

Conditions of consent (draft)

Proposed development	Construction of 2 additional floor levels (levels 11 - 12) to a mixed-use development approved by JRPP-14-02628 (and as subsequently modified) including amendments to approved levels 9 and 10; increasing the number of apartments from 266 to 362.
Property description	1 Zoe Place, Mount Druitt (Lot 1 in DP 883859)

1 ADVISORY NOTES

1.1 Terminology

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

1.2 Scope of Consent

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

1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
 - (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development.
 - (c) the installation of a caravan, temporary structure, stormwater drainage in a public place, amusement device or other activity not being an exempt activity under Council's Local Approvals Policy adopted under the provisions of the Local Government Act 1993,
 - (d) the installation of a vehicular footway crossing servicing the development.
- 1.3.3 If any Aboriginal objects are found during construction, work is to cease immediately. NSW Environment, Energy and Science (EES) 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 EES. No further works are to be undertaken on the site without the written consent of EES.

1.4 Services

- 1.4.1 The applicant is advised to consult with:

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

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

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to:

www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

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

- 1.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.
- 1.4.3 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.4.4 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on: 1800 810 443.

1.5 Identification Survey

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

2 GENERAL

2.1 Scope of Consent

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

Drawing Reference:	Prepared by:	Dated:
Site Plan	Architex	09.04.2020
Basement Level 4	Architex	09.04.2020
Basement Level 3	Architex	09.04.2020
Basement Level 2	Architex	09.04.2020
Basement Level 1	Architex	09.04.2020
Level 4 – 10 Typical	Architex	09.04.2020
Level 11	Architex	13.11.2020
Level 11 Block A	Architex	02.10.2020
Level 11 Block B	Architex	03.11.2020
Level 11 Block C	Architex	03.11.2020
Level 12	Architex	13.11.2020
Level 12 Block A	Architex	18.09.2020
Level 12 Block B	Architex	13.11.2020
Level 12 Block C	Architex	13.11.2020
Post Adaptable Units Sheets 1 and 2	Architex	09.04.2020
Block A Elevations - North East - North West - South East - South West	Architex	09.04.2020
Block B Elevations - East - North - South - West	Architex	13.11.2020
Block C Elevations - East - North - South - West	Architex	13.11.2020

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

2.1.2 Plan amendments

2.1.2.1 Prior to the issue of a Construction Certificate, the following design changes shall be demonstrated on the architectural plans to be submitted to the satisfaction of a Principal Certifying Authority:

- Provision of planter boxes at 500mm in width are incorporated along the balconies of all units on Level 11;
- Highlight windows with the minimum ceiling height of 1.6m from the finished floor level shall be provided in lieu of the standard windows, along the eastern window of Apartment B1211's living area and along the western bedroom window of Apartment A1201; and
- A sliding louvre at 2 m in length shall be installed along the western side of Apartment A1201.

2.2 Services

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

2.3 Waste

- 2.3.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 2.3.2 Waste management and recycling collections shall remain consistent with the approved arrangement in JRPP-14-02628 and as subsequently modified.

2.4 Engineering Matters

2.4.1 Design and Works Specification

- 2.4.1.1 All engineering works must be consistent with the requirements of JRPP-14-02628 and as subsequently modified.

2.4.2 Other Necessary Approvals

- 2.4.2.1 A separate application will be required for the following approvals, under the *Local Government Act 1993* and/or the *Roads Act 1993*.

- Vehicular Crossing
- Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)

2.5 Other Matters

- 2.5.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 2.5.2 Any future substation, temporary drainage works or other utility installation required to service the approved subdivision/development shall not be sited on future or existing Council land, including road reservations and/or public reserves.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

- 3.1.1 A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.
- 3.1.2 All commitments listed in BASIX Certificate 987109M_05M dated 27 November 2020 shall be complied with.

3.2 Relationship with other Approvals

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

- a) Development Consent No: JRPP-14-02628 dated 21 August 2015 and its subsequent modification approvals.
- 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 authorised person issuing the Construction Certificate shall ascertain whether any Compliance Certificate(s) for the developments, are required to be issued in relation to any element, component or system incorporate in the development. A copy of each required Compliance certificate shall be lodged with Council.

