

## Conditions of consent (draft)

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|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Proposed development</b> | <p>Concept approval of a staged masterplan development for construction of 9 x 3 to 7 storey seniors housing development including a residential aged care facility comprising 480 self-contained dwellings, 160 residential aged care facility beds, 628 basement car parking spaces and 2 community centres.</p> <p>The development application also seeks approval to undertake Stage 1 and Stage 2 of the concept plan, which involves earthworks and tree removal to facilitate the development of 4 x 3 to 5 storey senior housing buildings over 1 shared basement level, new internal roads, pedestrian pathways and landscape embellishment works.</p> |
| <b>Property description</b> | Lot 201 DP 880404, 170 Reservoir Road Blacktown                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

### 1 Advisory Notes

#### 1.1 Terminology

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

#### 1.2 Scope of Consent

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

#### 1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
  - (a) the removal of any tree(s) not indicated on the approved plans and not specified in the arborist report to be removed in Stage 1 and 2 of the development, for removal, and
  - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development and not indicated on the approved plans, and

- (c) the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required.

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

#### **1.4 Services**

1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) 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](http://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 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](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

1.4.3 Telstra (and its authorised contractors) 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.

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

## **1.5 Identification Survey**

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

## **1.6 Road Damage**

- 1.6.1 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.

## **1.7 Payment of Engineering Fees**

- 1.7.1 If the applicant wishes for Council to issue the Construction Certificate as nominated in the 'Prior to Construction Certificate' section of this consent please:
- Complete application form
  - Submit all relevant plans produced by a suitably qualified person and in accordance with Councils Standards.

# **2 General**

## **2.1 Scope of Consent**

- 2.1.1 Under Clause 100 of the Environmental Planning and Assessment Regulation 2000, this Notice of determination relates to:

- A Concept approval of a masterplan development for construction of 9 x 3-7 storey seniors housing development including a Residential Aged Care Facility comprising 480 self-contained dwellings, 160 residential aged care facility beds, 628 basement car parking spaces, 2 community centres within the ground floor associated with Building C & D and associated pool facility within Building C, indicative network of internal streets, public and private communal open space and through-site links, earthworks and tree removal, landscaping, public domain improvements including new public open space and through-site links..
- Stage 1 and 2 Development Applications for 4 x 3-5 storey senior housing buildings over 1 shared basement level, new internal private roads, pedestrian pathways and landscape embellishment works.

Subsequent Development Applications are required for any work on the site in relation to the concept approval beyond Stages 1 and 2.

- 2.1.2 While this consent remains in force, the determination of any future Development Applications in respect of the site cannot be inconsistent with this consent.
- 2.1.3 This consent grants approval for the following development to be constructed subject to full compliance with all other conditions of this consent:
- (a) Stage 1 and 2 Development Applications for 4 x 3-5 storey senior housing buildings over 1 shared basement level, new internal private roads, pedestrian pathways and landscape embellishment works
- 2.1.4 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent.

| <b>Drawing No.</b>                                      | <b>Dated</b> | <b>Revision</b> | <b>Prepared by</b>              |
|---------------------------------------------------------|--------------|-----------------|---------------------------------|
| Concept Plans                                           |              |                 |                                 |
| DA0000 COVER PAGE                                       | 11.05.2021   | B               | Allen Jack + Cottier Architects |
| DA0001<br>MASTERPLAN -<br>ENVELOPES PLAN                | 11.05.2021   | B               | Allen Jack + Cottier Architects |
| DA0002<br>MASTERPLAN -<br>STAGING PLAN                  | 11.05.2021   | B               | Allen Jack + Cottier Architects |
| DA0003<br>MASTERPLAN -<br>INDICATIVE DEEP<br>SOIL ZONES | 11.05.2021   | B               | Allen Jack + Cottier Architects |
| DA0004<br>MASTERPLAN -<br>INDICATIVE<br>BASEMENT 1 PLAN | 17.08.2021   | C               | Allen Jack + Cottier Architects |
| DA0005<br>MASTERPLAN -<br>INDICATIVE<br>BASEMENT 2 PLAN | 11.05.2021   | B               | Allen Jack + Cottier Architects |
| DA0006<br>MASTERPLAN -<br>INDICATIVE GROUND<br>PLAN     | 11.05.2021   | B               | Allen Jack + Cottier Architects |
| DA0010<br>MASTERPLAN -<br>ELEVATIONS - SHEET<br>1       | 11.05.2021   | B               | Allen Jack + Cottier Architects |
| DA0011<br>MASTERPLAN -<br>SECTIONS - SHEET 1            | 11.05.2021   | B               | Allen Jack + Cottier Architects |
| DA0012<br>MASTERPLAN -<br>SECTIONS - SHEET 2            | 11.05.2021   | B               | Allen Jack + Cottier Architects |
| DA0020 STAGE 3 -<br>INDICATIVE<br>BUILDING G DESIGN     | 11.05.2021   | B               | Allen Jack + Cottier Architects |
| DA0021 STAGE 4<br>INDICATIVE<br>BUILDING D DESIGN       | 11.05.2021   | B               | Allen Jack + Cottier Architects |

|                                                               |            |   |                                    |
|---------------------------------------------------------------|------------|---|------------------------------------|
| DA0022 STAGE 5<br>INDICATIVE BUILDING<br>F DESIGN             | 11.05.2021 | B | Allen Jack + Cottier<br>Architects |
| DA0023 STAGE 6<br>INDICATIVE BUILDING<br>E DESIGN             | 11.05.2021 | B | Allen Jack + Cottier<br>Architects |
| DA0024 STAGE 7<br>INDICATIVE RACF<br>DESIGN                   | 11.05.2021 | B | Allen Jack + Cottier<br>Architects |
| DA0030<br>MASTERPLAN -<br>SHADOW DIAGRAM -<br>WINTER SOLSTICE | 11.05.2021 | B | Allen Jack + Cottier<br>Architects |
| DA0031<br>MASTERPLAN -<br>SUNS-EYE VIEWS                      | 11.05.2021 | B | Allen Jack + Cottier<br>Architects |

#### Landscape Plans

|                                 |               |   |                    |
|---------------------------------|---------------|---|--------------------|
| Masterplan Report:<br>Landscape | December 2020 | G | Turf Design Studio |
| Sheets 1-23                     |               |   |                    |

#### Stage 1 and Stage 2 Plans

|                                              |            |   |                                     |
|----------------------------------------------|------------|---|-------------------------------------|
| DA1000 SITE PLAN &<br>SITE ANALYSIS          | 11.05.2021 | B | Allen Jack + Cottier<br>Architects. |
| DA2000 STAGE 1 -<br>BASEMENT PLAN            | 18.10.2021 | D | Allen Jack + Cottier<br>Architects. |
| DA2100 STAGE 1 -<br>LEVEL 1 (GROUND)<br>PLAN | 17.08.2021 | D | Allen Jack + Cottier<br>Architects. |
| DA2101 STAGE 1 -<br>LEVEL 2 PLAN             | 13.07.2021 | C | Allen Jack + Cottier<br>Architects. |
| DA2102 STAGE 1 -<br>LEVEL 3 PLAN             | 13.07.2021 | C | Allen Jack + Cottier<br>Architects. |
| DA2103 STAGE 1 -<br>LEVEL 4 PLAN             | 13.07.2021 | C | Allen Jack + Cottier<br>Architects. |
| DA2104 STAGE 1 -<br>LEVEL 5 PLAN             | 13.07.2021 | C | Allen Jack + Cottier<br>Architects. |
| DA2105 STAGE 1 -<br>ROOF PLAN                | 11.05.2021 | B | Allen Jack + Cottier<br>Architects. |
| DA2200 STAGE 2 -<br>BASEMENT PLAN            | 18.10.2021 | D | Allen Jack + Cottier<br>Architects. |

