

Annexure B

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: SPP-20-00001

Development: Cudgegong Town Centre: Stage 2 development of Concept DA SPP-17-00039 including:

- i. Stage 3 construction of 2 shop top housing buildings 3A & 3B over proposed lot 3 comprising 9 storeys, 3 levels of basement car parking, 23 retail speciality shops and 225 apartments above.
- ii. Stage 4 construction of 2 shop top housing buildings 4A & 4B over proposed lot 4 comprising of 3 levels of basement car parking, 16 retail speciality shops and 231 apartments above.
- iii. Fit-out of the Supermarket within Buildings 3A/3B.
- iv. Associated signage
- v. Landscaping of public and private domain works including the construction of part of the 2 public squares.
- vi. Construction of public roads and associated civil works
- vii. Removal of trees throughout the site

Site: Lot 72 and 73 DP 208203, 43-53 Cudgegong Road, ROUSE HILL

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

Date of determination: 8 October 2021

Date from which consent takes effect: Date the consent is registered on the NSW Planning Portal.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.

- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lot 72 and 73 DP 208203, 43-53 Cudgegong Road, ROUSE HILL

The conditions of consent are as follows:

DEFERRED COMMENCEMENT CONDITIONS

0.1 Easements for inter-allotment stormwater drainage infrastructure and the associated overland flow path(s) has been created and registered for all proposed stormwater infrastructure proposed over Lot 299 in DP 1213279 and as detailed within Engineering Plan prepared by Henry and Hymas plan drawing No 15A06_D1_C103, 15A06_D1_C104, revision 05 and dated 12/07/2021 as well as drawing No. 15A06_D1_C109, revision 01 and dated 02/06/2021. The creation is pursuant to Section 88B of the Conveyancing Act, 1919 and registration with Land Registry Services (LRS). The easement width(s) shall be in accordance with Councils Engineering guide for Development. This includes but is not limited to;

- I. Provide a 1.5 m wide drainage easement with a Restriction to User over Lot 299 DP 1213279 from pit L-1 of the eastern village square to a pit in Implexa Parade in accordance with the requirements of the Council's Engineering Guide for Development 2005. The easement is to be in favour of Lot 72 DP 1262649 (43 Cudgegong Rd). The Restriction to User and drainage easement must be registered with Land Registry Services NSW.
- II. Provide a 1.5 m wide drainage easement with a Restriction to User over Lot 299 DP 1213279 from low point of the western village square to a pit in Implexa Parade in accordance with the requirements of the Council's Engineering Guide for Development 2005. The easement is to be in favour of Lot 72 DP1262649 (43 Cudgegong Rd). The Restriction to User and drainage easement must be registered with Land Registry Services NSW.
- III. Provide a 2.5 m wide drainage easement in gross with a Restriction to User over Lot 299 DP 1213279 over the drainage line from pit A-1 to pit A-1a in accordance with the requirements of the Council's Engineering Guide for Development 2005. The Restriction to User and drainage easement must be registered with Land Registry Services NSW.
- IV. Provide a 5 m wide drainage easement in gross with a Restriction to User over Lot 299 DP 1213279 over the overland flow path from the cul-de-sac in Main Street to Impexa Parade as detailed on drawing 15A06_D1_C109(01) in accordance with the requirements of the Council's Engineering Guide for Development 2005. The Restriction to User and drainage easement must be registered with Land Registry Services NSW.

0.2 An approval under the Local Government Act 1993 is granted by Council for construction of the above inter-allotment stormwater drainage infrastructure and the associated overland flow path(s) required to drain the development. Note this is only

for approval, the construction of the works must be completed prior to the issue of any future subdivision works certificate under this consent.

0.3 A Registered Surveyor must provide evidence to confirm that all proposed pipes, associated structures and channels (shown on the approved plan for construction for works detailed above) are designed to be located wholly within any easement created for the purpose mentioned above.

0.4 All of the requirements listed in the above condition must be completed within 36 months of the date of this "Deferred Commencement" consent. Should these matters not be completed to Council's satisfaction within this time period, this "Deferred Commencement" consent will lapse.

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 fit out and use of the supermarket on lot 3 is approved as part of this consent. Separate approval is required for the fit out of the Supermarket on lot 4 and of the Retail speciality shops indicated in the approved plans.

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

1.2.3 Separate approval is required prior to the fit out of each of the retail units on the ground floor. The applicant is advised to contact Council's Development Services Unit in this regard.

1.2.4 The applicant is advised that Council will not release the Subdivision Certificate for the approved development until such time as the development has been completed in accordance with all of the conditions of consent for the subdivision engineering works to Council's satisfaction.

1.3 Other Approvals

1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of

any construction works. Any Construction Certificate is to demonstrate compliance with the Building Code of Australia.

1.3.2 A separate valid Subdivision Works Certificate/Construction Certificate shall be issued prior to commencement of any engineering construction works.

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

- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 m from the building perimeter, and
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not shown on the approved plans or not being exempt development, and
- (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
- (d) the installation of vehicular footway crossings servicing the development, and
- (e) 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.

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

1.3.5 This consent does not approve any form of paid car parking arrangements except for in the retail carpark.

1.4 **Services**

1.4.1 The applicant is advised to consult with:

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

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

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

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

approved use.

- 1.4.2 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.
- 1.4.3 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 1800 810 443.
- 1.4.4 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- 1.5 **Tree Planting and Service Locations (after all other services)**
- 1.5.1 Street tree planting must not impact on public utilities. The applicant should liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.
- Street tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.
- 1.6 **Identification Survey**
- 1.6.1 The applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.
- 1.6.2 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 **Engineering Notes**
- 1.7.1 All works requiring approval under the *Roads Act 1993* (except standard vehicular crossings) or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate or Subdivision Works Certificate.
- 1.8 **Payment of Engineering Fees**
- 1.8.1 If the applicant wishes for Council to issue the Construction Certificate or

Subdivision Works Certificate as nominated in the 'Prior to Construction Certificate/Subdivision Works Certificate please:

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

A quote will be provided verbally generally followed by confirmation in writing.

1.9 **Other Matters.**

- 1.9.1 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 for the subdivision works and for the lot construction works.
- 1.9.2 The signage is to be located within the boundary of the subject site. No part of the signage is to overhang the property boundary.
- 1.9.3 The approved signage must not contain any flashing, animated or bright neon elements.
- 1.9.4 Approval is granted for business identification signage only. At no time are the signs to be used for general advertising. Should changes to the signage size, height dimensions at colours be proposed, then a separate approval must be obtained.
- 1.9.5 A separate valid Subdivision Works Certificate/Construction Certificate shall be issued prior to commencement of any construction works.
- 1.9.6 This plan of subdivision is not to be released until Public Road access is provided.
- 1.10 **Mailbox location**
- 1.10.1 As recommended by NSW Police, the Applicant must liaise with Australia Post in relation to the mailbox requirements. With mailbox facilities being installed within the foyer of the building or along the facade wall of the foyer front wall of building or along a gated pathway, arrangements must be made to purchase a key safe to facilitate access by Australia Post.

Australia Post (Nepean Delivery Facility - covers Rouse Hill) - (02) 4729 8600

1.11 **Road Damage**

- 1.11.1 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.

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:

Architectural Drawing No.	Drawing Name	Prepare By	Dated	Issue

DA-MP-000	Cover Sheet	Zhinar Architects	13 July 2021	G
DA-MP-001	Drawing List	Zhinar Architects	13 July 2021	G
DA-MP-002	Location Plan	Zhinar Architects	13 July 2021	G
DA-MP-003	Area 20 Precinct Plan	Zhinar Architects	13 July 2021	G
DA-MP-004	Site Analysis	Zhinar Architects	13 July 2021	G
DA-MP-005	Development Summary	Zhinar Architects	13 July 2021	G
DA-MP-006	Masterplan	Zhinar Architects	14 July 2021	G
DA-MP-007	Demolition Plan	Zhinar Architects	13 July 2021	G
DA-MP-008	Master Plan Elevation	Zhinar Architects	13 July 2021	G
DA-MP-009	Master Plan Sections	Zhinar Architects	13 July 2021	G
DA-MP-010	Construction Phasing Diagram	Zhinar Architects	13 July 2021	G
DA-MP-011	Shadow Diagram – 21 June	Zhinar Architects	13 July 2021	G
DA-MP-012	Shadow Diagram – 21 June	Zhinar Architects	13 July 2021	G
DA-MP-013	Height Limit	Zhinar Architects	13 July 2021	G
DA-MP-014	Height Limit 2	Zhinar Architects	13 July 2021	G
DA-MP-015	3D Views	Zhinar Architects	13 July 2021	G
DA-MP-016	3D Views	Zhinar Architects	13 July 2021	G
DA-MP-017	Photomontage 1	Zhinar Architects	13 July 2021	G
DA-MP-018	Photomontage 2	Zhinar Architects	13 July 2021	G
DA-MP-019	Photomontage 3	Zhinar Architects	13 July 2021	G
DA-MP-020	Photomontage 4	Zhinar Architects	13 July 2021	G
DA-MP-021	Photomontage 5	Zhinar Architects	13 July 2021	G
DA-MP-022	Photomontage 6	Zhinar Architects	13 July 2021	G
DA-MP-023	Photomontage 7	Zhinar Architects	13 July 2021	G
DA-MP-024	Solar Access – Village Square	Zhinar Architects	13 July 2021	G
DA-MP-025	Solar Access – Village Square	Zhinar Architects	13 July 2021	G
DA-MP-026	Main Street Temporary Cul-De-Sac	Zhinar Architects	13 July 2021	G
DA-MP-027	Proposed Splay Boundary to Stage 4	Zhinar Architects	13 July 2021	G
Job No. 8656	Unit Mix and Amenity Analysis-Summary Stage 3	Zhinar Architects P/L		
DA-3-101	Basement 3	Zhinar Architects	13/07/21	G

		P/L		
DA-3-102	Basement 2	Zhinar Architects P/L	13/07/21	G
DA-3-103	Basement 1	Zhinar Architects P/L	13/07/21	G
DA-3-104	Lower Ground	Zhinar Architects P/L	13/07/21	G
DA-3-105	Ground	Zhinar Architects P/L	13/07/21	G
DA-3-106	Upper Ground/Podium	Zhinar Architects P/L	13/07/21	G
DA-3-107	Level 1	Zhinar Architects P/L	13/07/21	G
DA-3-108	Level 2	Zhinar Architects P/L	13/07/21	G
DA-3-109	Level 3	Zhinar Architects P/L	13/07/21	G
DA-3-110	Level 4	Zhinar Architects P/L	13/07/21	G
DA-3-111	Level 5	Zhinar Architects P/L	13/07/21	G
DA-3-112	Level 6	Zhinar Architects P/L	13/07/21	G
DA-3-113	Roof	Zhinar Architects P/L	13/07/21	G
DA-3-114	Podium Private Open Space	Zhinar Architects P/L	13/07/21	G
DA-3-201	Section A & B	Zhinar Architects P/L	13/07/21	G
DA-3-202	Section C & D	Zhinar Architects P/L	13/07/21	G
DA-3-203	Section E, F & Driveway	Zhinar Architects P/L	13/07/21	G
DA-3-204	Section Detail	Zhinar Architects P/L	13/07/21	G
DA-3-205	Section Detail	Zhinar Architects P/L	13/07/21	G
DA-3-301	North & West Elevation	Zhinar Architects P/L	13/07/21	G
DA-3-302	East & South Elevation	Zhinar Architects	13/07/21	G

		P/L		
DA-3-303	Internal Elevation	Zhinar Architects P/L	13/07/21	G
DA-3-304	Internal Elevation	Zhinar Architects P/L	13/07/21	G
DA-3-400	Height Limit Study	Zhinar Architects P/L	13/07/21	G
DA-3-501	Perspective	Zhinar Architects P/L	13/07/21	G
DA-3-502	Perspective	Zhinar Architects P/L	13/07/21	G
DA-3-503	Perspective	Zhinar Architects P/L	13/07/21	G
DA-3-504	Perspective	Zhinar Architects P/L	13/07/21	G
DA-3-505	Perspective	Zhinar Architects P/L	13/07/21	G
DA-3-506	Material Schedule	Zhinar Architects P/L	13/07/21	G
DA-3-507	Retail Concept	Zhinar Architects P/L	13/07/21	G
DA-3-508	Residential Concept	Zhinar Architects P/L	13/07/21	G
DA-3-601	FSR Calculations	Zhinar Architects P/L	13/07/21	G
DA-3-602	FSR Calculations	Zhinar Architects P/L	13/07/21	G
DA-3-603	Solar & Cross Ventilation	Zhinar Architects P/L	13/07/21	G
DA-3-604	Solar & Cross Ventilation	Zhinar Architects P/L	13/07/21	G
DA-3-605	COS Solar Access	Zhinar Architects P/L	13/07/21	G
DA-3-606	COS Solar Access	Zhinar Architects P/L	13/07/21	G
DA-3-701	Silver & Adaptable Layout	Zhinar Architects P/L	13/07/21	G
DA-3-702	Storage Calculation	Zhinar Architects P/L	13/07/21	G
DA-3-801	Interior View Concept	Zhinar Architects	13/07/21	G