3.3 Long Service Levy for Construction over \$25,000

- 3.3.1 The Construction Certificate is not to be issued unless the Certifying Authority is satisfied the required levy payable, under Section 34 of the Building and Construction Industry

Long Service Payments Act 1986, has been paid.

3.4 Service/Utilities

- 3.4.1 A "Notification of Arrangement" Certificate from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.

4 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

4.1 General

- 4.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.
- 4.1.2 All fees for Construction, *Roads Act 1993* and *Local Government Act 1993* approvals must be paid to Council prior to the issue of any of the above certificates or approvals. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.

4.2 Roads Act Requirements

- 4.2.1 Under Section 138 of the Roads Act 1993 an approval for engineering work is required. These works include but are not limited to the following:
- Any works within Council's road reserve
 - Kerb inlet pit connections or construction
 - Vehicular crossings
 - Path Paving

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

4.3 Other Engineering Requirements

- 4.3.1 Submit a detailed estimate of costs for any engineering work. If this detailed estimate is \$25,000 or greater, then a long service levy payment is required. This proof of payment is required to be submitted to Council.
- 4.3.2 Any ancillary works undertaken shall be at no cost to Council.

5 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

5.1 Acoustic

- 5.1.1 Any acoustic recommendation from the acoustic report submitted for JRPP-14-02628 and its subsequent modifications that is relevant to this application shall be included in the plans to be submitted prior to a Construction Certificate.

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

- 5.1.2 A qualified acoustic engineer must certify that the building has 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)

- 5.1.3 A certificate must be provided by a qualified acoustic engineer stating that provision has

been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:

- a) does not exceed an L_{Aeq} sound pressure level of 5dB (A) above the ambient background noise level when measured
 - at the most effected point on or within any residential property boundary or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
- b) cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

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

6 PRIOR TO CONSTRUCTION CERTIFICATE (OTHER MATTERS)

- 6.1 The Construction Certificate plans are to show that the location of signage or lighting for the private road/driveway areas is to be designed and located so as not to obstruct access for any vehicles.
- 6.2 The basement car park vents shall not be visually prominent and appropriately treated. Details shall be provided to the satisfaction of a Principal Certifying Authority prior to a Construction Certificate.

7 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

7.1 Section 7.11 Contributions under Section 7.17 Directions

- 7.1.1 The following monetary contributions pursuant to *Section 7.11 of the Environmental Planning & Assessment Act 1979* (the Act) must be paid. The amounts below are stated as at 2 December 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) whichever occurs first, either by Council or any accredited certifier.

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.
Open Space	\$1,574,286.00	3
Less paid on JRPP-14-02628	\$1,168,354.00	
Total	\$405,932.00	

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:

Section 7.11 Contributions Plan No. 3 – Open Space in Established Residential Areas

The Section 7.11 contribution(s) are based on the site's 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.

Additional Population: 911.7 persons

7.2 Aesthetics

- 7.2.1 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent and must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.
- 7.2.2 Any bathroom, w.c. or laundry window in the external walls of the buildings shall be fitted with translucent glazing.
- 7.2.3 The development approved by Council is to be constructed in accordance with the approved external colour schedules and colour schemes.
- 7.2.4 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.
- 7.2.5 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.

7.3 Access and Parking

- 7.3.1 A total of 560 car parking spaces for the entire development including a minimum of 141 spaces for commercial and retail shops, 332 residential spaces and 72 visitor spaces, and all are to be designed having minimum internal clear dimensions in accordance with Blacktown DCP 2015.
- 7.3.2 Suitable bicycle parking must also be provided as indicated on the approved plans.
- 7.3.3 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) is to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.
- 7.3.4 All internal driveways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

7.4 Adaptable Housing Units

- 7.4.1 A minimum of 10% of the entire amended development being 36 of the total 362 units 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.

8 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

8.1 Building Code of Australia Compliance

- 8.1.1 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).

8.2 Site Works and Drainage

- 8.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under an environmental planning instrument)

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.

- 8.2.2 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.

8.3 Building Additions

- 8.3.1 The design of the building addition or attachment shall not compromise the Building Code of Australia structural design criteria of any portion of the existing building.

8.4 Fire Services

- 8.4.1 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.

