



**Land and Environment
Court**
of New South Wales

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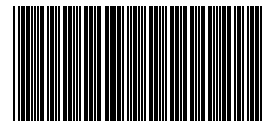
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D0001GG6W3

17 August 2021

NOTICE OF ORDERS MADE

Case number 2020/00320892
Case title M Development Group Pty Ltd v Blacktown City Council

On 17 August 2021 the following orders (and/or directions) were made:

The Court orders that:

- (1) The Applicant's written request by Think Planners dated 5 August 2021 to vary the height of building standard at clause 4.3 of Appendix 12 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) pursuant to clause 4.6 of the Growth Centres SEPP is upheld.
- (2) The appeal is upheld.
- (3) Development Application No. SPP-20-00004 for consent to:
 - (a) consolidate the existing three (3) lots into one (1) lot,
 - (b) Torrens title subdivision of the consolidated lot into three (3) lots (comprising 1 lot for the proposed residential flat building, 1 lot for the proposed road, 1 residue lot); and
 - (c) construction of 3 x residential flat buildings and associated works including new roads, demolition of structures, removal of trees, access driveways to basement car parking, associated drainage works and landscaping works with strata subdivision on land legally described as Lot 1 in DP781987 and Lots 3 & 4, Section J in DP193074, known as 205-209 Grange Avenue, Marsden Park, is approved subject to the conditions at Annexure B.

For the Registrar

ANNEXURE A**List of Approved Plans and Documents**

Drawing No and Revision		Title	Prepared by	Date
Subdivision Plan				
	SP201, Revision A	Proposed Residential Subdivision Plan	SGC	4.08.21
Architectural Plans				
	DA000	Cover Sheet	Design Cubicle Architectural Solutions	19 April 2021
	Drawing No. UA101 Issue D	Site Analysis 1/3		
	Drawing No. UA102 Issue D	Site Analysis 2/3		
	Drawing No. UA103 Issue D	Site Analysis 3/3		
	Drawing No. DA:200 Issue D	Site Plan		
	Drawing No. DA:201 Issue D	Basement 2 Plan		
	Drawing No. DA:202 Issue D	Basement 1 Plan		
	Drawing No. DA: 203 Issue D	Ground Floor Plan		
	Drawing No. DA: 204 Issue D	First Floor Plan		
	Drawing No. DA: 205 Issue D	Second Floor Plan		
	Drawing No. DA: 206 Issue D	Third Floor Plan		
	Drawing No. DA: 207 Issue D	Roof Floor Plan		
	Drawing No. DA: 211 Issue D	Basement 2 Plan Building A		
	Drawing No. DA: 212 Issue D	Basement 1 Plan Building A		
	Drawing No. DA: 213 Issue D	Ground Floor Plan Building A		
	Drawing No. DA: 214 Issue D	First Floor Plan Building A		

Drawing No. DA: 215 Issue D	Second Floor Plan Building A		
Drawing No. DA: 216 Issue D	Third Floor Plan Building A		
Drawing No. DA: 217 Issue D	Roof Plan Building A		
Drawing No. DA: 218 Issue D	Elevations Building A		
Drawing No. DA: 219 Issue D	Sections and Fence Details Building A		
Drawing No. DA: 221 Issue D	Basement 2 Plan Building B		
Drawing No. DA: 222 Issue D	Basement 1 Plan Building B		
Drawing No. DA: 223 Issue D	Ground Floor Plan Building B		
Drawing No. DA: 224 Issue D	First Floor Plan Building B		
Drawing No. DA: 225 Issue D	Second Floor Plan Building B		
Drawing No. DA: 226 Issue D	Third Floor Plan Building B		
Drawing No. DA: 227 Issue D	Roof Plan Building B		
Drawing No. DA: 228 Issue D	Elevations Building B		
Drawing No. DA: 229 Issue D	Sections and Fence Details Building B		
Drawing No. DA: 231 Issue D	Basement 2 Floor Plan Building C		
Drawing No. DA: 232 Issue D	Basement 1 Floor Plan Building C		
Drawing No. DA: 233 Issue D	Ground Floor Plan Building C		
Drawing No. DA: 234 Issue D	First Floor Plan Building C		

Drawing No. DA: 235 Issue D	Second Floor Plan Building C		
Drawing No. DA: 236 Issue D	Third Floor Plan Building C		
Drawing No. DA: 237 Issue D	Roof Plan Building C		
Drawing No. DA: 238 Issue D	Elevations Building C		
Drawing No. DA: 239 Issue D	Sections and Fence Details Building C		
Drawing No. DA: 241 Issue D	Pedestrian Movement Plan		
Drawing No. DA: 300 Issue D	Shadow Diagrams 1/3		
Drawing No. DA: 301 Issue D	Shadow Diagrams 2/3		
Drawing No. DA: 302 Issue D	Shadow Diagrams 3/3		
Drawing No. DA: 400A Issue D	Solar Access & Cross Ventilation Schedule (Block A)		
Drawing No. DA: 400A1 Issue D	Solar Access Plans (Block A)		
Drawing No. DA: 400A2 Issue D	Cross Ventilation Plans (Block A)		
Drawing No. DA: 400B Issue D	Solar Access & Cross Ventilation Schedule (Block B)		
Drawing No. DA: 400B1 Issue D	Solar Access Plans (Block B)		
Drawing No. DA: 400B2 Issue D	Cross Ventilation Plans Block B		
Drawing No. DA: 400C Issue D	Solar Access & Cross Ventilation Schedule (Block C)		
Drawing No. DA: 400C1 Issue D	Solar Access Plans Block C		
Drawing No. DA: 400C2 Issue D	Cross Ventilation Plans Block C		
Drawing No: DA400 Issue D	COS Shadow		

	Drawing No: DA401 Issue D	COS Shadow		
	Drawing No: DA402 Issue D	COS Shadow		
	Drawing No: DA403 Issue D	COS Shadow		
	Drawing No. DA: 401A1 Issue D	ADG Compliance Schedule Block A- 1 of 2		
	Drawing No. DA: 401A2 Issue D	ADG Compliance Schedule Block A- 2 of 2		
	Drawing No. DA: 401B1 Issue D	ADG Compliance Schedule Block B- 1 of 2		
	Drawing No. DA: 401B2 Issue D	ADG Compliance Schedule Block B- 2 of 2		
	Drawing No. DA: 401C1 Issue D	ADG Compliance Schedule Block C- 1 of 2		
	Drawing No. DA: 401C2 Issue D	ADG Compliance Schedule Block C- 2 of 2		
	Drawing No. DA: 501 Issue D	Height Plan Study		
	Drawing No DA: 601 Issue D	Deep Soil Zone Diagram 1		
	Drawing No DA: 601A Issue D	Deep Soil Zone Diagram 2		
	Drawing No. DA: 602 Issue D	Site Coverage Area Diagram		
	Drawing No. DA: 603 Issue D	COS Diagram		
	3D Views			
	Building A – View 01 Issue D	Design Cubicle Architectural Solutions	Undated	
	Building A – View 02 Issue D			
	Building A – View 03 Issue D			
	Building B – View 01 Issue D			
	Building B – View 02 Issue D			

	Building B – View 03 Issue D			
	Building C – View 01 Issue D			
	Building C – View 02 Issue D			
	Building C – View 03 Issue D			
	3D View – Issue D			
Materials and Finishes				
	Building A – Issue D	External Materials and Finishes	Design Cubicle Architectural Solutions	Undated
	Building B – Issue D	External Materials and Finishes		
	Building C – Issue D	External Materials and Finishes		
Landscape Plans				
	Drawing No 19118 DA 1-6 Rev E	Landscape Concept Plan	Vision Dynamics	27 June 2021
	Drawing No 19118 DA 2-6 Rev E	Landscape Concept Plan		
	Drawing No 19118 DA 3-6 Rev E	Landscape Concept Plan		
	Drawing No 19118 DA 4-6 Rev E	Landscape Concept Plan		
	Drawing No 19118 DA 5-6 Rev E	Landscape Concept Plan		
	Drawing No 19118 DA 6-6 Rev E	Landscape Concept Plan		
Engineering Plans				
Civil Works Concept Design				
	Dwg No C100 Revision E	Cover Sheet	SGC Consulting Engineers	25 June 2021
	Dwg No C110 Revision E	Site Plan		
	Dwg No C201 Revision E	General Arrangement Plan Sheet 1 of 4		
	Dwg No C202 Revision E	General Arrangement Plan Sheet 2 of 4		

	Dwg No C203 Revision E	General Arrangement Plan Sheet 3 of 4		
	Dwg No C204 Revision E	General Arrangement Plan Sheet 4 of 4		
	Dwg No C231 Revision E	Bulk Earthworks		
	Dwg No C301 Revision E	Longitudinal Sections Sheet 1 of 2		
	Dwg No C302 Revision E	Longitudinal Sections Sheet 2 of 2		
	Dwg No C351 Revision E	Typical Road Cross Section		
	Dwg No C501 Revision E	Details Sheet Sheet 1 of 3		
	Dwg No C502 Revision E	Details Sheet Sheet 2 of 3		
	Dwg No C503 Revision E	Details Sheet Sheet 3 of 3		
	Dwg No C601 Revision E	Drainage Long Section Sheet 1 of 2		
	Dwg No C602 Revision E	Drainage Long Section Sheet 2 of 2		
	Dwg No C603 Revision E	Drainage Catchment Plan Sheet 1 of 3		
	Dwg No C604 Revision E	Drainage Catchment Plan Sheet 2 of 3		
	Dwg No C604 Revision E	Drainage Catchment Plan Sheet 3 of 3		
	Dwg No C701 Revision E	Erosion and Sediment Control Plan		

	Dwg No C702 Revision E	Erosion and Sediment Control Details		
	Dwg No C901 Revision E	Swept Path Analysis		
	Stormwater Concept Design			
	Drawing No SW100 Revision E	Cover Sheet	SGC Consulting Engineers	25 June 2021
	Drawing No SW200 Revision E	Basement 2 Plan Sheet 1 of 2		
	Drawing No SW201 Revision E	Basement 2 Plan Sheet 2 of 2		
	Drawing No SW202 Revision E	Ground Floor Plan Sheet 1 of 3		
	Drawing No SW203 Revision E	Ground Floor Plan Sheet 2 of 3		
	Drawing No SW204 Revision E	Ground Floor Plan Sheet 3 of 3		
	Drawing No SW300 Revision E	Details Sheet Sheet 1 of 2		
	Drawing No SW301 Revision E	Details Sheet Sheet 2 of 2		
	Drawing No SW400 Revision E	Erosion and Sediment Control Plan		
	Drawing No SW401 Revision E	Erosion and Sediment Control Details		
	Drawing No SW500 Revision E	Music Catchment Plan & Results		
	Drawing No SW501 Revision E	SEI Calculations		

Description	Author	Date
Traffic Response Letter	Varga Traffic Planning Pty Ltd	24 June 2021
Design Verification Statement, Rev D	Design Cubicle Architectural Solutions	22 June 2021

Biodiversity Management Plan	Cumberland Ecology	22 March 2021
Flora and Fauna Assessment	Cumberland Ecology	22 March 2021
Vegetation Management Plan	Cumberland Ecology	30 April 2021
Waste Management Plan – Issue D	Design Cubicle Architectural Solutions	April 2021
Cross Ventilation Report	SLR	28 June 2021
Updated written clause 4.6 request	Think Planners	5 August 2021
Flood Study Report	SGC Consulting Engineers	28 June 2021
MUSIC Modelling (served electronically)		
Flood Study file (served electronically)		
Basix Certificate 20 July 2021		

Annexure B

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: SPP-20-00004

Development: Consolidating 3 lots into 1; Torrens title subdivision of the consolidated lot into 3 lots (comprising 1 lot for the proposed residential flat building, 1 lot for the proposed road, 1 residue lot); New roads, earthworks and associated civil infrastructure works; Demolition of existing structures and removal of trees; Construction of local roads, drainage and associated landscape works; and Construction of 3 x 4 storey residential flat buildings consisting of 176 apartments over 2 levels of basement car parking with a total of 235 car parking spaces with 78 Bicycle spaces.