		P/L		
Job No. 8656	Unit Mix and Amenity Analysis Summary Stage 4	Zhinar Architects P/L		
DA-4-101	Basement 3	Zhinar Architects P/L	13/07/21	G
DA-4-102	Basement 2	Zhinar Architects P/L	13/07/21	G
DA-4-103	Basement 1	Zhinar Architects P/L	13/07/21	G
DA-4-104	Ground	Zhinar Architects P/L	13/07/21	G
DA-4-105	Upper Ground	Zhinar Architects P/L	13/07/21	G
DA-4-106	Level 1/Podium	Zhinar Architects P/L	13/07/21	G
DA-4-107	Level 2	Zhinar Architects P/L	13/07/21	G
DA-4-108	Level 3	Zhinar Architects P/L	13/07/21	G
DA-4-109	Level 4	Zhinar Architects P/L	13/07/21	G
DA-4-110	Level 5	Zhinar Architects P/L	13/07/21	G
DA-4-111	Level 6	Zhinar Architects P/L	13/07/21	G
DA-4-112	Level 7	Zhinar Architects P/L	13/07/21	G
DA-4-113	Roof Plan	Zhinar Architects P/L	13/07/21	G
DA-4-114	Podium Private Open Space	Zhinar Architects P/L	13/07/21	G
DA-4-201	Section A & B	Zhinar Architects P/L	13/07/21	G
DA-4-202	Section C & D	Zhinar Architects P/L	13/07/21	G
DA-4-203	Section E, F & Driveway Section	Zhinar Architects P/L	13/07/21	G
DA-4-301	North & Main St East Elevations	Zhinar Architects P/L	13/07/21	G

DA-4-302	South & West Elevation	Zhinar Architects P/L	13/07/21	G
DA-4-303	Internal Elevations	Zhinar Architects P/L	13/07/21	G
DA-4-304	Internal Elevations	Zhinar Architects P/L	13/07/21	G
DA-4-401	Height Limit Study	Zhinar Architects P/L	13/07/21	G
DA-4-501	3D View	Zhinar Architects P/L	13/07/21	G
DA-4-502	3D View	Zhinar Architects P/L	13/07/21	G
DA-4-503	3D View	Zhinar Architects P/L	13/07/21	G
DA-4-504	3D View	Zhinar Architects P/L	13/07/21	G
DA-4-505	Perspectives	Zhinar Architects P/L	13/07/21	G
DA-4-506	Perspectives	Zhinar Architects P/L	13/07/21	G
DA-4-507	Material Schedule	Zhinar Architects P/L	13/07/21	G
DA-4-508	Retail Concept	Zhinar Architects P/L	13/07/21	G
DA-4-509	Residential Concept	Zhinar Architects P/L	13/07/21	G
DA-4-601	FSR Calculation	Zhinar Architects P/L	13/07/21	G
DA-4-602	FSR Calculation	Zhinar Architects P/L	13/07/21	G
DA-4-603	Cross Ventilation & Solar Access	Zhinar Architects P/L	13/07/21	G
DA-4-604	Cross Ventilation & Solar Access	Zhinar Architects P/L	13/07/21	G
DA-4-605	COS -Solar Access	Zhinar Architects P/L	13/07/21	G
DA-4-606	COS -Solar Access	Zhinar Architects P/L	13/07/21	G
DA-4-701	Adaptable and Silver Units	Zhinar Architects P/L	13/07/21	G

DA-4-702	Storage Calculation	Zhinar Architects P/L	13/07/21	G
DA-4-801	Interior View Concept	Zhinar Architects P/L	13/07/21	G
Landscape Plans Drawing No.	Drawing Name	Prepare By	Dated	Issue
SS17-3480	Landscape Concept Report	Site Image, Landscape Architects	13/07/21	K
Job No SS19- 4241- 000	Cover Sheet	Site Image	13/07/21	L
C100	Overall Colour Landscape Plan	Site Image	13/07/21	M (L)
C101	Colour Landscape Plan- Stage 3	Site Image	13/07/21	M
C102	Colour Landscape Plan- Stage 4	Site Image	13/07/21	M
100 a	Overall Landscape Plan (Main Street Turning Head)	Site Image	13/07/21	M
100 b	Overall Landscape Plan	Site Image	13/07/21	M
100.1 a	Landscape Plan- Public Domain (Main Street Turning Head)	Site Image	13/07/21	M
100.1 b	Overall Landscape Plan- Public Domain	Site Image	13/07/21	M
100.2 a	Landscape Plan- Public Domain (Main Street Turning Head)	Site Image	13/07/21	K
100.2 b	Landscape Plan- Public Domain	Site Image	13/07/21	K
100.3	Podium Fencing Plan	Site Image	13/07/21	M
101.1	Landscape Plan- Stage 3 Upper Ground Podium	Site Image	13/07/21	M
101.2	Landscape Plan- Stage 3 Ground Floor	Site Image	13/07/21	M
101.3	Landscape Plan- Stage 3 Ground Floor	Site Image	13/07/21	K
101.4	Landscape Plan – Stage 3 – level 6 Terraces	Site Image	13/07/21	K
102.1	Landscape Plan- Stage 4	Site Image	13/07/21	M

	Level 1, Podium			
102.2	Landscape Plan- Stage 4 Level 2,3,4 Balconies	Site Image	13/07/21	K
102.3	Landscape Plan- Stage 4 Level 5, 6 Balconies	Site Image	13/07/21	K
102.4	Landscape Plan- Stage 4 Level 7	Site Image	13/07/21	K
500	Landscape Specification Notes and Planting Schedule	Site Image	13/07/21	K
501	Landscape Specification Notes	Site Image	13/07/21	K
502	Landscape Details	Site Image	13/07/21	K

2.1.2 This consent grants approval for the following, subject to full compliance with all other conditions of this consent:

Stage 3

- (a) 65 x 1 bedroom apartments;
- (b) 134 x 2 bedroom apartments;
- (c) 26 x 3 bedroom apartments;
- (d) A supermarket consisting of a maximum GFA of 3820.8sqm as per the approved plans; and
- (e) Retail speciality shops with a maximum GFA of 2140.7sqm as per the approved plans.

Stage 4

- (a) 43 x 1 bedroom apartments;
- (b) 160 x 2 bedroom apartments;
- (c) 28 x 3 bedroom apartments;
- (d) One supermarket consisting of a maximum GFA of 3587.2sqm as per the approved plans, the total area is made up of Ground and Mezzanine Levels; and
- (e) Retail speciality shops with a maximum GFA of 2097sqm as per the approved plans.

Any change in apartments mix of GFA for the commercial component will require the separate approval of Council.

2.1.3 Separate construction certificates are permitted to be issued to enable this development to be constructed in stages, subject to the satisfaction of relevant conditions. Prior to the issue of any Occupation Certificate, all works associated with the ground level and basement levels and the public domain improvements are to be completed. Prior to the issue of any Occupation Certificate for the residential component of the development, the podium level communal open space areas are to be completed. Prior to the issue of any Occupation Certificate,

the applicant must demonstrate that the safety of occupants and the general public is protected while construction works are undertaken. This is to provide assurance that the development will be constructed in an orderly manner for the benefit of future occupants and the surrounding locality.

- 2.1.4 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.

2.2 Services

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

2.3 Drainage Section Requirements

- 2.3.1 The development within lot 3 (stage 3) and lot 4 (stage 4) must at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Blacktown City Council Growth Centre Precincts Development Control Plan for each stage:

- 2.3.2 *Required percentage reductions in post development average annual load of pollutants*

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

- 2.3.3 The registered proprietor/lessee/owners' corporation is to provide to Council's WSUD Compliance Officer a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or 3certificates to Council's WSUD Compliance Officer.

- 2.3.4 Each year the registered proprietor/lessee/owners' 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. Note that for lot 3 the nominal reuse rate is 56% and for lot 4 the nominal reuse rate is 68%.

2.4 Engineering Matters

2.4.1 Design and Works Specification

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)

- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council On Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M
- (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 Subdivision Works Certificate / 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.

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

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

These matters will be individually addressed within the consent

Note: A bond release inspection fee will apply.

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

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

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

2.5 **Other Necessary Approvals**

- 2.5.1 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). Including road, drainage and associated works along Cudgegong Road.
- Stormwater drainage works on adjoining property including Lot 299 in DP 1213279.

2.6 Subdivision

- 2.6.1 Principal Certifying Authority – Blacktown City Council shall be the Principal Certifying Authority for the proposed subdivision and issue of the Subdivision Certificate.

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2.7 Imported Fill Material

- 2.7.1 The only fill material that may be received at the development site is virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*).

2.8 Other Matters

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

2.9 Sydney Metro Conditions

2.9.1 Inspections

- 2.9.1.1 At any time during the construction of the development, Sydney Metro and persons authorised by those entities on prior reasonable notice to the Applicant or the Applicant's principal contractor, that Sydney Metro or persons authorised by that entity seek to:

(a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and

(b) attend on-site meetings with the Applicant and its contractors, to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.

2.9.2 Other

- 2.9.2.1 Any conditions or other requirements imposed by Sydney Metro part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction

and operation of the development (as applicable).

- 2.9.2.2 Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro

2.10 Part Reserves 1073 and 1074 - Town Plazas

- 2.10.1 Reserves 1073 and 1074 are listed in Section 7.11 Contributions Plan No.22 – Rouse Hill . The applicant must indicate the site boundary and land areas that form part of the proposed part Reserves 1073 and 1074 to be acquired by Council as B2-Local Centre zoned land.
- 2.10.2 The applicant is to demonstrate that the proposed part Reserves 1073 and 1074, which will form part of the 2 temporary town plaza areas are not less than the areas listed on the relevant Land Reservation Acquisition Map.
- 2.10.3 The applicant is to deliver proposed temporary part Reserve 1073 and 1074 embellishment works at its own cost. The applicant acknowledges that it is not entitled to any Section 7.11 compensation for land or works towards the embellishment of the proposed temporary works in part Reserve 1073 and 1074.
- 2.10.4 The applicant will be responsible for the care, control and management of the proposed temporary part Reserves 1073 and 1074 and erect signs to inform the public that these two areas are privately owned and managed with 24/7 public access.
- 2.10.5 Council may require that at the time of its acquisition of part Reserves 1073 and 1074, all temporary embellishment components be removed at the applicant's cost (except for any embellishments required to maintain adequate and safe access to and from the development from the part Reserves 1073 and 1074, including retail tenancies and fire escapes), and the land secured to Council's satisfaction and in a way that maintains access to the development from the part Reserves 1073 and 1074, including retail tenancies and fire escapes.
- 2.10.6 Part Reserves 1073 and 1074 will be acquired, free of any contaminants, by Council in accordance with the *Land Acquisition (Just Terms) Act 1991* (NSW) when funds are available and valued as unimproved land.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

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

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 **Street Tree Planting and CBD Pavement Treatment**

- 3.3.1 Prior to the issue of a Construction Certificate relating to the approved development, full detail plans in relation to the proposed street tree planting and landscaping consistent with Council's adopted Street Tree Guidelines shall be submitted to and approved by Council's Manager Civil and Park Maintenance. The Street Tree Plan shall observe the species palette identified by Council's Street Tree Guidelines for Street Trees in the CBD and will to include the following:

- cross-sections showing dimensions of tree pits
- minimum of 100 litre containers or a species to be nominated by Council
- details of root protection barriers
- soil specifications
- location of tree pits in relation to any awning within the street setback, services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

These shall be submitted to Council for the approval of Council's Manager Civil and Park Maintenance. 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.

