

# Development Consent – Key Sites

## *Section 4.38 of the Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

**Anthony Witherdin**  
**Director**  
**Key Sites Assessments**

Sydney

[July 2021]

File: SSD 10425

### **SCHEDULE 1**

<b>Application Number:</b>	SSD 10425
<b>Applicant:</b>	Deicorp Construction Pty Limited
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	1-15 and 2-12 Conferta Avenue, Rouse Hill Lots 293 and 294/DP 1213279
<b>Development:</b>	Construction of a staged mixed-use development (Tallawong Station Precinct South) comprising: <ul style="list-style-type: none"><li>• 17 buildings of between two and eight storeys to a maximum height of 34.69 m (RL 91.600)</li><li>• maximum gross floor area (GFA) of 93,393 m<sup>2</sup></li><li>• 987 dwellings</li><li>• retail, commercial and community uses of approximately 9,000 m<sup>2</sup> GFA</li><li>• 5% affordable housing (50 dwellings)</li><li>• basement for car parking and services</li><li>• land and stratum subdivision</li><li>• landscaping of the public and private domain</li><li>• publicly accessible park</li><li>• new public and private roads and pedestrian connection</li></ul>

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## DEFINITIONS

<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Deicorp Construction Pty Limited, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CCC</b>	Community Consultative Committee
<b>CCS</b>	Community Communication Strategy
<b>Certifier</b>	Means a council or person registered as a registered certifier under the Building and Development Certifiers Act 2018 acting in relation to matters to which the registration applies or in the case of Crown development, a person qualified to conduct a certification of Crown building work
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including site establishment works, relocation of utilities, earthworks, and erection of buildings and other infrastructure permitted by this consent
<b>Council</b>	Blacktown City Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development approved pursuant to this consent, as defined in Condition A1 or A2 and as modified by the conditions of this consent
<b>DRP</b>	Design Review Panel (Tallawong Design Review Panel)
<b>EIS</b>	The Environmental Impact Statement titled 1-15 and 2-12 Conferta Ave Rouse Hill (Tallawong Station South), prepared by Sutherland & Associates Planning and dated May 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: "material harm" is defined in this consent</i>
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>• involves actual or potential harm to the health or safety of people or to the environment that is not trivial, or</li> <li>• results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring

<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of approved land uses upon completion of construction
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>Planning Secretary</b>	The Planning Secretary under the EP&A Act, or nominee
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
<b>RtS</b>	The Applicant's response to issues raised in submissions received in relation to the application for this development consent under the EP&A Act
<b>RRFI</b>	The Applicant's response to requests for information from the Department in relation to the application for this development consent under the EP&A Act
<b>Sensitive Receiver</b>	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
<b>Site</b>	The land identified in Schedule 1
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW
<b>Work(s)</b>	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures.

**SCHEDULE 2**  
**PART A ADMINISTRATIVE CONDITIONS**

**OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

**TERMS OF CONSENT**

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS, RtS and any RRFI;
- (d) in accordance with the approved plans in the table below (except where modified by the conditions of this consent):

<b>Architectural drawings prepared by Turner Architects</b>			
<b>Project &amp; Drawing Number</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
18095 – DA-010-008	06	Site areas	20.05.21
18095 – DA-010-010	06	Building separation	20.05.21
<b>Staging Plans</b>			
18095 – DA-010-011	07	Staging Diagram_S1	20.05.21
18095 – DA-010-012	07	Staging Diagram_S2	20.05.21
18095 – DA-010-013	07	Staging Diagram_S3	20.05.21
18095 – DA-010-014	07	Staging Diagram_S4	20.05.21
18095 – DA-010-015	07	Staging Diagram_S5	20.05.21
<b>General</b>			
18095 – DA-010-030	05	Playground Access	09.12.20
18095 – DA-110-006	13	Basement 03 & 02	20.05.21
18095 – DA-110-007	13	Basement 02 & 01	20.05.21
18095 – DA-110-008	12	Basement 01, Mezz & Level 01	20.05.21
18095 – DA-110-010	11	Mezz, Level 01 & 02	17.05.21
18095 – DA-110-020	11	Level 01, 02 & 03	29.04.21
18095 – DA-110-030	07	Level 01, 02, 03 & 04	29.04.21
18095 – DA-110-040	09	Level 02, 03, 04 & 05	29.04.21
18095 – DA-110-050	06	Level 03, 04, 05 & 06	28.04.21
18095 – DA-110-060	06	Level 04, 05, 06 & 07	28.04.21
18095 – DA-110-070	06	Level 05, 06, 07 & 08	10.04.21

18095 – DA-110-080	06	Level 06, 07, 08 & Roof	10.04.21
18095 – DA-110-090	06	Level 07, 08 & Roof	10.04.21
18095 – DA-110-100	06	Level 08 & Roof	10.04.21
18095 – DA-110-110	06	Roof Level	10.04.21
18095 – DA-890-010	06	Materials & Finishes Board – Materials & Finishes	20.05.21
Site 1A			
18095 – DA-111-007	11	Site 1A Basement 02	20.05.21
18095 – DA-111-008	10	Site 1A Basement 01	17.05.21
18095 – DA-111-009	09	Site 1A Basement 01 Upper	22.04.21
18095 – DA-111-010	08	Site 1A Level 01	09.04.21
18095 – DA-111-020	08	Site 1A Level 02	28.04.21
18095 – DA-111-030	06	Site 1A Level 03	10.04.21
18095 – DA-111-040	06	Site 1A Level 04 - 06	10.04.21
18095 – DA-111-070	06	Site 1A Level 07	10.04.21
18095 – DA-111-080	06	Site 1A Level 08	10.04.21
18095 – DA-111-090	06	Roof	10.04.21
Site 1B			
18095 – DA-112-006	11	Site 1B Basement 03	20.05.21
18095 – DA-112-007	11	Site 1B Basement 02	20.05.21
18095 – DA-112-008	10	Site 1B Basement 01	17.05.21
18095 – DA-112-009	09	Site 1B Basement 01 Upper	17.05.21
18095 – DA-112-010	10	Site 1B Level 01	29.04.21
18095 – DA-112-015	09	Site 1B Level 01 Upper	29.04.21
18095 – DA-112-020	08	Site 1B Level 02	29.04.21
18095 – DA-112-030	07	Site 1B Level 03	28.04.21
18095 – DA-112-040	07	Site 1B Level 04	28.04.21
18095 – DA-112-050	07	Site 1B Level 05	10.04.21
18095 – DA-112-060	07	Site 1B Level 06	10.04.21
18095 – DA-112-070	07	Site 1B Level 07	10.04.21
18095 – DA-112-080	07	Site 1B Level 08	10.04.21



18095 – DA-112-090	07	Roof	10.04.21
Site 2A & 2D			
18095 – DA-113-006	09	Site 2A & 2D Basement 03	20.05.21
18095 – DA-113-007	09	Site 2A & 2D Basement 02	20.05.21
18095 – DA-113-008	10	Site 2A & 2D Basement 01	20.05.21
18095 – DA-113-009	07	Site 2A & 2D Basement 01, Mezz & Level 01	23.04.21
18095 – DA-113-010	07	Site 2A & 2D Level 01 & 02	23.04.21
18095 – DA-113-020	05	Site 2A & 2D Level 02 & 03	09.12.20
18095 – DA-113-030	05	Site 2A & 2D Level 03 & 04	09.12.20
18095 – DA-113-040	05	Site 2A & 2D Level 04 & 05	09.12.20
18095 – DA-113-050	05	Site 2A & 2D Level 05 & 06	09.12.20
18095 – DA-113-060	05	Site 2A & 2D Level 06 & 07	09.12.20
18095 – DA-113-070	05	Site 2A & 2D Level 07 & 08	09.12.20
18095 – DA-113-080	05	Site 2A & 2D Level 08 & Roof	09.12.20
18095 – DA-113-090	05	Site 2A & 2D Roof	09.12.20
Site 2B, 2C & 2E			
18095 – DA-114-007	10	Site 2B, 2C & 2E Basement 02	20.05.21
18095 – DA-114-008	10	Site 2B, 2C & 2E Basement 01	20.05.21
18095 – DA-114-009	07	Site 2B, 2C & 2E Basement 01, Mezz & Level 01	22.04.21
18095 – DA-114-010	05	Site 2B, 2C & 2E Level 01 & 02	09.12.20
18095 – DA-114-020	05	Site 2B, 2C & 2E Level 02 & 03	09.12.20
18095 – DA-114-030	05	Site 2B, 2C & 2E Level 03 & 04	09.12.20
18095 – DA-114-040	05	Site 2B, 2C & 2E Level 04 & 05	09.12.20
18095 – DA-114-050	05	Site 2B, 2C & 2E Level 05 & 06	09.12.20
18095 – DA-114-060	05	Site 2B, 2C & 2E Level 06 & 07	09.12.20
18095 – DA-114-070	05	Site 2B, 2C & 2E Level 07 & 08	09.12.20
18095 – DA-114-080	05	Site 2B, 2C & 2E Level 08 & Roof	09.12.20
18095 – DA-114-090	05	Site 2B, 2C & 2E Roof	09.12.20
Elevations			
18095 – DA-210-010	06	North Elevations	20.05.21

