

**1 ADVISORY NOTES****1.1 Terminology**

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

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

**1.2 Scope of Consent**

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

1.2.2 Should it be intended to subdivide the approved development into strata title allotments, Council will require the lodgement of a separate Development Application for consideration. Council advises that any new Development Application for Strata Subdivision will not be approved until such time as the approved development has reached practical completion and issues such as visitor car parking, internal and external boundary fencing, landscaping or any other works required in accordance with this Notice of Determination and all associated Construction Certificates have been fully completed to Council's satisfaction.

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

**1.3 Other Approvals**

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

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

- (a) the removal of any tree(s) not indicated on the approved plans;
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development;
- (c) demolition of any existing dwelling and associated structures;
- (d) the installation of vehicular footway crossings servicing the development; and
- (e) the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate

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Council approval under the Roads Act 1993 and Local Government Act 1993 is required.

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

**1.4 Services**

- 1.4.1 The applicant is advised to consult with:

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

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

All approved building construction plans attached to the Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

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

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

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

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or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

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

## 1.5 Identification Survey

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

## 1.6 Other Matters.

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

## 2 GENERAL

### 2.1 Scope of Consent

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

Drawing No.	Dated	Council's File Enclosure No.
Site Plan 120511 DA 200 (H)	17.11.15	94G
Basement 3 120511 DA201 (H)	17.11.15	94H
Basement 2 120511 DA 202 (H)	17.11.15	94I
Basement 1 120511 DA 203 (H)	17.11.15	94J
Ground Floor Plan 120511 DA 204 (H)	17.11.15	94K
First Floor Plan 120511 DA 205 (H)	17.11.15	94L
Second and Third Floor Plan 120511 DA206 (H)	17.11.15	94M
Fourth Floor Plan 120511 DA 207 (H)	17.11.15	94N
Roof Plan 120511 DA 208 (H)	17.11.15	94O
Elevations 1 of 2 120511 DA 300 (H)	17.11.15	94AO

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<b>Drawing No.</b>	<b>Dated</b>	<b>Council's File Enclosure No.</b>
Elevations 2 of 2 120511 DA 301 (H)	17.11.15	94AP
Section 1 of 2 120511 DA 302 (H)	17.11.15	94AQ
Section 2 of 2 120511 DA 303 (H)	17.11.15	94AR
Garbage Collection & Traffic Management 120511 DA 602 (H)	17.11.15	94AU
Landscape Concept Plan** 13020DA Sheets 1 to 4 Rev E	23.11.15	99B-99E

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

\*\* Note: No landscape works are to occur on any land not zoned R3. See condition 4.1.1(c).

- 2.1.2 The proposed subdivision is to be in accordance with the following drawings/details, subject to compliance with any other conditions of this consent:

<b>Drawing No.</b>	<b>Dated</b>	<b>Council's file enclosure No.</b>
Proposed Plan of Subdivision Surveyor's Ref: 6696	07/10/2015	93A

- 2.1.3 This consent grants approval for the development to be constructed in the following stages, subject to full compliance with all other conditions of this consent:

- (a) Stage 1 – Residue lot subdivision including road construction
- (b) Stage 2 – Residential Flat Buildings – Blocks A to E

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

- (a) 53 x 1 bedroom units;
- (b) 262 x 2 bedroom units; and
- (c) 7 x 3 bedroom units.

Any change to the unit mix will require the separate consent of Council.

## 2.2 Compliance with BASIX Certificate

- 2.2.1 All commitments listed in the BASIX Certificate numbers held at Enclosure 100A on Council File JRPP-14-1105/4:

- 687621M\_02 dated 1 December 2015 for Block A
- 685606M\_02 dated 1 December 2015 for Block B
- 685552M\_02 dated 1 December 2015 for Block C
- 687973M dated 1 December 2015 for Block D

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- 687972M dated 1 December 2015 for Block E

shall be complied with.

**2.3 Suburb Name**

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

Suburb: SCHOFIELDS

**2.4 Other Matters**

- 2.4.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.

**2.5 Engineering Matters**

**2.5.1 Definitions**

- 2.5.1.1 Where this consent requires both engineering and building works to be undertaken, a separate Construction Certificate may be issued for each category of works i.e. a separate construction Certificate for the Engineering works nominated in "Prior to Construction Certificate (Engineering)" and a separate Construction Certificate (for all building works relating to the erection and fit-out of a structure). This excludes all works on existing public roads significant enough to warrant separate engineering approval pursuant to the Road Act 1993. In relation to this consent, an engineering approval pursuant to the Road Act, 1993 or Section 68 of the Local Government Act must be issued for temporary entry onto Pelican Road prior to the issue of the Construction Certificate.