- 3.3.2 Prior to the issue of a Construction Certificate relating to the approved development, full detail plans in relation to the pavement treatment along all pavements shall be submitted to and approved by Council's Manager Civil Maintenance. This shall be at the full cost of the Applicant.

3.4 **Waste Matters**

- 3.4.1 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>
- 3.4.2 The applicant must ensure that roads and driveways etc are rated suitable for 24 tonne trucks.
- 3.4.3 The applicant must ensure the approved bin collection points for all bins for the

whole site are shown on the stamp approved plans to Council's satisfaction with each bin indicated.

3.4.4 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 in all manoeuvring areas to Council's satisfaction).

3.4.5 The applicant must demonstrate to Council's satisfaction, that the proposed construction plans (with particular respect to the services and piping infrastructure secured to the loading dock ceilings), do not encroach the required 4.5m headroom allowance for truck access as per Australian Standards 2890.2. This 4.5m headroom allowance must be achievable clear of all eaves, overhangs, balconies, services (including sprinklers, pipes etc), and at the roller door entry point. Failure to comply may impact the ability for waste collection vehicles to safely access the development to service its waste and recycling bins.

3.5 Awnings

3.5.1 Details of the proposed awnings over Council's road reserve, including colour samples of the materials / finishes from brochures or the like are to be submitted for the separate approval of Council's Maintenance Engineers. The height and width of the proposed footpath awning is to comply with the following requirements:

- (a) The general provisions applicable to awnings under the Local Approvals Policy 2015 Parts A, E, E1 and E2.
- (b) It must not cover, obstruct or interfere with facilities essential to the function or occupation of any building (e.g. ventilation ducts/openings and architectural features).
- (c) Must have a minimum horizontal distance of 600 mm from the road kerb/shoulder.
- (d) Must have a minimum height of 3.2 m to the underside of the awning (i.e. measured above the adjacent finished/proposed footway level).
- (e) Must have a maximum height of 5 m to the upper side of the awning (excluding the overhead support components).

3.5.2 Under awning lighting is to be provided to enhance pedestrian amenity and safety.

3.5.3 Certification is to be provided by a NPER engineer as to the structural integrity of the awning and compliance with the BCA and other relevant standards.

3.6 Compliance with **BASIX Certificate**

3.6.1 The Applicant must submit to the Certifying Authority BASIX Certificate No 1090616M_03 dated 3 September 2021 and BASIX Certificate No 1090989M_03 dated 3 September 2021 or as amended with any application for a Construction Certificate. The development is to comply with the commitments of BASIX Certificate 1090616M_03 dated 3 September 2021 and BASIX Certificate No 1090989M_03 dated 3 September 2021, or with the commitments of any new certificate as amended to comply with any conditions requiring amendments to the design of the proposal.

3.7 **NSW Police - Requirements**

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

1 Australia Post utilises any one of the following lock systems:

- (a) *Cyber Lock Box - Australia Post employee holds Cyber Key to access Cyber Lock box which holds swipe card/FOB key that Australia Post employee uses to gain access into foyer/through front entry security gate.
- (b) *Cyber Lock Cylinder - Tube design goes into a wall so cannot be jimmied out and opened and contains swipe card/FOB key that Australia Post employee uses to gain access into foyer/through front entry security gate. Postal worker holds Cyber key to access the cylinder.
- (c) *Keypad Code - Australia Post to be provided with code for entry through front security gate.

Australia Post employees **can and will** use wide private pathways within the site, if safe to do so, to deliver the mail to unit foyers. Australia Post asks that the developer please contact them at the Nepean Delivery Facility to discuss all new letterbox placements to ensure their requirements are met.

2 Surveillance/ CCTV

Numerous CCTV systems are to be installed throughout the basement car park at all levels and at the access points.

Due to such a large development, CCTV cameras must be installed around the perimeter of all residential and commercial buildings, stairways, lifts, foyers, entry/exit points driveways, loading bays, the waste room, mailbox facilities and all common areas.

- (a) CCTV should also cover any public spaces (including Village Square) common areas, retail lifts, residential and retail lobbies.
- (b) CCTV should be included within retail arcade and appropriate warning signage should be installed.
- (c) Recordings should be made twenty-four hours 7 days per week. All recordings are to be held for a minimum period of (30) days before it can be reused or destroyed.
- (d) CCTV control system should be located within a secure area of the premises and only accessible by authorised personnel.
- (e) Lighting in these areas covered by CCTV Surveillance should be of the highest quality and up to the relevant Australian Standards
- (f) Security mirrors must be installed with areas that are more secluded such as, bicycle parking, corridors to public toilets, fire exits, stairwells, lobbies and areas of basement carpark that does not have clear sightlines.

3 Basement Parking

- (a) CCTV security measures are to be provided in the parking basement and annotated on the plans.

- (b) A central security roller shutter panel lift door must be installed at the entrance and exit of the basement parking level and also separating Commercial, Visitor and Residential parking.
- (c) The basement walls and ceiling must be painted white to enhance lighting.

4 Access Control

- (a) A security roller shutter panel lift door must separate and secure, residential, visitor and commercial parking. Access to authorised area is to be by key card swipe card.
- (b) Access to the residential car parking areas and residential lifts to private residence must be restricted by key card swipe entry.
- (c) The Plant Service Areas and Retail Storage on Basement Levels, 1, 2 and 3 Basement Level must consider security access control. Access should be by keypad entry only.
- (d) As the entrance to the basement levels is mixed use from the street it is strongly recommended that the residential vehicular internal access and exits are to be fitted with secure doors and security roller shutter system to prevent unauthorised vehicular and pedestrian access.
- (e) All security roller shutters should be vandal proof and fast operating. A swipe card system or similar must be used at basement entries

5 Security and Evacuation Plan

A Security Plan and Evacuation Plan is to be provided to Riverstone Police Station prior to the release of the Construction Certificate Stage. This plan should show the location, type and number of CCTV systems per block and the areas that should include. The plan should also display a map to all areas in the development.

6 Lighting

A submission of a lighting plan is required with more information. This plan is required to show the location of lighting around all entry/exit points to the buildings, along all footpaths within the site, internal public areas, residential lobbies, stairwells, lifts, foyers, basement car parking and basement driveway entry points, communal public areas and lighting is to be located where all signage is located. The street number is to be illuminated to facilitate identification of the site/building. External lighting fixtures should be 'vandal proof'.

7. Common Areas/ Space Management

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

- (a) The use of bollards, street furniture and landscaping elements e.g. large planter boxes are to be considered to prevent unauthorised vehicle entry into the Village Square.
- (b) Maps of the layout of the development including both, Residential, Commercial, Private Space should be placed in lobby areas throughout the development

Where there are separate management arrangements/contracts for the retail areas and the residential areas, must have clear demarcation of areas and responsibilities for maintenance, security and other management activities is to be defined in and relevant contracts and displayed.

8. Territorial Reinforcement

Appropriate fencing, gating and/or landscaping should be used to prevent access to private terrace areas to upper ground floor units which are accessible from communal open spaces. There must be signage displayed in public areas stating: '*These premises are under constant CCTV surveillance*'.

Appropriate signage/ markings of car parking spaces, way finding signage, residential, commercial and visitor space must be provided at all levels of Basement Car parking

3.8 Deleted

3.9 Biodiversity Management Plan

3.9.1 A Biodiversity Management Plan ("BMP"), comprising of a detailed site plan and an accompanying report in a legible format prepared by a person who has qualifications and experience in respect of ecology is to be submitted by the proponent for Council's consideration. The BMP is to relate to the land within Lot 72 DP 208203 and must contain full details of the actions proposed to be taken with respect to the management of fauna during the course of carrying out the development. The BMP is to be consistent with the NSW Department of Planning, Industry and Environment "*Code of Practice for injured, sick and orphaned protected fauna*" 2011 (the Code) and cover controls included in Section 2.3.4 of the *Blacktown Growth Centres Development Control Plan*.

i. The BMP must include the following:

- a) Biodiversity management strategies for pre-construction, construction and post construction activities including environmental control measures for the pre-clearing process.
- b) A fauna rescue and release procedure. Where tree removal is required then a licensed wildlife carer or ecologist will be required on site as a fauna handler ('Rescuer' under the Code) during tree removal works.
- c) A procedure for controlling the introduction and spreading of weeds and pathogens, including hygiene protocols and the arrangements for monitoring;
- d) Proposed strategies for re-use of top soil, tree hollows, logs, coarse woody debris and bush rock.

- i. All identified tree hollows proposed to be removed, are to be salvaged from trees removed and placed in retained or nearby bushland areas under the direction of an ecologist to Council's satisfaction.
 - ii. For all tree hollows, not able to be salvaged, they are to be replaced with nest boxes or artificial hollows with three nest boxes / artificial hollows for every one hollow removed.
 - e) A procedure for dealing with unexpected threatened species finds. The procedure must include, as a minimum, the following:
 - i. stop work arrangements in the immediate area of the threatened species;
 - ii. notification and communication protocol;
 - iii. consultation with the specialists to assess the significance of the find; and
 - iv. a list of approvals, licences or permits likely required prior to recommencing works.
- 3.9.2 The commencement of any works under this consent and the issuing of any construction certificate must not occur unless and until the Council has given notice in writing to the proponent that it has approved the BMP.
- 3.10 **Dam Dewatering Plan**
- 3.10.1 A Dam Dewatering Plan must be prepared. The Plan must be prepared by a suitably qualified and experienced aquatic ecologist. The Plan must be submitted to Council's Natural Areas Team for approval.
 - i. The Dam Dewatering Plan must include the following:
 - a) The requirement to undertake a survey prior to dam dewatering.
 - b) Proposed relocation sites for native species. Additional release points must be considered if large numbers of predatory fish (e.g. Long-finned Eels) are recovered.
 - c) Identification of the licence details required under the *Fisheries Management Act 1994* and / or the *Biodiversity Conservation Act 2016*.
 - d) Methods to prevent injury to fauna during pumping of water from the dam.
 - e) Details of how exotic pest species will be humanely euthanased in a manner consistent with the *Prevention of Cruelty to Animals Act 1979*.
 - f) Methods for disposing of dam water and preventing the spread of carp eggs, juvenile pest species or eggs into the catchment and natural waterways.
 - g) Details on how fauna will be rescued from dam sediments or allowed to relocate from the dam.
 - h) Details of the appropriate timing (season) for dewatering.
 - i) Details on reporting of actions undertaken with tallies of fauna removed from the dam with details of their relocation destination (or destruction).
 - j) Discharge limits as per relevant ANZECC guidelines

3.11 **Sydney Metro conditions**

3.11.1 **Engineering**

All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:

- (a) Geotechnical Investigation Report, G20180-1, Revision number 0, prepared by Geotechnical Consultants Australia, dated 4 June 2020.
- (b) Structural Impact Assessment Report, 15A06/S1 Rev. A, prepared by Henry & Hymas, dated 6 August 2020.
- (c) Structural Drawings, Rev 1, Drawing numbers 15A06-S1.00, S2.00, S2.01, S2.02, S2.03 and S2.04, prepared by Henry & Hymas, issued 6 August 2020.

subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

The Certifier must not issue a Construction Certificate for the development until the Certifier has confirmed which documents (including the versions of those documents) apply to the development and the Certifier has confirmed in writing to Sydney Metro that the construction drawings and specifications comply with those documents. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.

3.11.2 **Rail Corridor:**

All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Sydney Metro Northwest Line rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Sydney Metro Northwest Line rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

3.11.3 **Survey and services**

3.11.3.1 Prior to the issue of a Construction Certificate:

- (a) the Applicant must provide Sydney Metro with an accurate survey of the development and its location relative to the rail corridor boundary and any rail infrastructure. The survey is to be undertaken by a registered surveyor, to the satisfaction of Sydney Metro; and
- (b) a registered surveyor shall peg-out the common property boundary between the development site and the rail corridor and any Sydney Metro easements to ensure that there is no encroachment by the development. A copy of the survey report indicating the location of pegs must be provided to Sydney Metro prior to the commencement of works.

3.11.3.2 Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. Persons performing the

service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.

3.11.4 Noise & Vibration

3.11.4.1 The development must:

- (a) comply with State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro Underground Corridor Protection Guidelines (available from www.sydneymetro.info);
- (b) be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and
- (c) not have any noise or vibration impacts on the rail corridor or rail infrastructure.

3.11.4.2 The Applicant must incorporate as part of the development all the measures recommended in the acoustic assessment report Rail Noise and Vibration Assessment, Acoustic Logic, 30 March 2020 and Revision 1. A copy of the acoustic assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.