Site: Lot 1 in DP 781987 and Lots 3 and 4 Section J in Deposited Plan 193074 otherwise known as 205-209 Grange Avenue, Marsden Park

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 17 August 2021.

Date from which consent takes effect: 17 August 2021.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lot 1 in DP 781987 and Lots 3 and 4 Section J in Deposited Plan 193074 otherwise known as 205-209 Grange Avenue, Marsden Park.

The conditions of consent are as follows:

1 ADVISORY NOTES

1.1 Terminology

1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.

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

1.2 Scope of Consent

1.2.1 Separate development consent may be required from Council prior to the use of each individual unit/the approved building(s). The applicant is advised to contact Council's Development Services Unit in this regard.

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

1.2.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

1.3 Other Approvals

1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.

1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:

- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development.
- (c) the installation of a caravan, temporary structure, stormwater drainage in a public place, amusement device or other activity not being an exempt activity under Council's Local Approvals Policy adopted under the provisions of the Local Government Act 1993,
- (d) the installation of a vehicular footway crossing servicing the development.

- 1.3.3 If any Aboriginal objects are found during construction, work is to cease immediately. The Office of Environment, Energy and Science (OEES) 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 OEES. No further works are to be undertaken on the site without the written consent of OEES.
- 1.3.4 Separate Council approval under the Roads Act 1993 is required for any crane used to construct this development that swing over public air space.

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 phone number: 1800 810 443.
- 1.4.5 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.
- 1.4.6 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

1.5 Tree Planting and Service Locations

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

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.

1.6 Identification Survey

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

1.7 Payment of Engineering Fees

- 1.7.1 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 Council's Standards.

1.8 Other Matters.

- 1.8.1 This plan of subdivision is not to be released until Public Road access is provided. This may require the registration of the adjoining subdivision.

1.9 NSW Local Police Matters

- 1.9.1 The Applicant is to liaise with Australia Post in relation to mailbox requirements. With mailbox facilities being installed within the foyer of the building or along the façade wall of the foyer front wall of building, or along a gated pathway, arrangements must be made to purchase a key safe to facilitate access by Australia Post.

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 No. and Title	Revision	Prepared By	Date
Project No. 20190191, Proposed Residential Subdivision	A	SDG	04.08.21
DA:000 Cover Sheet	D	Design Cubicle	19.04.21
DA:200 Site Plan	D	Design Cubicle	19.04.21
DA:201 Basement 2 Plan	D	Design Cubicle	19.04.21
DA:202 Basement 1 Plan	D	Design Cubicle	19.04.21
DA:203 Ground Floor Plan	D	Design Cubicle	19.04.21
DA:204 First Floor Plan	D	Design Cubicle	19.04.21
DA:205 Second Floor Plan	D	Design Cubicle	19.04.21
DA:206 Third Floor Plan	D	Design Cubicle	19.04.21
DA:207 Roof Plan	D	Design Cubicle	19.04.21
DA:211 Basement 2 Plan Building A	D	Design Cubicle	19.04.21
DA:212 Basement 1 Plan Building A	D	Design Cubicle	19.04.21
DA:213 Ground Floor Plan Building A	D	Design Cubicle	19.04.21
DA:214 First Floor Plan Building A	D	Design Cubicle	19.04.21

DA:215 Second Floor Plan Building A	D	Design Cubicle	19.04.21
DA:216 Third Floor Plan Building A	D	Design Cubicle	19.04.21
DA:217 Roof Plan Building A	D	Design Cubicle	19.04.21
DA:218 Elevations Building A	D	Design Cubicle	19.04.21
DA:219 Sections and Fence Detail Building A	D	Design Cubicle	19.04.21
DA:221 Basement 2 Plan Building B	D	Design Cubicle	19.04.21
DA:222 Basement 1 Plan Building B	D	Design Cubicle	19.04.21
DA:223 Ground Floor Plan Building B	D	Design Cubicle	19.04.21
DA:224 First Floor Plan Building B	D	Design Cubicle	19.04.21
DA:225 Second Floor Plan Building B	D	Design Cubicle	19.04.21
DA:226 Third Floor Plan Building B	D	Design Cubicle	19.04.21
DA:227 Roof Plan Building B	D	Design Cubicle	19.04.21
DA:228 Elevations Building B	D	Design Cubicle	19.04.21
DA:229 Sections and Fence Detail Building B	D	Design Cubicle	19.04.21
DA:231 Basement 2 Plan Building C	D	Design Cubicle	19.04.21
DA:232 Basement 1 Plan Building C	D	Design Cubicle	19.04.21
DA:233 Ground Floor Plan Building C	D	Design Cubicle	19.04.21
DA:234 First Floor Plan Building C	D	Design Cubicle	19.04.21
DA:235 Second Floor Plan Building C	D	Design Cubicle	19.04.21
DA:236 Third Floor Plan Building C	D	Design Cubicle	19.04.21
DA:237 Roof Plan Building C	D	Design Cubicle	19.04.21
DA:238 Elevations Building C	D	Design Cubicle	19.04.21
DA:239 Sections and Fence Detail	D	Design Cubicle	19.04.21

Building C			
DA:241 Pedestrian Movement Plan	D	Design Cubicle	19.04.21
DA:400A Solar Access and Cross Ventilation schedule – Block A	D	Design Cubicle	19.04.21
DA:400A1 Solar Access Plans – Block A	D	Design Cubicle	19.04.21
DA:400A2 Cross Ventilation Plans – Block A	D	Design Cubicle	19.04.21
DA:400B Solar Access and Cross Ventilation Plans – Block B	D	Design Cubicle	19.04.21
DA:400B1 Solar Access Plans – Block B	D	Design Cubicle	19.04.21
DA:400B2 Cross Ventilation Plans – Block B	D	Design Cubicle	19.04.21
DA:400C Solar Access and Cross Ventilation Schedule – Block C	D	Design Cubicle	19.04.21
DA:400C1 Solar Access Plans – Block C	D	Design Cubicle	19.04.21
DA:400C2 Cross Ventilation Plans – Block C	D	Design Cubicle	19.04.21
DA:400D – Solar Access Plans – COS – 1 of 4	D	Design Cubicle	19.04.21
DA:400D1 – Solar Access Plans – COS – 2 of 4	D	Design Cubicle	19.04.21
DA:400D2 – Solar Access Plans – COS – 3 of 4	D	Design Cubicle	19.04.21
DA:400D3 – Solar Access Plans – COS – 4 of 4	D	Design Cubicle	19.04.21
DA:401A1 ADG Compliance Schedule Block A – 1 of 2	D	Design Cubicle	19.04.21
DA:401A2 ADG Compliance Schedule Block A – 2 of 2	D	Design Cubicle	19.04.21

DA:401B1 ADG Compliance Schedule Block B – 1 of 2	D	Design Cubicle	19.04.21
DA:401B2 ADG Compliance Schedule Block B – 2 of 2	D	Design Cubicle	19.04.21
DA:401C1 ADG Compliance Schedule Block C – 1 of 2	D	Design Cubicle	19.04.21
DA:401C2 ADG Compliance Schedule Block C – 2 of 2	D	Design Cubicle	19.04.21
DA:502 Height Plane Study	D	Design Cubicle	19.04.21
DA:601 Deep soil zone Diagram 1	D	Design Cubicle	19.04.21
DA:601A Deep soil zone Diagram 2	D	Design Cubicle	19.04.21
DA:602 Site Coverage Area diagram	D	Design Cubicle	19.04.21
DA:603 COS Diagram	D	Design Cubicle	19.04.21
Building A External Materials and Finishes	D	Design Cubicle	Undated
Building B External Materials and Finishes	D	Design Cubicle	Undated
Building C External Materials and Finishes	D	Design Cubicle	Undated
19118 DA1-6 Landscape Concept Plan	E	Vision Dynamics Pty Ltd	27.6.21
19118 DA2-6 Landscape Concept Plan	E	Vision Dynamics Pty Ltd	27.6.21
19118 DA3-6 Landscape Concept Plan	E	Vision Dynamics Pty Ltd	27.6.21
19118 DA4-6 Landscape Concept Plan	E	Vision Dynamics Pty Ltd	27.6.21
19118 DA5-6 Landscape Concept Plan	E	Vision	27.6.21

		Dynamics Pty Ltd	
19118 DA6-6 Landscape Concept Plan	E	Vision Dynamics Pty Ltd	27.6.21

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

2.2 Services

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

2.3 Suburb Name

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

Suburb: Marsden Park

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

Suburb: Marsden Park

2.4 Compliance with BASIX Certificate

- 2.4.1 All commitments listed in BASIX Certificate 1041066M_02 dated 20 July 2021 shall be complied with.

2.5 Engineering Matters

2.5.1 Design and Works Specification

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan

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

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

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

2.5.1.2 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:

- Path Paving construction
- Final Layer Asphaltic Concrete (AC) construction
- Maintenance of the construction works
- Removal of temporary infrastructure
- other

These matters will be individually addressed within the consent

Note: A bond release inspection fee will apply.

2.5.1.3 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.

2.5.1.4 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.

2.6 Other Necessary Approvals

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

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

2.7 Subdivision

2.7.1 Principal Certifier - Blacktown City Council shall be the Principal Certifier for the proposed subdivision and issue the Subdivision Certificate

2.8 Other Matters

- 2.8.1 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.
- 2.8.2 Any future substation, temporary drainage works or other utility installation required to service the approved subdivision/development shall not be sited on future or existing Council land, including road reservations and/or public reserves.

2.9 Natural Resources Access Regulator General Terms of Approval

- 2.9.1 Comply with the General Terms of Approval issued by Natural Resource Access Regulator in **Appendix 1** of this consent.

2.10 Drainage Section Requirements

- 2.10.1 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Blacktown City Council Growth Centre Precincts Development Control Plan for lot 100:

Required percentage reductions in post development average annual load of pollutants

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	85
Total Phosphorous	65
Total Nitrogen	45

- 2.10.2 The registered proprietor/lessee is to provide to Council's WSUD Compliance Officer a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule. All materials removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.
- 2.10.3 Each year the registered proprietor/lessee is to provide to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au a report outlining all non-potable water used annually and the percentage of non-potable reuse. The modelled reuse is: RWT A (west) 0.11 ML/yr @ >80%; RWT B (centre) 0.07 ML/yr @ >80% and RWT C (east) 0.07 ML/yr @ > 80%.
- 2.10.4 The temporary protection measures for the bioretention area are not to be removed, nor the filter area of the basin planted out, until the residential flat building development is complete including landscaping. Once the residential flat building development is complete the bioretention basin must be completed within six (6) months.
- 2.10.5 The Bioretention Construction Security is not to be released until:
- Practical completion of the bioretention basin. Practical Completion is defined as removal of any temporary protection measures, installation of the 100mm transition layer, filter media and planting out of the basin; and
 - A Geotechnical Engineer has undertaken insitu Saturated Hydraulic Conductivity

Testing of the bioretention system in accordance with Practise Note 1 of the FAWB guidelines. Test points are to be spatially distributed. Where the hydraulic conductivity of the soil differs from the rate specified in MUSIC of 100 mm/hr (tolerance -0% to + 400%), remediation works will be required over the whole filter area to restore the conductivity and the test repeated in different locations until the hydraulic conductivity is achieved. A Geotechnical Engineer is to then certify that in accordance with Practise Note 1 of the FAWB guidelines, the Saturated Hydraulic Conductivity is within tolerance to the rate specified in MUSIC for the bioretention system; and

iii) After the hydraulic conductivity has been certified by the Geotechnical Engineer, a Horticulturalist that has relevant tertiary qualifications and technical knowledge with a minimum of five (5) years demonstrated experience is to certify that the planting within the bioretention area including bank areas, is of the same quality in type and quantity as per the construction certificate approved landscape plans, that any plants lost have been replaced, the area is free of rubbish and that any areas of scour or disrepair have been restored.

iv) The bioretention sediment trap has been cleaned and cleaning dockets provided.