|                                                            |            |   |                                     |
|------------------------------------------------------------|------------|---|-------------------------------------|
| DA2201 STAGE 2 -<br>LEVEL 1 (GROUND)<br>PLAN               | 17.08.2021 | D | Allen Jack + Cottier<br>Architects. |
| DA2202 STAGE 2 -<br>LEVEL 2 PLAN                           | 13.07.2021 | C | Allen Jack + Cottier<br>Architects. |
| DA2203 STAGE 2 -<br>LEVEL 3                                | 13.07.2021 | C | Allen Jack + Cottier<br>Architects. |
| DA2204 STAGE 2 -<br>LEVEL 4 PLAN                           | 13.07.2021 | C | Allen Jack + Cottier<br>Architects. |
| DA2205 STAGE 2 -<br>LEVEL 5 PLAN                           | 13.07.2021 | C | Allen Jack + Cottier<br>Architects. |
| DA2206 STAGE 2 -<br>ROOF PLAN                              | 11.05.2021 | B | Allen Jack + Cottier<br>Architects. |
| DA3100 ELEVATIONS<br>BUILDINGS A, B & C<br>NORTH AND SOUTH | 11.05.2021 | B | Allen Jack + Cottier<br>Architects. |
| DA3101 ELEVATIONS<br>BUILDINGS A & B<br>EAST AND WEST      | 11.05.2021 | B | Allen Jack + Cottier<br>Architects. |
| DA3102 ELEVATION<br>BUILDING B EAST<br>AND WEST            | 11.05.2021 | B | Allen Jack + Cottier<br>Architects. |
| DA3103 ELEVATIONS<br>BUILDING C EAST<br>AND WEST           | 11.05.2021 | B | Allen Jack + Cottier<br>Architects. |
| DA3104 ELEVATION<br>BUILDING H NORTH<br>AND SOUTH B        | 11.05.2021 | B | Allen Jack + Cottier<br>Architects. |
| DA3200 SECTIONS -<br>SHEET 1                               | 11.05.2021 | B | Allen Jack + Cottier<br>Architects. |
| DA3201 SECTIONS -<br>SHEET 2                               | 11.05.2021 | B | Allen Jack + Cottier<br>Architects. |
| DA3203 BASEMENT<br>DRIVEWAY DETAILS                        | 11.05.2021 | B | Allen Jack + Cottier<br>Architects. |
| FAÇADE +<br>MATERIALS SHEETS<br>1 - 11                     | -          | - | Allen Jack + Cottier<br>Architects. |

\* Unless modified by a condition of this consent

2.1.5 The following items are not approved and do not form part of this Concept Development Application consent:

- (a) Any demolition, removal of trees, excavation, construction and/or occupation of the site.

- (b) The total yield, floor layouts, apartment mix and number of self-contained dwellings.
- (c) The total number of beds and layout of a residential aged care facility.
- (d) The detailed design of the building exteriors including facades and roof treatment.
- (e) Public domain and landscape design.
- (f) Streetscape elevations; their massing and façade treatment.
- (g) The number and allocation of car parking spaces, bicycle spaces or loading spaces/areas.
- (h) The configuration of the basement car parking levels.

## **2.2 Building envelopes**

- 2.2.1 Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate building design, including services, balconies, shading devices, lifts, stairs, private and communal open space, circulation space, and the like, will be entirely within the approved building envelope.
- 2.2.2 Future Development Applications are to demonstrate satisfactory modulation of the approved building envelopes, addressing, among other things outlined in the conditions of this consent:
  - the configuration and size of residential building footprints,
  - the design of building elevations in response to solar, wind, orientation and other environmental factors,
  - the massing of elevations, facades and roof treatments and the massing and design of tower forms to differentiate each building to achieve design excellence.

## **2.3 Building height**

- 2.3.1 The maximum height of the rooflines of the buildings, parapets, rooftop plant and equipment, lift overruns and stairwells must not exceed the maximum permitted relative levels for building height as shown on the plans approved in this Concept Plan.

## **2.4 Requirements for future development applications**

- 2.4.1 All future Staged development proposed to be carried out on the site and as detailed in the concept development consent, excluding stage 1 and 2 of this consent, shall be the subject of separate development applications to Council.
- 2.4.2 All future Staged Development Applications are to demonstrate full compliance with relevant environmental planning instruments and development control strategy unless otherwise varied by the approved concept plan.

This includes amendments/further design detail to demonstrate consistency with the principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the accompanying Apartment Design Guide, with specific regard to providing:

- Part 2F Building Separation
- Part 3C Pubic Domain Interface
- Part 3C Pubic Domain Interface

- Part 4B Natural Ventilation
- Part 4F Common Circulation and Spaces
- Part 4H Acoustic Privacy
- Part 4J Noise and Pollution
- Part 4K Apartment Mix
- Part 4S Mixed Use

- 2.4.3 A BASIX Certificate in line with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with any relevant future Staged Development Applications.
- 2.4.4 Any Staged Development Application is to be consistent with the recommendations of Detailed Site Investigation, prepared by Trace Environmental, dated 10 December 2018. Any future Development Application is to confirm that the site is suitable for the proposed use and demonstrate that the site has been or can be remediated to the extent necessary for the proposed use to the strict residential standards of the National Environment Protection (Assessment of Site Contamination) Measure 2013.
- 2.4.5 The approval of this consent does not preclude the requirement for Section 7.11 contributions to be paid on the site for future Stage Development Applications.
- 2.4.6 Any future Staged Development Application is to be consistent with the recommendations of Geotechnical Investigation Report, (G2017-40A) prepared by MK GeoEng, dated 20 June 2018 to minimise the chance of development increasing the risk of, and impacts from, soil and groundwater salinity.
- 2.4.7 A noise impact assessment report is to be submitted with any relevant future Staged Development Application. 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 must satisfy the following criteria with windows and doors closed:

| Internal space | Time period         | Criteria: LAeq (period) |
|----------------|---------------------|-------------------------|
| Living Areas   | Any time            | 40 dB(A)                |
| Sleeping Areas | Day (7 am – 10 pm)  | 40 dB(A)                |
|                | Night (10pm – 7 am) | 35 dB(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 they are acoustically attenuated so that the noise emitted:

- (a) does not exceed an LAeq sound pressure level of 5dB(A) above the ambient background noise level when measured at the
  - i. most effected point on or within any residential property boundary or
  - ii. 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 10 pm and 7 am.

The method of measurement of sound must be carried out in line with Australian Standard 1055.1. The noise assessment is to be in line with the Environment Protection Agency Industrial Noise Policy (INP).