18095 – DA-210-020	06	East Elevations	20.05.21
18095 – DA-210-030	06	South Elevations	20.05.21
18095 – DA-210-040	06	West Elevations	20.05.21
18095 – DA-211-001	06	Site 1A Elevations 1	20.05.21
18095 – DA-211-002	06	Site 1A Elevations 2	20.05.21
18095 – DA-212-001	06	Site 1B Elevations 1	20.05.21
18095 – DA-212-002	09	Site 1B Elevations 2	20.05.21
18095 – DA-212-003	08	Site 1B Elevations 3	20.05.21
18095 – DA-212-004	06	Site 1B Elevations 4	20.05.21
18095 – DA-213-001	06	Site 2A Elevations 1	20.05.21
18095 – DA-213-002	06	Site 2A Elevations 2	20.05.21
18095 – DA-213-003	06	Site 2A Elevations 3	20.05.21
18095 – DA-213-004	06	Site 2A Elevations 4	20.05.21
18095 – DA-214-001	06	Site 2B Elevations 1	20.05.21
18095 – DA-214-002	06	Site 2B Elevations 2	20.05.21
18095 – DA-214-003	06	Site 2B Elevations 3	20.05.21
18095 – DA-215-001	06	Site 2C Elevations 1	20.05.21
18095 – DA-215-002	06	Site 2C Elevations 2	20.05.21
18095 – DA-215-003	06	Site 2C Elevations 3	20.05.21
18095 – DA-215-004	06	Site 2C Elevations 4	20.05.21
18095 – DA-216-001	06	Site 2D Elevations 1	20.05.21
18095 – DA-216-002	06	Site 2D Elevations 2	20.05.21
18095 – DA-216-003	06	Site 2D Elevations 3	20.05.21
18095 – DA-217-001	06	Site 2E Elevations 1	20.05.21
Signage			
18095 – DA-850-010	06	Signage – Basement 02, Basement 01 & Level 01	20.05.21
18095 – DA-850-101	06	1A_Signage – Elevations 1	20.05.21
18095 – DA-850-102	06	1A_Signage – Elevations 2	20.05.21
18095 – DA-850-201	06	1B_Signage – Elevations 1	20.05.21
18095 – DA-850-202	06	1B_Signage – Elevations 2	20.05.21

18095 – DA-850-203	06	1B_Signage – Elevations 3	20.05.21
18095 – DA-850-204	06	1B_Signage – Elevations 4	20.05.21
<b>Subdivision plans prepared by John Walton of Daw &amp; Walton Consulting Surveyors</b>			
<b>Reference &amp; Drawing Number</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
4900-19DP293 Sheet 1 of 1	08	Plan of Subdivision of Lot 293 in DP1213279	23.02.21
4900-19DP293 Sheet 1 of 1	02	Easements over Lot 2932 in DP-	23.02.21
4900-19DP293 Sheet 1 of 1	02	Easements over Lot 2933 in DP-	23.02.21
<b>Building Stratum Subdivision of Lot 294 in DP1213279</b>			
4900-19DP294 Sheet 1 of 9	11	Location Plan	25.05.21
4900-19DP294 Sheet 2 of 9	11	Basement 3	25.05.21
4900-19DP294 Sheet 3 of 9	11	Basement 2	25.05.21
4900-19DP294 Sheet 4 of 9	11	Basement 1	25.05.21
4900-19DP294 Sheet 5 of 9	11	Mezzanine	25.05.21
4900-19DP294 Sheet 6 of 9	11	Level 1	25.05.21
4900-19DP294 Sheet 7 of 9	11	Level 2	25.05.21
4900-19DP294 Sheet 8 of 9	11	Level 3 – Roof Levels	25.05.21
4900-19DP294 Sheet 9 of 9	11	Roof Levels & Above	25.05.21
<b>Plan of Subdivision of Lot 2931 in DP-</b>			
4900-19DP293 Sheet 1 of 4	15	Location Plan	25.05.21
4900-19DP293 Sheet 2 of 4	15	Plan of Subdivision of Lot 2931 in DP- Basement 2	25.05.21
4900-19DP293 Sheet 3 of 4	15	Plan of Subdivision of Lot 2931 in DP- Basement 1	25.05.21
4900-19DP293 Sheet 4 of 4	15	Plan of Subdivision of Lot 2931 in DP- Level 1 & Above	25.05.21
<b>Landscape drawings prepared by Turf Design Studio</b>			
<b>Drawing Number</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
L-DA-7	H	Site Master Plan	Nov 20
L-DA-8	H	Landscape Zoning Plan	Nov 20
L-DA-9	H	Public Landscape	Nov 20
L-DA-10	H	Canopy Coverage	Nov 20
L-DA-11	H	Communal Open Space/Private Open Space	Nov 20
L-DA-12	H	Deep Soil Zones	Nov 20

L-DA-13	H	Softscape Zones	Nov 20
L-DA-17	H	Stage 1 Site Plan	Nov 20
L-DA-18	H	Stage 1 Site Section A	Nov 20
L-DA-	H	The Green	Nov 20
L-DA-23	H	Play Space	Nov 20
L-DA-28	H	Lower Plaza	Nov 20
L-DA-29	H	Lower Plaza Section D	Nov 20
L-DA-	H	Western Plaza	Nov 20
L-DA-32	H	Western Plaza Section E	Nov 20
L-DA-35	H	Themeda Avenue Entry Plaza	Nov 20
L-DA-36	H	Themeda Avenue Entry Plaza Section F	Nov 20
L-DA-38	H	Market Plaza	Nov 20
L-DA-41	H	-	Nov 20
L-DA-42	H	North South Connection	Nov 20
L-DA-43	H	North South Connection Section H	Nov 20
L-DA-44	H	North South Connection Long Section 1	Nov 20
L-DA-46	H	Communal Garden	Nov 20
L-DA-47	H	Communal Garden Long Section J	Nov 20
L-DA-50	H	Communal Lobby	Nov 20
L-DA-51	H	Communal Lobby Cross Section K	Nov 20
L-DA-53	H	Schofields Road Entry	Nov 20
L-DA-55	H	Pocket Park	Nov 20
L-DA-56	H	Pocket Park Cross Section L	Nov 20
L-DA-58	H	Communal Pocket Park	Nov 20
L-DA-59	H	Communal Pocket Park Cross Section M	Nov 20
L-DA-60	H	Lobby Garden	Nov 20
L-DA-61	H	Garden Lobby Cross Section N	Nov 20
L-DA-62	H	Site 2A West	Nov 20
L-DA-63	H	Garden Lobby Cross Section O	Nov 20
L-DA-64	H	Site 2A Central	Nov 20

L-DA-65	H	Garden Lobby Cross Section P	Nov 20
L-DA-66	H	Site 2A East	Nov 20
L-DA-75	H	Private Street	Nov 20
L-DA-76	H	Private Street Detail Plan North	Nov 20
L-DA-77	H	Private Street Detail Plan South	Nov 20
L-DA-78	H	Private Street Cross Section R	Nov 20
L-DA-79	H	Private Street Long Section I	Nov 20
L-DA-81	H	Conferta Avenue Detail Plan	Nov 20
L-DA-82	H	Conferta Avenue Site Section S	Nov 20
L-DA-84	H	Local Street	Nov 20
L-DA-85	H	Local Street Section T	Nov 20
L-DA-87	H	Local Street Section U	Nov 20
L-DA-89	H	Schofields Road Interface	Nov 20
L-DA-90	H	Schofields Road Interface Section V	Nov 20
L-DA-91	H	Cudgegong Road Interface	Nov 20
L-DA-92	H	Site Sections W	Nov 20
L-DA-96	H	Rooftop Masterplan	Nov 20
L-DA-97	H	Site 1A – North Rooftops	Nov 20
L-DA-98	H	Site 1A – South Rooftop	Nov 20
L-DA-99	H	Site 1B – West Rooftop	Nov 20
L-DA-100	H	Site 1B - North	Nov 20
L-DA-101	H	Site 1B - Podium	Nov 20
L-DA-102	H	Site 1B – Central Rooftop	Nov 20
L-DA-103	H	Site 1B – East Rooftop	Nov 20
L-DA-104	H	Site 2A – West Rooftop	Nov 20
L-DA-105	H	Site 2A – Central Rooftop	Nov 20
L-DA-106	H	Site 2A – East Rooftop	Nov 20
L-DA-107	H	Site 2B – Rooftop	Nov 20
L-DA-108	H	Site 2C – West Rooftop	Nov 20
L-DA-109	H	Site 2C – East Rooftop	Nov 20

L-DA-110	H	Site 2C – South Rooftop	Nov 20
L-DA-111	H	Site 2D – West Rooftop	Nov 20
L-DA-112	H	Site 2D – Central Rooftop	Nov 20
L-DA-113	H	Site 2D – East Rooftop	Nov 20
L-DA-114	H	Site 2E – Rooftop	Nov 20
<b>Retail / Commercial Drawings Prepared by D + R Architects</b>			
<b>Reference Number</b>	<b>Rev</b>	<b>Name of Report or Drawings</b>	<b>Date</b>
Plan 20029 DA1.01	C	Mezzanine Plan	14.5.21
Plan 20029 DA1.02	D	Ground Floor Plan	14.5.21
Plan 20029 DA1.03	E	Level 2 Plan	14.5.21
<b>Report and Plans prepared by AECOM</b>			
<b>Reference Number</b>	<b>Rev</b>	<b>Name of Report or Drawings</b>	<b>Date</b>
60618532	007	Flood Impact Assessment	29.03.21
60618532 – SHT-00-0000-CI-48 Sheets	1-7	Engineering drawings referenced in Section 8.16, and as amended by Section 8.20 of Blacktown City Council's submission to DPIE via the Major Projects portal dated 11 June 2021.	07.05.20-22.03.21
<b>Report Prepared by Atlas Urban Economics</b>			
<b>Reference Number</b>	<b>Rev</b>	<b>Name of Report or Drawings</b>	<b>Date</b>
J88	5 <sup>th</sup> Feb	Tallawong Station Precinct South Retail and Commercial Land Use Strategy	Dec 20

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### LIMITS ON CONSENT

- A5. This consent will lapse five years from the date the consent is registered on the NSW planning portal unless the works associated with the development have physically commenced.
- A6. This consent does not approve the following:
- the detailed fit out and operation of the retail and commercial premises
  - the installation of signage
- Where required, separate approvals shall be obtained from the relevant consent authority (except where exempt and/or complying development applies).