- 2.10.6 The developer is to maintain the temporary water quality treatment measures (bioretention) and these measures are not to be removed, nor the positive covenants extinguished, until the regional Council water quality measures are completed as confirmed by Council in writing.

3 PRIOR TO COMMENCEMENT OF ANY WORKS (NATURAL AREAS)

3.1 Amend Vegetation Management Plan (VMP)

- 3.1.1 Prior to the commencement of any works, the Vegetation Management Plan, prepared by Cumberland Ecology, dated 30 April 2021 must include the following revision and endorsement provided by Council's Ecologist prior to commencing any works.

- i. Provide further detail on sediment and erosion control adjacent to the waterways.
- ii. Provide additional information on assessing adequate native regeneration prior to the use of mulch.
- iii. Amend the VMP to provide the likely management actions after year 5, such as stating that a Work Plan will be developed by a Bush Regenerator and updated every five years to ensure that targets reached at the end of the implementation phase are maintained.
- iv. Provide additional information on the placement of logs to ensure it will not adversely impact native vegetation and biodiversity.

4 PRIOR TO DEMOLITION WORKS (BUILDING)

4.1 Safety/Health/Amenity

- 4.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.

4.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

4.1.3 Should the demolition work:

(a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,

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

(c) involve the enclosure of a public place,

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

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

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

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

Each toilet provided shall be:

(a) a standard flushing toilet, and

(b) connected:

(i) to a public sewer, or

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

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

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

4.2 Tree Protection

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

4.3 Other Matters

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

- date/s, hours and duration of the works.
- contact name and phone number of the applicant
- contact name and phone number of the licensed demolisher
- SafeWork NSW contact number 131050, and email address contact@safework.nsw.gov.au

5 COMPLETION OF DEMOLITION WORKS (BUILDING)

5.1 Hazardous Materials and Waste

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

5.1.2 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling.

5.2 Safety/Health/Amenity

5.2.1 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.

5.2.2 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.

5.2.3 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.

5.2.4 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.

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

5.2.6 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.

5.2.7 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.

5.3 Notification to Council

- 5.3.1 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.

5.4 **Sydney Water Authorisation**

- 5.4.1 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 Customer Centre or Quick Check Agent, 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 Quick Check Agent details, 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.

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

6.1 **DA Plan Consistency**

- 6.1.1 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.

6.2 **Landscape plan**

- 6.2.1 A revised landscape plan must be submitted for review and approval prior to the issuing of a Construction Certificate. The landscape plan requires the following species changes:
- i. Tree species 51 should be changed to *Nyssa sylvatica* on the amended landscape plan.
 - ii. Tree species 54 should be changed to *Lophostemon confertus* on the amended landscape plan.

6.3 **Traffic Matters**

- 6.3.1 Car park and ramp design are to be comply with AS2890:2004. The cars are to access and egress in forward direction from the car park and loading dock.

7 **PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)**

7.1 Section 7.11 Contributions under Section 7.17 Directions

The following monetary contributions under *Section 7.11 of the Environmental Planning & Assessment Act 1979* (the Act) must be paid. The amounts below are stated as at 27 July 2021. 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 0.5% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Stage 1

Consolidation

Stage 2

Roads

Contribution Item	Amount	Relevant C.P.
Stormwater Quantity		
Bells Creek	\$261,231.00	21
Stormwater Quality		
Bells Creek	\$7,137.00	21
Traffic Management	\$73,045.00	21
Total	\$341,413.00	

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).

The Section 7.11 contribution(s) have been based on the site's total developable area. Should the final plan of survey indicate any change in the total developable area, the Section 7.11 contribution(s) will be adjusted accordingly.

Developable Area: 0.4294 hectares
Stormwater Quality: 0.1074 hectares

Stage 3

3 X 4 storey residential flat buildings

Contribution Item	Amount	Relevant C.P.
Stormwater Quantity		

Bells Creek	\$547,770.00	21
Stormwater Quality		
Bells Creek	\$14,958.00	21
Traffic Management	\$153,167.00	21
Open Space	\$2,718,617.00	21
Community Facilities	\$83,212.00	21
E2 Conservation Zone	\$106,442.00	21
Aquatic Facility	\$140,074.00	21
Total	\$3,764,240.00	

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).

The Section 7.11 contribution(s) are based on the site's total developable area 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: 0.9004 hectares
 Additional Population: 319.8 persons
 Stormwater Quality: 0.2251

Payment of these amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) whichever occurs first.

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

Section 94 Contributions Plan No. 21 – Marsden Park

7.2 Special Infrastructure Contributions

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

More information

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

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

7.3 Building Materials and Finishes

- 7.3.1 The development is to be constructed in accordance with the approved materials, finishes and colours submitted as part of the approved colours and finishes schedule.
- 7.3.2 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. The external wall and any cladding attached to the external wall is to comply with the National Construction Code, Building Code of Australia Volume One including, but not limited to A0.2 (a) and (c), A2.2, Part C and Part F.
- 7.3.3 The external walls of the building are to be free of plumbing and fixtures, service conduits/wiring and other building services.
- 7.3.4 The reflectivity index of glass used in the external facades of the building is not to exceed 20 per cent, 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.
- 7.3.5 All bathrooms, WC or laundry windows in the external walls and the building shall be fitted with translucent glazing.
- 7.3.6 All details are to be provided as part of the Construction Certificate.

7.4 External Wall Cladding

- 7.4.1 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the external material and finishes schedule submitted with the application. Building materials and finishes are to be finished with an anti-graffiti coating. Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans. Materials and finishes including the external wall cladding of the development are to comply with the requirements of the Environmental Planning and Assessment Amendment (Identification of Buildings with Combustible Cladding) Regulation 2018 and State Environmental Planning Policy Amendment (Exempt Development – Cladding and Decorative Work) 2018 which commenced on 22 October 2018.

7.5 Aesthetics

- 7.5.1 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.
- 7.5.2 Not Used
- 7.5.3 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.

- 7.5.4 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.

7.6 Fencing

- 7.6.1 Front fences (including any masonry retaining wall above the natural ground level) shall be of a maximum 1 metre in height from the natural ground level.
- 7.6.2 Any proposed fence/side boundary fence/landscape element on either side next to the proposed driveways must not exceed 900mm in height for a length of 2.5 metres from the property boundary within the property and 2 metres along the property boundary (see Figure 3.3 AS2890.1) to ensure safety of pedestrians on footpath.
- 7.6.3 All other fencing details and materials are to be as per the approved plans. All fencing is to be provided at full cost to the developer and is to be constructed on top of any masonry retaining walls. The selected fencing material / design must also minimise / eliminate the potential for graffiti attacks.
- 7.6.4 Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti. All fencing which is visible from the public domain is not permitted to be continuous, closed board, or the like.

7.7 Access and Parking

- 7.7.1 A minimum of 235 car parking spaces are required to be provided within the site, being 198 resident spaces, 37 visitor car parking spaces (including 19 disabled spaces), and all are to be designed having minimum internal clear dimensions in accordance with the Growth Centres Precincts DCP 2018.
- 7.7.2 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network. Provision for 78 bicycle spaces is required to be provided within the site.
- 7.7.3 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.
- 7.7.4 All internal driveways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

7.8 Services

- 7.8.1 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.

7.9 Salinity Management

- 7.9.1. The applicant is to prepare a salinity management plan in the event of encountering

potentially saline soil during construction. The measures recommended in the plan are to be implemented during construction accordingly.

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

- 7.10.1 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](#)

7.11 Adaptable Housing Units

- 7.11.1 A minimum of 10% of the units within each residential flat building are to be designed in accordance with the Australian Adaptable Housing Code (AS 4299-1995) which includes “pre-adaptation” design details to ensure visitability is achieved.

7.12 Floor to Ceiling Heights

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

7.13 Services/Utilities

- 7.13.1 The following documentary evidence shall accompany any Construction Certificate:
- (a) A “Notification of Arrangement” Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the removal of any power poles and any provision of street lighting, to the development.
 - (b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

7.14 Updated Vegetation Management Plan (VMP)

- 7.14.1 An updated VMP is to be submitted prior to the issue of a Construction Certificate.

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 solutions, 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 solutions, 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.
- 8.2.3 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.

9 PRIOR TO SUBDIVISION WORKS CERTIFICATE (ENGINEERING)

9.1 Drainage Section Requirements

- 9.1.1 Amended civil plans from SGC Project 20190191-C Rev E are to address the following;
 - a. On drawing C202 and C203 show a driveway and ramp access down to the western side of the bioretention basin for maintenance access. The access is to form part of a widened 4 m berm/crest on the western side of the basin only.
 - b. On drawing C202 and C203 show a temporary 450 mm emergency overflow pipe from pit L1/7 grading down at say 1% under the eastern berm of the bioretention basin to a point of discharge to the south within the SP2 land. Set the invert of the 450 mm pipe at pit L1/7 to 19.34. Provide a new longsection. This pipe to be retained until the trunk drainage line is fully constructed to Bells Creek from Pit L1/10
 - c. On drawing C202 and C203 amend the contours around the bioretention basin based on the changes in levels detailed on the requirements for C502 below. Show the filter media level as 19.925 and the minimum top of berm as 20.45. Revise contours around the basin.

- d. On drawing C202 and C203 show the future building platform level on the E3 land as RL 21.08. Extend the existing southern and south-eastern batter slopes at the same grade and show the additional 200 mm of fill on the platform. Calculate the new net area <250 m².
- e. On drawings C203 and C204 delete the reference to “Retarding Basin” and replace with “Flood Storage Basin”.
- f. On drawings C203 and C204 widen the flood storage basin to extend right up to the eastern side boundary and widen the flood storage basin to extend right down to the southern rear boundary, but locally adjusted to keep 5 m away from the ENV vegetation. Match the existing boundary levels. Maintain a finished ground level after landscaping of 19.30 in the flat lowered area.
- g. On drawings C203 and C204 amend the flood storage basin to ensure the design finished ground levels on the batter DO NOT exceed existing. No filling is permitted.
- h. On drawings C202, C203 and C204 show the SP2 boundary. Ensure the temporary bioretention and associated drainage lines are fully contained in the SP2 land.
- i. On drawing C351:
 - i. Adjust Section C to account for the widened flood storage basin.
 - ii. Adjust section B to account for the lowered bioretention basin levels and the raised E3 building platform to 20.08.
 - iii. Adjust section E to account for the lowered bioretention basin levels.
- j. On drawing C502 on the “Bioretention garden” plan show the overall dimensions including the splay corners. Demonstrate that the minimum 100 m² of filter area can be achieved clear of all pits and scour protection.
- k. Provide a layout of the bioretention subsoil lines to generally cover all the filter area.
- l. On drawing C502 on the “Bioretention garden detail”:
 - i. Set the TWL and top of pit to 20.225 (0.3 m EDD).
 - ii. Set the top of filter media level to 19.925 and the bottom to 19.525.
 - iii. Set the saturated water level to 19.425.
 - iv. Set the top of the gravel layer to 19.175 and the bottom to 18.975.
 - v. In the overflow pit maintain the subsoil collection pit but set the invert of the 375 mm outlet pipe to 19.425. Note that the subsoil collection pit can be pumped out for maintenance as required.
 - vi. Set the top of the crest/berm to a minimum of 20.45.
 - vii. Nominate the HDPE liner as 1.5 mm with geotextile under.
 - viii. Under the note for the Drainage Layer delete the words “fully wrapped in geofabric to manufacturers specification”.
 - ix. Amend the note “150mm slotted uPVC pipe @ 0.5%” to read “150mm unsocketed slotted uPVC pipe laid flat”.
 - x. Show the 900sq surcharge grate on raised legs.

