Authorities

- 9.5.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of any Construction Certificate:
- (a) A "Notification of Arrangement" Certificate from energy provider, or any other recognised energy provider, stating that arrangements have been made with the servicing authority for electrical services, including the provision of street lighting, to the development.
 - (b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

9.6 Protection of Trees in the Future Local Park

- 9.6.1 The 27 existing trees in the future local park area, as approved in 'Phase 3' of the Stage 1 Concept Plan approval (JRPP-15-02701 as modified) are to be retained and protected at all times. Appropriate measures are to be detailed in the plans submitted prior to a Construction Certificate to support the health of these trees.

10 DURING CONSTRUCTION (BUILDING)

10.1 Safety/Health/Amenity

- 10.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 10.1.2 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.
- 10.1.3 Should the development work:
- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the enclosure of a public place,

the required hoarding, awning or protective barrier shall be maintained between the

land and the public place.

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

- 10.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 10.1.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 10.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 10.1.7 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
 - (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 10.1.8 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

10.2 **Building Code of Australia Compliance**

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

10.3 **Surveys**

- 10.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifier to verify the approved position of each structure in relation to the property boundaries.
- 10.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifier prior to work proceeding above floor level.

10.4 **Nuisance Control**

- 10.4.1 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.
- 10.4.2 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such

work to be undertaken at any time on Sundays or public holidays.

10.5 Stormwater Drainage

10.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:

- (a) the floor level being a minimum 225 mm above the adjoining finished ground level, and/or
- (b) being drained to an effective drainage system.
- (c) if draining to kerb use an approved kerb outlet and sewer grade PVC or RHS

10.6 Waste Control

10.6.1 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.

10.7 Construction Inspections

10.7.1 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 Certifier.

Any inspection conducted by an accredited certifier other than the nominated PC 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.

11 DURING CONSTRUCTION (ENGINEERING)

11.1 Notification of Works

11.1.1 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 5 business days prior to commencement of engineering works.

11.2 Insurances

- 11.2.1 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 Indemnity and Workers Compensation.

11.3 **Boundary Levels**

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

11.4 **Tree Protection and Preservation**

- 11.4.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 11.4.2 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.

11.5 **Soil Erosion and Sediment Control Measures**

- 11.5.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 11.5.2 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.
- 11.5.3 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.

11.6 **Filling of Land and Compaction Requirements**

- 11.6.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.
- 11.6.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version).
- a) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.

The above documentation shall be submitted prior to Occupation certificate as required by this consent.

- 11.6.3 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 11.6.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 11.6.5 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control windblown dust.
- 11.6.6 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 11.6.7 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.

11.7 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.

- 11.7.1 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, compliance certificates issued by accredited certifiers in lieu of council inspections will only be accepted by prior agreement or by Council request. 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/Subdivision Works Certificate.

11.8 Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993

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

Inspections must be pre-booked with a minimum 24 hours' notice. Councils Development Overseers may be contacted on 02 9839 6586 between 6 am – 7 am, 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).

11.9 Public Safety

- 11.9.1 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.
- 11.10 **Site Security**
- 11.10.1 Chain wire gates and security fencing must be provided around the site in order to prevent unauthorised access and dumping of rubbish.
- 11.11 **Traffic Control**
- 11.11.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2009.
- 11.11.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current Roads and Maritime Services (RMS) accreditation and photo card to implement Traffic Control Plans.
- 11.11.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Roads and Maritime Services (RMS) Traffic Controller accreditation and photo card and carry it with them.
- 11.11.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Roads and Maritime Services (RMS) accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2009.
- 11.11.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a person who holds a current Roads and Maritime Services (RMS) accreditation to prepare a Work Zone Traffic Management Plan. This Plan must satisfy all the requirements of AS 1742.3 – 2009 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

12 DURING CONSTRUCTION (GENERAL)

12.1 NSW Police Requirements

- 12.1.1 During construction, the development shall satisfy the requirements of the NSW Police in their correspondence dated 29 October 2018 as follows:
- a) Construction periods are to reflect the hours of proposed works.
 - b) The Traffic Management Plan is to be adhered to during construction.
 - c) The site is to be appropriately secured to prevent unauthorised access.
 - d) Security patrols and mobile CCTV surveillance systems are to be temporarily installed during this phase.