- 2.4.8 Any future Staged Development Application is to demonstrate that the minimum required car parking spaces and bicycle parking spaces are provided within the basement levels. All parking areas are to be designed in line with AS 2890, Council's Development Control Plan 2015 and relevant standards (e.g. AusRoads, RMS Guidelines). Any additional car parking provision beyond the minimum requirements will be reviewed at the future Detailed Development Applications, based on the information accompanying each Development Application.
- 2.4.9 Any future Staged Development Application is to be accompanied by a stormwater drainage concept plan and engineering details and must be designed and undertaken in line with the relevant aspects of the following documents:
  - (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 Soil Erosion and Sediment Control Policy (Current Version)
  - (e) Blacktown City Council On Site Detention General Guidelines and ChecklistDesign plans, calculations and other supporting documentations prepared in line with the above requirements must be submitted to Council with any application for Construction Certificate, Road Act 1993 or Local Government Act 1993 Approval.
- 2.4.10 Any future Staged Development Application is to demonstrate compliance with Council's requirements for waste collection. This is to include the submission of a Waste Management Plan and detailed architectural plans which address Council's requirements.
- 2.4.11 Any future Staged Development Application is to be accompanied by a Crime Prevention Report, or similar, which demonstrates that the design and operation of the proposal is consistent with the principles of Crime Prevention Through Environmental Design. This is to be to the satisfaction of the Local Police.
- 2.4.12 An access report is to be submitted with any future Staged Development Application to demonstrate that the building has been designed and is capable of being constructed to provide access and facilities for people with a disability in line with the Disability Discrimination Act 1992 and Access to Premises Standards.
- 2.4.13 Detailed landscape plans are to be submitted with any future Staged Development Application. The landscaping plans are to be consistent with the landscaping demonstrated on the approved concept plans, including the provision of deep soil landscaping areas along the boundaries of the site and internal courtyard areas. The landscaping plans are also to detail all boundary fencing, recreation features, furniture

within the communal open space areas, street tree planting and retaining structures (which are required to be of masonry construction).

- 2.4.14 Any future Staged Development Application is to demonstrate compliance 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. Any future Development Application is to satisfy the requirements of the relevant Australian Standards.
- 2.4.15 Where applicable, all future Detailed Development Applications shall provide for the remediation of all contaminated areas. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with;
- o NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites (2020)
  - o NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995).
  - o NSW Environmental Protection Authority's Contaminated Sites: Guidelines for NSW Site Auditor Scheme 3rd edition (2017)
  - o National Environment Protection Council (NEPC) 1999 National Environment Protection (Assessment of Site Contamination Measure) as amended 2013
  - o 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.
- 2.4.16 All future Staged Development Applications shall be accompanied by a Plan of Management.
- 2.4.17 The future Staged Development Applications must provide 2 additional common rooms within the development to ensure a high quality residential and community environment. These are to be provided by:
- the two x 2 bed 81m<sup>2</sup> ground floor apartments adjacent to the entrance and private courtyard of Building E being combined into a common room
  - the two x 2 bed+ 100m<sup>2</sup> ground floor apartments adjacent to the entrance and private courtyard of Building G being combined into a common room.
- 2.4.18 The future Stage 4 Development Application must include 6 sessional offices, including 2 medical offices within the community centre in Building D to allow for the provision of sessional services.
- 2.4.19 All future Development Applications for Stages 3, 5 and 6 are to demonstrate that the subterranean units in these stages are satisfactorily landscaped and have high quality finishes and materials that complement those of the associated buildings.
- 2.4.20 Any future Staged Development Application will require consultation with Transport for NSW regarding the requirement for any traffic signals on Reservoir Road.

- 2.4.21 Future Staged Development Applications will be accompanied by a cumulative traffic impact assessment to determine whether additional mitigation is required at the vehicular accesses on Reservoir Road and on the surrounding road network.
- 2.4.22 All future Staged Development Applications are to provide details of the potential dwelling yield to assist with water/wastewater servicing planning in the area. Detailed planning and servicing requirements, including any potential extensions or amplifications must be provided once any future Development Applications are referred to Sydney Water for a Section 73 compliance certificate.
- 2.4.23 All future Staged Development Application is to demonstrate appropriate servicing of the development including water, sewer, trade waste, energy, gas, telecommunications, NBN.
- 2.4.24 All future Staged Detailed Development Applications for the buildings on these sites are to demonstrate a minimum of 3.1m floor to floor height unless the applicant can demonstrate otherwise to Council's satisfaction.
- 2.4.25 All future Staged Detailed Development Applications for the buildings on this site are to provide a detailed modelling and an assessment of the air flow through the spaces between the buildings to confirm the likely impact of wind tunnelling on the various trafficable outdoor areas within and around the subject development, so as to ensure that the amenity of the outdoor areas is not adversely impacted as a result of the proposed development.
- 2.4.26 The buildings proposed in future Staged Detailed Development Applications are to demonstrate that appropriate visual privacy measures are installed to the proposed apartments in the form of solid balustrading, fixed visual privacy louvres and translucent windows, where appropriate. Any privacy screens must be integrated into the design of the façade and not simply add-ons.
- 2.4.27 All future Development Applications are to be accompanied by detailed plans of the parking areas, clearly depicting dimensions of any ramps, parking aisle widths, space widths and lengths and overhead clearances. The plans are also to detail on-site traffic management measures for residential use and servicing of the site.
- 2.4.28 No less than 75 lineal metres of logs generated from staged clearing on the site, from only Eucalyptus/ Corymbia and/ or Casuarina species are to be transported by the applicant to Council's Harpers Bush Reserve to mitigate impacts on the natural environment. Logs are to be cut into lengths of approximately five metres in length and placed within the reserve through consultation with staff from Council's Natural Areas team.

## 2.5 **Services**

- 2.5.1 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

## 2.6 **Suburb Name**

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

Suburb: Blacktown

## 2.7 **Signage**

- 2.7.1 Discreet directional signage which provides clear way finding directions for pedestrians and vehicles are permitted to be erected. Signs which indicates appropriate speed limits on driveways that are shared between pedestrians and vehicles are also permitted. No illuminated, LED or moving signs are permitted. No business identification signage is permitted.

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

## 2.8 **Compliance with BASIX Certificate**

- 2.8.1 All commitments listed in the BASIX Certificate number: 973082M\_03 and 1164280M\_02 dated 16 December 2020 shall be complied with.

## 2.9 **Engineering Matters**

### 2.9.1 **Design and Works Specification**

- 2.9.1.1 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

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.

## 2.10 **Other Necessary Approvals**

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

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

## 2.11 **Other Matters**

- 2.11.1 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.
- 2.11.2 Council will not be responsible for any damages to the building, or its contents, or its operation and/or any injuries to the owners, occupants or visitors as a result of flooding.
- 2.11.3 No filling of the site is permitted except under the building footprint and driveway and any excavated material not used under the building is to be removed from site and disposed of in an approved manner and at a registered tip site.

- 2.11.4 The Floodway Warning Signs and Flood Management Plans are to be maintained for the duration of the development.
- 2.11.5 The registered proprietor/lessee is to be provided to Council's WSUD Compliance Officer. A report outlining all maintenance undertaken on the rainwater tank in accordance with approved maintenance schedule. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer  
WSUD@blacktown.nsw.gov.au
- 2.11.6 Each year the registered proprietor/owner's corporation 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 from the rainwater tank.
- 2.12 **Transport for NSW Requirements**
- 2.12.1 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the approved works and as required by the various public utility authorities and/or their agents.

### **3 Prior to Construction Certificate (General)**

#### **3.1 DA Plan Consistency**

- 3.1.1 A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

#### **3.2 Services/Utilities**

- 3.2.1 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 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.

#### **3.3 Waste Matters**

- 3.3.1 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>
- 3.3.2 The applicant must ensure that the private roads and driveways etc are rated suitable for 24 tonne trucks.
- 3.3.3 The applicant must provide a vertical cross section plan demonstrating a 4.5m headroom allowance clear of eaves, overhangs, balconies, services, sprinklers and at the roller door entry point, for the trucks entire travel path (as per AS2890.2).

- o this must be provided as an AutoCAD DWG
- 3.3.4 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.
- 3.3.5 Amend the refuse bay to ensure the vehicle wheels do not mount the median as per Councils engineering consultants' comments. This must be demonstrated on amended plans and updated swept paths and DWG files to the satisfaction of Council.
- 3.3.6 Demonstrate to Council's satisfaction, that the proposed construction plans (with respect to the services and piping infrastructure secured to the ceilings of the covered/undercroft, waste collection area), 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.