9 PRIOR TO DEVELOPMENT WORKS

9.1 Compliance Certificate Fee

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

9.2 Safety / Health / Amenity

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

Each toilet provided shall be:

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

- 9.2.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulation 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.

- 9.2.3 Should the development work:

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

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

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

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

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

9.3 Notification to Council

- 9.3.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

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 Construction Details

- 9.5.1 Structural details of the nominated building component(s), prepared and/or certified by a professional engineer or other appropriately qualified person, shall be lodged with Council prior to commencing or erecting that portion of the approved development.

Nominated Component

- (a) Footing piers
- (b) Footing system
- (c) Floor slab
- (d) Structural concrete
- (e) Wall frame bracing
- (f) Roof trusses
- (g) Structural steelwork
- (h) Retaining walls

9.6 Use of Crane

- 9.6.1 Any crane used in the construction of this development to swing over public air spaces must have approval under the Roads Act 1993 and Local Government Act 1993 from Council's Manager, Civil and Open Space Maintenance.
- 9.6.2 The crane used must be provided with a light in accordance with the requirements of the Civil Aviation Authority (CASA) requirement. This may require a separate approval from CASA.

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:

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

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 Soil erosion and sediment control measures (including the connection of roof water downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the 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 40mm or larger aggregate placed 150mm 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 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 Certifying Authority to verify the approved position of each structure in relation to the property boundaries.

10.3.2 A registered surveyor's report indicating that the required minimum Australian Height Datum floor level has been achieved, shall be lodged with the Principal Certifier prior to work proceeding above floor level.

10.3.3 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 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 10.4.3 Construction work on all buildings shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

10.5 Waste Control

- 10.5.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works. This includes the sorting and storage of waste and recyclable building materials on site for collection and disposal by the nominated waste/recycling contractor to the nominated disposal site.

10.6 Construction Inspections

- 10.6.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):
 - (a) After excavation for, and prior to placement of, any footings; and
 - (b) Prior to pouring any in-situ reinforced concrete building element; and
 - (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
 - (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
 - (e) Prior to covering any stormwater drainage connections; and
 - (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

11 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

11.1 Material Disposal

- 11.1.1 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act (NSW) 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014)

12 PRIOR TO OCCUPATION CERTIFICATE

12.1 Road Damage

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

NOTE: Should the cost of damage repair work not exceed the road maintenance bond

Council will automatically call up the bond to recover its costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

12.2 Compliance with Conditions

- 12.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 12.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Sections 6.9 and 6.10 of the Environmental Planning & Assessment Act 1979.

12.3 Fire Safety Certificate

- 12.3.1 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).

12.4 Fee Payment

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

12.5 Temporary Facilities Removal

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

12.6 Additional Inspections

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

12.7 Services / Utilities

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

design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.

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

12.8 Other Matters

- 12.8.1 All landscaping shall be completed in accordance with approved plans including any additional requirements to those approved plans. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 12.8.2 Vandal proof and security lighting, and appropriate security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.
- 12.8.3 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.
- 12.8.4 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 12.8.5 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 12.8.6 The turning bay areas at the end of the internal aisles within the development are to be signposted as 'Turning Bays' and 'No Parking'.
- 12.8.7 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves and also not on drainage zoned land.
- 12.8.8 All privacy screening measures / devices detailed on the approved plans are to be installed.

12.9 Acoustic Verification

- 12.9.1 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.

12.9.2 Relationship with other Approvals

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

- a) Development Consent No. JRPP-14-02628 dated 21 August 2015 and its subsequent modification approvals.
- 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.

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 OPERATIONAL (PLANNING)

13.1 Use of Premises

- 13.1.1 The development shall not be used or converted for use for any purpose other than

that:

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

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

13.2 Access / Parking

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

13.3 Landscaping

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

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

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

13.4 Storage

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

13.5 Lighting and Security

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

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

13.5.3 The maintenance of all external lighting is to be managed by way of an annual service agreement to ensure the security of the building and persons within are not compromised from dark or uncontrolled public areas.

13.6 Graffiti Removal

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

13.7 Environmental Management

13.7.1 The recommendations provided in the acoustic report shall be implemented.

13.7.2 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environment Protection Authority's Noise Policy for Industry (2017) and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.

13.7.3 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.

- 13.7.4 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.
- 13.7.5 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.