In lieu of issuing a separate Construction Certificate, the above-mentioned engineering works can be included on an overall Construction Certificate provided that SPECIFIC REFERENCE is made to the relevant Engineering works. In such instances, the certifier shall provide evidence that they are accredited to do so. This is not applicable where Roads Act or Local Government Act Approvals are required.

Council does not permit the private certification of works on existing public roads or reserves, or any land under the care and control of Council.

- 2.5.1.2 Any Construction Certificate issued in relation to this consent shall incorporate and address the design of those works required by Scope of Engineering Works and other sections of this consent which do not require separate Roads Act 1993 or Local Government Act 1993 approval and any ancillary works necessary to make the construction effective. All works on existing public roads require separate engineering approval pursuant to the Roads Act 1993.

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- 2.5.1.3 The Construction Certificate for Engineering works may be issued by Council or by an appropriately qualified certifier. For Council to issue the Construction Certificate a separate application must be made on the prescribed form complete with detailed plans and specifications.

## **2.5.2 Design and Works Specification**

- 2.5.2.1 All engineering works required by Scope of Engineering Works and other sections of this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (e) Blacktown City Council On Site Detention General Guidelines and Checklist

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

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

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

## **2.5.3 Payment of Engineering Fees**

- 2.5.3.1 If it is the applicant's intention to engage Council to undertake the checking of the engineering design plans and the issue of the Construction Certificate for the engineering works nominated in the "Prior to Construction Certificate (Engineering)" section, it will be necessary to submit the relevant engineering plans to obtain a quote for this service.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

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- 2.5.3.2 If it is the applicant's intention to engage Council to undertake Construction inspections and the issue of the Compliance Certificate for engineering works, it will be necessary to contact Council's Development Services Engineer for a quote.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

**2.5.4 Other Fee and Bond/Securities**

- 2.5.4.1 The payment of the following fee to Council's Maintenance Section pursuant to Sections 608 and 609 of the Local Government Act 1993. The fee is subject to periodic review and may vary at actual time of payment.

(a) Vehicular Crossing Application and Inspection Fee: \$135.00 per crossing

NOTE: This amount is valid until the 30<sup>th</sup> June 2016 after which time it will be reviewed in accordance with Council's Goods and Services Pricing Schedule.

NOTE: Council may grant a reduction in the above fee dependent upon the timing of the placement of the footpath crossings.

- 2.5.4.2 In conjunction with the civil engineering works required to be constructed as part of this development you will be required to submit to Council security bond(s) for maintenance and/or path paving works as well as a contribution for the final asphaltic concrete (AC) surfacing of the roadwork. These matters are individually addressed within the Consent conditions.

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

- 2.5.4.4 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Council's Development Services Engineers

**2.5.5 Other Necessary Approvals**

- 2.5.5.1 A separate application or details (as necessary) shall be submitted for the separate approval of Council under the provisions of the Local Government Act 1993 and/or the Roads Act 1993 for any of the following (a) The installation of a vehicular footway crossing servicing the development as required by "Scope of Engineering Works and other sections of this consent" (b) Works on or occupation of existing public roads - that are not covered by a Roads Act Approval - which may require a Road Occupancy Licence or Work Zone Permit.

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**2.5.6 Subdivision**

- 2.5.6.1 Principal Certifying Authority - Blacktown City Council shall be the Principal Certifying Authority for the proposed subdivision and shall issue the Subdivision Certificate upon compliance with all conditions of this consent.

**2.6 Substations**

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

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

**3.1 DA Plan Consistency**

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

**3.2 Road Deposit/Bond**

- 3.2.1 The following current fee and bond (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:

- (a) Road inspection fee of \$169.00;
- (b) Road maintenance bond of \$5000.00; and
- (c) Road maintenance bond administration fee of \$100.00

The bond is required to cover the cost of any damage to Council's public assets (eg: road, guttering, footpaths, drainage systems) arising from development works. The bond (less an administration fee) will be refunded upon the completion of the development should there be no damage to Council's assets as a result of the development works.

The road inspection fee covers Council's costs to inspect public assets adjacent to the development site before and after development work.