### 3.4 **Dilapidation Report**

- 3.4.1 The applicant must submit a full dilapidation report to Council and to the owners of the adjacent properties. It must report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations. This zone is defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The report is to be endorsed by a practising engineer with NPER eligibility, agreed to by both the applicant and the owners of any affected adjoining property. The report shall have regard to protecting the applicant from possible spurious claims for structural damage and must be verified by all stakeholders as far as practicable.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

- 3.4.2 Any proposed anchoring into adjacent properties will require an easement for anchoring prior to the release of any Construction Certificate.

### 3.5 **Transport for NSW Requirements**

- 3.5.1 The proposed median, pedestrian refuge and fencing, and associated civil works along Reservoir Road shall be designed to meet TfNSW requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works. Documents should be submitted to [Development.Sydney@rms.nsw.gov.au](mailto:Development.Sydney@rms.nsw.gov.au).

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

- 3.5.2 The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- 3.5.3 Queueing analysis shall be undertaken to determine potential queueing impacts on Reservoir Road from the interim left out access.
- 3.5.4 Provide evidence of consultation with the relevant Bus authority/s for an additional or relocated bus zone closer to the pedestrian entry in Penny Place.
- 3.6 **Open Space requirements**
- 3.6.1 Trees to be retained are to be protected as per the Arboricultural Impact Assessment report and Tree Management Plan in the report and as per AS:4970-2009 "Protection of Trees on Development Sites". A monetary tree preservation bond is to be applied to all trees to be retained as per Council's goods and services pricing schedule.

## **4 Prior to Construction Certificate (Planning)**

### **4.1 Aesthetics/Landscaping**

- 4.1.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20%
- 4.1.2 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.
- 4.1.3 The development approved by this consent is to be constructed in accordance with the approved schedule of materials and finished as endorsed on the approved plans outlined in condition 34.1.1. of this consent. External building materials and finishes are to be finished between ground level and first floor 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 Building Construction Certificate plans.
- 4.1.4 All materials to be used for cladding and screens with a timber look finish need to be metal or aluminium to ensure their long-term durability. No external timber/wood finishes for buildings are permitted in this development.
- 4.1.5 Amended elevation plans of the northern elevation of Stage 1 are to be provided to the satisfaction of the City Architect's office. The northern elevation is to be improved through additional mounded landscaping to minimise the perceived height of the basement wall. The materiality of this wall is to be of a high quality such as sandstone and present as a continuation of the building façade including integration of the pergola structure to assist with the screening of the waste collection area. The landscape plans and schedule of finishes and materials are also to be updated accordingly.
- 4.1.6 Fencing to Reservoir Road and Penny Place is to be decorative feature fence or open style palisade fence to Council's satisfaction. Details are to be submitted for approval by Manager Development Assessment.

- 4.1.7 The substation has to be repositioned to be behind the landscaped setback area, but still accessible directly from the street for Endeavour Energy maintenance purposes. Details are to be submitted for approval by Manager Development Assessment.
- 4.1.8 All external walls and fences that require anti-graffiti coating must be finished with a non-flammable graffiti proof coating.
- 4.1.9 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.
- 4.1.10 Planter boxes on structure are to be provided with soil depth and volumes in accordance with Objective 4P, table 5 in the Apartment Design Guide.
- 4.2 Access/Parking**
- 4.2.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 4.2.2 The development is to provide a total of 233 car parking spaces comprising of:
- 221 basement resident car parking spaces including 21 accessible car parking spaces
  - 12 at-grade visitor car parking spaces including 1 accessible car parking space.
- 4.2.3 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
- 4.2.4 All car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 – 2004 as follows:
- Residential Flat Building (excluding width of pillar): 2.5m x 5.4m
- Residential Flat Building (adjacent to solid wall): 2.7m x 5.4m
- Disabled Car Space: 3.2m x 5.4m
- 4.2.5 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 4.2.6 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network.
- 4.3 Common Areas and Landscaping**
- 4.3.1 All common areas and landscaping shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate. The minimum pot sizes are to be 45 litres for medium sized plants and 100 litres for trees. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.
- 4.3.2 All landscaping, lawn areas, recreation features and furniture, bbq facilities, pathways, ramps and fencing shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate.
- The deep soil areas which relate to the above tree plantings are to be provided to ensure the viability of these trees.
- 4.4 Utilities, Services, Plant and Equipment**

- 4.4.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the streetscape presentation, apartments and communal open space areas with regard to visual, acoustic and odour impacts.
- 4.4.2 The garbage and recycling storage areas must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.
- 4.4.3 Written evidence is to be provided to Council from an appropriately qualified acoustic consultant stating that all plant and equipment have been selected to meet the project noise criteria.
- 4.4.4 A "Notification of Arrangement" Certificate from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.
- 4.5 **Floor to Ceiling Heights**
- 4.5.1 All residential habitable rooms are to have a minimum floor to ceiling height of 2.7 metres. Service bulkheads are not to intrude into habitable spaces.

## **5 Prior to Construction Certificate (Building)**

### **5.1 Building Code of Australia Compliance**

- 5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
  - (a) Complying with the deemed to satisfy provisions, or
  - (b) Formulating an alternative solution which:
    - (i) complies with the performance requirements, or
    - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
    - (iii) A combination of (a) and (b).

### **5.2 Site Works and Drainage**

- 5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 5.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159 mm per hour over an average recurrence interval of 20 years. The design shall:
  - (a) be in accordance with Australian Standard 3500.3, and

- (b) provide for drainage discharge to an existing Council drainage system, and
- (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.

5.2.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.

5.2.4 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:

- (a) Preserved and protected from damage, and
- (b) Underpinned and supported.

Such details shall accompany the Construction Certificate.

## 6 Prior to Construction Certificate (Engineering)

### 6.1 General

6.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.

6.1.2 The engineering drawings referred to below are not for construction. The Construction 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 plans shall be generally in accordance with the following drawings and relevant Consent conditions:

| Prepared By                | Project No. | Drawing No. | Sheet No. | Revision | Dated   |
|----------------------------|-------------|-------------|-----------|----------|---------|
| Warren Smith<br>& Partners | 5619002     | C1.01       | 1         | 1        | 17.12.2 |
|                            |             | C1.02       | 2         | 1        |         |
|                            |             | C1.03       | 3         | 1        | 17.12.2 |
|                            |             | C1.04       | 4         | 3        |         |
|                            |             | C2.01       | 5         | 2        | 17.12.2 |
|                            |             | C2.02       | 6         | 2        |         |
|                            |             | C2.03       | 7         | 2        | 09.07.2 |
|                            |             | C2.04       | 8         | 1        |         |
|                            |             | C3.01       | 9         | 3        | 09.07.2 |
|                            |             | C3.02       | 10        | 3        |         |
|                            |             | C4.01       | 11        | 6        | 09.07.2 |
|                            |             | C4.02       | 12        | 6        |         |
|                            |             | C4.03       | 13        | 5        | 09.07.2 |
|                            |             | C4.04       | 14        | 1        |         |
|                            |             | C4.11       | 15        | 3        | 17.12.2 |
|                            |             | C4.12       | 16        | 3        |         |
|                            |             | C5.01       | 17        | 2        | 09.07.2 |
|                            |             | C5.02       | 18        | 2        |         |
|                            |             | C5.31       | 19        | 3        | 09.07.2 |
|                            |             | C5.32       | 20        | 3        |         |
|                            |             | C6.01       | 21        | 6        | 12.07.2 |

|  |  |       |    |   |         |
|--|--|-------|----|---|---------|
|  |  | C6.02 | 22 | 7 |         |
|  |  | C6.03 | 23 | 5 | 12.07.2 |
|  |  | C6.04 | 24 | 4 |         |
|  |  | C6.05 | 25 | 2 | 09.07.2 |
|  |  | C6.10 | 26 | 4 |         |
|  |  |       |    |   | 16.12.2 |
|  |  |       |    |   | 09.07.2 |
|  |  |       |    |   | 09.07.2 |
|  |  |       |    |   | 25.06.2 |
|  |  |       |    |   | 25.06.2 |
|  |  |       |    |   | 25.06.2 |
|  |  |       |    |   | 25.06.2 |
|  |  |       |    |   | 09.07.2 |
|  |  |       |    |   | 12.07.2 |
|  |  |       |    |   | 09.07.2 |
|  |  |       |    |   | 09.07.2 |
|  |  |       |    |   | 25.06.2 |
|  |  |       |    |   | 09.07.2 |

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

- i. Approval from Transport for NSW (TfNSW) is required to any changes requested for the existing roads and to the proposed roads in the development.