3.11.5 Construction

3.11.5.1 No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

3.11.5.2 No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.

3.11.5.3 Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.

3.11.5.4 If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the

need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.

Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro Northwest Line rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.

- 3.11.5.5 If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.

Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro Northwest Line rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.

- 3.11.5.6 Prior to the issue of a Construction Certificate, the Applicant must prepare and provide to Sydney Metro for review and endorsement a hydrologic assessment report demonstrating that any dewatering during construction will not have any adverse settlement impacts on the rail corridor. The Certifier must not issue a Construction Certificate until this report has been endorsed by Sydney Metro in writing.

3.11.6 **Drainage**

- 3.11.6.1 The Applicant must ensure that all drainage from the development is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro. The Certifier must not to issue a Construction Certificate or Occupation Certificate for the development unless this condition has been satisfied.

3.11.7 **Documentation**

- 3.11.7.1 Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.

3.12 **Footpath/Road Condition Assessment Fee**

- 3.12.1 A footpath/road condition assessment fee is to be paid prior to the issue of any Construction Certificate. The applicable fee will be charged in accordance with Council's [Goods and Services Pricing Schedule](#).

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

- 3.12.2 The payment of the Vehicular Crossing Application and Inspection Fee to Council's Maintenance Section pursuant to Sections 608 and 609 of the Local Government Act 1993 is applicable for each vehicular crossing. Please see Council Goods and Services Schedule (current) for details. The fee is subject to periodic review and may vary at actual time of payment.

3.13 **Development Control Plan**

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

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 **Section 7.11 Contributions**

4.1.1 **Stage 3**

The following monetary contributions pursuant to *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as 29 July 2021. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

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

Contribution Item	Amount	Relevant C.P.
Stormwater Quantity		
Second Ponds Creek Land	\$350,429.00	22
Second Ponds Creek Works	\$50,540.00	22
Stormwater Quality		
Second Ponds Creek	\$69,924.00	22
Traffic Management		
Rouse Hill Land	\$221,832.00	22
Rouse Hill Works	\$1,238,493.00	22
Open Space		
Rouse Hill Land	\$4,621,652.00	22

Rouse Hill Works	\$1,409,792.00	22
Community Facilities	\$17,986.00	22
Combined Precinct Facilities		
Community Facilities Land	\$34,688.00	22
E2 Conservation Zone Land	\$83,508.00	22
E2 Conservation Zone Works	\$29,977.00	22
Total	\$8,128,821.00	

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).

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:

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

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.

Developable Area: 1.0149 hectares

Additional Population: 403.5 persons

4.1.2 Stage 4

The following monetary contributions pursuant to *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as 29 July 2021. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of 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.

Contribution Item	Amount	Relevant C.P.
Stormwater Quantity		
First Ponds Creek Land	\$20,0170.00	22
First Ponds Creek Works	\$16,563.00	22
Stormwater Quantity		
First Ponds Creek	\$3,806.00	22
Stormwater Quantity		
Second Ponds Creek Land	\$286,103.00	22
Second Ponds Creek Works	\$41,262.00	22
Stormwater Quantity		
Second Ponds Creek	\$57,088.00	22
Traffic Management		
Rouse Hill Land	\$237,061.00	22
Rouse Hill Works	\$1,323,515.00	22
Open Space		
Rouse Hill Land	\$4,938,926.00	22
Rouse Hill Works	\$1,505,574.00	22
Community Facilities	\$19,221.00	22
Combined Precinct Facilities		
Community Facilities Land	\$37,069.00	22
E2 Conservation Zone Land	\$89,241.00	22
E2 Conservation Zone Works	\$32,035.00	22
Total	\$8,608,634.00	

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).

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:

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

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.

Developable Area: 0.9221 hectares

Developable Area First Ponds Creek: 0.0935 hectares

Developable Area Second Ponds Creek: 0.8286 hectares

Additional Population: 431.2 persons

4.2 Special Infrastructure Contribution

- 4.2.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Infrastructure before a Subdivision 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/Default.aspx?tabid=75&language=en-US/Default.aspx>

4.3 Aesthetics/Landscaping

- 4.3.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20% must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. 'Anti-glare' glazing is to be used to minimise any glare affect. Details are to be provided as part of the Construction Certificate plans.
- 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 this consent is to be constructed in accordance with the materials, finishes and colours indicated on the photomontage and the approved Materials and Finishes Plan. 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.

4.4 Access/Parking

- 4.4.1 The following car parking spaces shall be provided:

- a) Stage 3 - 298 residential car parking spaces, including 1 car wash bay and 45 visitor car parking spaces and 310 commercial spaces as per the approved plans.
 - b) Stage 4 - 304 residential car parking spaces, including 1 car wash bay and 47 visitor car parking spaces and 290 commercial spaces as per the approved plans.
- 4.4.2 The car parking spaces shall be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:
- Commercial car space: 2.6 m x 5.4 m
- Residential flat building (excluding width of pillar): 2.5 m x 5.4 m
- Residential flat building (adjacent to solid wall): 2.7 m x 5.4 m
- Disabled car space: 2.4 m x 5.4 m (plus shared zone)
- 4.4.3 The design of the car parking area is to ensure that all vehicles must enter and leave the development in a forward direction.
- 4.4.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
- 4.4.5 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.
- 4.4.6 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.
- 4.4.7 A roller shutter and card-key system, or similar, is to be installed at the entry/exit points of the residential/visitor basement car park.
- 4.4.8 The basement storage areas are to be provided with quality doors/cages and lock sets to restrict unauthorised access. The loading dock and areas within the bin storage room and bulky waste storage area that are unsafe for children to access area to be provided with lock sets to restrict unauthorised access.
- 4.5 **Adaptable Housing Units**
- 4.5.1 A minimum of 10% of the units are to be designed in accordance with the Australian Adaptable Housing Code (AS 4299-1995) which includes “pre-adaptation” design details to ensure visitability is achieved.
- 4.6 **Floor to Ceiling Heights**
- 4.6.1 All habitable rooms are to have a minimum floor to ceiling height of 2.7 m. Service bulkheads are not to intrude into habitable spaces.
- 4.7 **Plant and Equipment**
- 4.7.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the units and communal open spaces with regard to visual, acoustic and odour impacts.
- 4.7.2 Prior to the issue of any Construction Certificate an amended acoustic report shall

be prepared by a suitably qualified noise consultant that demonstrates the plant and equipment of the podium levels does not impact the amenity of the units on the podium level or the units on all levels above for Stage 3 and 4.

- 4.7.3 External service fixtures and conduits are to be part of the overall appearance of the building, or are to be screen from view.
- 4.7.4 Any required substation as part of the development is required to be located on private property and incorporated into the design of the building or landscaping of the development.

4.8 Mailboxes

- 4.8.1 The plans are to demonstrate that adequate mail boxes are provided in the residential lobbies.

4.9 Podium Amenities

- 4.9.1 The amenities are to be made accessible within the communal open space.

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).

The external wall and any cladding attached to the external wall is to comply with the National Construction Code, Building Code of Australia Volume One including, but not limited to, A0.2 (a) and (c), A2.2, Part C and Part F.

- 5.1.2 Amended plans are required prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:
- (a) Part C
 - (b) Part D
 - (c) Part E
 - (d) Part F
 - (e) Part J

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 an environmental planning instrument), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall

accompany the Construction Certificate.

- 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.

5.3 **Fire Services**

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

- 5.3.2 Where any external on-site water storage tank is required by AS 2118.1 or AS 2419.1, details of the location and type of any proposed tank are to be submitted to and approved by Council prior to the issue of the relevant Construction Certificate.

5.4 **Internal Works**

- 5.4.1 A separate application for development consent shall be lodged with Council for any proposed fit out of a commercial and industrial building (which includes any fixed internal partition wall/display/storage racking/machinery /equipment and the like) that was not approved by this Notice of Determination. For the avoidance of doubt the supermarket on Lot 3 is approved by this consent. This condition does not apply to work or development that is Exempt Development or Complying Development under the Blacktown Local Environmental Plan, the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, or any other relevant legislation, delegated legislation or Environmental Planning Instrument.

6 **PRIOR TO CONSTRUCTION CERTIFICATE /SUBDIVISION WORKS 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 or Subdivision Works Certificate can be issued
- 6.1.2 Where this consent requires both subdivision and building works to be undertaken, no construction certificate for building works is to be issued until all subdivision works have been completed to the satisfaction of Council, and the Subdivision Certificate issued. This includes future public infrastructure such as roads and road drainage systems as well as any engineering infrastructure required to serve the road and road drainage system, including temporary Water sensitive Urban Design (WSUD).
- 6.1.3 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	Drawing No.	Revision	Dated
Henry & Hymas	15A06_D1_C000	02	12/07/2021
Henry & Hymas	15A06_D1_C100	05	12/07/2021
Henry & Hymas	15A06_D1_C101	07	12/07/2021
Henry & Hymas	15A06_D1_C102	06	12/07/2021
Henry & Hymas	15A06_D1_C103	05	12/07/2021
Henry & Hymas	15A06_D1_C104	05	12/07/2021
Henry & Hymas	15A06_D1_C107	01	02/06/2021
Henry & Hymas	15A06_D1_C109	01	02/06/2021
Henry & Hymas	15A06_D1_C110	03	12/07/2021
Henry & Hymas	15A06_D1_C111	03	12/07/2021
Henry & Hymas	15A06_D1_C120	03	12/07/2021
Henry & Hymas	15A06_D1_C121	04	12/07/2021
Henry & Hymas	15A06_D1_C130	03	12/07/2021
Henry & Hymas	15A06_D1_C131	03	12/07/2021
Henry & Hymas	15A06_D1_C140	03	12/07/2021
Henry & Hymas	15A06_D1_C141	03	12/07/2021
Henry & Hymas	15A06_D1_C150	02	03/06/2021
Henry & Hymas	15A06_D1_C151	03	12/07/2021
Henry & Hymas	15A06_D1_C152	02	03/06/2021
Henry & Hymas	15A06_D1_C153	04	12/07/2021

Henry & Hymas	15A06_D1_C154	02	12/07/2021
Henry & Hymas	15A06_D1_C180	03	12/07/2021
Henry & Hymas	15A06_D1_C181	03	12/07/2021
Henry & Hymas	15A06_D1_C201	03	30/04/2021
Henry & Hymas	15A06_D1_C202	04	30/04/2021
Henry & Hymas	15A06_D1_C220	01	01/04/2020
Henry & Hymas	15A06_D1_C221	01	04/01/2020
Henry & Hymas	15A06_D1_C222	01	04/01/2020
Henry & Hymas	15A06_D1_C223	01	04/01/2020
Henry & Hymas	15A06_D1_C250	02	27/07/2020
Henry & Hymas	15A06_D1_C251	03	12/07/2021
Henry & Hymas	15A06_D1_C260	03	30/04/2021
Henry & Hymas	15A06_D1_C261	03	30/04/2021
Henry & Hymas	15A06_D1_SE01	01	01/04/2020
Henry & Hymas	15A06_D1_SE02	01	01/04/2020
Henry & Hymas	15A06_D1_BE01	02	27/07/2020
Henry & Hymas	15A06_D1_BE02	02	27/07/2020

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

- i. The proposed development must demonstrate smooth compatibility with all road, drainage and site levels shown on development approval SPP-17-00039 toward the northern boundary of site.
- ii. The proposed development must demonstrate smooth compatibility with all road, drainage and site levels shown on development approval DA-18-01599 toward the western boundary of site.
- iii. The existing pit within the carriageway of Implexa Pde at the stormwater connection from pit E-1 to existing pit E01/3 must be reconstructed as a heavy duty trafficable junction pit to the satisfaction of Councils Senior Coordinator Civil Maintenance.
- iv. A Road Safety Audit is to be submitted for the proposed development and must include (but not be limited to) an assessment of the proposed intersection configuration of New North-South Street and Implexa Pde and the proposed road widening and jersey kerb removal along Cudgegong Road including the egress driveway at the South Eastern corner of the development. The recommendations of the Road Safety Audit must be approved by Council before implemented.
- v. The applicant is to provide certification from an NER Structural Engineer to verify that the removal of existing concrete jersey/barrier system along Cudgegong Road will not impact the structural integrity of the existing structure supporting the elevated section of Cudgegong Road along the eastern boundary of site.