- m. Provide Floodway Warning Signs for the bioretention system in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.
 - n. On drawing C502 for pit L1/6 at Section E set the diversion weir level to a minimum of 20.375 that is 150 mm above the overflow pit level in the bioretention.
 - o. On drawing C503 for pit L1/5 at Section D set the diversion weir to 20.475, being a minimum of 100 mm above the diversion weir level in pit L1/6. Amend "330" height.
 - p. On drawing C602 (E) raise the inverts for drainage line L5 to:
L1/10 = 18.461 and amend note on Line 1 on C601
L5/1 = 18.55
L6/1 = 18.62
 - q. On drawing 602 at line L8 raise the invert level at L8/1 to 19.425. Revise grade.
 - r. Detail a three-strand wire fence surrounding the two sides and the rear boundaries of the E3 land, stopping each side or going around the ENV.
- 9.1.2 A Chartered Civil Engineer registered with NER must certify that the maximum depth of flow in the gutter is less than 200 mm for all 1% AEP storm events.
- 9.1.3 Provide a Bioretention Construction Estimate for the removal and disposal of the temporary protection measures for the bioretention areas (including sacrificial geotextile, 150 mm filter media and washed turf), replacement with 100mm transition layer, 400 mm filter media, the cost of undertaking hydraulic conductivity testing on the filter media in the basin, planting of appropriate species and horticulturalist certification.

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

10.1 General

- 10.1.1 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.
- 10.1.2 Where this consent requires both subdivision and building works to be undertaken, no construction certificate for building works is to be issued until all subdivision works 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, including temporary onsite stormwater detention (OSD) and Water sensitive Urban Design (WSUD) located on privately owned land.

For temporary OSD and WSUD located on privately owned land, the registration of all associated easements/restrictions and positive covenants of said infrastructure is required prior to any building works construction certificate being issued.

- 10.1.3 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	Project No.	Drawing No.	Revision	Dated
SGC	20190191	C100	E	25.06.21
SGC	20190191	C110	E	25.06.21
SGC	20190191	C201	E	25.06.21
SGC	20190191	C202	E	25.06.21
SGC	20190191	C203	E	25.06.21
SGC	20190191	C204	E	25.06.21
SGC	20190191	C231	E	25.06.21
SGC	20190191	C301	E	25.06.21
SGC	20190191	C302	E	25.06.21
SGC	20190191	C351	E	25.06.21
SGC	20190191	C501	E	25.06.21
SGC	20190191	C502	E	25.06.21
SGC	20190191	C503	E	25.06.21
SGC	20190191	C601	E	25.06.21
SGC	20190191	C602	E	25.06.21
SGC	20190191	C603	E	25.06.21
SGC	20190191	C604	E	25.06.21
SGC	20190191	C605	E	25.06.21
SGC	20190191	C701	E	25.06.21
SGC	20190191	C702	E	25.06.21
SGC	20190191	C901	E	25.06.21
SGC	20190191	SW100	E	25.06.21
SGC	20190191	SW200	E	25.06.21
SGC	20190191	SW201	E	25.06.21
SGC	20190191	SW202	E	25.06.21
SGC	20190191	SW203	E	25.06.21
SGC	20190191	SW204	E	25.06.21
SGC	20190191	SW300	E	25.06.21
SGC	20190191	SW301	E	25.06.21
SGC	20190191	SW400	E	25.06.21
SGC	20190191	SW401	E	25.06.21
SGC	20190191	SW500	E	25.06.21
SGC	20190191	SW501	E	25.06.21

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

- i. Flow splitter pit L1/3 shall be located no further west than chainage 230 on Road No. 1 as shown on SGC Civil Works – Road Design plan No 20190191 C201 Revision E 25.6.21 and have a design invert level of no lower than RL21.40m AHD

10.1.4 The civil, hydrologic and hydraulic design of the stormwater system within the development site must be endorsed in writing by Council's Manager Asset Design as being consistent with the Section 7.11 CP21 infrastructure MB2.0, MB2.1 & MB2.2. The hydraulic design must model the full impact of the proposed splitter pit weirs.

10.2 Subdivision Works/Construction Certificate Requirements

10.2.1 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:

- Road and drainage construction
- On-site stormwater detention
- Water quality treatment
- Earthworks
- Inter-allotment drainage (created within the subject lot)
- Path Paving (within a subdivision)

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

10.3 Local Government Act Requirements

10.3.1 Under *Section 68 of the Local Government Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Any works within a Council Reserve
- Any works on adjoining land (outside the subject site boundaries)
- Inter-allotment drainage on adjoining land

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

10.4 Roads Act Requirements

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

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

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

10.5 Other Engineering Requirements

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

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

- 10.5.3 Submit written permission from the affected property owner for any works proposed on adjoining land.
- 10.5.4 Submit written evidence from the Roads and Maritime Services indicating compliance with all necessary requirements.
- 10.5.5 Submit written evidence from Sydney Water indicating compliance with all necessary requirements.
- 10.5.6 All street name poles, light poles and bus shelters shall be black powder coated in accordance with Blacktown City Council's Engineering Guide for Development. Ensure this is noted on the construction plans.
- 10.5.7 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

10.6 Roads

- 10.6.1 Submit a pavement report prepared and designed by a professional civil engineer with soil tests carried out by a registered NATA soils laboratory. The pavement design shall withstand the traffic loadings listed in this consent.

Note: The design CBR is to be confirmed on site prior to placement of any pavement. If actual CBR is less than design CBR, revised pavement design will be required.

- 10.6.2 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card.
- 10.6.3 Splays are to be adjusted to meet site specific intersection designs in accordance with Council's Engineering Guide for Development. Note the splay on Road 1 at the bend (approx. chainage 90) is to be increased to ensure the lot boundary does not encroach the E3 zoned land.

- 10.6.4 Proposed new roads shall be designed and constructed as follows:

Name	Width(m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Road 1	18.0	260	3.5-11.0-3.5	5x10 ⁵

- 10.6.5 Not Used

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

- 10.6.7 Staging of road construction will be permitted where suitable traffic circulation or temporary turning areas in dead end roads are evident in accordance with Council's Engineering Guide for Development.

10.7 Drainage

- 10.7.1 Amended architectural plans are required to ensure the habitable floor levels are a minimum of 150 mm above the finished ground level or podium levels except at access ramp locations.
- 10.7.2 Amended drainage plans from SGC Project 20190191-SW Rev E are to address the following;
- a. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the rainwater tanks and, Stormfilter chambers in accordance with Council's Engineering Guide for Development 2005.
 - b. Provide step irons to all access points to the rainwater tanks and Stormfilter chambers
 - c. The minimum storage and dual alternating pump requirements for the basement garage is to satisfy AS/NZS 3500.3:2015 – Plumbing and Drainage Part 3: Stormwater Drainage.
 - d. Amend the design levels of the piped drainage system of the basement to ensure a minimum 0.5% slope towards all surface inlet pits.
 - e. Rename RWT 1 as RWT A (west), the middle one as RWT B (centre) and the last one as RWT C (east)
 - f. Fully detailed hydraulic plans are required to demonstrate that a minimum of 795 m² of roof area can discharge independently to RWT A (west). In addition, a minimum of 440 m² of roof area can discharge independently to RWT B (centre) and a minimum of 440 m² of roof area can discharge independently to RWT C (east), providing that the combined roof area draining to both RWTs is 948 m².
 - g. Detail the pre-treatment to protect each of the rainwater tanks.
 - h. On drawing SW203 amend the following:
 - a. Where the 300 mm overflow from RWT C (east) joins the 225 pipe, show a 375 mm pipe to OC2.
 - b. On the other drainage line to OC2 there is an incorrect reference to 300 when it should be 375.
 - c. At Pit L6/1 show the invert as 18.62 to match the Civil Plans.
 - d. Clarify the pit numbering for the junction pit. 2.23 or 2.24.
 - e. At the same junction pit set the invert level to 18.68 and determine the 1EY hydraulic grade line (HGL) level at this pit.
 - f. Confirm that the nominated false floor level of 18.89 for Stormfilter Chamber 2 is above the 1EY HGL level, otherwise raise false floor level to achieve this while maintaining OceanGuard Chamber 2 levels and configuration.
 - i. On drawing SW301:
 - a. On Stormfilter Chamber 1 Plan View increase the width of OC2 from 2.2m to 2.5 m.
 - b. At Section A in OC1 show the ½ hobs at each end and nominate a 450 mm gap between the hobs aligned with the centre of the baskets.

- c. On Stormfilter chamber 2 Plan View show dual 375 mm pipe entries to OC2.
 - d. On Stormfilter Chamber 2 Plan View for OC2 widen the steel channel to 1.15 m.
 - e. Note the steel channels in both the OceanGuard Chambers as galvanised or stainless steel.
 - f. On Stormfilter Chamber 2 Plan View delete the two 375 mm pipes out of OC2 and replace with two 1.2 m wide x 0.2 m high openings.
 - g. On Section B delete the two 375 mm pipes out of OC2 and replace with two 1.2 m wide x 0.2 m high openings with invert 19.66.
 - h. At Section B in OC2 show the ½ hobs at each end and nominate a 450 mm gap between the hobs aligned with the centre of the baskets.
 - j. Set a crest level in the internal basement driveway a minimum of 300 mm above the gutter invert level.
- 10.7.3 Provide details for permanent interpretive signage minimum A1 size to be installed adjacent to each Stormfilter tank to highlight the water quality improvement process. The sign is to in accordance with Chapter 14 of the *WSUD developer handbook 2020* and located adjacent to the major water quality device. The wording and detail are to be approved by Council.
- 10.7.4 Due to the cut and/or fill exceeding 1.5 m, a desktop Groundwater Assessment Report is required for the site in accordance with section 4.6 of DCP 2015 Part J and Chapter 5 of the *WSUD developer handbook 2020*. The assessment must account for the likely adjoining development. Where there is the potential for interaction with groundwater, a Groundwater Management Plan must be prepared by a Geotechnical Engineer registered with NER.
- 10.7.5 An experienced irrigation specialist is to prepare and certify a detailed Landscape Watering Plan for non-potable landscape watering for Units A, B and C. The plan is to show the irrigation layout based on non-potable water supply point from the rainwater tank, including:
- a. an irrigation plan for each of the three unit blocks clearly showing what areas are being irrigated by what rainwater tank;
 - b. Based on the roof area draining to each rainwater tank, RWT A (west) is expected to meet 44% of demand, with RWT B (centre) and RWT C (east) each 28 % of demand.
 - c. rainwater tank sizes of 11 kL for each of the three unit blocks
 - d. a first flush or pre-treatment system
 - e. a mains water direct tank top-up with air gap for landscape watering
 - f. isolation valve on the mains water for maintenance or during water restrictions
 - g. a pump with isolation valves and a warning light to indicate pump failure;
 - h. an in-line filter to a standard suitable for drip and spray irrigation;
 - i. flow meters on the mains water tank top-up line and the pump outflow line, to determine actual non-potable usage and reuse percentage

- j. provide a single reuse tap in each private court yard at ground level;
- k. a timer and control box for landscape watering, allowing for seasonal variations and split systems
- l. designed to automatically achieve a minimum average usage rate of 0.4 kL/yr/m² for all common landscape beds and planter boxes. Spray irrigation for any turf above the common podium is permitted
- m. Design the automatic system to increase the frequency of watering by a minimum 50% above average for the hotter months and reducing by 50% for the cooler months;
- n. ensuring all the reuse pipes and taps are coloured purple
- o. fitting warning signs to all external taps using non-potable water

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

10.7.7 Not Used

10.7.8 Not Used

10.7.9 Provide inter-allotment drainage lines for lots that do not drain directly to a public road. The design shall include pipeline long-sections and identify location and levels of services.

10.7.10 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

10.8 Signage and Line Marking

10.8.1 A formal submission must be made to the Local Traffic Committee (LTC) through Council's Traffic Engineering department for all signage and line marking details proposed on the external public road network.

A determination will be required prior to the implementation of all signage and line marking works.

10.9 Erosion and Sediment Control

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

10.10 Earthworks

10.10.1 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.

10.10.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.

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

10.10.4 Retaining walls shall be a maximum single height of 1.2 m (600 mm cut + 600 mm fill). Where a retaining wall is proposed that is more than 1.2 m in height, a terraced solution shall be provided. Terraces should not exceed 900 mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.