## 6.2 Construction Certificate Requirements

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

- Road and drainage construction
- 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.

## 6.3 Local Government Act Requirements

6.3.1 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.

#### 6.4 Roads Act Requirements

6.4.1 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
- Kerb inlet pit connections or construction
- Vehicular crossings
- Path Paving

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

#### 6.5 Other Engineering Requirements

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

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

6.5.3 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

#### 6.6 Roads

6.6.1 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.

6.6.2 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.

6.6.3 Proposed new roads shall be designed and constructed as follows:

| Name   | Width(m) | Length (m)  | Formation (m) | Traffic Loading N(ESA) |
|--------|----------|-------------|---------------|------------------------|
| Road 1 | Min 10m  | Approx 75m  | Varies        | Min. $5 \times 10^4$   |
| Road 2 | Min 10m  | Approx 257m | Varies        | Min. $5 \times 10^4$   |
| Road 3 | Min 10m  | Approx 84m  | Varies        | Min. $5 \times 10^4$   |

Note: the minimum equivalent N(ESA) traffic loading for design shall be  $5 \times 10^4$

6.6.4 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.

6.6.5 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.

#### 6.7 Drainage

- 6.7.1 Drainage from the site must be connected into Council's existing drainage system.
- 6.7.2 A construction certificate for the building works cannot be released until the Voluntary Planning Agreement (VPA) for off-site water quality treatment has been entered into with Council.
- 6.7.3 The nominated retaining walls are to be a minimum 300mm above the adjacent 1% AEP flow level.
- 6.7.4 Pre to post velocities are to be as per the WSUD developer handbook section 15.1.
- 6.7.5 Structural design certification is required by an experienced chartered structural engineer registered on NER, indicating that the retaining walls acting as flood barriers have been designed to withstand all flood impacts prior to release of the Construction Certificate. The certificate should consider scour, impact of debris, hydrodynamic pressure, hydrostatic and buoyancy forces up to 300mm above the 1% AEP flood level. Allow for velocities as per flood study adjacent to the structures.
- 6.7.6 A Flood Management Plan is to be prepared by an experienced Chartered hydraulic engineer registered on NER, to address emergency flood management of the site including the use as appropriate of warning signs, notices of procedures and depth gauges (if required). The Plan is to recommend shelter-in-place and to alert when surrounding roads are flooded. The Plan is to incorporate maintenance free measures into the development to ensure the timely, orderly and safe evacuation of people from flooded areas (surrounding roads and others) if required should a flood occur. Detail the evacuation route. Any requirements of the Plan are to be implemented prior to occupation.
- 6.7.7 All flood warning signs, depth gauges and necessary notices need to be clearly detailed on the drainage plan.
- 6.7.8 Provide Floodway Warning Signs for the overland flow path in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.
- 6.7.9 Engineering plans by Warren Smith & Partners, dwg C1 series to C6 series, Rev. 7, dated 12.07.21, Job no. 5619002 are to be amended generally as follows:
  - (a) Dwg. C4.02(rev. 6) dated 12.07.21
    - i. The rainwater tank overflow penetrations are to be piped to a suitable drainage outlet.
  - (b) Confined space entry warning signs are to be detailed on the drainage plans adjacent to rainwater tank entry in accordance with Council's Engineering Guide for Development 2005.
  - (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) Provide a basement design that ensures a minimum 0.5% slope to all surface inlet pits.
  - (e) Basement minimum crest level/s is to be as per Section 15.3.6 of the WSUD Developers Handbook
- 6.7.10 An experienced Drainage Engineer registered with NER and supported by a DRAINS or other hydraulic modelling is to certify that the internal drainage system is capable of carrying the 5% AEP flows without surcharge with safe provision for major flows.
- 6.7.11 A Chartered Structural Engineer, registered with NER, must certify that:

- (a) All retaining walls, posts and piers are clear of the Council's drainage easement;
  - (b) The adjacent structures do not impose any load on the pipe;
  - (c) The full width of the easement can be excavated down to a minimum of 300 mm below the pipe invert with the retaining walls, posts, or piers remaining self-supporting; and
  - (d) The depth of piers or structures away from the edge of the easement is subject to the zone of influence from a minimum of 300 mm below the pipe invert.
- 6.7.12 Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- (a) 4 star dual-flush toilets;
  - (b) 3-star showerheads;
  - (c) 5-star taps (for all taps other than bath outlets and garden taps);
  - (d) 3-star urinals; and
  - (e) 3-star water efficient washing machines and dishwashers are to be specified.
- 6.7.13 An experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:
- (a) a first flush or pre-treatment system (typically 0.2 litres / m<sup>2</sup> of roof area going to the tank for a first flush),
  - (b) a pump with isolation valves;
  - (c) a solenoid-controlled mains water bypass;
  - (d) flow meters on the solenoid-controlled mains water bypass line and the pump outflow line, to determine non-potable usage;
  - (e) an inline filter and preferably an automatic backwash inline filter;
  - (f) a control panel with warning light to indicate pump failure;
  - (g) a timer and control box for landscape watering, allowing for seasonal variations and split systems;
  - (h) an irrigation watering plan allowing for a minimum of 2810 kL/yr and accounting for seasonal variations by increasing the frequency of watering by a minimum 50% above average for the hotter months and reducing by 50% for the cooler months. Allow for spray irrigation of any turf areas;
  - (i) providing a minimum tank size of 200kL;
  - (j) ensuring all the rainwater reuse pipes and taps are coloured purple.
  - (k) fitting rainwater warning signs to all external taps using rainwater.

## 6.8 **Footpaths**

- 6.8.1 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.

**6.9 Left turn only works required to the club exit road at the intersection with Reservoir Road**

6.9.1 The left turn only exit from the club entrance road behind the curb of Reservoir Road must be designed to the satisfaction of Council's engineers.

6.9.2 The civil design for these works are to match with the civil plans approved by TfNSW for the works proposed in Reservoir Road.

## **7 Prior to Construction Certificate (Environmental Health)**

### **7.1 Environmental Management**

7.1.1 Submit to Council for approval a Remediation Action Plan (RAP) completed by an appropriately qualified environmental consultant.

7.1.2 All areas 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 3<sup>rd</sup> 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.

### **7.2 Other Matters**

7.2.1 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 dB(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.