- vi. Any retaining structure intended to accommodate the future level difference with the southern Lot 299 DP 1213279, particularly around the south eastern corner of the site, is to be wholly located within the subject property.
- vii. All basement footprints are to be wholly contained within private property and are not permitted to encroach within the future public road reserve.
- viii. The design is to ensure road levels facilitate adequate conveyance of the stormwater overland flow path for the stormwater flows for the 100 year ARI event from Main Street and New North-South Street downstream and through Implexa Pde away from the development.

6.2 Subdivision Works Certificate Requirements

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

- i. Road and drainage construction
- ii. Temporary stormwater quality treatment measures within road reserve
- iii. Earthworks
- iv. Path Paving (within a subdivision)

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

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:

- i. On-lot stormwater quality treatment measures

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:

- i. Any works on adjoining land (outside the subject site boundaries). This includes but is not limited to the inter-allotment stormwater drainage infrastructure and the associated overland flow path(s) proposed over Lot 299 in DP 1213279 and as detailed within Engineering Plan prepared by Henry and Hymas plan drawing No 15A06_D1_C103, 15A06_D1_C104, revision 05 and dated 12/07/2021 as well as drawing No. 15A06_D1_C109, revision 01 and dated 02/06/2021.

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:

- ii. Any works within Council's road reserve.
- iii. Road, drainage construction and associated works along Cudgegong Road and Implexa Parade. Note: This includes but is not limited to verge

reconstruction works along Cudgegong Road associated with the increased width, including relocation of lighting, reinstatement of shared path and any works impacting existing jersey kerb.

iv. Vehicular crossings

v. The construction of a median island within Cudgegong Road.

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 written permission from the affected property owner for any works proposed on adjoining land. This includes but is not limited to any works that may impact Lot 299 in DP 121327 toward the Southern boundary of site, Lot 9 in DP 1249124 and Lot 298 in DP 1213279 toward the West boundary of site.

Note the retaining wall along the western boundary is to be wholly contained within the subject site.

6.5.4 All street name poles, light poles and bus shelters shall be black powder coated in accordance with Blacktown City Council's Engineering Guide for Development. Ensure this is noted on the construction plans.

6.5.5 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 Any approved design drawings must show a 5 m x 5 m splay for residential allotments at each street intersection.

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

Name	Width(m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
New East-West Street	18 (partial width)	280	*see below note 1.	5 x 10 ⁵
Main Street	25	90	*see below notes 2 and	2 x 10 ⁶

			3.	
New North-South Street	18m (half width)	80	3.5-11-3.5	5 x 10 ⁵

Note 1: The applicant is responsible for the partial construction of New East-West Street to ensure the total road reserve meets a minimum total width of 18m of formation 3.5m (verge) – 11m (carriageway) – 3.5m (verge). This will require the construction approvals to be issued for stages 1 and 2 under SPP-17-00039 prior to release of the balance of the road reserve.

Note 2: The road formation of Main Street is to be generally consistent with Blacktown City Council Growth Centre Development Control Plan – Figure 3-15 Typical Town Centre Road/Main Street.

Note 3: Where the applicant seeks to deviate from the cross section detail “E” the applicant shall obtain written concurrence from Councils Coordinator Engineering Approvals. In this regard the applicant shall submit to Council a design report for the proposed custom road formation along Main Street as detailed on the engineering plans (prepared by a suitably qualified NER Civil Engineer). This is to consider the proposal against the relevant Australian Standards and Austroads Specification as well as outline any deviation from the DCP. A risk assessment should accompany this report for Councils further consideration.

6.6.5 Existing road verge along Cudgegong road for the full frontage of the development is to be widened to ensure a minimum 4.5m verge dedicated to Council is public road. Note the verge formation is to be constructed to the typical detail of the Blacktown City Council Development Growth Centre Control Plan – Figure 3-11 typical Collector Road. This will include a shared path and may require adjustments to the existing lighting and existing jersey kerb and associated works at the cost of the developer.

6.6.6 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.

The temporary turning head at the southern end of Main Street is to be constructed to a minimum standard generally in accordance with Blacktown Council Standard Drawing A(BS)144M Cul-De-Sac and adjusted to accommodate the larger road reserve of Main Street.

6.6.7 The construction of a median island within Cudgegong Road to the satisfaction of Councils Coordinator Traffic Management. This shall include adjustments to the existing Jersey Kerb as required by Councils Coordinator Traffic Management. A detailed engineering design and Road Safety Audit (prepared by a suitably qualified Traffic Engineer) generally in accordance with the approved design concept for the median and jersey kerb and in accordance with Austroads Guidelines must be submitted with any proposed design of said median island to Council for written concurrence from Councils Coordinator Traffic Management. Prior to construction, approval from Council through the Local Traffic Committee process is required.

6.7 Drainage

- 6.7.1 Drainage from the site must be connected into Council's existing drainage system.
- 6.7.2 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

6.8 **Signage and Line Marking**

- 6.8.1 A formal submission must be made to the Local Traffic Committee (LTC) through Council's Traffic Engineering department for all signage and line marking details proposed as part of these works.

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

6.9 **Erosion and Sediment Control**

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

6.10 **Earthworks**

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

Note: Where full width path paving is permitted, a maximum 2.5% cross fall is permitted. Where cross fall within the verge is reduced from 4% to 2.5%, the applicant is required to demonstrate the capacity of the road reserve will be sufficient to convey the stormwater flows for the 100 year ARI event without any negative impact on the adjoining property.
- 6.10.3 Retaining walls shall be of masonry construction and wholly contained within the subject lot.
- 6.10.4 Where a temporary retaining wall is proposed to support a half width road, the applicant must lodge securities for the future removal of the temporary retaining wall and for the reinstatement of the road i.e. New North-South Street.
- 6.10.5 Show on plan adjacent to road cross sections approximate quantities of road materials required for construction (i.e. Densely Graded Subbase and Densely Graded Base).

6.11 **Stormwater Quality Control – Permanent On-lot**

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

6.12 **Stormwater Quality Control – Temporary (Roads)**

- 6.12.1 Temporary 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 for stormwater flows from the new

internal roads. Alternatively, a deemed-to-comply solution by the provision of temporary 200 micron OceanGuard pit basket inserts in each street drainage pit in the new internal roads.

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

6.13 **Vehicular Crossings**

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

6.14 **Footpaths**

- 6.14.1 Path paving s 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 2018 and as follows:

Street Name	Side	Paving Width	Length
New North-South Street	Eastern Side	1.5m	80m
New East-West Street	Southern Side	1.5m	280m

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

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

- 6.14.3 Construct shared user paths (including signage and linemarking) in accordance with Part 6A (Paths for Walking and Cycling) 2017 of Austroads "Guide to Road Design" and the RMS NSW Bicycle Guidelines – July 2005, as follows:

Street Name	Side	Cycle-way Width	Length
Cudgegong Road	Western	Minimum 2.5m	Full length of development frontage to Cudgegong Road.

Note the shared path details are to be generally in accordance with that shown on Blacktown City Council Growth Centre Development Control Plan Schedule Four – Cudgegong Road Station (Area 20) Precinct. This may require the relocation of the existing street lighting along Cudgegong Road and the removal of the existing Jersey Kerb. Prior to release of any approvals for construction, written concurrence must be sought from Councils Coordinator Engineering Approvals for the layout of

the cross section detail.

6.15 Road Verge Embellishment and CBD Pavement Treatment

6.15.1 Prior to the issue of a Subdivision Works Certificate for works related to future public roads, full detailed plans in relation to the proposed street trees, landscaping, path paving (CBD Pavers) and verge embellishment details shall be submitted to and approved by Council's Manager Civil and Park Maintenance. The plan shall include the following:

- cross-sections showing dimensions of tree pits
- general arrangement view
- location of tree pits in relation to any services, intersections and future driveways, light poles, stormwater pits and utilities
- Details of CBD pavers for all full width path paving areas.

Note: Where CBD pavers are required for full width path paving, paver detail shall generally be in accordance with Blacktown Council Standard Drawing A(BS)178M or as stated by Councils Manager Civil and Park Maintenance.

6.16 Special inter-allotment (and downstream) drainage requirements under the Local Government Act

6.16.1 The following items must be satisfied under the *Local Government Act 1993* prior to issuing of any Subdivision Works / Construction Certificate:

- a) Evidence has been provided, as required by deferred commencement condition 0.1 above, of the creation and registration of Easements for inter-allotment stormwater drainage infrastructure and the associated overland flow path(s) has been created and registered for all proposed stormwater infrastructure proposed over Lot 299 in DP 1213279 and as detailed within Engineering Plan prepared by Henry and Hymas plan drawing No 15A06_D1_C103, 15A06_D1_C104, revision 05 and dated 12/07/2021 as well as drawing No. 15A06_D1_C109, revision 01 and dated 02/06/2021. The creation is pursuant to Section 88B of the Conveyancing Act, 1919 and registration with Land Registry Services (LRS). The easement width(s) shall be in accordance with Councils Engineering guide for Development.
- b) The construction of the above inter-allotment stormwater drainage infrastructure and the associated overland flow path(s) required to drain the development under the Local Government Act 1993.
- c) Completion of a satisfactory final inspection by Council.
- d) A Registered Surveyor must provide evidence that all pipes and associated structures lie wholly within any easement, and provide a Works-As-Executed plan

NOTE: All engineering Works-As-Executed plans must be prepared on an overlay of the original approved engineering plans.

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

7.1 Environmental Management

- 7.1.1 A Construction Environment Management Plan should be in place and must include specific advice on how water treatment and dam dewatering will be undertaken in accordance with the Blue Book, as well as demonstrating the discharged water complies with ANZECC water quality guidelines.
- 7.1.2 In accordance with section 68 of the Local Government Act 1993 an 'Application for Approval to Install, Construct or Alter a Septic Tank or Sewage Management System' shall be submitted to Council for consideration. Approval must be obtained prior to construction work commencing. These approvals will include a Clearance and Validation Report for the location of the tank and disposal area, prepared by a qualified geotechnical consultant to be submitted once the facility is removed. Approval must be obtained prior to construction work commencing.
- 7.1.3 The recommendations provided in the *Preliminary Site Investigation and Salinity Assessment*, prepared by Douglas Partners Pty Ltd shall be implemented, specifically in regard to the completion of a detailed site investigation (DSI), and remediation and/or management of any contamination issues identified by the DSI.
- 7.1.4 If the site is deemed suitable for the proposed use by the DSI, then a NSW Environment Protection Authority accredited Site Auditor shall review the report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation was carried out in accordance with the relevant guidelines, and that the site is suitable for the proposed use.
- 7.1.5 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;
- State Environmental Planning Policy No. 55 – Remediation of Land;
 - NSW Environment Protection Authority's "Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites" (2020)
 - NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995)
 - National Environment Protection Council "National Environment Protection (Assessment of Site Contamination) Measure" (2013)
 - NSW Environment Protection Authority's "Contaminated Sites: Guidelines for NSW Site Auditor Scheme" (2017)
- 7.1.6 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.
- 7.1.7 A qualified acoustic engineer must certify that the buildings have been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

Internal Space	Time Period	Criteria
		L_{Aeq} (period)

Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 B(A)

7.1.8 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 EXCAVATION AND 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 Regulation 2000 indicating:

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

This condition does not apply to:

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

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 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.

8.1.6 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.

8.1.7 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
- (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

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 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 **Use of a Crane**

- 8.5.1 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.
- 8.5.2 The crane used must be provided with a light in accordance with the requirements of the Civil Aviation Safety Authority (CASA).

9 **DURING EXCAVATION AND CONSTRUCTION (GENERAL)**

9.1 **NSW Police - Requirements**

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

9.2 **Nuisance Control**

- 9.2.1 Any noise generated during demolition and excavation shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7 am and 6 pm, Monday to Friday, and 8 am to 1 pm,

Saturday, with no demolition work being undertaken on Sundays or public holidays.

9.3 Aboriginal Archaeology

9.3.1 If any Aboriginal objects are found during the works, works are to stop. Heritage NSW, Department Premier and Cabinet is to be notified and the site and objects assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of Heritage NSW.

9.4 Biodiversity Management Plan

9.4.1 The approved Biodiversity Management must be complied with.

9.4.2 As per the approved BMP, the following reports must be provided to Council through the Natural Areas Team:

- i. After the pre-clearance survey
- ii. At the conclusion of tree felling / clearance works

9.5 Dam Dewatering Plan

9.5.1 The approved Dam Dewatering Plan must be complied with.

9.5.2 All activities are to be compliant with the ANZECC guidelines, with particular reference to discharge limits, monitoring, and notification of potential pollution incident conditions.