## **PRESCRIBED CONDITIONS**

A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

## **PLANNING SECRETARY AS MODERATOR**

A8. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

## **LEGAL NOTICES**

A9. Any advice or notice to the consent authority must be served on the Planning Secretary.

## **EVIDENCE OF CONSULTATION**

A10. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and
- (b) provide details of the consultation undertaken including:
  - (i) the outcome of that consultation, matters resolved and unresolved; and
  - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## **STRUCTURAL ADEQUACY**

A11. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

### **Notes:**

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

## **OPERATION OF PLANT AND EQUIPMENT**

A12. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

## **APPLICABILITY OF GUIDELINES**

A13. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A14. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## **MONITORING AND ENVIRONMENTAL AUDITS**

A15. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

**Note:** For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

## **COMPLIANCE**

A16. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## **REVISION OF STRATEGIES, PLANS AND PROGRAMS**

A17. Within three months of:

- (a) the submission of a compliance report under this consent;
- (b) the submission of an incident report under condition this consent;

- (c) the submission of an Independent Audit under this consent;
- (d) the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act); or
- (e) the issue of a direction of the Planning Secretary under this consent which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

- A18. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

**Note:** *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

#### **COMPLIANCE REPORTING**

- A19. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements (2020).
- A20. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed to by the Planning Secretary.
- A21. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- A22. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

#### **INDEPENDENT ENVIRONMENTAL AUDIT**

- A23. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- A24. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- A25. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.
- A26. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
  - (a) review and respond to each Independent Audit Report prepared under this consent;
  - (b) submit the response to the Planning Secretary; and
  - (c) make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.
- A27. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary.
- A28. Notwithstanding the requirements of the Independent Audit Post Approvals Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

#### **REMEDICATION – REMEDIAL ACTION PLAN**

- A29. The Applicant must remediate the site in accordance with the specifications and requirements detailed in the Remedial Action Plan prepared by EI Australia, dated 16 April 2020 (ref: E24445.E06\_Rev1) and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

#### **PLANNING AGREEMENT**

- A30. Any relevant obligation required to be performed by the applicant under the Planning Agreement-Village Green Land at Tallawong Station Precinct South executed on 6 May 2021 between Blacktown City Council and Deicorp Projects (Tallawong Station) Pty Ltd, must be completed prior to the issue of an Occupation Certificate.



## **REGISTRATION OF EASEMENTS AND COVENANTS – PUBLIC ACCESS**

- A31. Easements under section 88A and/or restrictions or public positive covenants under section 88E of the Conveyancing Act 1919 naming Blacktown City Council as the prescribed authority, which can only be revoked, varied or modified with the consent of Blacktown City Council, and which provides for public use and access to parks, plazas and paths that are identified to be privately owned lands with public easements under Concept Development Approval SSD 9063 as modified, must be registered on title prior to occupation or issue of subdivision certificate, whichever is earlier.

## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### DESIGN EXCELLENCE AND INTEGRITY

- B1. The architectural design team comprising Turner Architects is to have direct involvement in the design documentation, contract documentation and construction stages of the project.
- B2. The architectural design team is to have full access to the site, following safety induction, and is to be authorised by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of any design issues throughout the project.
- B3. Evidence of the architectural design team's commission is to be provided to the Planning Secretary prior to the release of the relevant Construction Certificate.
- B4. The architectural design team is not to be changed without prior written notice and approval of the Planning Secretary.
- B5. To ensure the scheme retains, or is an improvement upon, the approved design excellence qualities, the Applicant shall notify the Planning Secretary of any proposed modifications to the approved architectural drawings.
- B6. The Planning Secretary is to determine whether any proposed modifications to the approved architectural drawings require review by the Tallawong Design Review Panel (TDRP) or other appropriate person(s).

### MAXIMUM BUILDING HEIGHT

- B7. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming the maximum height of the building does not exceed RL 91.600 AHD (34.69 m) including plant and lift overruns.

### GROSS FLOOR AREA CERTIFICATION

- B8. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the Certifier details confirming the gross floor area of the development does not exceed 93,393 m<sup>2</sup>.

### LONG SERVICE LEVY

- B9. Prior to the issue of any Construction Certificate for work costing \$25,000 or more, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit <https://www.longservice.nsw.gov.au/bci/levy/about-the-levy>.

### SPECIAL INFRASTRUCTURE CONTRIBUTIONS

- B10. A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

### DEVELOPER CONTRIBUTIONS FOR STAGE 2 ROADWORKS

- B11. Prior to the issue of a Construction Certificate, the following monetary contributions pursuant to *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid:

Contribution Item	Amount
<b>Stage 2 – Road Only</b>	
Stormwater Quantity Second Ponds Creek Land	\$155,441.00
Stormwater Quantity Second Ponds Creek Works	\$22,418.00
Stormwater Quality Second Ponds Creek	\$31,016.00
<b>Total</b>	<b>\$208,875.00</b>

The above amount will be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contributions.

A copy of the Blacktown City Council Section 7.11 Contributions Plan can be viewed at Blacktown City Council's Customer Service Centre, 62 Flushcombe Road, Blacktown or downloaded via Council's website at [www.blacktown.nsw.gov.au](http://www.blacktown.nsw.gov.au).

### COMPLETION OF STAGE 2 ROADWORKS/SUBDIVISION WORKS

- B12. Prior to the issue of a Construction Certificate for Stage 2 Roadworks, all subdivision works are to be completed and Subdivision Certificate issued. This includes public infrastructure such as roads and road drainage systems and any engineering infrastructure required to serve the road and road drainage systems.

### STRUCTURAL DETAILS

- B13. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

- (a) the relevant clauses of the BCA; and
- (b) this development consent.

#### **EXTERNAL WALLS AND CLADDING**

- B14. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- B15. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA. The Applicant must provide a copy of the documentation to the Planning Secretary for information.

#### **ACCESS AND SANITARY FACILITIES FOR PEOPLE WITH DISABILITIES**

- B16. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details prepared by a suitability qualified professional demonstrating that the building has been designed and will be constructed to provide access and facilities for people with a disability in accordance with the BCA.

#### **MECHANICAL VENTILATION**

- B17. The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2.
- B18. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details that any mechanical ventilation and/or air conditioning system for the development complies with AS1668.1, AS1668.2, the BCA and relevant Australian Standards, prepared by a suitably qualified person certified in accordance with Clause A2.2(a)(iii) of the BCA, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

#### **REFLECTIVITY**

- B19. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the design of the development has incorporated those recommendations specified in Solar Light Reflectivity Study prepared by Windtech, dated April 16, 2020 (ref: WD965-03F02, REV1).

#### **SITE STABILITY AND CONSTRUCTION WORK**

- B20. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier a report obtained from a suitably qualified and experienced professional engineer/s, which includes the following details:
- (a) geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land
  - (b) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings
  - (c) details to demonstrate that the proposed methods of support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration
  - (d) the adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout building work
  - (e) written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the Certifier.

#### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

- B21. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Certifier evidence demonstrating that the design of the development has incorporated the CPTED management and mitigation measures included within the CPTED report Crime Prevention Through Environmental Design Assessment prepared by Barker Ryan Stewart Pty Ltd, dated May 2020.

#### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- B22. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Certifier evidence demonstrating the development incorporates all design, construction and operation measures as identified in the Sustainability Report prepared by ARUP, Job No. 272000-00, dated 7 May 2020.
- B23. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Certifier evidence demonstrating that Ecologically Sustainable Development is being achieved by achieving a

minimum 5 Star Green Star rating in accordance with the Green Star Design and Community Design V.1.1 (Green Building Council Australia).

#### WASTE FACILITIES AND SERVICES

B24. Prior to the issue of a Construction Certificate, the Applicant shall submit to the satisfaction of the Certifier, amended architectural plans demonstrating that the design of the waste facilities and services complies with the requirements detailed in Section 6.3 of Blacktown City Council's submission to DPIE via the Major Projects portal dated 11 June 2021.

#### INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS

- B25. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Certifier evidence demonstrating:
- (a) all kitchen taps installed within the development must be water efficient with at least a 5-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate
  - (b) all toilets installed within the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS)
  - (c) all taps and shower heads installed within the development must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available
  - (d) new urinal suites, urinals and urinal flushing control mechanisms installed within the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
  - (e) systems reduce unnecessary flushing. Continuous flushing systems are not approved.

#### MECHANICAL PLANT NOISE MITIGATION

B26. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant are detailed on relevant Construction Certificate drawings and certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the development.