**3.3 Special Infrastructure Contributions**

- 3.3.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 94EE of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Infrastructure before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

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### More information

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

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

## 3.4 Services/Utilities

3.4.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

- (b) A "Notification of Arrangement" Certificate from a recognised energy provider stating that electrical services, including the provision of street lighting, have been made available to the development.

## 3.5 Salinity

3.5.1 The recommendations of the Geotechnical Investigation Report prepared by GeoEnviro Consultancy Pty Ltd (Ref: JG13756A dated March 2014 and held at Enclosure 2U on Council File JRPP-14-1105) are to be identified on the Construction Certificate plans. Note: Final validation will be required prior to the release of occupation certificate.

## 3.6 Site Contamination

3.6.1 Prior to the release on any construction certificate for building works, the site must be validated by a suitably qualified person as suitable for residential development. In this regard, the recommendations of the Stage 1 Preliminary Site Investigation prepared by Environmental Earth Sciences NSW (Report No. 115065\_V02 dated 24 August 2015) are to be implemented.

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**3.7 Aboriginal Heritage**

- 3.7.1 The recommendations of the submitted Due Diligence Archaeological Report prepared by Streat Archaeological Services Pty Ltd (dated March 2014 and held at Enclosure 2L on Council File JRPP-14-1105) are to be implemented. In this regards, further archaeological assessment in accordance with the Office of Environment and Heritage's guidelines is required. This may include the requirement for an Aboriginal Heritage Impact Permit under the National Parks and Wildlife Act 1974. A copy of the additional archaeological assessment is to be submitted to Council prior to the issue of any construction certificate on the site.

**3.8 Other Matters**

- 3.8.1 Prior to the issue of any Construction Certificate, details of any retaining walls to be constructed on site as part of the development shall be submitted to Council for approval. Please note that Council requires the construction of masonry retaining walls (i.e. no timber walls) on property boundaries where such structures are proposed to be constructed. Any retaining walls must comply with the requirements of the Blacktown Growth Centre Precincts Development Control Plan.

**3.9 Bushfire**

**3.9.1 Asset Protection Zones**

At the commencement of building works, and in perpetuity, the entire property, except for the proposed riparian zone, shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

**3.9.2 Water and Utilities**

The provision of water, electricity and gas shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

**3.9.3 Design and Construction**

Blocks A and B (as shown on plan: Ground Floor Plan, DA204, Issue C, 21/3/2014, Design Cubicle) shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

**3.9.4 General Advice**

Final road provision, when provided in conjunction with the adjoining land, complies with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'. Council should also ensure that any interim road provision complies with the aims and objectives of

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'Planning for Bush Fire Protection 2006' and complies with section 4.1.3 (1) as much as is practicable.

**3.10 Construction Traffic Management Plan**

3.10.1 A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.

**3.11 Dedication of land**

3.11.1 The following nominated land is to be dedicated to Council and:

(a) Compensation for the land is to be determined as at the date of this consent determination.

(b) A valuation of the land is to be submitted to Council prior to the issue of any related Construction Certificate to facilitate negotiations on this matter. Failure to address this matter may result in significant delays as Council will require the exchange of contracts for the sale of the land to be dedicated prior to the release of any Occupation Certificate.

(c) Council shall be entitled to offset against the amount of compensation payable pursuant to this condition, the amount of any Section 94 Contribution(s) payable by the applicant.

Nominated Land: Proposed Lot 56 in DP1202497

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

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

**4.1 Necessary Plan Amendments**

4.1.1 The following plan amendments shall be included on or addressed by any Construction Certificate relating to the approved development:

(a) Windows on the eastern elevation less than 6 m from the property boundary are to be oriented to the north or south of the site.

(b) The 5<sup>th</sup> floor balconies of all residential flat buildings are to be reduced in depth on the eastern side to ensure a 6 m side setback to the eastern property boundary is achieved.

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(c) The landscape plan is to be amended to exclude any landscaping outside of land zoned R3 Medium Density Residential.

## 4.2 Section 94 Contributions

4.2.1 The following monetary contributions pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 must be paid. The amounts below are BASE contributions which WILL BE INDEXED from the nominated base date to the date of payment. Payment of the indexed amounts must be made (BY BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. NOTE: Council DOES NOT accept payment of S.94 Contributions by credit card or EFTPOS) prior to the issue of a Construction Certificate (for building works) or subdivision certificate, whichever occurs first, either by Council or any accredited certifier.