9.5.3 Within 7 days of the works, the aquatic ecologist is to provide a report on the works, to be provided to Council through the Natural Areas Team.

9.6 Sydney Metro conditions

9.6.1 Supervision

9.6.1.1 Unless advised by Sydney Metro in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

9.6.2 Consultation

9.6.2.1 The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:

- (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;
- (b) acts as the authorised representative of the Applicant; and
- (c) is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro as notified to the Applicant.

9.6.2.2 Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.

9.6.2.3 Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the relevant Sydney Metro interface team.

9.6.3 **Contamination**

9.6.3.1 Prior to the issue of a Construction Certificate, the Applicant shall provide a Contamination Assessment Report to Sydney Metro for review. Any contamination identified which is migrating (or at risk of migration) from the development site into the rail corridor shall be remediated by the Applicant to the satisfaction of Sydney Metro prior to the construction of the project and a Validation Report provided to Sydney Metro for endorsement following any remediation works. The Certifier must not issue an Occupation Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.

9.6.4 **Drainage**

9.6.4.1 The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.

9.6.4.2 The Applicant must ensure that during works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintaining alternative services.

9.6.5 **Inspections**

9.6.5.1 If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:

- (a) site investigations;
- (b) foundation, pile and anchor set out;
- (c) set out of any other structures below ground surface level or structures which will transfer any load or bearing;
- (d) foundation, pile and anchor excavation;
- (e) other excavation;
- (f) surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
- (g) other concreting; or
- (h) any other event that Sydney Metro has notified to the Applicant in writing so that Sydney Metro may inspect the carrying out or completion of those works on the development site.

9.6.5.2 If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of

a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.

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 Regulation 2000 indicating:

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

10.1.3 Should the development work:

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

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

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

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

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

10.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

10.1.7 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and

- (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 10.1.8 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.
- 10.2 **Building Code of Australia Compliance**
- 10.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 10.3 **Surveys**
- 10.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifier to verify the approved position of each structure in relation to the property boundaries.
- 10.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifier prior to work proceeding above floor level.
- 10.4 **Nuisance Control**
- 10.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 10.4.2 The hours of any offensive noise-generating demolition, excavation and development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 10.5 **Stormwater Drainage**
- 10.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:
 - (a) the floor level being a minimum 225mm above the adjoining finished ground level, and/or
 - (b) being drained to an effective drainage system.
- 10.6 **Waste Control**
- 10.6.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.
- 10.6.2 The applicant must provide evidence of tipping dockets for all demolition and construction waste generated onsite.
- 10.6.3 The applicant must ensure all litter is managed onsite by ensuring waste receptacles are covered when not in use.
- 10.7 **Construction Inspections**
- 10.7.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical

stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

- (a) After excavation for, and prior to placement of, any footings; and
- (b) Prior to pouring any in-situ reinforced concrete building element; and
- (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2, 3 or 4 building); and
- (e) Prior to covering any stormwater drainage connections; and
- (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

11 DURING CONSTRUCTION (ENGINEERING)

11.1 Notification of Works

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

11.1.2 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 **Boundary Levels**

- 11.4.1 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.

11.5 **Tree Protection and Preservation**

- 11.5.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 11.5.2 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.

11.6 **Soil Erosion and Sediment Control Measures**

- 11.6.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 11.6.2 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.
- 11.6.3 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.

11.7 **Filling of Land and Compaction Requirements**

- 11.7.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.
- 11.7.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version).
- a) Compaction certificates for fill within road reserves.
 - b) Compaction certificates for road sub-grade.
 - c) Compaction certificates for road pavement materials (sub-base and base courses).

d) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.

e) Applicant to submit material compliance documentation in accordance with Councils Civil Works Specification 8.1.4

i. Compliance Certificate and Test Results

ii. Delivery Dockets

iii. 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.

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

11.7.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site.

Note: Any fill material imported to site must be classified as Virgin Excavated Natural Material (VENM). Validation of the imported fill material will be required by a suitably qualified registered engineer.

11.7.5 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.

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

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

11.7.8 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.

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

11.8.1 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.

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

- 11.9.1 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).

11.10 Public Safety

- 11.10.1 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.

11.11 Site Security

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

11.12 Traffic Control

- 11.12.1 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.

- 11.12.2 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.

- 11.12.3 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.

11.12.4 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.

11.12.5 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.

11.13 **Powder Coated Furniture**

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

11.14 **Road Line Marking and Traffic Signage**

11.14.1 Prior to the implementation of any road line marking and traffic signage required by this development the applicant shall acquire an approved construction certificate for the line marking and traffic signage plan arrangement.

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

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

12 **DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)**

12.1 **Premises Construction**

- 12.1.1 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.
- 12.1.2 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.
- (a) When basins are required to be pumped out, the necessary dosing must occur within 24 hours of the conclusion of each storm event and the basin must be drained within 36 to 48 hours if gypsum is used.
 - (b) Council's Environmental Health Section must be notified prior to 4pm on the business day prior to any controlled discharge from any temporary drainage basin outside of standard business hours (9am to 5pm, Monday to Friday), or, 1 hour prior to any controlled discharge from any temporary drainage basin during standard business hours.
 - (c) Any water discharging from the premises is to be sampled at 30 minute intervals from the discharge point for the entire period that water is leaving the site.
 - (d) If any sample is recorded above the parameters in the plan, the discharge will need to cease immediately and Council's Environmental Health Section must be notified by telephone at the time of detection and followed up in writing.
 - (e) If no adverse results are identified that require immediate notification the results must still be submitted to Council's Environmental Health Section at the completion of the required controlled discharges.

13 PRIOR TO OCCUPATION CERTIFICATE

13.1 Road Damage

- 13.1.1 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.
- 13.1.2 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 or drainage reserves.

13.2 Service Authorities

- 13.2.1 The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.
- 13.2.2 A final written clearance shall be obtained from Sydney Water Corporation, Energy provider and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc.) has not previously been issued.
- 13.2.3 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, 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.

- (b) A "Notification of Arrangement" Certificate from energy provider, or any other recognised energy provider, stating that arrangements have been made with the servicing authority for electrical services, including the provision of street lighting, to the development.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

13.3 **Compliance with Conditions**

- 13.3.1 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.
- 13.3.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.
- 13.3.3 A Subdivision Certificate shall not be issued until all conditions of this consent, other than "operational" conditions, have been satisfied.

13.4 **Fee Payment**

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

13.5 **Engineering Matters**

13.5.1 **Surveys/Certificates/Works As Executed plans**

- 13.5.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

- 13.5.1.2 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 13.5.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 13.5.1.4 Applicant is to compile and submit the following in accordance with Council's Works Specification - Civil (Current Version):
- a) Compaction certificates for fill within road reserves.
 - b) Compaction certificates for road sub-grade.
 - c) Compaction certificates for road pavement materials (sub-base and base courses).
 - d) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
 - e) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4
 - Compliance Certificate and Test Results
 - Delivery Dockets
 - Summary of Material deliveries as per template available on Council's website.
- 13.5.1.5 The applicant is to submit the certified line marking and traffic signage plan as required by this consent. This will require evidence to demonstrate that approvals have been obtained from the Local Traffic Committee and adoption by Council Ordinary Meeting. A final inspection report is to be included noting that all line marking and traffic signage works are complete.
- 13.5.1.6 This development requires separate approvals under the Roads Act 1993 and / or Local Government Act 1993. Prior to the issue of an Occupation Certificate, the applicant must obtain written confirmation from Council that these works have been completed to its satisfaction.
- 13.5.2 **Easements/Restrictions/Positive Covenants**
- 13.5.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
 - (b) The standard format for easements and restrictions as accepted by the Land Registry Services (LRS).
- 13.5.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control devices/system and outlet works.

13.5.2.3 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the overland flow-path.

13.5.2.4 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue).

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

13.5.3 **Dedications**

13.5.3.1 The land required for road widening along Cudgegong Road to ensure a minimum 4.5m verge along the development frontage shall be dedicated at no cost to Council.

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

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

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

a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)

b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

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

13.5.4.3 Concrete path paving to each development lot must not be placed until building construction works fronting the path paving has been completed or as otherwise approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Councils Goods and Pricing Schedule. The security will be released upon satisfactory completion of the works.

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

13.5.5 **Inspections**

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

13.6 **Relationship with other Approvals**

13.6.1 Compliance with the requirements of the following nominated approvals:

- a) Development Consent No. SPP-17-00039 dated 20/08/2019 issued by Blacktown City Council.
- b) Section 4.55 Application / modification to consent No. 20-00357 issued by Blacktown City Council
- c) Relevant requirement of any other development consent, Construction Certificate issued under the Environmental Planning and Assessment Act, 1979, The Local Government Act, 1993 or The Roads Act 1993.

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

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

13.7 **CCTV Inspection of Stormwater Drainage Structures**

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

13.8 **Other Matters - Drainage**

- 13.8.1 Where the Groundwater Assessment Report indicated the requirement for a Groundwater Management Plan, then a Chartered Geotechnical Engineer registered with NER, is to certify that all the requirements of the Groundwater Management Plan have been undertaken and that there is no adverse impact due to groundwater.
- 13.8.2 A Chartered Civil Engineer registered with NER, is to certify that:
- i. For lot 3 (stage 3) a minimum of 2211 m² of non-trafficable roof area is directed to the minimum 210 kL rainwater tank.
 - ii. For lot 4 (stage 4) a minimum of 2014 m² of non-trafficable roof area is directed to the minimum 190 kL rainwater tank;
 - iii. the interpretative water quality sign has been correctly installed for each stage;
 - iv. all the other signage and warning notices have been installed.
 - v. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations;
 - vi. the OceanGuard water quality device have been installed in the lowest pit in lots 5 and 6 (village square).
 - vii. the OceanGuard water quality devices (filter baskets) have been installed in all the street pits as per the manufacturer's recommendations.

- viii. all the other requirements of the approved drainage plan have been undertaken;
- 13.8.3 Ocean Protect is to certify for the installation of the 200 micron OceanGuards and 690 Stormfilters that:
- i. they are installed in accordance with the Ocean Protect standard operational guidelines and production drawings;
 - ii. the 200 micron OceanGuards have been correctly installed in a minimum of 9 street pits in Main Street and New North-South Street (Aristida Street)
 - iii. for lot 3 the '200 micron' OceanGuard Chamber has been constructed to work effectively with the five OceanGuards;
 - iv. for lot 4 the '200 micron' OceanGuard Chamber has been constructed to work effectively with the four OceanGuards;
 - v. for lot 3 a minimum of forty-two 690mm high Stormfilter cartridges have been installed as per the approved plan;
 - vi. for lot 4 a minimum of thirty-four 690mm high Stormfilter cartridges have been installed as per the approved plan;
 - vii. all the Stormfilter tanks include a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables for the 690 mm cartridges;
 - viii. the Stormfilter weir lengths for Stormfilter chambers for lots 3 and 4 are as per the approved plan.
 - ix. metal mosquito proof screens have been welded over all grated accesses into the Stormfilter tanks;
 - x. energy dissipaters have been provided on the inlets to each of the Stormfilter chambers as per the approved plan and
 - xi. a maintenance contract has been entered into for the maintenance of the Stormfilters.
- 13.8.4 A plumber licensed with NSW Fair Trading is to certify that the commercial/retail 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:
- i. 4 star dual-flush toilets;
 - ii. 3 star showerheads;
 - iii. 5 star taps (for all taps other than bath outlets and garden taps);
 - iv. waterless urinals; and
 - v. 3 star Water efficient washing machines and dishwashers have been used.
- 13.8.5 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that:
- a. For lot 3 all toilet flushing (excluding urinals) for the commercial/retail areas are being supplied by rainwater;
 - b. For lot 4 all toilet flushing (excluding urinals) for the commercial/retail areas are being supplied by rainwater;
 - c. For lots 3 and 4 only waterless urinals were used for the commercial/retail areas;
 - d. All the requirements of the detailed Non-Potable Water Supply Plan have been installed to the required locations.