## 8 Prior to Development Works

### 8.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

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

This condition does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

- 8.1.3 Should the development work:

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

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

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

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

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

## 8.2 **Notification to Council**

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

## 8.3 **Sydney Water Authorisation**

- 8.3.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal

Certifying Authority to verify that the development meets the Corporation's requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

OR

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

#### **8.4 Use of Crane**

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

#### **8.5 Transport for NSW Requirements**

- 8.5.1 Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Documents should be submitted to [Development.Sydney@rms.nsw.gov.au](mailto:Development.Sydney@rms.nsw.gov.au)

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

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

### **9 During Construction (Building)**

#### **9.1 Safety/Health/Amenity**

- 9.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 9.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
  - (a) the name, address and telephone number of the principal certifying authority for the work, and
  - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- 9.1.3 Should the development work:

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

the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

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

- 9.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.
- 9.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 9.1.6 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 9.1.7 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 9.1.8 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.
- 9.1.9 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

## 9.2 **Building Code of Australia Compliance**

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

## 9.3 **Surveys**

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

## **9.4 Nuisance Control**

- 9.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 9.4.2 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

## **9.5 Stormwater Drainage**

- 9.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:
  - (a) the floor level being a minimum 225 mm above the adjoining finished ground level, and/or
  - (b) being drained to an effective drainage system.
  - (c) if draining to kerb use an approved kerb outlet and sewer grade PVC or RHS

## **9.6 Construction Inspections**

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

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

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

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

# **10 During Construction (Planning)**

## **10.1 Aboriginal Objects**

- 10.1.1 If any Aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in

accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.

## **10.2 Unexpected Historical Archaeological Relics**

- 10.2.1 The applicant must ensure that if the unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council for NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

## **10.3 Tree Protection**

- 10.3.1 The significant trees in existence along the frontage of Reservoir Road inside the proponents land are to be cordoned off and protected during construction work so that they can be integrated into the landscape strategy for the frontage of the development site.

# **11 During Construction (Engineering)**

## **11.1 Notification of Works**

- 11.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum 5 business days prior to commencement of engineering works.
- 11.1.2 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.

## **11.2 Insurances**

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

## **11.3 Service Authority Approvals**

- 11.3.1 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.

## **11.4 Filling of Land and Compaction Requirements**

- 11.4.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct

compaction requirements have been met. This compaction certificate is to be submitted to Council.

11.4.2 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 Councils 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.

11.4.3 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.

11.4.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.

11.4.5 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.

11.4.6 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.

11.4.7 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.

11.4.8 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.

## **11.5 Filling in Contaminated Land**

- 11.5.1 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.
- 11.5.2 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.
- 11.5.3 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.

## **11.6 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**

- 11.6.1 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.

## **11.7 Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993**

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

Inspections must be pre-booked with a minimum 24 hours' notice. Councils Development Overseers may be contacted on 02 9839 6586 between 6 am – 7 am, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

## **11.8 Public Safety**

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

## **11.9 Site Security**

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

## **11.10 Traffic Control**

- 11.10.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2009.
- 11.10.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current Roads and Maritime Services (RMS) accreditation and photo card to implement Traffic Control Plans.
- 11.10.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Roads and Maritime Services (RMS) Traffic Controller accreditation and photo card and carry it with them.
- 11.10.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Roads and Maritime Services (RMS) accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2009.
- 11.10.5 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.
- 11.11 **Other Matters - Drainage**
- 11.11.1 Council's Civil Maintenance Section will be required to oversee works next to and within the drainage easement.

## **12 During Construction (Environmental Health)**

### **12.1 Food Premises**

- 12.1.1 Where any warm water or water cooling system is installed, the following shall be undertaken:
- (a) A Compliance Certificate shall be obtained certifying that the system has been installed in accordance with the provisions of the Public Health Act 2010, the Regulations thereunder, the NSW Code of Practice for the Control of Legionnaires Disease and Australian Standard 3666.
  - (a) The occupier of the premises shall be given both an operation and maintenance manual. The system shall be maintained monthly. All inspection results shall be kept on site.
  - (b) Submit a Registration form to Council.
- 12.1.2 The food preparation areas shall be constructed so as to comply with the requirements of;
- (a) The Food Act 2003 and Regulations there under.
  - (b) Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.

- (c) Australian Standard 1668.2-2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.

## **12.2 Premises Construction**

- 12.2.1 Any asbestos material is to be handled and treated in accordance with the SafeWork NSW document “*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*” dated March 2008.
- 12.2.2 The recommendations made in the Noise Impact Assessment (Ref: 20201034.12) prepared by Acoustic Logic, dated December 2020 shall be implemented.
- 12.2.3 On completion of the installation of the ventilation system, a Compliance Certificate is to be submitted to Council certifying that the system has been installed and commissioned in accordance with the approved details.

## **13 During Construction (Transport for NSW)**

### **13.1 Transport for NSW Requirements**

- 13.1.1 All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Reservoir Road.

## **14 During Construction (Waste)**

### **14.1 Waste Matters**

- 14.1.1 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.
- 14.1.2 Provide evidence of tipping dockets for all demolition and construction waste generated onsite.
- 14.1.3 Ensure all litter is managed onsite by ensuring waste receptacles are covered when not in use.

## **15 Prior to Occupation Certificate for Stage 1 and 2 only**

### **15.1 Section 7.11 Contributions under Section 7.17 Directions**

- 15.1.1 The following monetary contributions pursuant to *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as 31 January 2022. 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 the first Occupation Certificate for the development, either by Council or any accredited certifier.

#### **Accredited Certifiers to Note (Planning Circular PS 20-003)**

An application for an Occupation Certificate, if made to a private accredited certifier, needs to be accompanied by a certificate from the relevant council that any local infrastructure contributions or levies (under section 7.11 or s7.12 of the Act) have been made, if they are required to be made at any time before the issue of the occupation certificate.

**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**

| Contribution Item    | Amount                | Relevant C.P. |
|----------------------|-----------------------|---------------|
| Trunk Drainage       | \$168,761.00          | 1             |
| Major Roads          | \$86,706.00           | 1             |
| Open Space           | \$779,004.00          | 1             |
| Community Facilities | \$151,139.00          | 1             |
| <b>Total</b>         | <b>\$1,185,610.00</b> |               |

**Developable Area: 1.4764 hectares (DA0002)**

**Additional Population: 230.8 persons**

### **Stage 2**

| Contribution Item    | Amount              | Relevant C.P. |
|----------------------|---------------------|---------------|
| Trunk Drainage       | \$63,989.00         | 1             |
| Major Roads          | \$32,876.00         | 1             |
| Open Space           | \$594,379.00        | 1             |
| Community Facilities | \$115,319.00        | 1             |
| <b>Total</b>         | <b>\$806,563.00</b> |               |

**Developable Area: 0.5598 hectares (DA0002)**

**Additional Population: 176.18 persons**

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).

### **Payment:**

- i. A monetary contribution that is required to be paid under this condition must be paid before the issue of the first occupation certificate in respect of any building to which this consent relates, except as provided by paragraph (ii).
- ii. If no construction certificate in respect of the erection of any building to which the consent relates has been issued on or before 25 September 2022, the monetary contribution must be paid before the issue of the first construction certificate after that date for any such building.

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

S7.11 CP No. 1 – 1980's Release Areas

The Section 7.11 contribution(s) have been based on the 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.

## **15.2 Road Damage**

- 15.2.1 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.

## **15.3 Compliance with Conditions**

- 15.3.1 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.
- 15.3.2 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.

## **15.4 Temporary Facilities Removal**

- 15.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 15.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 15.4.3 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.
- 15.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 15.4.5 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.

## **15.5 Service Authorities**

- 15.5.1 A final written clearance shall be obtained from Sydney Water Corporation, Energy provider and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc.) has not previously been issued.
- 15.5.2 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of any Occupation Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land"

link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

#### **15.6 Fire Safety Certificate**

- 15.6.1 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).