12.2 European Heritage

- 12.2.1 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.

12.3 **Aboriginal Heritage**

- 12.3.1 The recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by AECOM Australia and dated 1 April 2015 and any associated Aboriginal Heritage Impact Permit (AHIP) are to be adhered to.
- 12.3.2 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the NSW Office of Environment & Heritage informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from the NSW Office of Environment & Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

12.4 **Construction Management Plans**

- 12.4.1 The Construction Traffic Management Plan and Construction Environmental Management Plan submitted to Council are to be adhered to at all times.

12.5 **Hours of Construction**

- 12.5.1 All construction activities shall be limited to between 7 am to 6 pm, Mondays to Fridays: 7 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

12.6 **Protection of Trees in the Future Local Park**

- 12.6.1 The 27 existing trees in the future local park area, as approved in 'Phase 3' of the Stage 1 Concept Plan approval (JRPP-15-02701 as modified) are to be retained and protected at all times. Appropriate measures are to be undertaken to support the health of these trees.

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 commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate from the Principal Certifier in accordance with the provisions of Section 6.9 of the Environmental Planning and Assessment Act 1979.

13.2 **Service Authorities**

- 13.2.1 A final written clearance shall be obtained from Sydney Water Corporation, 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.
- 13.2.2 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of any Occupation Certificate:
- (c) 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.

13.3 **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 **Landscaping/Car Parking**

- 13.4.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 13.4.2 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 13.4.3 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 13.4.4 All landscaping, recreation features and furniture, bbq facilities, children's play equipment and clothes drying facilities shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.
- 13.4.5 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.
- 13.4.6 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.
- 13.4.7 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 13.4.8 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.

13.5 Environmental Management

- 13.5.1 The recommendations provided in the DA Noise Impact Assessment (prepared by Acoustic Logic, Project no. 20151724.1 and dated 14 December 2015) shall be implemented.

13.6 Salinity

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

13.7 Waste matters

- 13.7.1 The Owner or elected Building Manager must sign our 'Onsite Waste Collection Agreement Form' on behalf of all lot owners (and stamped using the common seal), before collections can occur onsite
- 13.7.2 The Owner or elected Building Manager shall prepare a Management Agreement for Council's satisfaction, which details the following:
- indicates a requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan. This includes placement of bins out for collection and their return to the storage areas following servicing.
 - indicates the responsibility for maintenance of the garbage collection system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times including providing access to the loading bay prior to bin servicing.
 - indicates the method of communication to new tenants and residents regarding the waste management service and collection system for the complex.
 - clearly outlines the requirement for the building manager to maintain and display consistent signs on all bins and in all communal bin storage areas.
 - clearly outlines the requirement for the building manager to arrange for the prompt removal of dumped rubbish from the site
 - includes the updated (and approved) waste management plan as lodged with the development application on 08/01/2020

13.8 Fee Payment

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

13.9 Road Damage

- 13.9.1 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.

13.10 Engineering Matters

13.10.1 Surveys/Certificates/Works As Executed plans

- 13.10.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 13.10.1.2 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.
- 13.10.1.3 Applicant is to compile and submit the following in accordance with Council's Works Specification - Civil (Current Version):
 - a) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- 13.10.1.4 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

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

13.10.2 **Easements/Restrictions/Positive Covenants**

- 13.10.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
 - (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
 - (b) The standard format for easements and restrictions as accepted by the Land Registry Services (LRS).
- 13.10.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control devices/system and outlet works.
- 13.10.2.3 All easements, restrictions and positive covenants related to the temporary infrastructure (on-site stormwater detention system) as required by SPP-17-00027 shall be removed from title.
- 13.10.2.4 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.