- e. The **flow meters** have been installed on the pump outflow and the solenoid-controlled mains water bypass to determine non-potable usage and actual percentage of reuse;
- f. The initial flow meter readings are detailed in the certificate;
- g. The pumps, alarms and all other systems are working correctly; and
- h. For lot 3 the water from at least two toilets from each male and female amenity block and on each level have been tested to show no chlorine residual.
- i. For lot 4 the water from at least two toilets from each male and female amenity block and on each level have been tested to show no chlorine residual.
- j. Rainwater warning signs are fitted to all external taps using rainwater.
- k. A signed, works-as-executed Non-Potable Water Supply Plan is to be provided to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au

13.8.6 An experienced irrigation specialist, is to certify for Lot 3 and Lot 4 that:

- i. All the non-potable landscape water uses are being supplied by rainwater;
- ii. All the requirements of the detailed Landscape Watering Plan have been installed to the required locations.
- iii. The control box and automatic timer are working correctly;
- iv. The system has been designed to increase the frequency of watering by a minimum 50% above average for the hotter months and reducing by 50% for the cooler months.
- v. The system has been designed to achieve a minimum usage of 1335 kL/year for Lot 3 (Stage 3) and 1184 kL/year for Lot 4 (Stage 4), excluding usage within the private courtyards
- vi. Each private courtyard at ground level has an outdoor tap sourced from rainwater;
- vii. For Lot 3, the water from at least three garden taps in private courtyards, and two sample points for the landscape watering system have been tested to show no chlorine residual;
- viii. For Lot 4, the water from at least three garden taps in private courtyards, and two sample points for the landscape watering system have been tested to show no chlorine residual
- ix. Rainwater warning signs are fitted to all external taps using rainwater;
- x. A signed, works-as-executed Landscape Watering Plan is to be provided to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au

13.9 Easements/Restrictions/Positive Covenants

13.9.1 Provide a Restriction to User and Positive Covenant over the Stormwater Quality Improvement Devices including rainwater tanks in Lots 3, 4, 5 and 6 in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage before September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate.

13.10 Other Matters

- 13.10.1 Provide maintenance requirements for each of the proposed water quality devices generally in accordance with the Council's *WSUD Inspection and Maintenance Guidelines* available on Council's website. Where a proprietary device is not included within this guideline provide these separately in accordance with the manufacturer's requirements. The maintenance schedule is to contain a requirement that either the filter cartridges are to be replaced no later than three years after the date of installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's *WSUD developer handbook*. The filter cartridge must be replaced/refurbished by Ocean Protect. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.
- 13.10.2 Prior to occupation of lot 3 and/or lot 4 written evidence is to be provided that the registered owner/ developer within each stage has entered into and prepaid a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Stormfilters and OceanGuards with a contract requirement that the Stormfilter cartridges must be replaced by/exchanged with Ocean Protect. 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. This maintenance contract cannot be cancelled.
- 13.11 **Temporary Facilities Removal**
- 13.11.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 13.11.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 13.11.3 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.
- 13.11.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 13.11.5 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.
- 13.12 **Fire Safety Certificate**
- 13.12.1 A final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).
- 13.13 **Acoustic Certification**
- 13.13.1 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.

13.14 Landscaping

- 13.14.1 All landscaping shall be completed in accordance with approved landscaping design plan.
- 13.14.2 All landscaping, recreation features and furniture, bbq facilities, shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.
- 13.14.3 Vandal proof and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.
- 13.14.4 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 13.14.5 All power boards should be housed within a locked cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.

13.15 Car Parking

- 13.15.1 The following car parking spaces shall be provided:
- a) Stage 3 - 298 residential car parking spaces, including 1 car wash bay and 45 visitor car parking spaces and 310 commercial spaces as per the approved plans.
 - b) Stage 4 - 304 residential car parking spaces, including 1 car wash bay and 47 visitor car parking spaces and 290 commercial spaces as per the approved plans.
- 13.15.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 13.15.3 Access to the basement car park shall be provided for visitors to the retail/commercial suites during operational hours of the tenancies.
- 13.15.4 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 13.15.5 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 13.15.5A 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.
- 13.15.6 Head room clearance at the basement ramp must comply with requirements of AS2890.1 (Section 5.3). Parking spaces for people with a disability are to comply with AS2890.6 – Appendix C for the disabled parking space and access to the lift.
- 13.15.7 Deleted
- 13.16 Adaptable Housing Units**
- 13.16.1 Certification from a qualified Access Consultant confirming that the Adaptable Housing Units are capable of being modified when required by the occupants in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) is to be submitted to Council.

13.17 Waste

- 13.17.1 A Community Management Agreement/Strata Management Agreement is required and to Council's satisfaction which:
- i. 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.
 - ii. 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.
 - iii. indicates the method of communication to new tenants and residents regarding the waste management service and collection system for the complex.
 - iv. clearly outlines the requirement for the building manager to maintain and display consistent signs on all bins and in all communal bin storage areas.
 - v. clearly outlines the requirement for the building manager to arrange for the prompt removal of dumped rubbish from the site.
 - vi. includes the updated (and approved) waste management plan as lodged with the development application.
 - vii. provides a clear bin placement plan that indicates bin collection points for each dwelling in the development.
- 13.17.2 The applicant must provide suitable physical treatment to the loading bay of the residential flat building to prevent unauthorised parking (e.g. lockable, removable bollards). The loading bay must be maintained for truck turning.
- 13.17.3 The following must be added to the Section 88B to Council's satisfaction. Owners Corporation of the Burdened Lot will maintain suitable funds from release of the occupation certificate and in perpetuity for regular repair, maintenance and replacement of the proposed turntable for waste collection.
- i. Allow for a minimum \$3000 per year for turntable maintenance and repairs, and a total replacement cost in excess of \$100,000. Truck turntables have a life expectancy of 10 years.
 - ii. The funds collected from the registered proprietors for ongoing turntable maintenance and replacement costs must be reviewed and managed by the Owners Corporation so sufficient funds are available in the future at short notice.
 - iii. Waste collection must always be provided onsite with forward entry and exit of waste collection vehicles including in the event of turntable malfunction, breakdown or disrepair.
 - iv. The Owners Corporation must release funds as required to replace the truck turntable to ensure continued and safe collection of waste and recyclables from the site allowing forward entry and exit of waste collection vehicles. Bins are not permitted to be placed at the kerbside and truck must not reverse into or out of the site to service bins.
- 13.17.4 The applicant must demonstrate to Council's satisfaction that completed construction of the basement area achieves the required 4.5m headroom allowance (as per Australian Standards 2890.2) for the trucks entire travel path. This 4.5m

headroom allowance must be achievable clear of all eaves, overhangs, balconies, services (including sprinklers, pipes etc), and at the roller door entry point. Failure to comply may impact the ability for waste collection vehicles to safely access the development to service its waste and recycling bins.

- 13.17.5 The applicant must provide a bin decanter to empty 240L recycling bins from each residential chute room. Waste management equipment must be located within or adjoining the waste storage area.
- 13.17.6 The applicant must provide to Council's satisfaction, an updated waste management plan to reflect all design amendments. This must include the revised number of bins, bulky waste storage provisions, and waste generation rates.
- 13.17.7 The applicant must provide a seated/ride on motorised bin tug and trolley device for this site. A walk along tug would not be suitable due to the size of the site and the time needed to rotate bins across the site. The chosen equipment must be able to tow loaded 1100L bulk bins up standard vehicular ramps as this has been indicated as the alternative movement path should the service lifts fail.
- 13.17.8 Council's Abandoned Shopping Trolley Policy (Policy Number: P000497.1) must added as a consent condition to the Notice of Determination for approval of this development.

13.18 **Total Maintenance Plan**

- 13.18.1 A "total" maintenance plan is to be prepared for the site. The plan is to ensure the following:

- (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, landscaping, the communal open space areas, gymnasium, security systems, mail boxes, lighting, loading areas and services are regularly inspected and maintained at optimum levels at all times.
- (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted "junk mail" is to be collected on a regular basis and disposed of as necessary.
- (c) The proposed development is always under the control of a fulltime Building Manager.

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

13.19 **Graffiti Management Plan**

- 13.19.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council. The Plan is to address the following issues:

- (a) Methods to minimise the potential for graffiti;
- (b) Management/notification procedures for the "early" removal of graffiti;
- (c) Annual review of any "management agreement" for the removal of graffiti to ensure the property is maintained at its optimum level; and

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

13.20 Street Tree Planting

- 13.20.1 Prior to the issue of the final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to the satisfaction of Council's Maintenance Section.
- 13.20.2 The applicant is to undertake street tree planting and maintenance along the frontage of the development site to improve the amenity of the streetscape must be approved before an Occupation Certificate is issued.
- 13.20.3 The street trees are to be planted at a minimum spacing of approximately 8 metres, taking into account vehicle sightlines and street light spill.
- 13.20.4 Trees must be of a minimum container size of 100 litres with root directors for medium and high density residential developments.
- 13.20.5 The applicant must obtain clearances from relevant service authorities.
- 13.20.6 The applicant will be required to pay a bond per tree as indicated in the current goods and services pricing schedule to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), by Council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed to request a practical completion inspection and at the end of street tree bond maintenance period for an inspection
- 13.20.7 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 Council 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.

13.21 Privacy Screening

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

13.22 NSW Local Police Requirements

It is strongly recommended by NSW Police that prior to the release of the Occupation Certificate the applicant provides a detailed report to council outlining the following security and or crime prevention measures.

- a) The number of CCTV systems and the installation points of all required CCTV around the Commercial/Residential areas. CCTV Cameras must monitor car park facilities in the basement, stairways, lifts, foyers, entry/exit points, loading bays, common areas, play grounds, swimming pool, the waste room and mailbox facilities. Appropriate signage shall be installed at the site to notify occupants and visitors that CCTV cameras are present.
- b) This plan is required to show the location of lighting around all Commercial/Residential areas such as; entry/exit points to the buildings, along all footpaths within the site, stairwells, lifts, foyers, basement car parking and

basement driveway entry points, common areas, play grounds, swimming pool and lighting is to be located where all signage is located and street numbering and direction way finding signage.

- c) The building/site must be provided with building identification (i.e. street number, block number) which must be installed near the entry of the building and visible from the street to facilitate easy identification of the site for emergency services.
- d) All fencing must be installed around the site preventing unauthorised access. Access points into the site and common areas shall be secured using gates, roller doors or similar and fitted with a security mechanism (i.e. swipe card, keys, etc.) to restrict access to authorised persons only. Auditable keypad/swipe card system implemented.
- e) All fencing to private courtyards and throughout the development must be solid or palisade (not horizontal slat fencing) to minimise opportunities for climbing.
- f) It should also be noted that the latch/locking mechanism for the gates inside the development, should not be within the arm reach of any person externally.
- g) Mailboxes must be located either along the facade wall of the foyer for example, similar to P.O Boxes where the mailbox is orientated outwards and is opened from inside the foyer or located inside the building foyer. Where mailboxes are located internally within the foyer, the applicant is required to purchase and install a key safe (preferably cylindrical) from Australia Post. This key safe shall be located near the building intercom or other suitable location near the entry. To purchase a key safe contact Australia Post:

13.23 **State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development**

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

13.24 **Pavement Treatment and Awnings**

- 13.24.1 Prior to the issue of any Occupation Certificate, the pavement treatment all frontages are to be completed to Council's Manager Civil and Park Maintenance satisfaction.
- 13.24.2 The awnings must be constructed in accordance with the details submitted as part of the Construction Certificate. The height and width of the awning must comply with the requirements of Council's Civil and Park Maintenance section.

13.25 **Lighting**

- 13.25.1 All lighting is to comply with relevant Australian Standards, including Australian Standard 4282 to ensure no spillage of light affecting the amenity of adjoining

residential properties.

13.26 Road Damage

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

13.27 Tree Protection

13.27.1 Prior to the issue of the final Occupation Certificate the applicant is to submit evidence to Council that Tree 3 Forest Red Gum as identified in the Arboricultural Assessment and Impact Report by Horticultural Management Services dated 15th November 2016 has been retained, and protected prior and during all works on site.

13.28 Other Matters

13.28.1 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.

13.29 Sydney Metro Conditions

13.29.1 Noise and Vibration

13.29.1.1 Prior to the issue of an Occupation Certificate, an acoustic assessment report must be prepared and submitted to the Certifying Authority, Council and Sydney Metro certifying that the completed development meets the requirements of:

(a) State Environmental Planning Policy (Infrastructure) 2007;

(b) the Department of Planning, Infrastructure and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines"; and

(c) any other noise and vibration requirements imposed by this consent.