#### **15.7 Landscaping/ Car Parking**

- 15.7.1 All landscaping and furniture shall be completed in accordance with the approved landscaping design plans to the satisfaction of Council.
- 15.7.2 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 15.7.3 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 15.7.4 All common open space areas, internal driveways and pathways shall be furnished with seating and appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and visitors using these areas.
- 15.7.5 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 15.7.6 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 15.7.7 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.
- 15.7.8 Traffic control measures are to be undertaken onsite to ensure a low speed pedestrian friendly environment is created in the complex, including 10km speed limit, speed humps, raised threshold crossings and signage.
- 15.7.9 Directional signage is to be installed to direct residents and visitors to designated parking areas on ground or in basements and to buildings in the complex.
- 15.7.10 Dense screen planting is to be undertaken in the setbacks to Reservoir Road and Penny Place to give residents in the lower and ground floor units maximum privacy from passing traffic and pedestrians.

#### **15.8 Environmental Health**

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

- 15.8.2 The recommendations made in the Noise Impact Assessment (Ref: 20201034.12) prepared by Acoustic Logic, dated December 2020 shall be implemented.
- 15.8.3 The installation of any grease arrestor shall comply with the requirements of the Sydney Water Corporation. A copy of the Corporation's Trade Waste Agreement, shall be submitted to Council.
- 15.8.4 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that the ventilation system has been installed and is operating in accordance with Australian Standard 1668.2:2002 The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control.
- 15.9 Graffiti Management Plan**
- 15.9.1 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 no later than 48 hours after detection. Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s;
  - (c) Annual review of any "management agreement" for the removal of graffiti to ensure the property is maintained at its optimum level; and
  - (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.
- 15.10 Other Drainage Matters**
- 15.10.1 A Chartered Hydraulic Engineer registered with NER is to certify that all the requirements of the Flood Management Plan have been implemented including the installation of all signage and notices.
- 15.10.1.1 A Chartered Civil Engineer registered with NER, is to certify that:
- (a) all the requirements of the approved drainage plan have been undertaken;
  - (b) a rainwater tank has been provided as per the approved construction certificate plans.
  - (c) flood signage and warning notices have been installed;
  - (d) a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.
  - (e) The flood barrier retaining walls are at minimum 300mm above the adjacent 1% AEP flood level.
- 15.10.1.2 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that:
- (a) All the non-potable landscape water uses are being supplied by rainwater;
  - (b) All the requirements of the detailed Non-Potable Water Supply & Irrigation Plan have been installed to the required locations.
  - (c) The flow meters have been installed on the pump outflow and the solenoid-controlled mains water bypass to determine non-potable usage;
  - (d) The pumps, alarms and all other systems are working correctly;

- (e) The automatic timer has been set up for time and frequency to deliver 2810 kl/year on average and the system has been design will adjust for twice the rate in summer and half the rate in winter;
- (f) The water from at least four garden taps or irrigation outlets has been tested to show no chlorine residual.
- (g) Rainwater warning signs are fitted to all external taps using rainwater.
- (h) A signed, works-as-executed Non-Potable Water Supply & Irrigation Plan is to be provided to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au)

15.10.1.3 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:

- (a) 4 star dual-flush toilets;
- (b) 3-star showerheads;
- (c) 5-star taps (for all taps other than bath outlets and garden taps);
- (d) 3-star urinals; and
- (e) 3-star Water efficient washing machines and dishwashers have been used.

15.10.1.4 Provide a Restriction to User and Positive Covenant for 'flood barrier' over the external retaining walls in accordance with the requirements of the Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.

15.10.1.5 Provide a Restriction to User and Positive Covenant (Water Sensitive Urban Design System) over the rainwater tank 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.

15.10.1.6 Provide a Positive Covenant over future building 'G' (stage 3) requiring that the future roof area is to connect to 'rainwater tank 1'. The Positive Covenant must be registered with NSW Land Registry Services.

15.10.1.7 The applicant shall provide a maintenance schedule for the rainwater system installed on the property. The maintenance schedule is to be prepared in accordance with the maintenance schedule template and WSUD inspection and maintenance guidelines available on Council's website. The applicant shall submit the maintenance schedule to Council at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) for approval.

15.10.1.8 Provide written evidence that the registered owner/lessee has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the rainwater tank. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) . This maintenance contract cannot be cancelled after the contract period, but can be replaced with an alternative contract of the same standard.

15.10.1.9 An A3 summary of Flood Management evacuation paths and procedures is to be affixed within a kitchen or laundry cupboard door at each unit.

## **15.11 Fee Payment**

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

## **15.12 Other Matters**

- 15.12.1 Retaining wall(s) and/or other effective methods to retain excavated or filled ground (other than those sites works which may be Exempt Development under an Environmental Planning Instrument), together with any associated groundwater drainage system, shall be constructed and/or provided in accordance with the plans attached to the Construction Certificate.
- 15.12.2 All commitments listed in the BASIX Certificate 973082M\_03 and 1164280M\_02 dated 16 December 2020 shall be complied with.
- 15.12.3 All landscaping, recreation features and furniture, bbq facilities and lighting shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.
- 15.12.4 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 15.12.5 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.
- 15.12.6 Vandal proof and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.
- 15.12.7 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Post's requirements for size. The letterbox system should be vandal resistant and secure.
- 15.12.8 All power boards should be housed within a locked cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.
- 15.12.9 The basement ceiling is to be light in colour to enhance lighting illumination.
- 15.12.10 A roller shutter and card-key system, or similar, is to be installed at the entry/exit points of the basement car park.
- 15.12.11 Basement storage areas 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.
- 15.12.12 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves and also not on drainage zoned land.

### 15.13 **Acoustic Verification**

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

### 15.14 **Restriction as to User**

15.14.1 As required by Clause 18 'Restrictions on occupation of seniors housing allowed under this Chapter,' pursuant to SEPP (Housing for Seniors or People with a Disability) 2004, a restriction as to user shall be registered against the title of the property(s) in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1) as follows:

- (a) seniors or people who have a disability
- (b) people who live in the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

15.14.2 A restriction as to user shall be registered against the title of the property(s) that prohibits right turn movements out of the site to warn purchasers of the units of this limitation.

### 15.15 **Waste Matters**

15.15.1 Should Council provide a waste service to this site, the elected strata manager must sign our 'Onsite Waste Collection Agreement Form' on behalf of all lot owners (and stamped using the common seal), before collections can occur onsite.

15.15.2 A future lease agreement or Community Management Agreement or 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

- 15.15.3 Demonstrate to Council's satisfaction, that completed construction of the covered/undercroft waste collection 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.
- 15.15.4 Provide to Council's satisfaction, the full contact details of the elected onsite manager/caretaker of the proposed boarding house. They will be the responsible party required to manage illegal dumping and booked household clean ups for the site

#### **15.16 Plan of Management**

- 15.16.1 A final Plan of Management for is to be submitted to Council for approval.
- 15.16.2 The Plan of Management must also include strategies to minimise problem gambling amongst residents.
- 15.16.3 The Blacktown Workers Club's existing coach service is to expand its operation to cater for the day to day needs of the senior residents. In this regard, a Transport Management is to be submitted to Council for approval to outline how the coach service will operate on a daily basis. It is also to be included in the Plan of Management.

#### **15.17 Total Maintenance Plan**

- 15.17.1 A "total" maintenance plan is to be prepared for the site. The plan is to ensure the following:
- (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, pathways, through site links, soft and hard landscaping, fencing, mail boxes, lighting, bulky waste storage and loading areas, feature entry signage, parking signage and services are regularly inspected and maintained at optimum levels at all times.
  - (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted "junk mail" is to be collected on a regular basis and disposed of as necessary.