### Stage 1

Contribution Item	Base Amount	Relevant C.P.	Base Date
Stormwater Quantity	\$202,087	20	1 June 2014
Stormwater Quality	\$10,202	20	1 June 2014
Traffic Management	\$64,683	20	1 June 2014

### Stage 2

Contribution Item	Base Amount	Relevant C.P.	Base Date
Stormwater Quantity	\$745,518	20	1 June 2014
Stormwater Quality	\$37,638	20	1 June 2014
Traffic Management	\$238,621	20	1 June 2014
Open Space	\$3,186,427	20	1 June 2014
Community Facilities	\$41,782	20	1 June 2014
E2 Conservation Zone	\$153,199	20	1 June 2014

The contribution(s) will be indexed according to the Australian Bureau of Statistics' Implicit Price Deflator for Gross Fixed Capital Expenditure (Private Dwellings) and the Consumer Price Index (Sydney Dwellings).

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Development Services Unit:

S.94 CP No. 20 – Riverstone & Alex Avenue Precincts

The Section 94 Contribution(s) have been based on the total developable area, the site's road frontage and/or the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 94 Contribution(s) will be adjusted accordingly.

### Stage 1

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Developable Area: 0.3924 hectares  
Additional Population: Nil

**Stage 2**

Developable Area: 1.4476 hectares  
Additional Population: 580.3 persons

**Total**

Developable Area: 1.84 hectares  
Additional Population: 580.3 persons

**4.3 Street Tree Planting**

- 4.3.1 Prior to the issue of any Construction Certificate, the person having the benefit of the development consent is to enter into an arrangement satisfactory to the Council for the planting and maintenance of tree(s) along the frontage of the development site for the purposes of improving the amenity of the streetscape. The Applicant is to undertake the planting and maintenance of street tree/s at no cost to Council and obtain any necessary clearances from relevant Service Authorities.

The Applicant is to lodge a tree bond of \$250.00 per tree with Council to ensure the health and vigour of the tree/s. This bond shall be returned six (6) months after the completion of the development (i.e. issue of the final Occupation Certificate) if the trees are in a state of good health and vigour to Council's satisfaction.

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

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

**4.5 Aesthetics**

- 4.5.1 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the photomontage and the external material and finishes schedule submitted with the application and held on Council's File JRPP-14-1105/2 at Enclosures 71B. Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans.

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- 4.5.2 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing. Details are to be shown on the Construction Certificate plans.

**4.6 Reflectivity**

- 4.6.1 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent, must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. "Anti-glare" glazing is to be used to minimise any glare affect. Details are to be provided as part of the Construction Certificate plans.

**4.7 Landscaping**

- 4.7.1 Landscaping is to be in accordance with the approved landscaping plan and modified by condition 4.1.1 (c) of this consent.

**4.8 Fencing**

- 4.8.1 Fencing enclosing ground floor private open space is to be revised to provide a height of 1.5 m high will be constructed of masonry up to 1 m, with 500 mm of horizontal powder coated infill slats to enclose ground floor terrace areas. Details of revised fencing is to be submitted to Council for separate approval prior to the release a construction certificate.
- 4.8.2 All fencing is to be provided at full cost to the developer and is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.

**4.9 Retaining Walls**

- 4.9.1 Details of any retaining walls including height and material to be constructed on site as part of the development are to be shown on the construction certificate plans. In this regard, Council requires the construction of masonry retaining walls (i.e. no timber walls). The maximum height of any single retaining wall is 600mm unless otherwise approved by Council.

**4.10 Lighting**

- 4.10.1 A detailed lighting plan is to be prepared for the site. The plan is to provide the following:
- (a) The location, method of lighting, levels of illumination, and the spacing between all lighting. The lighting is to be designed in accordance with Australian/New Zealand lighting standards.

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- (b) Lighting that is “vandal proof”. In this regard, all lighting must be protected by way of vandal proof metal guards to ensure globes/tubes are not broken. Where possible, lighting should be positioned at a height to deter vandal attacks.
- (c) Appropriate vandal proof security lighting is to be provided to pedestrian walkways, fence lines, residential and vehicle entry/exit points, lift areas, stairwells, foyers, garbage disposal areas, the basement car park and common open spaces from dusk to dawn. Lighting must ensure that any potential “dark-spots” are eliminated. Where appropriate sensor/motion activated and 24 hour timer activated lighting is to be provided to deter vandal and nuisance activity, eliminate areas of concealment, and provide better safety at night.
- (d) Vandal proof lighting that ensures the effective operation of the CCTV system. In this regard, lighting levels are to be enhanced around all CCTV cameras (e.g. around lift entries, basement car parks and courtyard building entries) to enable face recognition when CCTV cameras are in use.