The acoustic report must demonstrate testing of external and internal noise levels for the completed development and ensure that external noise levels are representative of the typical maximum levels that may occur at the development and internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

13.29.2 Documentation

13.29.2.1 Prior to the issue of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.

13.29.2.2 Copies of any certificates, drawings, approvals or documents endorsed by, given

to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Occupation Certificate.

13.29.3 **Inspections**

If required by Sydney Metro, prior to the issue of an Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey will establish the extent of any existing damage and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

14.0 **PRIOR TO SUBDIVISION CERTIFICATE**

14.1 **Site Access**

14.1.1 All lots shall have access from a dedicated public road. In this regard, all proposed roads shall be dedicated as public road free of cost to Council.

14.1.2 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on a future public road. Any proposal to locate a proposed substation or other utility installation on a future public road shall be negotiated with and fully endorsed by the relevant Council Directorates.

14.2 **Road Damage**

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

14.3 **Asset Management**

14.3.1 A fee is to be paid to Council for the ongoing maintenance of the black powder coated light poles, street name poles and bus shelters proposed in this subdivision. This amount is based on Council's Goods and Services Schedule (Current) and is to be paid prior to the release of the Subdivision Certificate. Any enquiries regarding this fee are to be directed to the Maintenance Section of the City Assets Directorate.

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

14.4 **Consent Compliance**

14.4.1 A Subdivision Certificate shall not be issued until all relevant conditions of this consent have been satisfied.

14.4.2 The final plan of subdivision for this proposal is not to be released until the subdivision certificate for SPP-17-00039 (dated 20/08/2019) has been registered or is registered concurrently with this Development Application.

14.5 **Additional Inspections**

14.5.1 Any additional Council inspection services provided beyond the scope of any Compliance Certificate or inspection package and required to verify full compliance

with the terms of this consent, will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule and shall be paid to Council.

14.6 Fee Payment

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

14.7 Engineering Matters

14.7.1 Surveys/Certificates/Works As Executed plans

14.7.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed, in a colour softcopy format (.PDF). All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works (including works under the Roads Act 1993 and the Local Government Act 1993 covered by this Development Application).

14.7.1.2 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.

14.7.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed deemed to comply Stormwater Quality Control system has been installed and will function effectively in accordance with the manufacturer's specification.

14.7.1.4 A certificate (Roads) 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.

14.7.1.5 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):

a) Compaction certificates for fill within road reserves.

b) Compaction certificates for road sub-grade.

c) Compaction certificates for road pavement materials (sub-base and base courses).

d) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.

e) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4

i. Compliance Certificate and Test Results

ii. Delivery Dockets

iii. Summary of Material deliveries as per template available on Council's website.

14.7.1.6 The applicant is to submit the certified approved line marking and traffic signage plan as required by this consent. This will require evidence to demonstrate that

approvals have been obtained from the Local Traffic Committee and adoption by Council Ordinary Meeting. A final inspection report is to be included noting that all line marking and traffic signage works are complete.

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

When Council has been nominated or defaulted as the nominee for engineering compliance. Final inspections can be arranged through 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.

- 14.7.1.8 A survey report prepared and signed by a Registered Surveyor providing confirmation of the depth of all constructed road pavements in the form of finished surveyed levels for each road pavement layer, noting tolerances for any variations in constructed pavement depth.

- 14.7.1.9 Structural certification 'as built' by a qualified Engineer (NER) for all structural items approved by the scope of this consent. This relates to the following components:

- a) Retaining walls over 0.6 m in height
- b) Rigid pavements
- c) Non-standard stormwater pits
- d) Culverts and/or bridges
- e) Filling works and removal of jersey kerb along Cudgegong Road.

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

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

14.7.2 Easements/Restrictions/Positive Covenants

- 14.7.2.1 Any easement or restriction created as a result of this consent must be in accordance with the following:

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

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

- 14.7.2.2 Deleted.

- 14.7.2.3 Restrictions and positive covenant must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the overland flow-path. Documentary evidence of this LRS lodgement shall be submitted to Council.

- 14.7.2.4 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current

issue).

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

14.7.3 Dedications

- 14.7.3.1 Dedication at no cost to Council of 5 m x 5 m splay corners on allotments at each street intersection.
- 14.7.3.2 The land required for road widening along Cudgegong Road to ensure a minimum 4.5m verge along the development frontage shall be dedicated at no cost to Council.

14.7.4 Bonds/Securities/Payments in Lieu of Works

- 14.7.4.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.
- 14.7.4.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.

(a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)

(b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

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

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

- 14.7.4.4 Where Council's has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request. The Applicant is to provide security to cover the cost of removal of any temporary infrastructure. This will include but not be limited to the removal of the temporary turning head at the southern end of Main Street and reinstatement of the road section as a through road once the development towards the south is completed (providing connectivity with Impexa Parade) and is dedicated to Council.

- 14.7.4.4a. Written evidence of a prepaid Temporary OceanGuard Maintenance Contract from Ocean Protect is to be provided to the certifier with a copy provided to WSUD@blacktown.nsw.gov.au for the maintenance of the temporary 200 micron OceanGuards (excluding installation) in the minimum 9 street pits in Main Street and New North-South Street (Aristida Street). The contract is for 6 years and is to cover the following:

- i. the cost of initial inspection of the site by Ocean Protect to verify the number and current condition of the OceanGuards previously installed in the pits. Where these OceanGuards may have been damaged or removed, such repair costs will be additional to the standard maintenance costs;
- ii. provision of an initial clean;
- iii. after the initial clean, provision for 3 cleans per year for 6 years;
- iv. Ocean Protect to submit to Council an annual report on maintenance undertaken on the devices by 1 September each year. Details are to be submitted to WSUD@blacktown.nsw.gov.au
- v. replacement of the 200micron bags at 2 and 4 years;
- vi. complete removal of the temporary OceanGuards and their associated frames from the street pits at the end of the 6 year period;
- vii. the estimate shall include allowances for CPI and an allowance for possible damage to the devices by third parties

14.7.5 **Inspections**

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

14.7.6 **Relationship with other Approvals**

14.7.6.1 **Compliance with the requirements of the following nominated approvals:**

- a) Development Consent No. SPP-17-00039 dated 20/08/2019 issued by Blacktown City Council
- b) Section 4.55 Application No. MOD-20-00357 issued by Blacktown City Council
- c) 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 must be fully complied with in order to obtain release of the final plan of subdivision.

The authorised person signing the linen plan shall ascertain whether any Compliance Certificate(s) for the development is/are required to be issued in relation to any element component or system incorporated in the development. A copy of each required Compliance Certificate shall be lodged with Council.

14.7.7 **Inspection of Work**

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

14.8 **Waste**

- 14.8.1 The applicant must provide to Council's satisfaction, a loading dock management

plan as there is a concern that there could be conflict in this area if multiple trucks are using the loading bay at the same time, or if one truck is overhanging the turntable rendering it unusable.

15 OPERATIONAL (PLANNING)

15.1 Access/Parking

15.1.1 All required off-street car parking spaces and internal driveways 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 and 2890.1.

15.1.4 The basement must be accessible at all times for the commercial users.

15.1.5 All car parking spaces shall be clearly signposted for the residential units, visitor's spaces and commercial uses.

15.2 General

15.2.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.

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

15.2.3 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.

15.2.4 Arrangements shall be made for an effective commercial refuse removal service.

15.3 Landscaping

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

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

15.4 Emergency Procedures

15.4.1 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.

15.5 Lighting and Security

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

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

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

- 14.5.4 Sightlines must be kept free from obstructions. If a lack of natural surveillance occurs this would quickly encourage anti-social behaviour and criminal offences specifically malicious damage to the area. The 'fear of crime' would also no doubt increase if there is sign of malicious damage, rubbish, broken bottles etc. around the development. Regular maintenance and up-keep of the site must therefore be adhered to.
- 15.6 **Waste**
- 15.6.1 The owner or Owners Corporation/Community Management Association is to be responsible for ensuring that clear access is provided to waste collection trucks entering the property.
- 15.6.2 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 15.6.3 Waste and recycling collections undertaken by private contractor are to be provided by the Owners Corporation.
- 15.6.4 As the development will be serviced by private waste and recycling contractors, residents are unable to access Council's household clean up service, or garbage and recycling service. These must be provided by the Owners Corporation. A Section 88B must be listed on the title to this effect and must contain the following:
- a. The registered proprietor of the Burdened Lot, or where the Burdened Lot includes a Strata Scheme, the Owners Corporation of the Burdened Lot:
 - i. Is responsible for providing all waste and recycling services for the residents of the building or Strata Scheme
 - ii. Must ensure waste and recycling services, and bulky waste collections for the residents of the building or Strata Scheme are to be provided and undertaken by a private waste and recycling contractors (not Blacktown City Council);
 - iii. Must not access Council's household clean up service or waste/recycling service
 - iv. Indemnifies Council in respect of any claim regarding the non-provision by Blacktown City Council of waste services.
 - v. This positive public covenant cannot be released, varied or modified without the prior written consent of the Prescribed Authority.
- 15.6.5 The applicant must ensure that bulky waste items such as lounges and fridges etc are collected by private contractors directly from the site. These items must not be presented at the kerbside for collection.
- 15.6.6 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:
- a. 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.
 - b. 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.

- c. separated bin storage areas and associated waste management equipment for commercial and residential components of a development if applicable.
- d. 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.
- e. 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.

15.6.7 The Community Management Statement, Strata Management Statement and/or the Total Maintenance Plan (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.

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

- f. manage bins and bulky waste onsite
- g. clean bins and the waste room(s)
- h. arrange clear access to the waste loading bay on collection day (i.e., 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.
- i. Install and maintain relevant waste management signage onsite.

15.7 **Emergency Procedures**

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

15.8 **Clothes Drying**

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

15.9 **Graffiti Removal**

15.9.1 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.

15.10 **Crime Prevention Through Environmental Design**

15.10.1 Vandal proof and security lighting, CCTV and security measures endorsed by this consent shall be met and maintained at all times.

15.11 **Awnings**

15.11.1 The integrity of the awning must be checked by a NPER engineer engaged by the body corporate every 5 years to ensure compliance in line with the BCA and other relevant standards. A certificate of compliance is to be forwarded to Council's Civil and Park Maintenance Section for its records every 5 years.

- 15.11.2 No hanging signage is permitted under the awning which may affect the minimum clearance height of 2.4 m.
- 15.11.3 The property owner is responsible for the maintenance of the awnings at all times.
- 15.12 **NSW Police Requirements**
- 15.12.1 All security measures required by this consent to be installed are required to be appropriately maintained and in good working order.
- 15.12.2 Contact details for the Body Corporate and Building Manager must be forward to the NSW Police once the Body Corporate is formed and in the event of any changes to these contact details
- 15.12.3 Security Management Plan and Evacuation Plan is to be forwarded to the Crime Prevention Officer at Riverstone Police Station.
- 15.12.4 The Crime Prevention Officer at Quakers Hill Police Area Command is to be afforded the opportunity to inspect the development with a Town Planner and the Building Manager prior to Occupancy Certificate Stage.
- 16 **Signage**
- 16.1.1 No additional signs are to be erected/installed on the subject property not being 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 without separate and formal approval of Council.
- 16.1.2 The proposed sign is not to have/use:
- a. Flashing lights
 - b. Animated display, moving parts or simulated movement
 - c. Displays resembling traffic signs or signals; or
 - d. A method and level of illumination that distracts or dazzles.
- 16.1.3 The sign is to remain in good repair at all times.
- 16.1.4 The approved sign is to be installed in strict compliance with the approved plans and details. The sign is to be located wholly within the boundary of the subject site. No part of the sign is to overhang the property boundary.
- 16.1.5 The sign is to comply with the design criteria specified within SEPP64- Advertising and Signage.
- 16.1.6 The sign is to be kept well maintained and free of graffiti and damage throughout its lifespan. In the event of wear/tear, graffiti or damage this is to be rectified within a short time period.
- 16.1.7 The signs displayed are to be used for business identification purposes and not for general advertising.
- 17 **OPERATIONAL (ENVIRONMENTAL HEALTH)**
- 17.1 **Environmental Management**
- 17.1.1 The recommendations provided in the acoustic report shall be implemented.
- 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 A post commissioning report produced by an independent organisation that is eligible for membership with the *Association of Australian Acoustic Consultants* within 3 – 6 months of the development operating to validate the findings of the DA Acoustic Assessment shall be submitted
- 17.1.6 To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10pm and 7am.
- 17.1.7 All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.