

Conditions of consent (draft)

Proposed development	Integrated development application for 2 x 4 storey residential flat buildings on proposed Lot 1 for 202 apartments, basement car parking and associated works.
Property description	1270 Richmond Road, Marsden Park (proposed Lot 1 in a subdivision of Lot 2 DP 1257829)

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

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

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect

Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

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

1.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

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

1.4.4 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

1.4.5 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

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 Engineering Notes

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

1.7 Payment of Engineering Fees

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

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

1.8 Tree planting and service locations

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

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

2 GENERAL

2.1 Scope of Consent

- 2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

Drawing Title.	Drawing No.	Revision	Dated
Site Plan	DA-100-004	F	6/11/2020
Basement 01	DA-110-007	N	6/11/2020
Ground Level	DA-110-008	P	6/11/2020
Level 01	DA-110-010	N	6/11/2020
Level 02	DA-110-020	O	6/11/2020
Level 03	DA-110-030	O	6/11/2020
Roof Level	DA-110-040	N	6/11/2020
Northern & Eastern Context Elevations	DA-200-001	G	6/11/2020
Southern & Western Context Elevations	DA-200-002	G	6/11/2020
Building 1 North & West Elevations	DA-210-001	H	6/11/2020
Building 1 South & East Elevations	DA-210-002	H	6/11/2020
Building 1 Internal Elevations 01	DA-210-003	H	6/11/2020
Building 1 Internal Elevations 02	DA-210-004	H	6/11/2020
Building 2 North & West Elevations	DA-210-005	H	6/11/2020
Building 2 South & East Elevations	DA-210-006	H	6/11/2020
Building 2 Internal Elevations 01	DA-210-007	H	6/11/2020
Building 2 Internal Elevations 02	DA-210-008	H	6/11/2020

LHA & Adaptable Apartment Locations	DA-810-000	H	6/11/2020
LHA & Adaptable Apartment Locations	DA-810-001	H	6/11/2020
Adaptable Apartment Layouts	DA-810-010	H	6/11/2020
Adaptable Apartment Layouts	DA-810-011	H	6/11/2020
Adaptable Apartment Layouts	DA-810-012	H	6/11/2020
Adaptable Apartment Layouts	DA-810-101	H	6/11/2020
2 Bed Typical Spatial	DA-810-202	G	6/11/2020
1 Bed and 3 Bed Typical Spatial	DA-810-203	G	6/11/2020
Façade Articulation Elevation Details	DA-811-002	F	6/11/2020
Façade Articulation Plan	DA-811-003	F	6/11/2020
Site Facilities Plan	DA-813-001	G	6/11/2020
External Materials & Finishes Board	DA-815-001	F	6/11/2020
Clydesdale Estate Precinct 2 DA, Stage 1 Report by Arcadia	Sheets 1 - 25	E	November 2020

* All the plans are subject to relevant conditions of this consent

2.2 Services

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

2.3 Suburb Name

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

Suburb: Marsden Park

2.4 Compliance with BASIX Certificate

- 2.4.1 All commitments listed in the BASIX Certificate number: 982931M_03 and shall be complied with.

2.5 Engineering Matters

2.5.1 Design and Works Specification

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

(a) Blacktown City Council's Works Specification - Civil (Current Version)

- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council On Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M
- (f) On Site Stormwater Detention Handbook - Upper Parramatta River Catchment Trust FOURTH Edition.

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

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

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

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

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

2.5.2 Other Necessary Approvals

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

- Any crane used to construct this development that swings over public air space

2.5.3 Department of Planning, Industry and Environment Requirements

- 2.5.3.1 Because Aboriginal objects will be harmed by the proposed development, a s.90 Aboriginal Heritage Impact Permit (AHIP) must be in place prior to any impacts occurring.
- 2.5.3.2 Given that AHIP C0004249 is currently in place over the proposed development area, all development activities must comply with the conditions of that AHIP.