10.10.5 Show on plan adjacent to road cross sections approximate quantities of road materials required for construction. (i.e. Densely Graded Subbase and Densely Graded Base)

10.11 Stormwater Quality Control

10.11.1 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](#).

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

10.11.3 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](#).

10.12 Vehicular Crossings

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

10.13 Footpaths

10.13.1 Path paving is to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2010 and as follows:

Street Name	Side	Paving Width	Length
Road 1	Both Sides	1.5m	Full length

10.13.2 The construction of path paving is to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2010.

Proposed locations and widths are to be approved by Blacktown City Council's Co-ordinator Engineering Approvals. Cycleways/ shared pathways are to include line marking and signposting in accordance with the requirements of Austroads "Guide to Road Design" Part 6A and the Roads and Maritime Services NSW Bicycle Guidelines November 2003.

11 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

11.1 Environmental Management

11.1.1 The Recommendations provided in *Acoustic Report* (R190342R3), prepared by Rodney Stevens Acoustics, dated 3 February 2020, shall be implemented.

11.1.2 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with;

- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (2020)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995).
- NSW Environmental Protection Authority's Contaminated Sites: Guidelines for NSW Site Auditor Scheme 3rd edition (2017)
- National Environment Protection Council (NEPC) 1999 *National Environment Protection (Assessment of Site Contamination Measure)* as amended 2013
- NSW Environment Protection Authority's *Waste Classification Guidelines, Part 1: Classifying Waste* (2014)

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.

11.1.3 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. **(Systems registered to properties: OSM-0399 and OSM-0393)**

11.2 Other Matters

11.2.1 The recommendations provided in *Environmental Report* (GTE2032), prepared by Ground Technologies, dated 3 February 2020, shall be implemented.

11.2.2 A Hazardous Material Survey (HMS) should be prepared for the site prior to demolition of any onsite structures (including all exterior sheds and structures), with any control measures outlined in report to be implemented during demolition of structures.

11.2.3 A unexpected finds policy (UFP) should be prepared and implemented for the proposed site redevelopment works.

11.2.4 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)

- 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.

12 PRIOR TO CONSTRUCTION CERTIFICATE (WASTE)

- 12.1 The removal of asbestos from the site and its transportation to its final destination is to be undertaken in accordance with the NSW Environment Protection Authority's WasteLocate online system for tracking asbestos waste. Upon completion of the transportation, the WasteLocate consignment number is to be submitted to Council. For more information, please refer to the following link:
<https://www.epa.nsw.gov.au/your-environment/waste/transporting-asbestos-waste-tyres>.
- 12.2 The applicant must ensure that roads and driveways etc are rated suitable for 24 tonne trucks.
- 12.3 The applicant must provide the AutoCAD file in DWG format and 1:1 scale for the trucks entire travel path in addition to the proposed swept paths to the satisfaction of Council. This must include reflect the submitted swept paths and include demonstration of a vertical clearance being a minimum 4.5m.
- 12.4 The applicant must demonstrate to Council's satisfaction, that the proposed construction plans (with respect to the services and piping infrastructure secured to the basement ceilings), do not encroach the required 4.5m headroom allowance for truck access as per Australian Standards 2890.2. This 4.5m headroom allowance must be achievable clear of all eaves, overhangs, balconies, services (including sprinklers, pipes etc), and at the roller door entry point. Failure to comply may impact

the ability for waste collection vehicles to safely access the development to service its waste and recycling bins.

- 12.5 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 to Council's satisfaction.

13 PRIOR TO CONSTRUCTION CERTIFICATE (OTHER MATTERS)

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

14 PRIOR TO CONSTRUCTION CERTIFICATE (NSW POLICE)

- 14.1 Prior to the release of the Construction Certificate, the applicant must provide a detailed report to council, outlining the following security and or crime prevention measures.

14.1.1 Mailbox Facilities

- a) The mailboxes facility location should be along the façade wall of the foyer for example, similar to P.O boxes where the mailbox is orientated outwards in glass frontage and is opened from inside the foyer or located inside the building foyer.

Where mailboxes are located inside the building foyer, mailboxes will need to be situated near the foyer entry and applicants will be required to install a key safe from Australia Post to facilitate access.

14.1.2 Video Surveillance

- a) CCTV systems are to be installed throughout the basement car park at all levels and not just at the access points.

Due to such a large development it is strongly recommended that CCTV cameras must be also installed around the perimeter of the three buildings, stairways, lifts, foyers, entry/exit points driveways, loading bays, the waste room, mailbox facilities and common areas.

14.1.3 Basement Parking

- a) A central security roller shutter panel lift door must be installed at the entrance of the basement parking level.
- b) Security roller shutter and security steel welded mesh fencing from floor to ceiling must be installed separating 'visitors' parking from 'resident only' parking.
- c) A security plan is to be provided prior to the release of the Construction Certificate Stage. This plan should show the location, type and number of CCTV systems per block and the areas that should include.
- d) The basement walls and ceiling must be painted white to enhance lighting.

14.1.4 Lighting

- a) A submission of a lighting plan is required with more information. This plan is required to show the location of lighting around all entry/exit points to the buildings, along all footpaths within the site, stairwells, lifts, foyers, basement car parking and basement driveway entry points, common areas and lighting is to be located where all signage is located. The street number is to be illuminated to facilitate identification of the site/building.

14.1.5 Common Areas

- a) All access points into common areas must be secured through the use of gates, roller doors or similar fitted with a security mechanism for example, swipe cards/keypad to restrict access to authorised persons only. Security mechanism system used should be one that can be audited so that strata managers are able to see which residents are using the common area facilities.

15 PRIOR TO DEVELOPMENT WORKS (BUILDING)

15.1 Demolition Conditions

- 15.1.1 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 15.1.2 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.
- 15.1.3 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's

infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

- 15.1.4 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.

16 DURING CONSTRUCTION (BUILDING)

15.1 Safety/Health/Amenity

- 16.1.1 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.

- 16.1.2 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 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.

- 16.1.3 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.

- 16.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 16.1.5 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.
- 16.1.6 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.

- 16.1.7 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.
- 16.1.8 Building and construction materials, plant, equipment and the like shall not be placed or stored at any time on Council's footpath, roadway or any public place.
- 16.2 **Building Code of Australia Compliance**
- 16.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 16.3 **Nuisance Control**
- 16.3.1 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.
- 16.3.2 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.
- 16.4 **Waste Control**
- 16.4.1 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.
- 16.5 **Aboriginal Heritage**
- 16.5.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the NSW Environment, Energy & Science 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 Environment, Energy & Science is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

17 DURING CONSTRUCTION (ENGINEERING)

17.1 Notification of Works

- 17.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum 5 business days prior to commencement of engineering works.
- 17.1.2 A notification of works flyer (letter drop) is to be provided to all residential housing, businesses and organisations adjacent to any engineering works approved by this consent. This is for works undertaken on Council controlled lands such as roads, drainage reserves and parks. The notification of works flyer must contain details of the proposed works, locality map of works, contact details and the anticipated time period. A signed copy of the notice is to be provided to Council's Engineering Approvals Team and is to show the date of the letter drop as well as highlight the area that received the notification.
- 17.2 **Insurances**
 - 17.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council's Engineering Approvals Team. This shall be submitted prior to commencement of engineering works required by this consent that are carried out on Council controlled lands such as roads, drainage reserves and parks. This includes Public Liability Insurance with a minimum of \$20,000,000 Indemnity and Workers Compensation.
- 17.3 **Service Authority Approvals**
 - 17.3.1 Prior to the commencement for construction of footway crossings and driveways a clearance shall be obtained from the relevant telecommunications carriers and Endeavour Energy. The clearance shall notify that all necessary ducts have been provided under the proposed crossing.
- 17.4 **Boundary Levels**
 - 17.4.1 Any construction at the property boundary, including but not limited to fences, retaining walls and driveways shall not be carried out until boundary alignment levels have been fixed.
- 17.5 **Tree Protection and Preservation**
 - 17.5.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
 - 17.5.2 Prior to commencement of engineering works that may disturb existing vegetation/trees, the site shall be inspected to identify and appropriately mark out any trees to be retained as well as determine areas that are to be left undisturbed. Proposed roads must be set-out onsite prior to this inspection. Note: Inspection must be carried out by Council's representative or an appropriately accredited private certifier. The applicant's representative must be present during this inspection.
 - 17.5.3 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.

- 17.5.4 Council must be notified a minimum of 24 hours prior to the removal of any branches from existing trees which are to be retained. Subject to Council's direction, this work must be generally undertaken by a qualified Arborist.

17.6 Soil Erosion and Sediment Control Measures

- 17.6.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 17.6.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.
- 17.6.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

17.7 Filling of Land and Compaction Requirements

- 17.7.1 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.
- 17.7.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version).
- a) Compaction certificates for fill within road reserves.
 - b) Compaction certificates for road sub-grade.
 - c) Compaction certificates for road pavement materials (sub-base and base courses).
 - d) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
 - e) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4
 - Compliance Certificate and Test Results
 - Delivery Dockets
 - Summary of Material deliveries as per template available on Council's website

Note: Council's Works Specification (Civil) requires road pavement and pipe bedding materials be sourced from N.A.T.A. certified stockpiles.

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

- 17.7.3 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.
- 17.7.4 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.
- 17.7.5 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 wind blown dust.
- 17.7.6 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.
- 17.7.7 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.
- 17.7.8 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.
- 17.8 **Filling in Contaminated Land**
 - 17.8.1 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.
 - 17.8.2 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.
 - 17.8.3 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.
- 17.9 **Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**
 - 17.9.1 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.

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

- 17.10.1 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. Council's 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).

17.11 Public Safety

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

17.12 Site Security

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

17.13 Traffic Control

- 17.13.1 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.
- 17.13.2 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.
- 17.13.3 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.

17.13.4 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.

17.13.5 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.

17.14 Powder Coated Furniture

17.14.1 Where the conditions of this consent permit the installation of powder coated furniture (i.e. street lighting poles, bus shelters, rubbish bins, seats or any other items of street furniture), a certificate from the manufacturers shall be provided to Council confirming that the nominated powder coated items have been prepared and coated in accordance with Australian Standard AS/NZ 4506-2005 (service condition category 3). This certificate must be no more than 3 months old and shall be provided to Council prior to the installation of the relevant items of the street furniture. Any items of street furniture not so certified shall be removed and replaced at no cost to Council with items appropriately certified.

17.15 Road Line Marking and Traffic Signage

17.15.1 Prior to the implementation of any road line marking and traffic signage required by this development on the external public road network, the applicant shall acquire an approved construction certificate for the line marking and traffic signage plan arrangement.

In this regard, the applicant shall provide evidence to the certifying authority in order to demonstrate that the proposed line marking and traffic signage plan relating to the external public road network has approval from the local traffic committee and has been adopted by Ordinary Council Meeting.

Note: all recommendations by the local traffic committee and Ordinary Council Meeting shall be reflected within the construction certificate for line marking and traffic signage.

17.16 Drainage

17.16.1 Provide certification prior to placement of the liner for the bioretention that the minimum filter area has been achieved excluding all pits and scour protection and that the base is free of rocks and debris.