#### **4.11 Security**

4.11.1 As the Quakers Hill Crime Prevention Officer has expressed concerns in relation to the security of the development, the following requirements are to be addressed as part of the Construction Certificate:

- (a) A security roller shutter and card-key system is to be provided at the entry/exit point of the basement car park. Any non-resident wishing to gain access to the basement car park will therefore need to contact the resident they are visiting. Secure resident-only access must also be provided to the building.
- (b) AS security screen doors are to be installed on all balcony doors.
- (c) Security window screens and multifunction locking mechanisms are to be provided on all windows.
- (d) Units doors/solid doors are to be provided with a door viewer to allow residents to see who is at their front door without having to open it.
- (e) The basement car park ceiling is to be painted white to enhance lighting.
- (f) The basement storage areas are to be provided with quality doors and lock sets to restrict unauthorised access.
- (g) A secure garbage room is to be provided to prevent unauthorised access and illegal dumping.
- (h) Any security doors provided within the basement car park are to be provided with

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ADI Bloklok or Multifunction locks.

(i) Appropriate crime prevention signage is to be installed throughout the development, including signage stating “private property”, “trespassers will be prosecuted”, “24 hour security”, “CCTV 24 hours per day”. Park Smarter Signage (as per the Police recommendations) must also be installed within the basement. Details are to be included on the plans.

(j) CCTV is to be provided at the building entry point, near the mailbox facilities to prevent mail theft, near lifts, stairways, garbage bay and within the basement car park. Appropriate signage is to be installed to indicate the use of the CCTV.

(k) Details regarding the location, size and design of the proposed letter-box wall/s are to be submitted for the separate approval of Council's Manager, Development Services. In this regard, the proposed “letter-box wall/s” should be illuminated, tamper-proof and provided in a prominent location so as to minimise vandal attacks. Each box should also be appropriately numbered and provided with a key lock. Street numbers should also be displayed to ensure the site is easily identified.

#### **4.12 Garbage collection**

4.12.1 The roller door entry heights must comply with the 3.5m height clearance as stipulated in the Australian Standards for a small rigid vehicle.

4.12.2 Basement access for garbage trucks is to be in accordance with the dimensions indicated on the approved vertical cross-section plans showing truck entry at the critical/transition point. All manoeuvring areas are to be in accordance with the approved plans.

#### **4.13 Access/Parking**

4.13.1 A minimum of 474 car parking spaces are required to be provided on site, being 409 resident spaces and 65 visitor car parking spaces, and all are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Residential Flat Building (excluding width of pillar): 2.5m x 5.4m

Residential Flat Building (adjacent to solid wall): 2.7m x 5.4m

Disabled Car Space: 4.8m x 5.4m (including shared zone)

In addition, a minimum of 16 bicycle parking spaces are to be provided.

4.13.2 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009 and AS1428.1 - 2009.

4.13.3 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in

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accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.

- 4.13.4 All internal accessways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

**4.14 Adaptable Housing Units**

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

**5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)**

**5.1 Building Code of Australia Compliance**

- 5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by :

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which :
  - (i) complies with the performance requirements, or
  - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
  - (iii) A combination of (a) and (b).

**5.2 Site Works and Drainage**

- 5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.

- 5.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:

- (a) be in accordance with Australian Standard 3500.3, and
- (b) provide for drainage discharge to an existing Council drainage system, and
- (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.

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

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Construction Certificate.

**5.3 Demolition**

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

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

**5.4 BASIX Certificate Compliance**

The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Numbers held at Enclosure 100A on Council File JRPP-14-1105/4:

- 687621M\_02 dated 1 December 2015 for Block A
- 685606M\_02 dated 1 December 2015 for Block B
- 685552M\_02 dated 1 December 2015 for Block C
- 687973M dated 1 December 2015 for Block D
- 687972M dated 1 December 2015 for Block E

shall be complied with.