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 Blacktown Growth Centres Development Control Plan 2010

- 3.2.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Growth Centres

Development Control Plan 2010.

3.3 Lot Registration

- 3.3.1 The land to which this approval relates is to be identifiable with a Lot and Deposited Plan number and registered with NSW Land Registry Services, prior to release of any building Construction Certificate

3.4 Services/Utilities

- 3.4.1 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.

3.5 NSW Local Police Requirements

3.5.1 Surveillance

- 3.5.1.1 The application is to incorporate casual surveillance within the construction plan with a focus on avoiding any potential hidden areas within the car park and building surrounds. The buildings entrances will be visible from the surrounding roads and must not be obstructed by landscaping.

3.6 Waste Matters

- 3.6.1 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.

3.7 Traffic Matters

- 3.7.1 Access driveway, ramps, circulation aisles and parking arrangements are to be designed in accordance with AS 2890.1 & AS 2890.6.
- 3.7.2 Provision for adequate sight distance is to be made for both pedestrian and vehicular movement at the proposed driveway in accordance with Section 3.2.4 AS 2890.1 and Figure 3.2 of AS 2890.1 to ensure safety of pedestrians on the footpath system and motor vehicles along the new driveway.

3.8 Salinity

- 3.8.1 A detailed salinity assessment report prepared by a suitably qualified person shall be prepared and submitted to Council's satisfaction prior to the issue of a construction certificate. The recommendations of the salinity assessment are to be identified on the construction certificate plans and implemented during construction.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Section 7.11 Contributions under Section 7.17 Directions

- 4.1.1 The following monetary contributions pursuant to *Section 7.11 of the Environmental Planning & Assessment Act 1979* (the Act) must be paid. The amounts below are stated as at 5 November 2020. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) whichever occurs first, either by Council or any accredited certifier.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted. However, payments by credit card or EFTPOS over \$10,000.00 are levied a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Contribution Item	Amount	Relevant C.P.
Stormwater Quantity	\$313,057.00	21
Stormwater Quality	\$7,618.00	21
Traffic Management	\$228,701.00	21
Open Space	\$1,922,662.00	21
Community Facilities	\$97,125.00	21
E2 Conservation Zone	\$124,239.00	21
Aquatic Facility	\$163,493.00	21
Total	\$2,856,895.00	

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

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

Section 7.11 Contributions Plan No. 21 - Marsden Park

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

Developable Area: 1.3640 hectares
Additional Population: 378.7 persons

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

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

4.3 **Aesthetics, Streetscape and External Materials**

- 4.3.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.
- 4.3.2 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted

with translucent glazing.

- 4.3.3 The development approved by Council is to be constructed in accordance with the schedule of materials, finishes and colours shown on the approved Materials & Finishes plan. 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 timber/wood finishes are permitted in this development.
- 4.3.4 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the photomontage and the external material and finishes schedule submitted with the application. Building materials and finishes are to be finished with an anti-graffiti coating. Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans. Materials and finishes including the external walls of the development are to comply with the requirements of *the Environmental Planning and Assessment Amendment (Identification of Buildings with Combustible Cladding) Regulation 2018* and *State Environmental Planning Policy Amendment (Exempt Development – Cladding and Decorative Work) 2018* which commences on 22 October 2018.
- 4.3.5 All external walls and fences of this development must be finished with a non-flammable graffiti proof coating.
- 4.3.6 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.
- 4.3.7 Windows in the residential apartments from the first floor level through to the top floor level are to be fitted with a child safety mechanism to prevent accidental falls out of windows by persons such as children. Details of such safety mechanisms shall be shown on the Construction Certificate plans and provided to the principal certifying authority/principal certifier.

4.4 **Common Areas and Landscaping**

- 4.4.1 Amended landscape plans are to be submitted to Council for approval. A minor adjustment to the path layout and tree planting is required to make better use of the deep soil zone in the communal open space area of building 2.
- 4.4.2 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.
- 4.4.3 All landscaping, lawn areas, recreation features and furniture, bbq facilities, children's play areas, pathways, ramps and fencing shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate.