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

#### **15.18 NSW Police Matters**

##### **15.18.1 Surveillance**

- 15.18.1.1 Closed Circuit Television Systems (CCTV), Management and Operation; should be installed accordance to AS:48006.I and Applications Guidelines —AS 4806.2
- 15.18.1.2 Break, enter and steal offences are more common in underground car parks. Police recommend high quality CCTV being installed in all levels of the car parks.

##### **15.18.2 Lighting**

- 15.18.2.1 A lighting maintenance policy needs to be established for the development.
- 15.18.2.2 Lighting should be vandal resistant and placed around the perimeter of the property, at all entry/exits points, rear ground level car park, basement car park and driveway.

Possible entrapment spots such as the storage units, waste/rubbish bin areas must be lit with vandal- resistant and energy saving lighting.

15.18.2.3 Lighting used in the carpark areas should illuminate continuously in hours of darkness.

15.18.2.4 The ceiling of the car park should be painted white. This will enhance the lighting operating in this space.

15.18.2.5 Pink/blue lighting is to be installed along driveway and at the building frontage to deter person(s)/ youth loitering around the area.

### 15.18.3 **Barriers**

15.18.3.1 Limit the number of blank surfaces on the external parts of the building. Although proposed landscaping around walls and fencing lines are adequate to prevent graffiti and similar incident, these surfaces should be coated with graffiti resistant material/paint to reduce opportunities for malicious damage type offences (graffiti) and allow ease of cleaning to these structures.

15.18.3.2 Glass within vulnerable areas like entry points are to be re-enforced with shatter resistant film or laminated glass to control access.

15.18.3.3 Install security/entry control systems to all main entry doors to minimise break and enter offences and unauthorised access to residential units/car park and other locations.

15.18.3.4 Construct a barrier fence on the rooftop area to prevent accidental falls, suicide attempts and death or injury. The fence to be designed in a way to prevent it being used as a natural ladder when installed in conjunction to the roof top planter boxes.

### 15.18.4 **Landscaping and Vegetation**

15.18.4.1 Landscaping and vegetation enhance the natural amenity of any site. It is important, however, to ensure dense foliage and inappropriate planting does not lead to opportunities for concealment.

15.18.4.2 The plants should be low lying shrubs and or grass like plants that are free from stones and/or rocks at the soil base (eliminating stones used for projectiles). These low-lying shrubs and or grass like plants should be planted to avoid clumping and to retain sightlines and opportunities for surveillance around the communal areas. The plants proposed should have an appearance of impenetrability and qualities that minimises concealment opportunities.

### 15.18.5 **Territorial Re-enforcement**

15.18.5.1 Erect appropriate signage. i.e. 'Trespassers will be prosecuted, surveillance systems operating and security personal on duty' etc.

15.18.5.2 Warning signs-in car park: Signs should be clear and concise displaying the area of which cars should be parked.

15.18.5.3 Warning signs-in car park: Signs to be clear and prominent warning people not to leave valuables in their cars. e.g. 'Lock it or lose it' or 'Don't leave valuables in your vehicle'.

15.18.5.4 Street number and signage is to be clear from Reservoir Road for residents and visitors to have a clear understanding of entry points to the location. This assists Emergency Services when attending the location.

15.18.5.5 Maps within street entrance driveways are to be installed that clearly show a plan of each building location within the site.

#### **15.19 Post-construction dilapidation report**

15.19.1 A post-construction dilapidation report shall be carried out for any of the potentially affected existing buildings, landscaping and infrastructure surrounding the proposed development. A copy of the report shall be submitted to Council prior to issue of Occupation Certificate.

#### **15.20 Natural Areas Requirements**

15.20.1 Logs generated from clearing on the site of stages 1 and 2, from only Eucalyptus/ Corymbia and/ or Casuarina species are to be transported by the applicant to Council's Harpers Bush Reserve to mitigate impacts on the natural environment. Logs are to be cut into lengths of approximately five metres in length and placed within the reserve through consultation with staff from Council's Natural Areas team.

### **16 Operational (Planning)**

#### **16.1 Access/Parking**

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

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

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

16.1.4 Resident and visitor parking for the approved seniors living development is not to occupy any of the existing Blacktown Workers Club parking spaces at any time.

#### **16.2 General**

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

16.2.2 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.

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

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

16.2.5 Any nuisance created by the use of any aerial or transmitting or receiving equipment associated with the development shall be addressed to the satisfaction of the Spectrum Management Agency.

16.2.6 No signage, goods, materials or the like, are to be stored at any time outside the building on either the internal vehicular driveway, car parking area, landscaping or footpaths.

- 16.2.7 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.
- 16.3 **Graffiti Removal**
- 16.3.1 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.
- 16.4 **Landscaping**
- 16.4.1 All landscaped areas provided in accordance with the approved landscaping design plans shall be maintained at all times in a suitable manner.
- 16.4.2 Regular maintenance and up-keep of the site must be undertaken to the site to ensure that sightlines are kept free from obstructions.
- 16.5 **Waste Matters**
- 16.5.1 The Owners Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.
- 16.5.2 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 16.5.3 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.
- 16.5.4 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.
- 16.5.5 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)
- 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.
- install and maintain relevant waste management signage onsite

## **16.6 Use of Premises**

16.6.1 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.

16.6.2 Facilities and services within the building shall not be utilised by residents outside the premises.

16.6.3 The approved visiting hours are between 8.00am and 8.00pm. Outside these hours, staffs and residents must enter and leave the premises in respectful manner to the surrounding residential dwellings.

## **16.7 Emergency Procedures**

16.7.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed on the premises for both public and staff information at all times to the satisfaction of Council.

# **17 Operational (Environmental Health)**

## **17.1 Environmental Management**

17.1.1 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.

17.1.2 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

17.1.3 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

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

17.1.5 The recommendations made in the Development Application - Noise Impact Assessment (Ref: 20201034.12) prepared by Acoustic Logic, dated December 2020 shall be implemented.

## **17.2 Food Premises**

17.2.1 The food premises shall be maintained in accordance with the requirements of;

- Food Act 2003 and Regulations there under.
- Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.

17.2.2 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.

17.2.3 Upon commencement of trading, notify NSW Food Authority of the food business.

17.2.4 The premises is to be registered with Council as a food business.

## **18 Operational (NSW Police)**

### **18.1 Space Activity Management**

18.1.1 The exterior CCTV coverage should capture all entrances and exits and the immediate vicinity of the building.

18.1.2 Communal areas should have restricted access. Residents/visitors having 'limited' access to these areas. Limited being that the proposed communal areas are open to residents from 8am-8pm ONLY. This is to reduce noise related issues and to assist in the prevention of incidents of anti social behaviour that may occur. No glass items be allowed in these areas.

18.1.3 A key holder must be identified with relevant contact details provided to aid emergency services to gain entry if there are any related issues preventing them from getting immediate access.

### **18.2 Surveillance**

18.2.1 The installation of CCTV surveillance cameras for the development must pay particular attention to those areas susceptible to anti-social behaviour and criminal activity. This includes the proposed communal open spaces, driveway, car parks and residential foyer. CCTV coverage should capture all of the proposed areas. The exterior coverage should capture all entrances and exits and the immediate vicinity of the building.

18.2.2 Ensure clear sightlines so that the opportunity to commit a crime is decreased.

18.2.3 CCTV footage must be kept for a minimum of 28 days and be available if requested by NSW Police to be copied to a DVD or USB.

18.2.4 CCTV should cover the storage cages.

### **18.3 Access Control**

18.3.1 Access to the building should be via a swipe card/key system.

18.3.2 The enclosure wall height of storage cages should start from floor to ceiling height to ensure they cannot be accessed, forced open or climbed into.

18.3.3 The carpark to be accessible through a secure roller door or sliding door controlled via swipe cards. Any other person/s requiring vehicular access to the carpark must be monitored by staff.