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

**6.1 Compliance with Conditions**

6.1.1 All conditions in the “Prior to Construction Certificate (Engineering)” Section and the relevant conditions in the “General” Section of this consent, must be complied with prior to the issue of any Construction certificates.

6.1.2 All fees for Construction and Compliance Certificates, Roads Act 1993 and Local government Act 1993 approvals must be paid to Council prior to the issue of any of the above certificates or approvals.

**6.2 Road-works**

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6.2.1 Road pavements are to be designed by a Professional Civil Engineer in accordance with the current version of Council's Engineering Guide for Developments and based upon soil tests performed by a registered NATA soils Laboratory and the traffic loadings listed in "Scope of Engineering Works" of this consent. The pavement designs must be lodged with Council for approval prior to issue of the Construction Certificate for Engineering works.

6.2.2 A Traffic Management / Control Plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and current RTA Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RTA accredited.

### 6.3 **Erosion and Sediment Control**

6.3.1 Soil erosion and sediment control measures for road, drainage, On Site Stormwater Detention and earth works shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development. Details are to be included with the plans and specifications to accompany any Construction Certificate.

### 6.4 **Temporary On-Site Detention**

6.4.1 On-site detention systems within private or common courtyard areas shall be designed so they do not impact on the amenity of the development or the use of such areas.

6.4.2 A certificate from a Registered Engineer (NPER) to be submitted to Council certifying that the structures associated with the on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.

6.4.3 A certificate from a Professional Civil Engineer/Registered Surveyor must be obtained verifying that the On Site Detention system will function hydraulically in accordance with the requirements of Upper Parramatta River Catchment Trust and Council's current development guide.

6.4.4 Any Construction Certificate issued for or including an On-site Stormwater Detention (OSD) System must be accompanied by;

a. A Drainage Design Summary Sheet per Appendix B1 of the Upper Parramatta River Catchment Trust Handbook, Version 3.

b. Full drainage calculations and details for all weirs overland flow-paths and diversion/catch drains - including catchment plans and areas, times of concentration and estimated peak run-off volumes.

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- c. A completed OSD Detailed Design Submission and Checklist per Appendix B9 of the above-mentioned Handbook.
- d. A complete address of Council's OSD General Guidelines and Checklist requirements.
- e. A Maintenance Schedule is to be presented with the designer's name, his signature and date on it in accordance with the Upper Parramatta River Catchment Trust handbook guideline. (If an underground tank is involved this must include reference to WorkCover Authority of NSW Occupational Health & Safety Act 1983 and Confined Spaces Regulation.)

## **6.5 Compaction Requirements**

6.5.1 Special attention is drawn to the following requirements of Council's current Works Specification – Civil.

- (i) Submission of compaction certificates for fill within road reserves.
- (ii) Submission of compaction certificates for road subgrade.
- (iii) Submission of compaction certificates for road pavement materials.
- (iv) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A Restriction as to User with Council's standard wording must be placed on filled lots.
- (v) Certificates from road material suppliers.

6.5.2 A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover the removal of the temporary road and restoration of the area. Standard agreement documents are to be prepared.

## **6.6 Asset Management**

6.6.1 A detailed estimate of the cost of civil engineering work must be submitted to Council prior to the issue of the Construction Certificate for engineering works. If engineering works are of a value greater than \$25,000; documentary proof of payment of the levy required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plans either by Council or an appropriately accredited certifier.

## **6.7 Other Approvals/Clearances/Adjoining Owners Permission.**

6.7.1 Sydney Water Corporation approval in the form of appropriately stamped Construction Certificate Plans is to be obtained to verify that the proposed works meets the Corporation's requirements concerning works relating to water or sewer mains.

6.7.2 Written permission from the affected property owners shall be obtained to:

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- (a) discharge stormwater onto adjoining land
- (b) carry out works on adjoining land
- (c) drain the site across adjoining land

prior to the issue of any Construction Certificate. A copy of any such permission and evidence of the creation of necessary easements must be submitted to Council prior to the issue of any Construction Certificates.

#### **6.8 Ancillary Works**

6.8.1 Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this consent effective. Such works shall include but are not limited to the following:

- (a) the relocation of underground services where required by the positioning of new drainage and road infrastructure.
- (b) the relocation of above ground power and telephone services.
- (c) the matching of new infrastructure into existing or future designed infrastructure.