The basement deep soil areas which relate to the above tree plantings are to be provided to ensure the viability of these trees.

4.5 **Street Tree Planting**

- 4.5.1 The applicant must submit a Street Tree Plan detailing the proposed street tree planting and landscaping for the approved development. The Street Tree Plan is to reflect the species palette in our Street Tree Guidelines and must include:

- a) cross-sections showing dimensions of tree pits
- b) species (excluding *Fraxinus Griffithi*)
- c) details of root protection barriers
- d) soil specifications
- e) location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities
- f) the planting detail should indicate some form of root control device. Council's preference is for root directors to be installed to manufactures specifications.

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

- 4.5.2 The Street Tree Plan must show how the developer can decommission any median feature and road verge landscaping, and reinstate landscaping suitable to Blacktown City at handover.
- 4.5.3 Landscaping to lot boundaries is to be wholly located within private property and not encroach upon the road reserve.
- 4.5.4 Street tree planting must not interfere with the street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting.
- 4.5.5 This information must be received before a Construction Certificate can be issued.

4.6 **Fencing**

- 4.6.1 All fencing details and materials are to be as per the approved plans. All fencing is to be provided at full cost to the developer and is to be constructed on top of any masonry retaining walls.
- 4.6.2 With regard to the treatment of any front fences or walls at the ground level which is in the vicinity of the public domain / public footway, appropriate measures are to be in place to deter the potential for graffiti on these front fences or walls, such as landscaping which limits access to these front fences or walls, or a varied finish to these front fences / walls and with an anti-graffiti finish. These details are to be shown on the construction certificate plans to the satisfaction of the Certifying Authority.
- 4.6.3 Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti. All fencing which is visible from the public domain is not permitted to be continuous, closed board, or the like.

4.7 **Access/Parking**

- 4.7.1 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.
- 4.7.2 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

- 4.7.3 All internal roads and other paved areas shall be designed to provide continuous surface

drainage flow paths to approved points of discharge.

- 4.7.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009 and AS1428.1 - 2009.
- 4.7.5 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network.
- 4.7.6 The development is to provide a total of 255 car parking spaces comprising of:
- 214 resident car parking spaces including 21 accessible car parking spaces
 - 41 visitor car parking spaces including 2 accessible car parking spaces.

4.8 **Adaptable Housing Units**

- 4.8.1 A minimum of 10% are to be designed in accordance with the Australian Adaptable Housing Code (AS 4299-1995) which includes “pre-adaptation” design details to ensure visitability is achieved. The following units are nominated to be adaptable as illustrated on plans:

- a) Ground Floor: 1B.G.03, 1B.G.04, 2C.G.05, 2B.G.02, 2B.G.03, 2B.G.07
- b) Level 1: 1B.1.03, 1B.1.04, 1B.1.06, 2C.1.06, 2B.1.02, 2B.1.03
- c) Level 2: 1B.2.03, 1B.2.04, 1B.2.06, 2C.2.07, 2B.2.02, 2B.2.03
- d) Level 3: 1B.3.06, 2C.3.07, 2B.3.02

4.9 **Floor to Ceiling Heights**

- 4.9.1 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.

4.10 **Utilities, Services, Plant and Equipment**

- 4.10.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the streetscape presentation, apartments and communal open space areas with regard to visual, acoustic and odour impacts.
- 4.10.2 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.
- 4.10.3 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.
- 4.10.4 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.

4.11 **Heritage Matters**

- 4.11.1 Compliance with the following requisites for “Lot 2 Development”, as defined in the Voluntary Planning Agreement executed for Clydesdale:

- 4.11.1.1 Should the development approved by this consent be physically commenced prior to physical commencement of works approved for “Lot 3 Development” then the following Voluntary Planning Agreement requirements are to be adhered to:

Completion of the heritage conservation works as described in the Clydesdale Conservation Management Plan’s Schedule of Conservation Works (SCW)1 and revised SCW2 (dated 17 June 2020) to “lock-up”.