#### NOISE MITIGATION MEASURES

B27. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit evidence to the Certifier demonstrating that the design of the development has incorporated the noise mitigation measures contained within the document titled Acoustical Report, prepared by Koikas Acoustics, dated 28 September 2020.

#### WIND MITIGATION MEASURES

B28. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit evidence to the Certifier demonstrating that the design of the development has incorporated the wind mitigation measures contained within the document titled Pedestrian Wind Environment Statement prepared by Windtech, dated 16 April 2020 (ref: WD965-02F02, REV3).

#### SYDNEY WATER ASSETS

B29. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation. The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

**Note:** Sydney Water's Tap in™ in online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

#### CAR PARKING

B30. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Certifier plans demonstrating compliance with the following traffic and parking requirements:

- (a) a maximum of 1,361 on-site car parking spaces provided as follows:

Use	Rate
Residential dwellings	1 car space per 1 bedroom 1 car space per 2 bedroom 1.4 car space per 3 bedroom (total of 1,008 spaces)
Residential visitor	0.1 car space per dwelling (total of 99 spaces)
Affordable housing	as per the residential dwelling rates above
Retail/commercial floor area	Total of 250 spaces

Car wash bay	total of 4
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- (b) all vehicles should enter and leave the subject site in a forward direction;
- (c) all vehicles are to be wholly contained on site before being required to stop;
- (d) parking associated with the proposal (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS/NZS 2890.6:2009 and AS 2890.2-2018;
- (e) appropriate pedestrian advisory signs are to be provided at the egress from parking areas;
- (f) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority; and
- (g) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, shall be in accordance with AUSTRROADS.

### **BICYCLE PARKING AND FACILITIES**

- B31. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Certifier plans demonstrating compliance with the following:
- (a) a minimum of 1,086 on-site bicycle parking spaces provided as follows:
    - (i) 976 resident bicycle parking spaces within Site 1 and Site 2 basements
    - (ii) 43 visitor bicycle parking spaces within Site 1 (retail/commercial) basements
    - (iii) 67 visitor bicycle parking spaces within Site 2 (residential) basements
  - (b) the layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 – 2015 Parking Facilities Part 3: Bicycle Parking Facilities.
  - (c) end of trip facilities, storage, change room and shower facilities shall be provided and designed in accordance with the details provided within the approved plans.

### **LANDSCAPING**

- B32. Prior to the issue of the relevant construction certificate, the Applicant shall submit to the satisfaction of the Certifier detailed Landscape Plans. The plan must be consistent with the Landscape Plans prepared by Turf Design Studio, referenced in Condition A2 and include:
- (a) details of tree planting, including pot sizes;
  - (b) detail the location, species, maturity and height at maturity of plants to be planted on-site;
  - (c) demonstrate adequate drainage and watering systems for the planters,
  - (d) include details of plant maintenance and watering for the first 12 months and
  - (e) commit to replace plants with the same species should any plant loss occur within the maintenance period
  - (f) a revised species list for street trees along Themeda Avenue, Conferta Avenue, and the frontage of the development site, approved by Council. The Applicant is to pay any relevant fees for assessment, inspection, or bonds in accordance with Section 5 of Blacktown City Council's letter dated 11 June 2021.

### **STORMWATER MANAGEMENT SYSTEM**

- B33. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Certifier the design and construction details of an operational stormwater management system for the development. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be generally in accordance with the conceptual design in the EIS;
  - (c) be in accordance with applicable Australian Standards;
  - (d) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines
  - (e) be amended to comply with the requirements and specifications detailed in Sections 7.2, 8.25 and 8.26 of Blacktown City Council's submission to DPIE via the Major Projects portal dated 11 June 2021.

### **GENERAL MATTERS TO BE ADDRESSED IN PLANS**

- B34. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the Certifier, architectural plans that incorporate the amendments and specifications relating to stormwater infrastructure and road design, and relevant written concurrence obtained from Council, detailed in Section 8.16.4 of Blacktown City Council's submission to DPIE via the Major Projects portal dated 11 June 2021.

## **BASIX CERTIFICATION**

B35. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Nos. 1089628M\_04, 1089643M\_04, 1090592M\_03, and 1090615M\_03, all dated 8 May 2020 and any updated certificate issued if amendments are made. The BASIX Certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

## **SYDNEY METRO CORRIDOR PROTECTION**

B36. Prior to the issue of any Construction Certificate the Applicant shall undertake the following to the satisfaction of Sydney Metro:

- (a) written verification to Sydney Metro that Sydney Metro has given its written approval of the final construction drawings for the Construction Certificate
- (b) 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 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 rail corridor or rail operations, that part of the development must have a minimum design life of 100 years
- (c) 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. 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
- (d) 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
- (e) 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 and written confirmation has been received from Sydney Metro that this condition has been satisfied
- (f) no rock anchors, rock bolts, ground anchors, 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 and the applicant has received written confirmation from Sydney Metro that this condition has been satisfied
- (g) if required by Sydney Metro, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor and the Applicant has received written confirmation from Sydney Metro that this condition has been satisfied
- (h) 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 and written confirmation has been received from Sydney Metro that this condition has been satisfied. If required by Sydney Metro, 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. 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
- (i) if required by Sydney Metro, 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. The Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition
- (j) 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.

## **PART C PRIOR TO COMMENCEMENT OF WORKS**

### **NOTIFICATION OF COMMENCEMENT**

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **ACCESS TO INFORMATION**

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
  - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.
  - (c) address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

### **SURVEY CERTIFICATE**

- C4. Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier a Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries.

### **PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES**

- C5. Prior to the commencement of works, the Applicant must:
  - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation report to the Certifier, Planning Secretary and Council for information
  - (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites.

### **UTILITIES AND SERVICES**

- C6. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.
- C7. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

### **DIAL BEFORE YOU DIG SERVICE**

- C8. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the satisfaction of the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

## COMMUNITY COMMUNICATION STRATEGY

- C9. Before the commencement of construction, the Applicant must prepare a Community Communication Strategy (CCS) for the development to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction. The CCS for the development must:
- (a) identify people to be consulted during the design and construction phases;
  - (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
  - (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
  - (d) set out procedures and mechanisms:
    - through which the community can discuss or provide feedback to the Applicant;
    - through which the Applicant will respond to enquiries or feedback from the community; and
    - to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- C10. The CCS must be submitted to the Planning Secretary for approval no later than one month before the commencement of construction.
- C11. Construction must not commence until the CCS has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.
- C12. The CCS, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

## COMMUNITY CONSULTATIVE COMMITTEE

- C13. Within 90 days of development Consent being issued, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects*. The CCC must begin to exercise functions in accordance with such Guidelines before the commencement of construction and continue to do so for the duration of construction and for at least six months following the completion of construction.

### Notes:

- The CCC is an advisory committee only.
- In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.

## DEMOLITION

- C14. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier before the commencement of works.

## PRE-CONSTRUCTION DILAPIDATION REPORTS

- C15. Prior to the commencement of any earthwork or construction, the Applicant shall submit to the satisfaction of the Certifier a Pre-Construction Dilapidation Report, prepared by a suitably qualified person. The Report is to detail the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. A copy of the report is to be forwarded to the Planning Secretary and each of the affected property owners for information.
- C16. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Planning Secretary that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- C17. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant. Damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.



## **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

C18. Prior to the commencement of any earthwork or construction, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The CEMP shall address, but not be limited to, the following matters where relevant:

- (a) Details of:
  - (i) hours of work
  - (ii) 24 hour contact details of site manager and details of complaint handling
  - (iii) traffic management
  - (iv) construction noise and vibration management, prepared by a suitably qualified person
  - (v) management of dust to protect the amenity of the neighbourhood
  - (vi) erosion and sediment control
  - (vii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site
  - (viii) works in accordance with any remedial works plan
  - (ix) air quality management including issues associated with odour, minimising dust on site and prevention of dust from leaving the site during construction works incorporation of all acoustic management and treatments.
- (b) Construction Traffic and Pedestrian Management Sub-Plan
- (c) Construction Noise and Vibration Management Sub-Plan
- (d) Air Quality Management Sub-Plan
- (e) Construction Waste Management Sub-Plan
- (f) Construction Soil and Water Management Sub-Plan
- (g) an unexpected finds protocol for contamination and associated communications procedure
- (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure
- (i) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.

## **CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN SUB-PLAN**

C19. Prior to the commencement of any earthwork or construction, the Applicant shall submit to the satisfaction of the Certifier a final Construction Pedestrian and Traffic Management Plan Sub-Plan (CPTMP), prepared in consultation with the Sydney Coordination Office within TfNSW. The CPTMP needs to specify matters including, but not limited to, the following:

- (a) a description of the development;
- (b) location of any proposed work zone(s);
- (c) details of crane arrangements including location of any crane(s) and crane movement plan;
- (d) haulage routes;
- (e) proposed construction hours;
- (f) predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods;
- (g) construction vehicle access arrangements;
- (h) construction program and construction methodology, including any construction staging;
- (i) a detailed plan of any proposed hoarding and/or scaffolding;
- (j) measures to avoid construction worker vehicle movements within the precinct;
- (k) consultation strategy for liaison with surrounding stakeholders, including other developments under construction;
- (l) identify any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles during the construction of the proposed works. Proposed mitigation measures should be clearly identified and included in the CPTMP; and
- (m) identify the cumulative construction activities of the development and other projects within or around the development site. Proposed measures to minimise the cumulative impacts on the surrounding road network should be clearly identified and included in the CPTMP.