17.16.2 Provide certification prior to placement, that the bioretention filter media ex-bin has:
i. A minimum hydraulic conductivity as defined by ASTM F1815-11 of 250 mm/hr

- (actual, not predicted)
 - ii. A maximum hydraulic conductivity as defined by ASTM F1815-11 of 700 mm/hr (actual, not predicted)
 - iii. A pH between 5.5 to 7
 - iv. An Orthophosphate content < 20 mg/kg
 - v. A Total Nitrogen content between 800 and 1000 mg/kg
 - vi. Is not hydrophobic
- 17.6.3 Provide certification prior to placement in the bioretention basin, that the transition layer material ex-bin:
- i. Is a clean, washed well-graded coarse sand or coarse sand blend containing little or no fines (< 2%), and
 - ii. Satisfies the bridging criteria $D_{15}(\text{transition layer}) \leq 4 \times D_{85}(\text{filter media})$ where: D_{15} is the 15th percentile particle size in the transition layer material (i.e., 15% of the sand is smaller than D_{15} mm), and D_{85} is the 85th percentile particle size in the filter media.
 - iii. Satisfies the hydraulic conductivity criteria $D_{15}(\text{transition layer}) \geq D_{15}(\text{filter media}) \times 3$
- 17.6.4 Provide certification prior to placement in the bioretention basin, that the drainage layer material ex-bin:
- i. Is a clean washed 5-7 mm gravel, such as washed screenings.
 - ii. Satisfies the bridging criteria $D_{15}(\text{drainage layer}) \leq 4 \times D_{85}(\text{transition layer})$ where: $D_{15}(\text{drainage layer})$ is the 15th percentile particle size in the drainage layer material (i.e., 15% of the gravel is smaller than D_{15} mm), and $D_{85}(\text{transition layer})$ is the 85th percentile particle size in the transition layer material.
 - iii. Satisfies the hydraulic conductivity criteria $D_{15}(\text{drainage layer}) \geq D_{15}(\text{transition layer}) \times 3$.
- 17.6.5 No fertiliser or additional nutrient material or mulch is to be provided to the bioretention basin filter area during planting of the tubestock, or at any time
- 17.6.6 The four 200 micron OceanGuards each in OceanGuard Chambers 1 and 2, the eight 690 Stormfilter cartridges in Stormfilter Chamber 1 and the fourteen 690 Stormfilter cartridges in Stormfilter Chamber 2 supplied by Ocean Protect are not to be reduced in size or quantity to that in the approved plan, nor replaced with an alternate manufacturer's product.
- 17.6.7 A plumber, licensed with NSW Fair Trading, is to undertake flow testing of the non-potable water reuse system to certify there is no cross mixing, or cross contamination with the potable water supply.

18 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

- 18.1 The recommendations provided in *Acoustic Report* (R190342R3), prepared by Rodney Stevens Acoustics, dated 3 February 2020 shall be implemented.
- 18.2 Any asbestos material is to be handled and treated in accordance with the WorkCover document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.

19 DURING CONSTRUCTION (WASTE)

- 19.1 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 development works.
- 19.2 The applicant must provide evidence of tipping dockets for all demolition and construction waste generated onsite.
- 19.3 The applicant must ensure all litter is managed onsite by ensuring waste receptacles are covered when not in use.

20 DURING WORKS (NATURAL AREAS)

20.1 Implement Biodiversity Management Plan

- 20.1.1 The Biodiversity Management Plan, prepared by Cumberland Ecology, dated 22nd March 2021 must be fully implemented.

20.2 Implement Vegetation Management Plan

- 20.2.1 Implementation of the updated Vegetation Management Plan prepared in accordance with condition 3.1.1 must commence before siteworks commence.

21 DURING CONSTRUCTION (NSW POLICE)

- 21.1 Throughout the length of the construction works, the site is to be appropriately secured by security to prevent unauthorised access.
- 21.2 Security Patrols and CCTV Surveillance Systems are to be temporarily installed during this phase.
- 21.3 Construction periods are to reflect the hours of proposed works.
- 21.4 Traffic Management plan is to be adhered to during construction.

22 DURING DEMOLITION WORKS (BUILDING)

22.1 Safety/Health/Amenity

- 22.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 22.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 22.1.3 Any hoarding or protective barrier required to be erected between the work site and

the public place on adjoining land or place shall be maintained in an effective condition.

- 22.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 22.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 22.1.6 Any excavation and/or backfilling associated with the demolition works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 22.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2002 (if applicable)
- 22.1.8 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.

22.2 Nuisance Control

- 22.2.1 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.

22.3 Tree Protection

- 22.3.1 The measures required to effectively protect trees on the land shall be maintained throughout the demolition works.

23 PRIOR TO OCCUPATION CERTIFICATE (BUILDING)

23.1 Compliance with Conditions

- 23.1.1 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.
- 23.1.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

23.2 Fire Safety Certificate

- 23.2.1 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).

24 PRIOR TO OCCUPATION CERTIFICATE (PLANNING)

24.1 Compliance with Conditions

- 24.1.1 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.
- 24.1.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.8 of the *Environmental Planning & Assessment Act 1979*.
- 24.1.3 A Subdivision Certificate shall not be issued until all conditions of this consent, other than "operational" conditions, have been satisfied.

24.2 Service Authority Approvals

- 24.2.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Subdivision Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the plan of subdivision.
 - (b) A Notification of Arrangement" Certificate from Integral Energy, stating that electrical services, including the provision of street lighting, have been made available to the development.
 - (c) 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.

24.3 Temporary Facilities Removal

- 24.3.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 24.3.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.

- 24.3.3 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.
- 24.3.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 24.3.5 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.

24.4 Adaptable Housing Units

- 24.4.1 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.

24.5 External Finishes

- 24.5.1 The development approved by Council is to be constructed in accordance with the approved schedule of materials, finishes and colours. All landscaping, fencing, retaining walls and driveways are to be provided in accordance with the approved plans, and the details submitted and approved as part of the Construction Certificate.

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

- 24.6.1 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

24.7 Car Parking

- 24.7.1 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 24.7.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 24.7.3 Access and parking for people with disabilities shall be provided in accordance with

Australian Standard 2890.1.

- 24.7.4 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.
- 24.7.5 Head room clearance at the basement ramp must comply with requirements of AS2890.1 (Section 5.3) for a Disabled Vehicle, and meet AS2890.1 – Appendix C for the disabled parking space and access to the lift.
- 24.7.6 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.
- 24.7.7 A remote control roller shutter system is to be installed at the entry/exit points of the basement car park.
- 24.7.8 Should any basement storage areas be provided, they are to have quality doors/cages and lock sets to restrict unauthorised access. These are recommended to be constructed of an appropriately robust steel welded mesh to be used in lieu of chain link wire. Consider the use of 'over the bonnet' metal fully enclosed and lockable storage containers.
- 24.7.9 Bicycle racks are to be provided on site.
- 24.7.10 All commitments in BASIX Certificate 866786M_02 shall be complied with.
- 24.8 Not Used
- 24.9 **Graffiti Management Plan**
 - 24.9.1 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.
- 24.10 **Graffiti Removal**
 - 24.10.1 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.
- 24.11 **Street Tree Planting**

- 24.11.1 The applicant is to undertake street tree planting and maintenance along the frontage of the development site to improve the amenity of the streetscape must be approved before an Occupation Certificate is issued.
- 24.11.2 The street trees should be planted at a minimum spacing's of approximately 8 metres, taking into account vehicle sightlines and street light spill.
- 24.11.3 Trees must be of a minimum container size of 100 litres with root directors.
- 24.11.4 The applicant must obtain clearances from relevant service authorities.
- 24.11.5 The applicant will be required to pay a bond per tree as indicated in the current goods and services pricing schedule to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), by council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed to request a practical completion inspection and at the end of street tree bond maintenance period for an inspection.
- 24.11.6 The applicant will also be required to pay an inspection fee and a landscaping assessment fee as indicated in the current goods and services pricing schedule. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification."

25 PRIOR TO OCCUPATION CERTIFICATE (ENGINEERING)

25.1 Consolidation of Lots

- 25.1.1 The lots shall be consolidated into one title which shall be registered with NSW Land Registry Services.

25.2 Road Damage

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

25.3 Compliance with Conditions

- 25.3.1 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.
- 25.3.2 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.

- 25.3.3 A Subdivision Certificate shall not be issued until all conditions of this consent, other than “operational” conditions, have been satisfied.

25.4 Service Authorities

- 25.4.1 The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.

- 25.4.2 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.

25.5 Temporary Facilities Removal

- 25.5.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.

- 25.5.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.

- 25.5.3 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.

- 25.5.4 Any temporary builder's sign or other site information sign shall be removed from the land.

- 25.5.5 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.

25.6 Fee Payment

- 25.6.1 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.

25.7 Engineering Matters

25.7.1 Surveys/Certificates/Works As Executed plans

- 25.7.1.1 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.

- 25.7.1.2 The Work-as-Executed (WAE) plan must confirm that the on-site detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines.
- 25.7.1.3 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) required by this consent have been achieved. The certificate must acknowledge that works and the construction of the floors have been complete. All levels must be to Australian Height Datum (AHD).
- 25.7.1.4 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished surface levels (FSL) for lot(s) required by this consent have been achieved and/or have been maintained in accordance with those established at the time of creation of the lot. The certificate must acknowledge that works have been complete. All levels must be to Australian Height Datum (AHD).
- 25.7.1.5 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 25.7.1.6 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 25.7.1.7 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 24.7.1.8 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 25.7.1.9 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.
- 25.7.1.10 Written evidence is to be obtained from the Roads and Maritime Services (RMS) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 25.7.1.11 Applicant is to compile and submit the following in accordance with Council's Works Specification - Civil (Current Version):

- a) Compaction certificates for fill within road reserves.
- b) Compaction certificates for road sub-grade.
- c) Compaction certificates for road pavement materials (sub-base and base courses).
- d) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- e) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4
 - Compliance Certificate and Test Results
 - Delivery Dockets
 - Summary of Material deliveries as per template available on Council's website.

25.7.1.12 The applicant is to submit the certified line marking and traffic signage plan as required by this consent. This will require evidence to demonstrate that approvals have been obtained from the Local Traffic Committee and adoption by Council Ordinary Meeting. A final inspection report is to be included noting that all line marking and traffic signage works are complete.

25.7.1.13 This development requires separate approvals under the Roads Act 1993 and / or Local Government Act 1993. Prior to the issue of an Occupation Certificate, the applicant must obtain written confirmation from Council that these works have been completed to its satisfaction.

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

- i. All three rainwater tanks are a minimum 11 kL each;
- ii. a minimum of 795 m² of roof area can discharge independently to RWT A (west), a minimum of 440 m² of roof area can discharge independently to RWT B (centre) and a minimum of 440 m² of roof area can discharge independently to RWT C (east), providing that the combined roof area draining to both RWTs is 948 m²
- iii. the interpretative water quality sign has been correctly installed for each lot;
- iv. all the other signage and warning notices have been installed.
- v. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations;
- vi. all the other requirements of the approved drainage plan have been undertaken;

25.7.1.15 Ocean Protect is to certify for the installation of the 200 micron OceanGuards and Stormfilters that:

- i. they are installed in accordance with the Ocean Protect standard operational guidelines and production drawings;
- ii. the four '200 micron' OceanGuards have been installed correctly in OceanGuard Chamber 1 and the four '200 micron' OceanGuards OceanGuard Chamber 2.;
- iii. Both the OceanGuard Chambers are working correctly with separate access grates over each OceanGuard, maintenance access provided to the central steel

channel, hobs have been correctly installed and the underside of the filter bags are above the outlet obvert.

- iv. The eight 690mm high Stormfilter cartridges have been correctly installed in Stormfilter Chamber 1 as per the approved plan;
- v. The fourteen 690mm high Stormfilter cartridges have been correctly installed in Stormfilter Chamber 2 as per the approved plan
- vi. all the Stormfilter tanks include a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables for the 690 mm cartridges;
- vii. the Stormfilter weir lengths for Stormfilter chamber 1 is a minimum of 2.4m and for Stormfilter chamber 2 is a minimum of 3.6m.
- viii. metal mosquito proof screens have been welded over all grated accesses into the Stormfilter tanks;
- ix. a maintenance contract has been entered into for the maintenance of the Stormfilters.

25.7.1.16 Where the Groundwater Assessment Report indicated the requirement for a Groundwater Management Plan, then a Chartered Geotechnical Engineer registered with NER, is to certify that all the requirements of the Groundwater Management Plan have been undertaken and that there is no adverse impact due to groundwater.