4.12 Additional Inspections

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

4.13 Special Infrastructure Contribution

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

More information

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

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

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 Fire Services

- 5.2.1 Where any external on-site fire hydrant or hydrant booster assembly is to be located within any building setback from a boundary, the hydrant or booster assembly shall be located or protected in accordance with the requirements of AS 2419.1.

6 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 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.	Revision	Dated
J. Wyndham Prince	11028822	DA60	B	23/09/2020
		DA61	B	
		DA62	B	
		DA63	B	
		DA64	B	
		DA65	B	
		DA66	B	
		DA67	B	
		DA68	B	
		DA69	B	
		DA70	B	
		DA71	B	
		DA72	B	
		DA73	B	
		DA74	B	

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:

- Water quality treatment infrastructure
- Earthworks

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)
- Drainage connection to the regional trunk drainage infrastructure in the adjoining SP2-zoned land to the immediate west

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

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

6.5 **Other Engineering Requirements**

- 6.5.1 Proof of long service levy payment is required if the estimated cost of engineering works exceeds \$25,000.
- 6.5.2 Any ancillary works undertaken shall be at no cost to Council.
- 6.5.3 Submit written permission from the affected property owner for any works proposed on adjoining land.
- 6.5.4 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.
- 6.5.5 The applicant must ensure that roads and driveways etc are rated suitable for 24 tonne trucks.

6.6 **Drainage**

- 6.6.1 Drainage from the site shall be connected into Council's adjoining regional trunk drainage channel/pipeline. In this regard it is required to connect into the proposed trunk drainage infrastructure via a connection approved by Council's Coordinator of Engineering Approvals. The designs for the trunk drainage infrastructure must be approved for construction prior to issue of a construction certificate for the works approved by this consent.
- 6.6.2 Where the internal driveway cannot be drained to an internal pit a grated trench drain shall be provided at the property boundary.

6.7 **Erosion and Sediment Control**

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

6.8 **Earthworks**

- 6.8.1 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 6.8.2 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.

6.9 **Stormwater Quality Control**

- 6.9.1 Stormwater quality treatment system shall be designed in accordance with Council's Engineering Guide for Development and DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#).
- 6.9.2 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

- 6.9.3 Bio-retention basin(s) to be designed in accordance with Council's Water Sensitive Urban Design standard drawings and Council's Engineering Guide for Development and DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#).

6.10 Vehicular Crossings

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

6.11 Car Parking

- 6.11.1 The basement carpark designs must ensure compliance with clause 2.4.2 c) of AS2890.1, in regard to blind aisles.
- 6.11.2 Swept paths must demonstrate cars can manoeuvre around the carpark as designed, and appropriate signage and line marking must be outlined on design plans to ensure clarity in navigating the carpark due to the poor circulation throughout. Visitor spaces, disability parking and assigned unit spaces must be clearly provided on signage at the entry. Line marking is required at the intersection created by the single entry and exit point at the base of the ramp to coordinate traffic movements.

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

7.1 Environmental Management

- 7.1.1 Recommendations provided in *Preliminary Contamination Assessment with Limited Sampling, prepared by Geotechnique Pty Ltd, reference no. 13552/1-AA, dated 30 May 2016* must be carried out.
- 7.1.2 A qualified acoustic engineer must certify that the buildings have been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

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

- 7.1.3 A certificate must be provided by a qualified acoustic engineer stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:
- does not exceed an *L_{Aeq}* sound pressure level of 5dB (A) above the ambient background noise level when measured
 - at the most effected point on or within any residential property boundary or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
 - cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

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

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

- NSW Environment Protection Authority's "*Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites*" (2011)
- NSW Environment Protection Authority's "*Contaminated Sites Sampling Design Guidelines*" (1995).
- NSW Environment Protection Authority's "*Contaminated Sites: Guidelines for NSW Site Auditor Scheme*" (2006)
- National Environment Protection Council "*National Environment Protection (Assessment of Site Contamination) Measure*" (2013).