## **CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN**

- C20. Prior to the commencement of any earthwork or construction, the Applicant shall submit to the satisfaction of the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development. A copy of the CNVMP must be submitted to the Planning Secretary and Council for information. The Sub-Plan must include:
- (a) identification of the specific activities that will be carried out and associated noise sources at the premises;
  - (b) identification of all potentially affected sensitive residential receiver locations;
  - (c) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Sub-Plan, or as undertaken in the EIS;
  - (d) the construction noise, ground-borne noise and vibration objectives derived from an application of the EPA Interim Construction Noise Guideline (ICNG), as reflected in conditions of approval;
  - (e) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and conditions of approval;
  - (f) where objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts;
  - (g) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;
  - (h) where objectives cannot be met, additional measures including, but not necessarily limited to, the following should be considered and implemented where practicable; reduce hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community;
  - (i) where night-time noise management levels cannot be satisfied, a report shall be submitted to the Planning Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice;
  - (j) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action;
  - (k) suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere to the noise management provisions in the Sub-Plan;
  - (l) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
  - (m) measures to monitor noise performance and respond to complaints;
  - (n) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;
  - (o) procedures to allow for regular professional acoustic input to construction activities and planning; and
  - (p) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).

## **AIR QUALITY MANAGEMENT SUB-PLAN**

- C21. Prior to the commencement of any earthwork or construction, the Applicant shall submit to the satisfaction of the Certifier an Air Quality Management Sub-Plan (AQMP) for the development. A copy of the AQMP must be submitted to the Planning Secretary and Council for information. The Sub-Plan must include, as a minimum, the following elements:
- (a) be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (the Approved Methods);
  - (b) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour);
  - (c) mission statement;
  - (d) dust and VOCs/odour management strategies consisting of:
  - (e) objectives and targets;
  - (f) risk assessment;
  - (g) suppression improvement plan;
  - (h) monitoring requirements including assigning responsibility (for all employees and contractors);
  - (i) communication strategy; and
  - (j) system and performance review for continuous improvements.

- C22. The Sub-Plan must detail management practices to be implemented for all dust and VOC/odour sources at the site. The Sub-Plan must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (eg. frequency, duration and method of monitoring) to be undertaken for the project.
- C23. The Applicant must also develop and implement an appropriate comprehensive Reactive Air Quality and Odour Management Plan which will incorporate an Ambient Air Monitoring Program and Reactive Management Strategy to ensure that the assessment criteria are met during the works.

#### **CONSTRUCTION WASTE MANAGEMENT SUB-PLAN**

- C24. Prior to the commencement of any earthwork or construction, the Applicant shall submit to the satisfaction of the Certifier a Construction Waste Management Sub-Plan (CWMP) for the development. A copy of the CWMP must be submitted to the Planning Secretary and Council for information. The Sub-Plan must include, as a minimum, the following elements:
- (a) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
  - (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
  - (c) procedures for minimising the movement of waste material around the site and double handling;
  - (d) waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
  - (e) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
  - (f) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises;
  - (g) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):
    - a traffic plan showing transport routes within the site;
    - a commitment to retain waste transport details for the life of the project to demonstrate compliance with the Protection of the Environment Operations Act 1997; and
    - the name and address of each licensed facility that will receive waste from the site (if appropriate).

#### **CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN**

- C25. Prior to the commencement of any earthwork or construction, the Applicant shall submit to the satisfaction of the Certifier a Construction Soil and Water Management Sub-Plan (CSWMSP) which must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council
  - (b) describe all erosion and sediment controls to be implemented during construction
  - (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site)
  - (d) detail all off-Site flows from the Site
  - (e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

#### **CONSTRUCTION PARKING**

- C26. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles and for site personnel (where required), to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.

#### **COMPLIANCE**

- C27. Prior to the commencement of any earthwork or construction, the Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

#### **BARRICADE PERMIT**

- C28. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained from the relevant authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant authority.

#### **HOARDING**

- C29. An application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:
- (a) architectural, construction and structural details of the design as well as any proposed artwork
  - (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.
- C30. Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier evidence of the issue of a Structural Works Inspection Certificate and structural certification.

#### **OUTDOOR LIGHTING**

- C31. Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

#### **PUBLIC LIABILITY INSURANCE**

- C32. Prior to the commencement of any earthwork or construction over, on or below Council land, the Applicant must submit to the satisfaction of the Certifier evidence of Public Liability Insurance, with a minimum liability of \$10 million. A copy of the Insurance cover is to be provided to Council.

#### **REMEDICATION – UNEXPECTED FINDS PROTOCOL**

- C33. Prior to the commencement of any earthwork or remediation works for the development, the Applicant must submit to the satisfaction of the Certifier an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA accredited site auditor. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

#### **REMEDICATION – SITE AUDITOR**

- C34. Prior to the commencement of any earthwork or remediation works for the development, the Applicant must submit evidence to the Planning Secretary that a Site Auditor accredited under the *Contaminated Land Management Act 1997* has been appointed to independently review the implementation and validation of the remediation works.
- C35. The Applicant must ensure the remediation works for the development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

#### **REMEDICATION – SITE AUDIT REPORT AND SITE AUDIT STATEMENT**

- C36. Upon completion of the remediation works and prior to the commencement of construction of the development, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.

#### **REMEDICATION – VALIDATION REPORT**

- C37. Within one month following the completion of the remediation works for the development, a Remediation Validation Report (RVR) must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved remedial action plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

#### **STORMWATER CONNECTIONS ON TfNSW LAND**

- C38. Prior to the commencement of Stage 3 works (Staging diagram S2 18095 – DA-010-012) the Applicant is to enter into a Works Authorisation Deed (WAD) with TfNSW in relation to the stormwater connection on TfNSW land at the corner of Cudgegong and Schofields Roads. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval. Documents should be submitted to [Development.Sydney@rms.nsw.gov.au](mailto:Development.Sydney@rms.nsw.gov.au). A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

#### **GROUNDWATER REQUIREMENTS AND MANAGEMENT**

- C39. Prior to commencement of works the Applicant is to undertake the following to the satisfaction of DPIE Water and the Natural Resources Access Regulator (NRAR):
- (a) demonstrate adequate groundwater entitlements can be obtained for the project's operational water take
  - (b) ensure sufficient water entitlement is held in a water access licence/s (WAL) to account for the maximum predicted take for each water source prior to take occurring
  - (c) develop a Ground Water Management Plan for the construction phase
  - (d) develop a dewatering reporting schedule covering duration of construction
  - (e) develop a proposed operational phase (after building completion) monitoring and reporting schedule

## PART D DURING CONSTRUCTION

### APPROVED PLANS TO BE ON-SITE

- D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for inspection by any officer of the Department, Council or the Certifier.

### SITE NOTICE

- D2. A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
- (a) minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
  - (b) the notice is to be durable and weatherproof and is to be displayed throughout the works period
  - (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
  - (d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

### HOURS OF CONSTRUCTION

- D3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.
- D4. No work may be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- D8. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- D9. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

### NON-COMPLIANCE NOTIFICATION

- D10. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- D11. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- D12. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## **SAFEWORK REQUIREMENTS**

- D13. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

## **IMPLEMENTATION OF MANAGEMENT PLANS**

- D14. The Applicant must ensure the requirements of the Construction Environmental Management Plan, Construction Pedestrian Traffic Management Plan, Construction Noise and Vibration Management Sub-Plan, Air Quality Management Plan and Construction Waste Management Plan required by this consent are implemented during construction.

## **CONSTRUCTION NOISE LIMITS**

- D15. The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP.
- D16. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- D17. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D18. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at the sensitive receiver must only be undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than one hour respite between ceasing and recommencing any of the work the subject of this condition.
- D19. Any noise generated during construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act 1997 or exceed approved noise limits for the site.

## **VIBRATION CRITERIA**

- D20. Vibration caused by construction at any residence or structure outside the Site must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999);
  - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: A Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).
- D21. Vibratory compactors must not be used closer than 30 metres from residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

## **AIR QUALITY**

- D22. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

## **EROSION AND SEDIMENT CONTROL**

- D23. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

## **DISPOSAL OF SEEPAGE AND STORMWATER**

- D24. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the Protection of the Environment Operations Act 1997.
- D25. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- D26. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the Roads Act 1993.

## **REMEDATION – ASBESTOS**

- D27. The Applicant must ensure that any asbestos encountered is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
  - (b) *SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace* September 2016;
  - (c) *SafeWork NSW Code of Practice – How to Safely Remove Asbestos* September 2016; and
  - (d) *Protection of the Environment Operations (Waste) Regulation 2014*.

## **CONSTRUCTION TRAFFIC**

- D28. All construction vehicles are to be contained wholly within the Site, except if located in an approved on-street work zone, and vehicles must enter the Site before stopping.

## **ROAD OCCUPANCY LICENCE**

- D29. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.