13.10.3 **Bonds/Securities/Payments in Lieu of Works**

- 13.10.3.1 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.

- a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)
- b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

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

13.10.4 **Inspections**

- 13.10.4.1 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.

13.10.5 **Relationship with other Approvals**

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

- a) Development Consent No. SPP-17-00027 dated 27/08/2020 issued by Blacktown City Council
- b) Relevant requirement of any other development consent, Construction Certificate issued under the *Environmental Planning and Assessment Act, 1979, The Local Government Act, 1993 or The Roads Act 1993*.

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

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

- 13.10.5.2 The final plan of occupation certificate for this proposal is not to be released until the subdivision certificate for SPP-17-00027 dated 27/08/2020 has been registered.

13.10.6 **CCTV Inspection of Stormwater Drainage Structures**

- 13.10.6.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV after completion of road pavement construction works (excluding any deferred AC works) and the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of video footage of the inspections, a copy of the SEWRAT (or equivalent) report, and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

13.11 **Adaptable Housing Units**

- 13.11.1 Certification from a qualified Access Consultant confirming that the Adaptable Housing Units are capable of being modified when required by the occupants in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) is to be submitted to Council.

13.12 **Total Maintenance Plan**

13.12.1 A “total” maintenance plan is to be prepared for the site. The plan is to ensure the following:

- (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, landscaping, the communal open space areas, security systems, mail boxes, lighting, loading areas 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 proposed development is always under the control of a fulltime Building Manager.

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

13.13 **Graffiti Management Plan**

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

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

13.14 **Street Tree Planting**

13.14.1 Prior to the issue of the final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to the satisfaction of Council's Maintenance Section.

13.15 **Privacy Screening**

13.15.1 All privacy screening measures / devices detailed on the approved plans are to be installed prior to the issue of any Occupation Certificate.

13.16 **Ancillary Work**

13.16.1 Each dwelling unit is to be provided with a mechanical drying appliance within the unit.

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

13.17.1 No occupation certification must be issued unless all design verifications have been provided in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000, a certifying authority must not issue a construction certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.

13.18 NSW Police Requirements

13.18.1 Prior to the release of any Occupation Certificate, the development shall satisfy the requirements of the NSW Police in their correspondence dated 29 October 2018 to ensure that the following security and crime prevention measures are installed and operating satisfactorily:

- a) All required CCTV around the site is to be installed. Cameras shall monitor car park facilities, stairways, lifts, foyers, entry/exit points, loading bays, the waste room and mailbox facilities. Appropriate signage shall be installed at the site to notify occupants and visitors that CCTV cameras are present.
- b) All lighting details shown on the submitted lighting plan shall be installed at the site. This includes lighting around all entry/exit points to the building, along all footpaths within the site, car parking areas and to the street number to facilitate identification of the site/building.
- c) The building/site shall be provided with building identification (i.e. street number, block number) which must be installed near the entry of the building and visible from the street to facilitate easy identification of the site for emergency services.
- d) All materials used along the ground level of the building around the perimeter of the site and equipment/outdoor furniture in the communal areas shall have permanent graffiti resistant coating applied.
- e) Access points into the building shall be secured and fitted with a security mechanism (i.e.- swipe cards, keys etc) to restrict access to authorised persons only.
- f) Any latch/locking mechanism for entry/exit gates shall not be within the arm reach of any person externally.
- g) Secure mailboxes shall be located either within the secure lobby or built into the front glass section of the lobby and be under CCTV surveillance.
- h) All ground floor units shall be fitted with motion sensor lighting.
- i) As this site has multiple buildings, a site plan shall be provided near each building entry. This plan shall show the location and name/number of each building on-site to orientate people.
- j) Patio bolt locks (or similar) shall be installed to any sliding door and any openable window along the ground level.
- k) NSW Police are to be afforded the opportunity to inspect the development with Blacktown City Council prior to the issue of any Occupation Certificate.