A Site Audit Statement is to be obtained from a NSW Environment Protection Authority accredited Site Auditor. The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and that the site is suitable for the proposed use.

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

8 PRIOR TO DEVELOPMENT WORKS COMMENCING

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 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.
- 8.1.5 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.

8.2 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.
- 8.2.2 At least 5 full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$10,000,000.

8.3 Home Building Act

- 8.3.1 The construction of *residential building work* within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

(a) in the case of work for which a principal contractor is required to be appointed:

- (i) the name and licence number of the principal contractor, and
- (ii) the NSW Home Building Compensation Fund "Statement of Cover" under Part 6 of that Act,

(b) in the case of work to be done by an owner-builder:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under Part 3 of the Act, the number of the owner-builder permit.

8.4 Sydney Water Authorisation

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

OR

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

8.5 **Adjoining Owners**

- 8.5.1 Written permission from the respective owner(s) must be obtained to:

- (a) discharge stormwater onto adjoining owner's land.
- (b) carry out works on adjoining land.
- (c) drain the site across land owned by others.

A copy of such written permission shall be lodged with Council.

8.6 **Use of Crane**

- 8.6.1 Any crane used in the construction of this development must have approval under the Roads Act 1993 from Council to swing over public air spaces.
- 8.6.2 The crane used must be provided with a light in accordance with the requirements of the Civil Aviation Authority (CASA) requirement. This may require a separate approval from CASA.

9 **DURING CONSTRUCTION (GENERAL)**

9.1 **NSW Local Police Requirements**

- 9.1.1 That a security guard is on site after hours, including public holidays during construction.
- 9.1.2 During construction stage all tools and building materials must be stored in strong rooms with tamper proof security systems.
- 9.1.3 Lighting should be installed and operated on the grounds during construction

10 **DURING CONSTRUCTION (BUILDING)**

10.1 **Safety/Health/Amenity**

- 10.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 10.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

- (a) the name, address and telephone number of the principal certifying authority for the work, and
 - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- 10.1.3 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.
- 10.2 **Building Code of Australia Compliance**
- 10.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 10.3 **Surveys**
- 10.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.
- 10.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.
- 10.4 **Nuisance Control**
- 10.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 10.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 10.4.3 Construction work on all buildings shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.
- 10.5 **Waste Control**
- 10.5.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.
- 10.6 **Construction Inspections**
- 10.6.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):
 - (a) After excavation for, and prior to placement of, any footings; and
 - (b) Prior to pouring any in-situ reinforced concrete building element; and
 - (c) Prior to the covering of the framework for any floor, wall roof or other building

element, and prior to covering waterproofing in any wet areas; and

(d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and

(e) Prior to covering any stormwater drainage connections; and

(f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

11 DURING CONSTRUCTION (PLANNING)

11.1 Aboriginal Objects

- 11.1.1 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.

11.2 Unexpected Historical Archaeological Relics

- 11.2.1 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.

12 DURING CONSTRUCTION (ENGINEERING)

12.1 Notification of Works

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

12.2 Insurances

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

12.3 Service Authority Approvals

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

12.4 Boundary Levels

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

12.5 Tree Protection and Preservation

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

12.6 Soil Erosion and Sediment Control Measures

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

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

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

Where Council is appointed as the Principal Certifying Authority for the development, 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.

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

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

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

12.9 **Public Safety**

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

12.10 **Site Security**

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

13 **DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)**

13.1 **Environmental Management**

- 13.1.1 Any asbestos material is to be handled and treated in accordance with the WorkCover document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.
- 13.1.2 Any new information during remediation or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to Blacktown City Council.
- 13.1.3 A Construction Environment Management Plan should be in place and must include specific advice on how water treatment and dewatering will be undertaken in accordance with the Blue Book, as well as demonstrating the discharged water complies with ANZECC water quality guidelines.