## **NO OBSTRUCTION OF PUBLIC WAY**

- D30. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

## **CONTACT TELEPHONE NUMBER**

- D31. The Applicant shall ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

## **COVERING OF LOADS**

- D32. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

## **VEHICLE CLEANSING**

- D33. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

## **STORMWATER REQUIREMENTS**

- D34. The Applicant shall ensure that the following specifications are met and are not reduced in size or replaced with an alternate manufacturer's product:
- (a) the twenty-five 690 Storm filter cartridges for the Storm filter chamber supplied by Ocean Protect
  - (b) the Jellyfish filters three numbers of JF 2250-7-2 and one JF 3250-16-3 supplied by Ocean Protect
  - (c) the Gross Pollutant Traps- two numbers HumeGard HG15 and three numbers of HumeGard HG12A supplied by Humes.
- D35. A plumber licensed with NSW Fair Trading is to undertake flow testing of the non-potable water reuse system to certify that all the toilets are capable of being supplied by rainwater and that there is no cross mixing or cross contamination with the potable water supply.
- D36. Provide certification prior to the placement the bioretention filter media ex-bin has:
- (a) a minimum hydraulic conductivity as defined by ASTM F1815-11 of 250 mm/hr (actual, not predicted)

- (b) a maximum hydraulic conductivity as defined by ASTM F1815-11 of 700 mm/hr (actual, not predicted)
- (c) a pH between 5.5 and 7
- (d) an Orthophosphate content < 20 mg/kg
- (e) a Total Nitrogen content between 800 and 1000 mg/kg
- (f) is not hydrophobic.

#### **SYDNEY METRO CORRIDOR PROTECTION**

- D37. 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.
- D38. 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
  - (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.
- D39. 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.
- D40. 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.
- D41. 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.
- D42. 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.
- D43. 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.
- D44. 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.



## PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### OCCUPATION CERTIFICATE

- E1. An Occupation Certificate must be obtained from the Certifier prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

### NOTIFICATION OF OCCUPATION

- E2. The date of commencement of the occupation of the development must be notified to the Department in writing, at least one month before proposed occupation. If the operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### DEVELOPER CONTRIBUTIONS

- E3. The following monetary contributions pursuant to *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid prior to the issue of the first Occupation Certificate in respect of any building to which this consent relates. 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.

<b>Contribution Item</b>	<b>Amount</b>
<b>Stage 1 – Sites 1A and 1B</b>	
Stormwater Quantity Second Ponds Creek Land	\$556,858.00
Stormwater Quantity Second Ponds Creek Works	\$80,311.00
Stormwater Quality Second Ponds Creek	\$111,115.00
Traffic Management Rouse Hill Land	\$322,138.00
Traffic Management Rouse Hill Works	\$1,798,500.00
Open Space Rouse Hill Land	\$6,711,415.00
Open Space Rouse Hill Works	\$2,047,255.00
Community Facilities	\$26,119.00
Community Facilities Land	\$50,373.00
E2 Conservation Zone Land	\$121,268.00
E2 Conservation Zone Works	\$43,532.00
<b>Total</b>	<b>\$11,868,884.00</b>
<b>Stage 3 – Site 2A</b>	
Stormwater Quantity Second Ponds Creek Land	\$161,300.00
Stormwater Quantity Second Ponds Creek Works	\$23,263.00
Stormwater Quality Second Ponds Creek	\$32,186.00
Traffic Management Rouse Hill Land	\$150,047.00
Traffic Management Rouse Hill Works	\$837,716.00
Open Space Rouse Hill Land	\$3,126,083.00
Open Space Rouse Hill Works	\$953,583.00
Community Facilities	\$12,166.00
Community Facilities Land	\$23,463.00
E2 Conservation Zone Land	\$56,485.00
E2 Conservation Zone Works	\$20,277.00
<b>Total</b>	<b>\$5,396,569.00</b>
<b>Stage 4 – Sites 2D</b>	
Stormwater Quantity Second Ponds Creek Land	\$213,765.00
Stormwater Quantity Second Ponds Creek Works	\$30,830.00
Stormwater Quality Second Ponds Creek	\$42,654.00
Traffic Management Rouse Hill Land	\$170,508.00
Traffic Management Rouse Hill Works	\$951,950.00
Open Space Rouse Hill Land	\$3,552,367.00
Open Space Rouse Hill Works	\$1,083,617.00
Community Facilities	\$13,825.00
Community Facilities Land	\$26,663.00
E2 Conservation Zone Land	\$64,188.00
E2 Conservation Zone Works	\$23,042.00
<b>Total</b>	<b>\$6,173,409.00</b>
<b>Stage 5 – Sites 2B, 2C and 2E</b>	
Stormwater Quantity Second Ponds Creek Land	\$396,106.00
Stormwater Quantity Second Ponds Creek Works	\$57,127.00
Stormwater Quality Second Ponds Creek	\$79,038.00

Traffic Management Rouse Hill Land	\$307,406.00
Traffic Management Rouse Hill Works	\$1,716,252.00
Open Space Rouse Hill Land	\$6,404,491.00
Open Space Rouse Hill Works	\$1,953,631.00
Community Facilities	\$24,925.00
Community Facilities Land	\$48,069.00
E2 Conservation Zone Land	\$115,722.00
E2 Conservation Zone Works	\$41,541.00
<b>Total</b>	<b>\$11,144,308.00</b>

The above amount will be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contributions.

A copy of the Blacktown City Council Section 7.11 Contributions Plan(s) can be viewed at Blacktown City Council's Customer Service Centre, 62 Flushcombe Road, Blacktown or downloaded via Council's website at [www.blacktown.nsw.gov.au](http://www.blacktown.nsw.gov.au).

#### **GFA AND BUILDING HEIGHT CERTIFICATION**

- E4. A Registered Surveyor is to certify that the development does not exceed the approved gross floor area and building height. Details shall be provided to the Certifier demonstrating compliance with this condition prior to the issue of the final Occupation Certificate.

#### **OPERATIONAL MAINTENANCE PLAN**

- E5. The Operational Maintenance Plan accompanying the VPA for the publicly accessible park and road is to be finalised and endorsed by Council prior to the issue of the first Occupation Certificate for Stage 1. A copy of the final plan is to be provided to the Planning Secretary.

#### **EXTERNAL WALLS AND CLADDING FLAMMABILITY**

- E6. Prior to the issue of any Occupation Certificate, evidence shall be submitted to the Certifier demonstrating all external walls of the new building, including cladding, comply with the relevant requirements of the BCA, consistent with the requirements of under this consent.
- E7. The Applicant must provide a copy of the documentation given to the Planning Secretary within seven days after the Certifier accepts it.

#### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- E8. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

#### **MECHANICAL VENTILATION**

- E9. Prior to commencement of operation, the Applicant must provide evidence to the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- any conditions of this consent
  - the BCA
  - AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings and other relevant codes
  - any dispensation granted by Fire and Rescue NSW.

#### **OPERATIONAL WASTE MANAGEMENT PLAN**

- E10. Prior to the commencement of operation, the Applicant must prepare an Operational Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
- be prepared in consultation with Council and address the requirements in Sections 6.4 and 6.5 of Blacktown City Council's submission to DPIE via the Major Projects portal dated 11 June 2011
  - confirm the location of waste collection and establish appropriate routes to the collection point
  - provide confirmation of the engagement of a qualified private waste collection contractor
  - detail the type and quantity of waste to be generated during construction and operation of the development;
  - describe the handling, storage and disposal of all waste streams generated on site, consistent with the Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (Department of Environment, Climate Change and Water, 2009);

- (f) detail the materials to be reused or recycled, either on or off site; and
- (g) include the Management and Mitigation Measures included in the EIS

#### **WASTE AND RECYCLING COLLECTION**

E11. Prior to the occupation or commencement of the use, whichever is the earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way eg. the roadways, footpaths, plazas, and reserves at any time.

#### **POST-CONSTRUCTION DILAPIDATION REPORT**

E12. Prior to the issue of the relevant Occupation Certificate:

- (a) the Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads;
- (b) the report is to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifier must:
  - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
  - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (c) a copy of this report is to be forwarded to the Planning Secretary and each of the affected property owners.

#### **ROAD DAMAGE**

E13. The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to the occupation or commencement of the use.

#### **FIRE SAFETY CERTIFICATION**

E14. Prior to the issue the relevant Occupation Certificate, a Fire Safety Certificate shall be obtained for all the relevant Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Certifier and be prominently displayed in the building.

#### **STRUCTURAL INSPECTION CERTIFICATE**

E15. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:

- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
- (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

#### **WARM WATER SYSTEMS AND COOLING SYSTEMS**

E16. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

#### **OUTDOOR LIGHTING**

E17. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that any installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

- (a) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
- (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

#### **BICYCLE PARKING AND END-OF-TRIP FACILITIES**

E18. Prior to occupation, the Applicant must submit to the satisfaction of the Certifier evidence of compliance with the following requirements for secure bicycle parking and end-of-trip facilities:

- (a) the provision of a minimum 1,086 bicycle parking spaces;

- (b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 Parking facilities - Bicycle parking, and be located in easy to access, well-lit areas that incorporate passive surveillance;
- (c) the provision of end-of-trip facilities in accordance with the approved plans
- (d) appropriate pedestrian and cyclist advisory signs are to be provided; and
- (e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant road authority.

E19. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas

#### **WORKS AS EXECUTED DRAWINGS**

E20. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved.

#### **STORMWATER**

E21. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier an Operation and Maintenance Plan (OMP) to ensure the proposed stormwater quality measures remain effective. The OMP must contain the following:

- (a) maintenance schedule of all stormwater quality treatment devices;
- (b) record and reporting details;
- (c) relevant contact information; and
- (d) Work Health and Safety requirements.