25.7.1.17 An experienced irrigation specialist, is to certify that:

- i. All the non-potable landscape water uses are being supplied by rainwater;
- ii. All the requirements of the detailed Landscape Watering Plan have been installed to the required locations.
- iii. a single reuse tap has been provided in each private court yard at ground level
- iv. An automatic timer has been set up for time and frequency to deliver the required water usage on average at minimum 0.4 kL/yr/m² per landscape bed or planter box, or spray irrigation
- v. The system has been designed to increase the frequency of watering by a minimum 50% above average for the hotter months and reducing by 50% for the cooler months.
- vi. The flow meters are installed on the mains water top up and pump outflow for each of the three rainwater tanks,
- vii. The initial flow meter readings are noted in the certificate.
- viii. The pumps, alarms and all other systems are working correctly;
- ix. For each rainwater tank, the water from at least two garden taps, and two sample points for the landscape watering system have been tested to show no chlorine residual;
- x. Rainwater warning signs are fitted to all external taps using rainwater;
- xi. A signed, works-as-executed Landscape Watering Plan is to be provided to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au

25.7.2 Easements/Restrictions/Positive Covenants

- 25.7.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
 - (b) The standard format for easements and restrictions as accepted by NSW Land Registry Services.
- 25.7.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the Stormwater Quality Control devices/system and outlet works.
- 25.7.2.3 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Land Registry Services over the overland flow-path.
- 25.7.2.4 Not Used
- 25.7.2.5 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Council's Engineering Guide for Development (current issue).
- 25.7.2.6 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.
- 25.7.2.7 Provide a Restriction to User and Positive Covenant over the Stormwater Quality Improvement Devices including rainwater tanks in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage before September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate.
- 25.7.3 Bonds/Securities/Payments in Lieu of Works**
- 25.7.3.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.
- 25.7.3.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.

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

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

25.7.3.3 Concrete path paving must not be placed until about 75% of the lots have been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Pricing Schedule. The security will be released upon satisfactory completion of the works.

25.7.3.4 Where Council has granted approval of providing security in lieu of outstanding works, a security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request.

25.7.4 **Inspections**

25.7.4.1 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.

25.7.5 **Relationship with other Approvals**

25.7.5.1 **CCTV Inspection of Stormwater Drainage Structures**

25.7.5.1.1 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.

25.7.6.1 **Other Engineering Matters**

25.7.6.1.1 Provide maintenance requirements for each of the proposed water quality devices generally in accordance with the Council's *WSUD Inspection and Maintenance Guidelines* available on Council's website. Where a proprietary device is not included within this guideline provide these separately in accordance with the manufacturer's requirements. The maintenance schedule is to contain a requirement that either the filter cartridges are to be replaced no later than three years after the date of installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's *WSUD developer handbook*. The filter

cartridge must be replaced/refurbished by the filter manufacturer. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.

- 25.7.6.1.2 Prior to occupation written evidence is to be provided that the registered owner/ developer has entered into and prepaid a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Stormfilters and OceanGuards with Ocean Protect. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details and evidence of payment to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled.

26 PRIOR TO OCCUPATION CERTIFICATE (WASTE)

- 26.1 Should Council provide a waste service to this site, the elected strata manager must sign Council's 'Onsite Waste Collection Agreement Form' on behalf of all lot owners (and stamped using the common seal), before collections can occur onsite.
- 26.2 The applicant must line mark the loading bay to furthest point the waste collection vehicle reaches when reversing into the loading area. This will ensure that all other vehicles in the space are aware of the required distances.
- 26.3 The applicant must update the waste management plan to Council's satisfaction. This must include:
- detail the physical treatment to the loading bay (number of bollards, responsibility of building manager to collapse and erect the bollards)
 - line marking of the loading area. Markings must exceed to furthest point the waste collection vehicle reaches when reversing into the loading area. This will ensure that all other vehicles in the space are aware of the required distances.
- 26.4 A Community Management Agreement/Strata Management Agreement is required and to Council's satisfaction which:
- 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

26.5 The applicant must demonstrate to Council's satisfaction, that completed construction of the basement area achieves the required 4.5m headroom allowance (as per Australian Standards 2890.2) for the trucks entire travel path. This 4.5m headroom allowance must be achievable clear of all eaves, overhangs, balconies, services (including sprinklers, pipes etc), and at the roller door entry point. Failure to comply may impact the ability for waste collection vehicles to safely access the development to service its waste and recycling bins.

26.6 The applicant must provide to Council's satisfaction, the full contact details of the elected onsite manager/caretaker of the proposed development. They will be the responsible party required to manage illegal dumping and booked household clean ups for the site.

27 PRIOR TO OCCUPATION CERTIFICATE (NSW POLICE)

27.1 Prior to the release of the Occupation Certificate the applicant must provide a detailed report to council outlining the following security and or crime prevention measures:

- a) The number of CCTV systems and the installation points of all required CCTV around the site. CCTV Cameras must monitor car park facilities in the basement, 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) This plan is required to show the location of lighting around all entry/exit points to the
- c) buildings, along all footpaths within the site, stairwells, lifts, foyers, basement car parking and basement driveway entry points, common areas and lighting is to be located where all signage is located and street numbering and direction way finding signage.
- d) The building/site must 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.
- e) All fencing must be installed around the site preventing unauthorised access. Access points into the site and common areas shall be secured using gates, roller doors or similar and fitted with a security mechanism (i.e. swipe card,

keys, etc.) to restrict access to authorised persons only. Auditable keypad/swipe card system implemented.

- f) All fencing to private courtyards and throughout the development must be sold or palisade (not horizontal slat fencing) to minimise opportunities for climbing.
- g) The latch/locking mechanism for the gates inside the development, should not be within the arm reach of any person externally.
- h) Mailboxes must be located either along the façade wall of the foyer for example, similar to P.O Boxes where the mailbox is orientated outwards and is opened from inside the foyer or located inside the building foyer. Where mailboxes are located internally within the foyer, the applicant is required to purchase and install a key safe (preferably cylindrical) from Australia Post. This key safe shall be located near the building intercom or other suitable location near the entry. To purchase a key safe contact Australia Post.

28 PRIOR TO SUBDIVISION CERTIFICATE

28.1 Subdivision Configuration

- 28.1.1 The boundaries and configuration of the subdivision shall be generally consistent with the corresponding zone boundaries of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

28.2 Service Authority Approvals

- 28.2.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Subdivision Certificate:
 - (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the plan of subdivision.
 - (b) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.
 - (c) 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.

28.3 Temporary Facilities Removal

- 28.3.1 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.
- 28.3.2 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 28.3.3 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 28.3.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 28.3.5 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.

28.4 Consent Compliance

- 28.4.1 A Subdivision Certificate shall not be issued until all conditions of this consent have been satisfied up to the relevant stage.

28.5 Additional Inspections

- 28.5.1 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.

28.6 Fee Payment

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

28.7 Final Plans

- 28.7.1 The submission of a final plan of subdivision, together with 7 exact copies and the appropriate fee. The final plan of subdivision will not be released until all conditions of this determination have been complied with.
- 28.7.2 Where any permanent control marks are placed in accordance with the Survey Practice Regulation 1990 in the preparation of the plan, 2 copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision.

28.8 Site Contamination

- 28.8.1 A final site contamination Validation Report confirming the suitability of the site for the proposed development is to be endorsed by Council prior to the release of the final plan of subdivision. The Validation Report shall be prepared by a consultant engaged under the terms of Council's Contaminated Lands Policy. All land the subject of this consent, including land that is to be dedicated to Council is required to be validated to the stricter residential standard in the National Environmental Protection Assessment of Site Contamination) Measure 1999 as amended 2013 (NEPM).

28.9 Salinity

- 28.9.1 Prior to issue of the Subdivision Certificate, certification from a suitably qualified consultant is to be provided to Council confirming the relevant salinity management measures were implemented during the subdivision works.
- 28.9.2 A post works salinity investigation prepared by a suitably qualified consultant in accordance with the Department of Land and Water Conservation's (DLWC) publication 'Site Investigations for Urban Salinity' and WSROC Western Sydney Salinity Code of Practice shall be submitted to Council for approval providing measures to mitigate the impact of, and on, salinity and soil aggressivity from the proposed development. In particular, the report is to provide lot specific construction measures for earthworks and building construction (not generic compliance with the Australian Standards) to form the basis of Section 88B restrictions as to user for any lots affected by saline or aggressive soils.
- 28.9.3 At the completion of site works, a post works salinity assessment shall be carried out and provide appropriate recommendations on construction materials for floor slab, footings and internal beams in accordance with AS2870-2011 'Residential Slabs and Footings'.

28.10 General

- 28.10.1 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".

28.11 Landscaping

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

28.12 Final Inspection

- 28.12.1 A final inspection is required to ascertain compliance with the condition of approval prior to the release of the road damage deposit.

28.13 Street tree planting

- 28.13.1 The applicant is to undertake street tree planting and maintenance along the frontage of the development site to improve the amenity of the streetscape must be approved before a Subdivision Certificate is issued.
- 28.13.2 The number of trees should equal the number lots/dwellings with street frontage. However, corner lots require 1 tree for the primary frontage and 2 trees on the side frontage. In the case of medium and high density residential developments. Trees will be planted at a minimum spacing of 8 metres.
- 28.13.3 Additional trees may be requested following assessment of the subdivision configuration.
- 28.13.4 Trees must be of a minimum container size of 45 litres with root directors.
- 28.13.5 The applicant must obtain clearances from relevant service authorities.
- 28.13.6 The applicant will be required to pay a bond of \$335.00 per tree to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), to council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed to request a practical completion inspection and end of street tree bond maintenance inspection.
- 28.13.7 The applicant will also be required to pay a \$280.00 inspection fee and a \$492.00 landscaping assessment fee. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification

29 PRIOR TO SUBDIVISION CERTIFICATE (ENGINEERING)

29.1 Site Access

- 29.1.1 All lots shall have access from a dedicated public road. In this regard, all proposed roads shall be dedicated as public road free of cost to Council.
- 29.1.2 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on a future public road. Any proposal to locate a proposed substation or other utility installation on a future public road shall be negotiated with and fully endorsed by the relevant Council Directorates.

29.2 Road Damage

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

29.3 Easements/Restrictions

- 29.3.1 In the event that subdivision precedes construction of buildings on any of the lots,

Council will require the lodgement of a Section 88B Instrument to ensure that development proceeds in accordance with this consent. The restriction should contain a provision that it may not be extinguished or altered except with the consent of the Council of the City of Blacktown.

29.4 Security

- 29.4.1 An acceptable security (bond) guaranteeing the future completion of the road sealing works shall be lodged with Council. The bond amount is to be calculated at the asphaltic contribution rate current at the time and is to be accompanied by Council's standard Deed of Agreements for Bonds.

29.5 Asset Management

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

29.6 Consent Compliance

- 29.6.1 A Subdivision Certificate shall not be issued until all conditions of this consent have been satisfied up to the relevant stage.

29.7 Additional Inspections

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

29.8 Fee Payment

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

29.9 Engineering Matters

29.9.1 Surveys/Certificates/Works As Executed plans

- 29.9.1.1 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, in a colour softcopy format (.PDF). All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works (including works under the *Roads Act 1993* and the *Local Government Act 1993* covered by this Development Application).
- 29.9.1.2 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.

- 29.9.1.3 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 29.9.1.4 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 29.9.1.5 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):
- a) Compaction certificates for fill within road reserves.
 - b) Compaction certificates for road sub-grade.
 - c) Compaction certificates for road pavement materials (sub-base and base courses).
 - d) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
 - e) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4
 - Compliance Certificate and Test Results
 - Delivery Dockets
 - Summary of Material deliveries as per template available on Council's website.
- 29.9.1.6 The applicant is to submit the certified approved line marking and traffic signage plan as required by this consent. This will require evidence to demonstrate that approvals have been obtained from the Local Traffic Committee and adoption by Council Ordinary Meeting. A final inspection report is to be included noting that all line marking and traffic signage works are complete.
- 29.9.1.7 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.
- 29.9.1.8 A survey report prepared and signed by a Registered Surveyor providing confirmation of the depth of all constructed road pavements in the form of finished surveyed levels for each road pavement layer, noting tolerances for any variations in constructed pavement depth.
- 29.9.1.9 Structural certification 'as built' by a qualified Engineer (NER) for all structural items approved by the scope of this consent. This relates to the following components:

- a) Retaining walls over 0.6 m in height
- b) Rigid pavements
- c) Non-standard stormwater pits

29.9.1.10 A certificate or letter signed by an appropriately qualified professional, indicating that all pre-cast pits/culverts have been specifically designed and manufactured for the project in accordance with the approved civil plans (specific reference required) and the necessary Australian Standards.