14 **PRIOR TO OCCUPATION CERTIFICATE**

14.1 **Road Damage**

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

Note: Should the cost of damage repair work not exceed the road maintenance bond Council will automatically call up the bond to recover its costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

14.2 Compliance with Conditions

- 14.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

- 14.2.2 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.

14.2.3 Relationship with other Approvals

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

- a) Development Consent No. **16-03316** dated **10/12/2018** issued by Blacktown City Council for the Precinct 1 Subdivision
- b) Development Consent No. **19-00926** dated **29/10/2020** issued by Blacktown City Council for the Precinct 2 Subdivision
- c) Development Consent No. **16-04366** dated **26/11/2018** issued by Blacktown City Council for the Superlot Subdivision
- d) Development Consent No. **16-04611** dated **15/10/2018** issued by Blacktown City Council for Bulk Earthworks
- e) Relevant requirement of any other development consent, Construction Certificate issued under the Environmental Planning and Assessment Act, 1979, The Local Government Act, 1993 or The Roads Act 1993.

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

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

14.2.4 CCTV Inspection of Stormwater Drainage Structures

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

14.3 Fire Safety Certificate

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

14.4 **Environmental Management**

- 14.4.1 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.

14.5 **Street tree planting**

- 14.5.1 Any tree planting (and maintenance) along the frontage of the development site to improve the amenity of the streetscape must be completed before an Occupation Certificate is issued.

- (a) Trees are to be planted at a minimum spacing of 8 metres, taking into account vehicle sightlines and street light spill.
- (b) Additional trees may be requested following assessment of the subdivision configuration.
- (c) Trees must be of a minimum container size of 45 litres with root directors.
- (d) The applicant must obtain clearances from relevant service authorities.
- (e) The applicant will be required to pay a bond per tree as indicated in the current goods and services pricing schedule to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation), by council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed to request a practical completion inspection and at the end of street tree bond maintenance period for an inspection.
- (f) The applicant will also be required to pay an inspection fee and a landscaping assessment fee as indicated in the current goods and services pricing schedule. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification.

14.6 **Landscaping/Car Parking**

- 14.6.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 14.6.2 Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
- 14.6.3 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.
- 14.6.4 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.

14.6.5 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.

14.6.6 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.

14.7 **Fee Payment**

14.7.1 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.

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

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

14.9 **Adaptable Housing Units**

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

14.10 **Graffiti Management Plan**

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

(a) Methods to minimise the potential for graffiti;

(b) Management/notification procedures for the “early” removal of graffiti no later than 48 hours after detection. Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s;

(c) Annual review of any “management agreement” for the removal of graffiti to ensure the property is maintained at its optimum level; and

(d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

14.11 **Total Maintenance Plan**

14.11.1 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,

children's play equipment, 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.

(c) The development is managed by a Site / Strata / Building Manager.

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

14.12 Acoustic Verification

14.12.1 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.

14.13 Other Matters

14.13.1 All landscaping, recreation features and furniture, bbq facilities, children's play equipment 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.

14.13.2 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

14.13.3 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.

14.13.4 Vandal proof and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.

14.13.5 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.

14.13.6 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.

14.13.7 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.

14.13.8 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.

14.13.9 Head room clearance at the basement ramp must comply with requirements of AS2890.1 (Section 5.3) for a Disabled Vehicle, and meet AS2890.1 – Appendix C for

the disabled parking space and access to the lift.

- 14.13.10 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 14.13.11 The basement ceiling is to be light in colour to enhance lighting illumination.
- 14.13.12 A roller shutter and card-key system, or similar, is to be installed at the entry/exit points of the basement car park.
- 14.13.13 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.
- 14.13.14 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.

14.14 **Services / Utilities**

- 14.14.1 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

14.15 **Service Authorities**

- 14.15.1 A final written clearance shall be obtained from Sydney Water Corporation, Integral Energy 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.