E22. Prior to the issue of the Occupation Certificate, the Applicant must submit to the Certifier certification for the stormwater, plumbing and irrigation systems, and maintenance contracts and requirements for water quality devices, detailed in Sections 7.4.1 and 7.5.1 – 7.5.3 of Blacktown City Council's submission to DPIE via the Major Projects portal dated 11 June 2021.

#### **SYDNEY WATER COMPLIANCE**

E23. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Section 73 Compliance Certificate under the Sydney Water Act 1994, obtained from Sydney Water Corporation.

#### **UTILITY PROVIDERS**

E24. Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

#### **ENVIRONMENTAL PERFORMANCE**

E25. Prior to occupation or commencement of the use, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

#### **TFNSW ACTIVE TRANSPORT**

E26. Prior to the issue of the Stage 3 occupation certificate (staging diagram S2 18095-DA-010-012) the Applicant shall undertake the following to the satisfaction of TfNSW:

- (a) the northern footpath on Conferta Avenue for the length of the development site frontage be designated as a shared path with a minimum width of 2.5m (wider if possible)
- (b) the southern footpath on Conferta Avenue will be widened by 0.5m between tree pits to provide pedestrian passing bays (total footpath width of 2.5m) with the remainder of the footpath being at least 2m wide as per the attached drawings.

*Note: refer to diagram in Attachment 2*

#### **GREEN TRAVEL PLAN**

E27. Prior to the issue of the Occupation Certificate the Applicant shall develop a Green Travel Plan for the residential component and a Green Travel Plan for the retail and commercial component in consultation with TfNSW. The Green Travel Plan(s) should include, but not be limited to:

- (a) provide strategies that encourage the use of public and active transport and discourage the use of single occupant car travel to access the site

- (b) identify the number of staff and residents within reasonable walking / cycling distance, and predicted mode share
- (c) identify specific mode share targets that support higher mode share for public and active transport over a 2, 5 and 10 year horizon
- (d) determine a communication strategy for engaging residents, staff and visitors regarding public and active transport use to the site
- (e) include promotion of the health and wellbeing benefits of active travel to the site
- (f) include wayfinding measures such as local street signage to identify direction and distance to nearby public transport stops and stations
- (g) identify how annual travel surveys will be conducted, an evaluation process and how any mitigations or changes will be implemented
- (h) provide further details on the appointment of Travel Coordinator role and responsibilities for the residential GTP and the commercial and retail GTP
- (i) include a mechanism to monitor the effectiveness of the measures of the Plan(s)

The Applicant shall submit a copy of the updated Green Travel Plan(s) to [sco@transport.nsw.gov.au](mailto:sco@transport.nsw.gov.au) for the endorsement of TfNSW, prior to the issue of the Occupation Certificate. A copy of the final plan is to be provided to the Planning Secretary.

- E28. The Plan shall be reviewed and updated annually in consultation with the aforementioned stakeholders and provide an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes. The plan (as reviewed and updated annually) shall be implemented by the Applicant for the life of the development.

#### **TRANSPORT ACCESS GUIDE**

- E29. The Applicant shall prepare a Transport Access Guide in consultation with TfNSW, implemented and maintained by the operators of the premises and be made available to staff, guests, clients, customers and visitors at all times. The Transport Access Guide is to include (but not be limited to) the following:
- (a) information regarding lack of off-street car parking and passenger pick-up and set down areas at the development site;
  - (b) suitable nearby drop-off/pick-up locations;
  - (c) identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas; and
  - (d) suitable nearby Taxi Zones.

#### **CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN**

- E30. Prior to the issue of an Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a detailed Car Parking, Loading and Servicing Management Plan prepared in consultation with TfNSW. This Plan shall ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated. The Applicant shall submit a copy of the final plan for TfNSW endorsement. The Plan needs to specify, but not be limited to, the following:
- (a) details of the development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
  - (b) details of measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
  - (c) details of how vehicles larger than a 6.4m SRV delivering to the site shall be managed.

The Car Parking, Loading and Servicing Management shall be implemented by the Applicant following the issue of the Occupation Certificate.

#### **DIRECTIONAL AND WAYFINDING SIGNAGE**

- E31. Prior to the issue of any Occupation Certificate, the Applicant is to provide the following directional/wayfinding signage:
- (a) directional guidance signage and controls for pedestrian wayfinding between visitor car parking areas and the different residential buildings, including visitor bicycle parking areas
  - (b) car park location and status information signage off the surrounding road network so that visitors can locate off-street parking spaces within the development's basement areas and are discouraged from parking on-street.

#### **LANDSCAPE PRACTICAL COMPLETION REPORT**

- E32. Prior to the issue of an Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan. The

Report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.

#### **STREET NUMBERING**

- E33. Prior to the issue of an Occupation Certificate, the Applicant shall provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

#### **BONDS AND SECURITIES**

- E34. Prior to the issue of an Occupation Certificate any bonds, securities, or payment in-lieu-of-works are to be determined with the relevant public authority.

#### **COMPLIANCE WITH BASIX CERTIFICATE**

- E35. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier evidence that the development has implemented the commitments contained in the BASIX Certificate approved under this consent.

#### **REGISTRATION OF EASEMENTS – STORMWATER**

- E36. Prior to the issue of an Occupation Certificate, the Applicant shall provide to the Certifier evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.
- E37. Prior to the issue of an Occupation Certificate the Applicant is to provide a Restriction as to User and Positive Covenant over the Stormwater Quality Improvement Devices including rainwater and stormwater tanks, overland flow path, and any Easements to Drain Water 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 as to User and Positive Covenant must be registered with NSW Land Registry Services prior to the final Occupation Certificate.
- E38. Prior to the issue of the Occupation Certificate, a Right of Carriageway as an easement in gross (under schedule 4A Part 1) benefitting Blacktown City Council shall be provided over the private access road and an appropriate restriction and positive covenant on the use of the land shall be created under Section 88B of the *Conveyancing Act 1919* covering this requirement.

#### **AFFORDABLE HOUSING**

- E39. A minimum of 5% of dwellings (50 dwellings) within the approved development must be used for the purpose of affordable housing as defined by the State Environmental Planning Policy (Affordable Rental Housing) 2009, for a tenure of 10 years from the date of the issue of the occupation certificate. All affordable housing at the site must be managed by a registered community housing provider.
- E40. Prior to the issue of an occupation certificate, a restriction is to be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, requiring a minimum of 5% of dwellings (50 dwellings) within the approved development to be used for the purposes of affordable housing as defined by the State Environmental Planning Policy (Affordable Rental Housing) 2009 for 10 years from the date of issue of the occupation certificate and are managed by a registered community housing provider. The restriction shall specifically nominate those units to be allocated as affordable housing.

#### **SITE AUDIT STATEMENT**

- E41. Prior to commencement of operation, the Applicant must submit to the Certifier a Site Audit report and Site Audit Statement from the accredited Site Auditor. The Site Auditor Statement must verify the site is suitable for residential and commercial land use. A copy is to be provided for the information of the Planning Secretary.

#### **FLOOD EMERGENCY RESPONSE PLAN**

- E42. Prior to the issue of the Occupation Certificate, the Applicant shall prepare a Flood Emergency Response Plan in accordance with the recommendations contained within the document titled Flood Impact Assessment prepared by AECOM, dated 29 March 2021 (ref: 60618532, REV7).

#### **DESIGN VERIFICATION**

- E43. A design verification statement from a qualified designer shall be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first. The statement shall confirm the development has been constructed in accordance with the quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

*Note: 'Qualified Designer' means a person registered as an architect in accordance with the Architects Act 2003. This condition is imposed in accordance with Clauses 154A of the Environmental Planning and Assessment Regulation 2000.*

## **PART F POST OCCUPATION**

### **ANNUAL FIRE SAFETY STATEMENT**

- F1. An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

### **FIRE SAFETY CERTIFICATION**

- F2. The development shall operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

### **STORAGE AND HANDLING OF WASTE**

- F3. All waste collection services must be undertaken in accordance with this consent.
- F4. No waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.
- F5. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.
- F6. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.

### **LOADING/UNLOADING**

- F7. All loading and unloading operations associated with the site must be carried out:
- (a) in accordance with the Loading Management Plan approved under this consent;
  - (b) within the confines of the site, at all times and must not obstruct other properties or the public way; and
  - (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality

The service vehicle docks, car parking spaces and access driveways must be kept clear of goods at all times and must not be used for storage purposes, including garbage storage.

### **USE AND MANAGEMENT OF PARKING SPACES**

- F8. The car spaces within the development are for the exclusive use of the occupants and visitors of the development. The car spaces must not be leased to any person/company that is not an occupant, resident or tenant of the development.

### **USE OF RETAIL AND COMMERCIAL CAR SPACES**

- F9. The 250 retail and commercial car parking spaces are to be provided and managed consistent with the InterPark Car Park Management Proposal prepared by InterPark Australia Pty Ltd, dated May 2021 with the following addition:
- (a) 4-hour free parking is to apply to drivers of cars parked in disabled spaces when a valid mobility permit is displayed. Centre Management must validate the driver's parking ticket accordingly.

### **ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH**

- F10. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance. Notwithstanding this consent, should any outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.
- F11. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
- F12. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

### **NOISE CONTROL – MECHANICAL PLANT AND EQUIPMENT**

- F13. The operation of plant and equipment shall not give rise to any of the following:
- (a) transmission of 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations to any place of different occupancy
  - (b) exceed the project amenity noise levels established by the Acoustical Report prepared by Koikas Acoustics and dated 28 September 2020.