29.9.1.11 A Certificate shall be submitted by a suitably qualified geotechnical engineer verifying that any fill material imported to site is virgin excavated natural material (VENM) or (ENM).

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

- i. the temporary bioretention protection system has been installed to enable construction of a future minimum filter media area of 100 m² for the bioretention basin clear of pits, flow spreaders and scour protection.
- ii. The bioretention basin is enclosed with a minimum 1.5mm HDPE or equivalent liner with geotextile under.
- iii. The bioretention subsoil lines are un-socked slotted PVC laid flat with a minimum 50 mm gravel cover.
- iv. The temporary bioretention systems has a profile of washed turf, 150 mm filter media, sacrificial geotextile, 250 mm transition layer and a minimum 200 mm gravel layer.
- v. all the signage and warning notices have been installed.
- vi. the 200micron OceanGuard water quality devices (filter baskets) have been installed in the six street pits (L1/7, L1/8, L1/9, L1/10, L4/1 and L5/1) as per the manufacturer's recommendations
- vii. the three-strand fence has been installed on the three sides of the E3 land.
- viii. all the other requirements of the approved civil plan have been undertaken;

29.1.13 A registered surveyor is to certify that:

- i. The E3 flat building pad extent of approximately 230 m² plus batters has been provided as per drawing C203. Tolerance +10 m².
- ii. The level of E3 flat building pad is 21.08 m AHD as per drawing C203. Tolerance -0.05m to +0.2 m.
- iii. the finished surface level of the flood storage basin after completion of landscaping works is at or below RL 19.30 (tolerance +0.025).
- iv. the extent of the flood storage basin and batter works is as per drawing C204.
- v. The flood storage basin grades out near the northern end to the existing creek.
- vi. The overflow pit in the bioretention basin and the diversion weir levels at L1/6 and L1/7 match the approved plans.

29.9.2 **Easements/Restrictions/Positive Covenants**

- 29.9.2.1 Any easement or restriction created as a result of this consent must be in accordance with the following:
- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
 - (b) The standard format for easements and restrictions as accepted by NSW Land Registry Services.
- 29.9.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the Stormwater Quality Control devices/system and outlet works. Documentary evidence of this lodgement shall be submitted to Council.
- 29.9.2.3 Restrictions and positive covenant must be endorsed by Council and lodged with NSW Land Registry Services over the overland flow-path. Documentary evidence of this lodgement shall be submitted to Council.
- 29.9.2.4 Not Used
- 29.9.2.5 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Council's Engineering Guide for Development (current issue).
- 29.9.2.6 Each of the proposed lots serviced by the existing inter-allotment drainage easements shall have this burden and benefit created under Section 88B of the Conveyancing Act 1919.
- 29.9.2.7 A Restriction as to User with Council's standard wording must be placed on all filled lots.
- 29.9.2.8 All relevant 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.
- 29.9.2.9 Provide a Restriction to User and Positive Covenant over the Stormwater Quality Improvement Device (bioretention basin) in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate.
- 29.9.2.10 Provide a Restriction to User and Positive Covenant for Overland Flowpath over the swale system collecting upstream flows along the western boundary of Lot 100 in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.
- 29.9.2.11 Provide a 12.5 m wide drainage easement in gross with a Restriction to User along the centreline of the existing creek over 1/781987 in accordance with the requirements of the Council's Engineering Guide for Development

2005. The Restriction to User and drainage easement must be registered with Land Registry Services NSW.

29.9.3 Dedications

29.9.3.1 Dedication at no cost to Council of minimum 5 m x 5 m, unless otherwise approved, splay corners on lots at each street intersection.

29.9.4 Bonds/Securities/Payments in Lieu of Works

29.9.4.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.

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

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

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

29.9.4.3 Concrete path paving must not be placed until about 75% of the lots have been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Services Pricing Schedule. The Security will be released upon satisfactory completion of the works.

29.9.4.4 Where Council has granted approval of providing security in lieu of outstanding works, a security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request

29.9.5 Inspections

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

29.9.6 Inspection of Work

29.9.6.1 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 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.

29.9.7 **Asset Design Matters**

29.9.7.1 Prior to issue of any Subdivision Works Certificate or Construction Certificate, the civil, hydrologic and hydraulic design of the stormwater system within the development site must be endorsed in writing by Council's Manager Asset Design as being consistent with our Section 7.11 CP21 infrastructure MB2.0, MB2.1 & MB2.2. The hydraulic design must model the full impact of the proposed splitter pit weirs.

29.9.7.2 Flow splitter pit L1/3 shall be located no further west than chainage 230 on Road No. 1 as shown on SGC Civil Works – Road Design plan No 20190191 C201 Revision D 17.03.21 and have a design invert level of no lower than RL21.40m AHD.

29.9.8 **Other Matters**

28.9.8.1 Pay to Council a Bioretention Construction Security equal to 200% of the Bioretention Construction Estimate

29.9.8.2 Written evidence is to be provided that the developer/owner has entered into and prepaid a minimum five (5) year signed and endorsed maintenance contract with Ocean Protect for the maintenance of the 200 micron OceanGuards in the six street pits after installation in accordance with the following:

- i. an initial inspection of the site to verify that the OceanGuards are all correctly installed.
- ii. provision for 4 cleans per year for the first 3 years;
- iii. provision for 3 cleans per year thereafter;
- iv. replacement of the 200 micron bags at 2.5 years;
- v. complete removal of the temporary OceanGuards and their associated frames from the street pits at the end of the 5 year period;
- vi. the estimate shall include allowances for CPI and a 15% allowance for possible damage to the devices by third parties.

Forward a copy of the signed and endorsed contract, maintenance contractor details and evidence of payment to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This contract cannot be cancelled.

29.9.8.3 Provide maintenance requirements for the proposed bioretention basin generally in accordance with the Council's *WSUD Inspection and Maintenance Guidelines* available on Council's website.

30 PRIOR TO SUBDIVISION CERTIFICATE (NATURAL AREAS)

30.1 Establish a Public Positive Covenant over the VMP area

30.1.1 Prior to issuing of a Subdivision Certificate under this consent, a Public Positive Covenant referred to in section 88E of the Conveyancing Act 1919, specifying Blacktown City Council as having the sole responsibility to vary or modify the Restriction and being the prescribed authority that is imposing the public positive covenant must be registered and recorded on the title of 205-209 Grange Avenue Schofields in the following terms:

- a. The land within the area covered by the VMP on Lot/s 205-209 Grange Avenue Schofields must be managed in accordance with the VMP for the life of the development.
- b. Biosecurity matters on the land are continually suppressed and destroyed so that they do not exceed after the VMP implementation phase a density of more than 10% in any 1,000 m² area; and
- c. Nesting boxes and/ or artificial hollows that are installed on the land are maintained and replaced as needed to ensure that the density specified in the VMP are maintained for the life of the development.

Council must be given the ability to regularly inspect the land to ensure that the VMP works are being adequately completed. Where the above terms are not met, Council is provided with the ability to undertake works on the landholder's behalf and undertake cost recovery of the full value of the works.

31 OPERATIONAL (PLANNING)

31.1 Use of Premises

31.1.1 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.

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

31.2 Access / Parking

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

31.2.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.

31.2.3 Access and parking for people with disabilities shall be maintained in accordance

with provisions of Australian Standards 1428.1 and 2890.1.

31.3 Landscaping

- 31.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 31.3.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.
- 31.3.3 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.

31.4 Storage

- 31.4.1 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.

31.5 Lighting and Security

- 31.5.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 31.5.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 31.5.3 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.

31.6 Environmental Management

- 31.6.1 The recommendations provided in the acoustic report prepared by Rodney Stevens Acoustics Pty Ltd dated 3 February 2020 must be implemented.
- 31.6.2 Any activity carried out in accordance with this consent 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.

31.7 NSW Police

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

Prevention Officer, Riverstone Police Station.

31.7.4 Crime Prevention Officer at Quakers Hill Police Area Command is to be afforded the opportunity to inspect the development with a Town Planner and the Building Manager prior to Occupancy Certificate Stage.

31.7.5 All recommendations made by Think Planners in their CPTED Report must be met.

31.8 Waste Operational

31.8.1 The Owners Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property

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

31.8.3 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:

- 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.
- 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.
- separated bin storage areas and associated waste management equipment for commercial and residential components of a development if applicable.
- provision of bin movement aids such as bin tugs and trolleys if suggested for the site. Adequate storage for both the bin tug and trolley attachment must be shown on the architectural drawings.
- 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.

31.8.4 The Community Management Statement, Strata Management Statement, Total Maintenance Plan and/or Plan of Management (whichever is relevant to this site), must be provided to each tenant and/or owner occupier upon commencement of the site, and for every subsequent lease renewal and/or change in ownership of every lot in perpetuity.

31.8.5 A building manager must be engaged in perpetuity and for the life of the development to

- manage bins and bulky waste onsite
- 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

32 OPERATIONAL (ENVIRONMENTAL HEALTH)

- 32.1 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.
- 32.2 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.
- 32.3 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.
- 32.4 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 connection with this consent where material harm to the environment is caused or threatened.

33 ONGOING (NATURAL AREAS)

33.1 Implement Vegetation Management Plan

- 33.1.1 The updated Vegetation Management Plan, prepared in accordance with condition 3.1 must be fully implemented and management of the VMP must occur for the life of the development.
- 33.1.2 Implementation of the updated Vegetation Management Plan prepared under condition 3.1.1 must commence before siteworks commence.

APPENDIX 1 – NRAR GENERAL TERMS OF APPROVAL

General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1126701
Issue date of GTA:	12 August 2020
Type of Approval:	Controlled Activity
Description:	Integrated Development Application for a 3-stage development to consolidate 3 lots into 1, Torrens title subdivision of the consolidated lot into 3 lots, new roads, earthworks and associated civil infrastructure works, demolition of structures, removal of trees, and construction of 3 x 4 storey residential flat buildings consisting of 189 units over 2 levels of basement car park for a total of 246 car parking spaces. The proposed development is classified as Integrated Development under Section 4.46 of t
Location of work/activity:	205 GRANGE AVENUE MARSDEN PARK 2765
DA Number:	SPP-20-00004
LGA:	Blacktown City Council
Water Sharing Plan Area:	Greater Metropolitan Region Unregulated River Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
Design of works and structures	
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
Erosion and sediment controls	
GT0006-00001	The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0014-00007	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
Plans, standards and guidelines	
GT0002-00680	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity(s) described in the plans and associated documents found in Schedule 1, relating to Development Application as provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity(s) may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0003-00003	The application for a controlled activity approval must include the following document(s): - outlet structures; Erosion and Sediment Control Plan; Soil and



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1126701

Issue date of GTA: 12 August 2020

Type of Approval: Controlled Activity

Description: Integrated Development Application for a 3-stage development to consolidate 3 lots into 1, Torrens title subdivision of the consolidated lot into 3 lots, new roads, earthworks and associated civil infrastructure works, demolition of structures, removal of trees, and construction of 3 x 4 storey residential flat buildings consisting of 189 units over 2 levels of basement car park for a total of 246 car parking spaces. The proposed development is classified as Integrated Development under Section 4.46 of t

Location of work/activity: 205 GRANGE AVENUE MARSDEN PARK 2765

DA Number: SPP-20-00004

LGA: Blacktown City Council

Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources

Water Management Plan.

GT0010-00006 All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.

GT0012-00004 Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.

GT0030-00006 The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>.

Reporting requirements

GT0020-00004 The consent holder must inform Natural Resources Access Regulator in writing when the proposed construction of the controlled activity has been completed.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with SPP-20-00004 as provided by Council:

- SEE