14.16 **Temporary Facilities Removal**

- 14.16.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 14.16.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 14.16.3 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.
- 14.16.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 14.16.5 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.

14.17 NSW Local Police Requirements

14.17.1 Surveillance

14.17.1.1 Appropriate CCTV footage is to be installed in the car park as a crime prevention strategy.

14.17.2 Carpark

14.17.2.1 CCTV is to be installed throughout the underground car park and be to the standard recommended below.

14.17.2.2 That the lighting is to be a white light or similar that best reflects surfaces and supports CCTV recordings.

14.17.2.3 The walls and ceilings are to be painted white or of a reflective colour.

14.17.2.4 The residential car parks facility area is to be restricted to non-residents by way of security gates.

14.17.3 Access Control

14.17.3.1 Access to residential areas are to be controlled using electronic systems to prevent and restrict un-authorised access.

14.17.3.2 Doors are to be fitted with a peep hole with Australian Standard security screen doors on all residential units.

14.17.3.3 Intercom access is to be the primary means of access for visitors with clearly marked visitor carparking, to provide an alternative to vehicles being parked on the street, being a potential traffic hazard.

14.17.3.4 Balconies are to be designed to prevent hand and foot hold's, preventing climbing from the outside.

14.17.3.5 Fire exit doors must be self-closing with regular inspections and maintained in working order, free of any obstructions that potentially prevent or hinder evacuation.

14.17.4 Territorial Re-enforcement

14.17.4.1 Access to residential areas is to be controlled using electronic systems to prevent and restrict un-authorised access.

14.18 Engineering Matters

14.18.1 Surveys/Certificates/Works As Executed plans

14.18.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A colour soft copy (on a CD/USB with file format .PDF) of the WAE plans

are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

14.18.1.2 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

14.18.1.3 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

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

14.18.2 **Easements/Restrictions/Positive Covenants**

14.18.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:

(a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).

(b) The standard format for easements and restrictions as accepted by the Land Registry Services (LRS).

14.18.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control devices/system and outlet works.

14.18.2.3 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

15 **OPERATIONAL (PLANNING)**

15.1 **Access/Parking**

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

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

15.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 - 2009 and 2890.1– 2009.

15.1.4 Sight distance is to be maintained at the basement car parking entrance off Alice Street to satisfy AS 2890.1 Section 3.2.4 in terms of both Pedestrian and Vehicular sight distances along Alice Street.

15.2 **Specific Uses**

- 15.2.1 The approved development shall comply with the requirements of the following definitions contained within State Environmental Planning Policy (Sydney Region Growth Centres) 2006:

‘residential flat building’ means ‘a building containing 3 or more dwellings, but does not include an attached dwelling, a manor home or multi dwelling housing.’

15.3 **Storage**

- 15.3.1 No goods, materials, or trade waste shall be stored, displayed for sale or manufactured at any time outside the building on either the internal roadway, car parking areas, landscaping or footpaths, other than in approved garbage receptacles.

15.4 **General**

- 15.4.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
- 15.4.2 No goods or materials shall be stored, displayed for sale or manufactured at any time outside the building.
- 15.4.3 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 15.4.4 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.
- 15.4.5 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 15.4.6 No goods, materials or trade wastes are to be stored at any time outside the building on either the internal vehicular driveway, car parking area, landscaping or footpath, other than in approved garbage receptacles.
- 15.4.7 No nuisance or interference with the amenity of the area shall be created by reason of any process or operation on the land causing the emission of noise, dust, smoke or any polluted discharge whatsoever. Note: The Protection of the Environment Operations Act 1997 requires Council to investigate complaints where only one person complains.

15.5 **Landscaping**

- 15.5.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 15.5.2 Regular maintenance and up-keep of the site must be undertaken to the site to ensure that sightlines are kept free from obstructions.
- 15.5.3 The management of vegetation, gardens, planter boxes, communal areas, fences, decking, BBQ area, children’s play equipment, lighting and other similar areas is to be incorporated within the future strata management plan once the development is occupied.