#### **6.9 Street Furniture**

6.9.1 A notation is to be placed on the Engineering Construction Plans "that all light poles street name poles and bus shelters in this subdivision will be black powder coated to the satisfaction of Blacktown City Council. Further that these light poles will comply with Council's specifications"

#### **6.10 Scope of Engineering Works**

The following scope of works shall be included in the design documentation accompanying the Construction Certificate for engineering works:

##### **6.10.1 Road and Drainage works**

6.10.1.1 The construction and dedication of all new roads associated with the development and the creation/provision of temporary roads, drainage, pathways, concrete path paving and any other ancillary work necessary to make this construction effective.

6.10.1.2 Proposed new road(s) must be constructed generally as follows:

Road	Road Width	Length	Formation	N(ESA)
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Pelican Road	9.26 m to 9.86m	1033m	5.5m face kerb to road centre	1x 10 <sup>6</sup>
(half road variable from south to north end)				
Manchester Drive	18m	60m	3.5m/9.0m/3.5m	2 x 10 <sup>5</sup>
Temporary Road (joins old Pelican Road)	9.26m	725m	6.5m	5 x 10 <sup>4</sup>
See road crossection Aurecon Plan Sheet 20 Revision D				

Road designs are to be generally consistent with the following plans. Note that these plans are suitable for development consent but must be fully checked to ensure compliance with all other conditions of this consent and the Blacktown City Council Engineering Guide for Development 2005, prior to issue of a Construction Certificate.

<b>Aurecon Project 248924</b>			
<b>Drg . No.</b>	<b>Revision</b>	<b>Date</b>	<b>Drawing Title</b>
4 and 5	B	20/11/2015	Erosion and Sediment
6	D	20/11/2015	Earthworks
7 and 8	D	20/11/2015	Earthworks Crossections
9	B	20/11/2015	Demolition
10	D	20/11/2015	General site layout
20	D	20/11/2015	Temporary Road
21	C	20/11/2015	Pelican Road Design
22	B	20/11/2015	Manchester Drive design
23	C	20/11/2015	Temporary Road design
24 and 25	C	20/11/2015	Pelican Road crossections
26	B	20/11/2015	Manchester Drive crossections
27	C	20/11/2015	Pelican/Manchester intersection design
30	D	20/11/2015	Pelican Road pavement design
31	C	20/11/2015	Retaining Walls
34	E	23/10/2015	General Stormwater design
35	B	20/11/2015	Stormwater catchments
36, 37,38,,39 and 40	C	20/11/2015	Stormwater Pipe longsections ( 5 sheets)
41	D	20/11/2015	Stormwater calculations
42	B	20/11/2015	Stormwater detail arrangements

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- 6.10.1.3 Overland flows up to the 1% A.E.P. (100 year Average Recurrence Interval) event must be intercepted at the boundary of the site and conveyed through the site in a piped or channelled discharge system and discharged in a satisfactory manner.
- 6.10.1.4 Stormwater Drainage must be constructed generally in accordance with the following concept plans:

<b>Aurecon Project 248924</b>			
<b>Drawing No.</b>	<b>Rev.</b>	<b>Date</b>	<b>Drawing Title</b>
34	E	23/10/2015	General Stormwater design
35	B	20/11/2015	Stormwater catchments
36, 37,38,39 and 40	C	20/11/2015	Stormwater Pipe longsections ( 5 sheets)
41	D	20/11/2015	Stormwater calculations
42	B	20/11/2015	Stormwater detail arrangements

**6.10.1.5 Temporary On-Site Detention**

(A) Temporary On-site detention of stormwater runoff from the site must be provided to limit post development discharge to the pre-development level for the 2 year to 100 year Annual Recurrence Interval storm.

(B) Council acknowledges the submission of On-site Stormwater Detention concept plan The Construction Certificate issued in this regard must be generally in accordance with this concept plan.

(C) Any variation to the following design parameters of the above mentioned concept plan will require a lodgement of a Section 96 application to Council for amendment of the consent;

(i) location of storage area

(ii) alteration of the type of storage - i.e changing from above ground to below ground storage

(iii) location of discharge outlet from the system.

(D) Professional accreditation of OSD designers and certifiers must be in accordance with the requirements of the Upper Parramatta River Catchment Trust and Council's Policy.

(E) The concept plan referred to above is for Development Application purposes only and is not to be used for construction.

(F) Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer to be issued with a Construction

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Certificate under the Environmental Planning and Assessment Act 1979 prior to the commencement of works.