14 OPERATIONAL (PLANNING)

14.1 Use of Premises

14.1.1 The approved use as a residential flat building development shall comply with the definition within State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

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

14.1.3 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.

14.1.4 The hours of operation and noise levels from the Ground Level BBQ areas and

common outdoor areas are to be appropriately managed to ensure that the occupiers of the buildings are not adversely affected by noise and vibrations, in particular not prior to 8am and not after 10pm daily.

14.2 Access and 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 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 14.2.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

14.3 General

- 14.3.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
- 14.3.2 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 14.3.3 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 14.3.4 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 14.3.5 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.
- 14.3.6 The approved Total Maintenance Plan must be adhered to at all times.

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 The management of vegetation, gardens, planter boxes, communal areas and other similar areas is to be incorporated within the future building management plan once the development is occupied.

14.5 Clothes Drying

- 14.5.1 The hanging/drying of clothes on balconies (where visible from a public place) is prohibited. A clause is to be included in the Plan of Building Management prohibiting the drying of clothes on balconies (where visible from a public place).

14.6 Graffiti Removal

- 14.6.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed no later than 48 hours after detection.

14.7 Waste matters

- 14.7.1 All waste and recycling collection areas and activities, including bulk waste storage and collection activities are to be appropriately managed wholly within the development site at all times and are the responsibility of the building management (or similar) of the site.
- 14.7.2 The Owners Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.
- 14.7.3 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 14.7.4 Ongoing management of waste for the site must be in accordance with the waste requirements outlined in the approved waste management plan as submitted with the development application. This includes but is not limited to:
- o separation or caging of waste equipment onsite from residents (such as chute discharge points or storage areas for bin movement aides etc), to prevent injury or damage.
 - o provision and maintenance of suitable signage in all areas with waste facilities such as bin storage areas, waste chute rooms on each floor, chute discharge points, bin collection points, loading bays or any other relevant area accessible to residents, cleaners and/or building management staff.
 - o separated bin storage areas and associated waste management equipment for commercial and residential components of a development if applicable.
 - o provision of bin movement aids such as bin tugs and trolleys if suggested for the site.
 - o engagement of a building manager and/or caretaker onsite to manage the waste system if suggested for the site. This includes prompt removal of illegal dumping onsite.
- 14.7.5 A building manager must be engaged in perpetuity and for the life of the development to:
- o manage bins and bulky waste onsite
 - o clean bins and the waste room(s)
 - o arrange clear access to the waste loading bay on collection day (ie, remove lockable bollards or open roller doors and boom gates etc), which are in place to protect the truck turning areas on private property from being parked out.
 - o install and maintain relevant waste management signage onsite

14.8 NSW Rural Fire Services Requirements

- 14.8.1 The operation of the development shall satisfy the General Terms of Approval issued by NSW Rural Fire Service dated 2 November 2018 in Condition 3.6.

14.9 NSW Police Requirements

- 14.9.1 The operation of the development shall satisfy the requirements of the NSW Police in their correspondence dated 29 October 2018 as follows:
- a) All security measures installed as required by this consent shall be appropriately maintained and in good working order.
 - b) Contact details for the Body Corporate and Building Manager shall be provided to the NSW Police once the Body Corporate is formed and updated in the event of any changes to these contact details.
 - c) A current Security Management Plan and Evacuation Plan shall be provided to the Riverstone Police Station.

15 OPERATIONAL (ENVIRONMENTAL HEALTH)

15.1 Environmental Management

- 15.1.1 The recommendations provided in the DA Noise Impact Assessment (prepared by Acoustic Logic, Project no. 20151724.1 and dated 14 December 2015) shall be implemented.
- 15.1.2 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.
- 15.1.3 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.
- 15.1.4 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.