15.6 **Use of Premises**

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

15.6.2 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.

15.6.3 The hours of operation and noise levels from the communal outdoor areas are to be appropriately managed to ensure that the occupiers of the buildings are not adversely affected by noise, in particular not prior to 8am and not after 10pm daily.

15.7 **Emergency Procedures**

15.7.1 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.

15.8 **Waste matters**

15.8.1 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.

15.8.2 The applicant must demonstrate that the onsite communal bulky waste storage and collection point is properly:

- o sign posted stating its specific use as a bulky items collection point
- o sign posted 'no parking' at any time line marked and painted as a special collection bay for bulky items

15.8.3 An Owner or any Community Management Agreement/Strata Management Agreement is required and to Council's satisfaction which:

- o 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.
- o 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.
- o indicates the method of communication to new tenants and residents regarding the waste management service and collection system for the complex.
- o clearly outlines the requirement for the building manager to maintain and display consistent signs on all bins and in all communal bin storage areas.
- o clearly outlines the requirement for the building manager to arrange for the prompt removal of dumped rubbish from the site
- o includes the updated (and approved) waste management plan as lodged with the development application on 24/05/2020.

15.9 **Lighting and Security**

- 15.9.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 15.9.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 15.9.3 The maintenance of all external lighting is to be managed by way of an annual service agreement to ensure the security of the building and persons within are not compromised from dark or uncontrolled public areas.

15.10 **Graffiti Removal**

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

15.11 **Total Maintenance Plan**

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

15.12 **Heritage Matters**

- 15.12.1 The submission to, and approval of, Heritage NSW of the Schedule of Conservation Works (SCW) 3 for the adaptive re-use project for the Heritage Item (Clydesdale House, Cottage and Farm Landscape).
- 15.12.2 The submission to, and approval from, Heritage NSW of a detailed design and costing of an adaptive re-use project for the Heritage Item (Clydesdale House, Cottage and Farm Landscape).
- 15.12.3 The Voluntary Planning Agreement (CYA002/4) between Council and the Developer Parties is to be registered and on title before the release of the Subdivision Certificate for this development.
- 15.12.4 Compliance with the following requisites for "Lot 2 Development", as defined in the Voluntary Planning Agreement executed for Clydesdale:
 - 15.12.4.1 Should the development approved by this consent be physically commenced after physical commencement of works approved for "Lot 3 Development" then the following Voluntary Planning Agreement requirements are to be adhered to prior to release of the Occupation Certificate:

Submission of detailed design and costing of an adaptive reuse project for the Heritage Item (Clydesdale House, Cottage and Farm Landscape) in accordance with the Heritage Conservation Management Plan and the Schedule of Conservation Works 3, including approval from Heritage NSW and costing by a quality surveyor.

16 **OPERATIONAL**

16.1 **Environmental Management**

- 16.1.1 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.

16.1.2 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.

16.1.3 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.

16.2 **Waste Matters**

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

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

16.2.3 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 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.
- 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.

16.3 **NSW Local Police Requirements**

16.3.1 **Surveillance**

16.3.1.1 Any footage recorded must have the correct time and date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.

16.3.1.2 A copy of footage required by police be reproduced on a USB memory stick.

16.3.1.3 Those Recordings be retained for a period of 30 days before being reused or destroyed.

16.3.1.4 Immediate access to the CCTV system and the ability to review recordings is granted to NSW Police Officers.

16.3.1.5 Any footage is reproduced upon request by any member of the New South Wales Police force within a reasonable time, a reasonable time being within 12 hours after being requested.

16.3.2 **Landscaping**

16.3.2.1 Vegetation must be kept and maintained at a suitable level to give clear sight lines and prevent concealment points. Vegetation maintenance is regularly undertaken to prevent overgrowth or diminished sightlines.

16.3.3 **Space Activity Management**

16.3.3.1 The Owner is to prepare an Operational Plan of Management to ensure lighting is repaired as soon as possible after any lighting failure or damage.