F14. Within 3 months of the commencement of full operation on the site, the Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified Condition F12. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

**OPERATION OF PLANT AND EQUIPMENT**

F15. All plant and equipment used in the development, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

**COMMUNITY COMMUNICATION STRATEGY**

F16. The CCS, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

**SIGNAGE**

F17. Any future external signage must consistent with the approved signage strategy.

**GREEN TRAVEL PLAN**

F18. The Green Travel Plan(s) approved under this consent shall be implemented following occupation of the development. The Green Travel Plan is to be reviewed and updated annually.

F19. The Transport Access Guide approved under this consent is to be made available to residents, staff, customers and visitors at all times.

**OUTDOOR LIGHTING**

F20. Should any outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

**WATER SENSITIVE URBAN DESIGN**

F21. The registered proprietor/owners' corporation for the buildings within the development is to provide to Council a report outlining:

- (a) all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule and copies of all contractors' cleaning reports or certificates
- (b) a report outlining all non-potable water used annually and the percentage of non-potable reuse.

F22. Each building within the development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site for the life of the development:

<b><i>Pollutant</i></b>	<b><i>% post development pollutant reduction targets (average annual load of pollutants)</i></b>
<i>Gross Pollutants</i>	<i>90</i>
<i>Total Suspended Solids</i>	<i>85</i>
<i>Total Phosphorous</i>	<i>65</i>
<i>Total Nitrogen</i>	<i>45</i>



## PART G PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

### REQUIREMENTS OF THE EP&A ACT – PART 4A CERTIFICATES

- G1. In undertaking the subdivision approved under this consent, the Applicant must comply with the requirements of Part 6 of the EP&A Act in relation to the issue of a Subdivision Certificate. For the purpose of this approval, the issue of a Subdivision Certificate/s is restricted to the subdivision defined by condition A2.

### SUBDIVISION CERTIFICATE

- G2. Prior to the issue of any Subdivision Certificate, the Certifier must be satisfied that the Applicant has complied with all conditions of this consent that are required to be complied with before a Subdivision Certificate may be issued in relation to the plan of subdivision.

### BUILDING MANAGEMENT STATEMENT

- G3. Prior to the issue of a Subdivision Certificate for the stratum subdivision, a Building Management Statement must be prepared in the approved form prescribed by Schedule 8A of the *Conveyancing Act 1919* or a Strata Management Statement must be prepared in the approved form prescribed by Part 6 of the *Strata Schemes Development Act 2015* and submitted to the Certifier.
- G4. The Building Management Statement or Strata Management Statement (as applicable) is to apply to the development as a 'united building'. The Building Management Statement or Strata Management Statement (as applicable) must include details of the following:
- (a) the use, operation and arrangements for the supply of services, maintenance and upgrading of infrastructure of each stratum lot within the subdivision
  - (b) the ongoing maintenance, upgrading, redevelopment and structural adequacy of each lot within the subdivision
  - (c) any other matters which the Certifier considers relevant and pertinent to the issue of a Subdivision Certificate.

### CREATION OF EASEMENTS

- G5. Easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to section 88B of the *Conveyancing Act 1919*.

### REGISTRATION OF EASEMENTS

- G6. Prior to the issue of a Subdivision Certificate, the Applicant shall provide to the Certifier evidence that all matters required to be registered on title, including easements noted on the draft subdivision plans listed in Part A, are contained within the subdivision plan to be lodged for registration at the NSW Land Registry Services.
- G7. Prior to the issue of a Subdivision Certificate, the Applicant shall provide to the Certifier evidence that the following matters have been executed:
- (a) a minimum 2.5 m wide drainage easement with a Restriction to User over the centreline of the proposed Council stormwater pipe from pits P36.2 to P36.8 over lots 4, 5 and 6 in favour of Council as per the Engineering Guide for Development. The Restriction to User and drainage easement must be registered with NSW Land Registry Services
  - (b) a positive covenant over the proposed Council stormwater pipe from pits P36.2 to P36.8 over lots 4, 5 and 6 that the nominated lot owners will be responsible for the ongoing maintenance of the stormwater pipe. The covenant must be registered with NSW Land Registry Services
  - (c) a Restriction to User and Positive Covenant for the Overland Flow path from Pits P36.2 to P36.8 over the full width of the overland flow extents in the peak 1% AEP event in accordance with the requirements of the Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services
  - (d) a Restriction to User and Positive Covenant for the Overland Flow path along the southern boundary of Lot 4 from the carpark to the west to Pit P36.4 over the full width of the overland flow extents in the peak 1% AEP event in accordance with the requirements of the Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services
  - (e) a Right of Carriageway as an easement in gross (under schedule 4A Part 1) benefitting Blacktown City Council shall be provided over the private access road and an appropriate restriction and positive covenant on the use of the land shall be created under Section 88B of the *Conveyancing Act 1919* covering this requirement.
  - (f) an appropriate restriction on the use of land shall be created under Section 88B of the *Conveyancing Act 1919* restricting direct vehicular or pedestrian access to and/or from Cudgegong Road for any lots having

frontage to that road. The Section 88B Instrument shall contain a provision that it may not be extinguished or altered except with the consent of Blacktown City Council

- G8. Prior to the issues of the Subdivision Certificate, the Applicant shall provide to the Certifier evidence that the following matters have been satisfied:
- (a) dedication to Council free of cost, relevant splay corners, pathways for stormwater conveyance, and proposed public roads
  - (b) payment of the relevant Council fee for the ongoing maintenance of black powder coated light poles, street name poles and bus shelters relevant to the development
  - (c) works-as-executed plans, certification, and easements detailed in Sections 8.59 and 8.60 of Blacktown City Council's submission to DPIE via the Major Projects portal dated 11 June 2021.

#### **BONDS AND SECURITIES**

- G9. Prior to the issue of the Subdivision Certificate any bonds, securities, or payment in-lieu-of-works are to be determined with the relevant public authority.

#### **ENCROACHING AND/OR SHARED SERVICES**

- G10. Any pipes, service lines or the like servicing each lot shall be contained within their respective lots or, if service lines encroach upon adjoining lots within the subdivision, or are shared by more than one lot, appropriate easements must be created, pursuant to section 88B of the *Conveyancing Act 1919*, over the service lines where any such encroachment occurs.

#### **ACCESS EASEMENT – GROUND LEVEL**

- G11. Prior to, or upon, the registration of the stratum plan for the site, appropriate ground level access easement/s are to be created to provide access to the building from the public domain for each respective building owner/s, tenant/s and visitors, as relevant to the stratum lot/s the subject of the stratum plan to the satisfaction of the Certifier. Each easement is to address construction staging, including any restrictions to access as a result of the construction activities, including erecting hoardings as relevant.
- G12. Suitable easements for access or rights-of-way benefiting the public are to be created over the public domain areas of the residual lot at each stage in the stratum subdivision to ensure public access to the public domain areas. The rights of public access are to be triggered by an occupation certificate for the relevant public domain areas (temporary or permanent) within the site.

#### **COMPLIANCE CERTIFICATE**

- G13. Prior to issue of any Subdivision Certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water and shall be provided to the Certifier demonstrating that the development has satisfied the detailed requirements of Sydney Water in respect to water and wastewater.
- G14. Prior to the issue of each Subdivision Certificate (as relevant), a Compliance Certificate is to be issued certifying that a registered surveyor has confirmed that the parcel boundary of the stratum plan corresponds with floors, external walls and ceilings of the relevant building/structures as constructed or alternatively, has the benefit of an appropriate easement or is the subject of appropriate provisions in the Building Management Statement, required by condition G3, to enable the registration of the plan.
- G15. Prior to the issue of the Subdivision Certificate a chartered engineer is to certify that the bioretention street trees have been installed with the temporary protections measures as per the approved plans with provision for a total bioretention filter media area of 68.8 m<sup>2</sup> on the public loop road south of Conferta Avenue.

#### **STATEMENT OF COMPLIANCE – COMPLETION IN ACCORDANCE WITH DEVELOPMENT CONSENT**

- G16. Prior to the issue of a Subdivision Certificate for stratum subdivision, a Statement of Compliance shall be provided to the Certifier demonstrating that the approved subdivision is consistent with relevant conditions of development consent.

## ADVISORY NOTES

### APPEALS

AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation.

### OTHER APPROVALS AND PERMITS

AN2. The Applicant shall apply to the relevant authority for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act 1993* or section 138 of the *Roads Act 1993*.

### RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### TEMPORARY STRUCTURES

AN4. An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.

AN5. Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

### DISABILITY DISCRIMINATION ACT

AN6. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the BCA which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

### COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN7. The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

AN8. This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

### BUILDING PLAN APPROVAL

AN9. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. water, sewer and stormwater mains). For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see plumbing, building and developing then building over or next to assets).

AN10. A copy of all Construction Certificates and Occupation Certificates must be provided to the Planning Secretary within 30 days of issue.

## APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under this consent or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - (a) identify the development and application number;
  - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - (c) identify how the incident was detected;
  - (d) identify when the Applicant became aware of the incident;
  - (e) identify any actual or potential non-compliance with conditions of consent;
  - (f) describe what immediate steps were taken in relation to the incident;
  - (g) identify further action(s) that will be taken in relation to the incident; and
  - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - (a) a summary of the incident;
  - (b) outcomes of an incident investigation, including identification of the cause of the incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (d) details of any communication with other stakeholders regarding the incident.