6.10.1.6 The footway area being fully turfed in an appropriate manner to be free draining to the street and of neat appearance.

6.10.1.7 The construction of path paving is to be provided to the following nominated street(s)/road(s):

<u>Name</u>	<u>Side</u>	<u>Paving Width</u>	<u>Length</u>
Pelican Road	East	1.2m	270 m
Manchester Drive	North and South	1.2m	111 m

**6.10.2 Finished Boundary Levels**

6.10.2.1 Finished levels of all internal works at the road boundary of the property must be:

(a) 4% above the top of the adjacent street kerb.

(c) The boundary alignment levels in the future Jerrilong Drive in Lot53 DP1202497 are available by contacting Council's Manager Investigation and Design who can be contacted on 9839 6000.

**6.10.3 Stormwater Quality Control**

6.10.3.1 Stormwater Treatment Measures for the proposed development shall be designed in accordance with the requirements of Blacktown Council's DCP Part J– Water Sensitive Urban Design and Integrated Water Cycle Management. Details are to be included with the plans and specifications accompanying any Construction Certificate application. Any variation to the concept development consent nominated plan will require a lodgement of a Section 96 application to Council for amendment of the consent.

6.10.3.2 A Maintenance Schedule must be provided for the stormwater treatment measures in accordance with the requirements of Blacktown Council's DCP Part J– Water Sensitive Urban Design and Integrated Water Cycle Management. The designer of the stormwater treatment measures must prepare the Maintenance Schedule and this schedule must show the designer's name, signature and date on it.

6.10.3.3 Each year by the first business day on or after 1 September the registered proprietor/lessee is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed are to be

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disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.

- 6.10.3.4 The development must at all times maintain the water quality system to achieve the following pollutant removal targets of Part J of DCP 2006 for the entire site in perpetuity. This is to include the maintenance of the approved bioretention plant species:

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

<b>Pollutant</b>	<b>% Post development pollutant reduction targets</b>
Gross Pollutants	90
Total Suspended Solids	85
Total Phosphorous	65
Total Nitrogen	45
Total Hydrocarbons	90

- i. At the northern end the temporary detention basin including the spillway is to be relocated to be fully within the lot with no part within the future Jerralong Drive. The proposed northern Humegard and Jellyfish including the associated diversion and collection pits are to be repositioned much further south well clear of the splay corner to facilitate future maintenance away from the intersection. The temporary diversion pipe (min 600 mm) to the detention basin is to discharge from the internal junction pit within the site downstream of the Jellyfish and not from the Jellyfish itself. Provide a temporary connection from pit RN-2 to this same junction pit to enable the street drainage system to discharge to the temporary basin. The outflow from the northern detention basin is to discharge to pit 10D.
- ii. Provide details of how the inductor trucks will safely access the proprietary water quality devices for maintenance at the north and south including additional driveways as required.
- iii. Provide details of all the diversion pits into the Jellyfish including weir levels to divert 70 l/s to the northern Jellyfish JF-3000-12-4 and 100 l/s to the southern JF-3000-18-4.
- iv. Near the northern boundary of northern lot provide a basic swale or series of depressed pits and pipes to direct all surface flows from within the lot to the basin and allow for future connection to the Humegard once basin removed. Provide for a future swale with pits at the southern boundary adjacent to the channel once the basin is removed to direct surface flows to the Humegard.
- v. Provide sections through the temporary detention basins and details of the control pits and ensure they are consistent with the electronic model.

- 6.10.3.5 A civil engineer, registered with NPER, is to certify that the two on-site temporary detention basins have been designed to mitigate all post developed flows from the site to not exceed pre developed rural catchment flows (with an initial pervious loss

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of 15 mm) for all storm events from 1 in 2 year ARI to 1 in 100 year ARI. This design is to be supported by electronic modelling that generally complies with the requirements of the Council's Engineering Guide for Development 2005 and account for any bypass of the detention basin. The existing DRAINS model is insufficient as:

- i. It is incorrectly uses a High Early Discharge pit;
- ii. There is no existing catchment flows to compare them to. Note that the 15 mm initial loss works well with a RAFTS default model in DRAINS.
- iii. The basins are to offset the whole site and this includes the roads and the street drainage is to be piped to the basins. Consequently the pipe connection from RS-5 to A8 to the basin is to remain open. The current proposed basin volumes are much too low.
- iv. The spillway to the southern basin is to be a minimum of 34.30 m AHD.
- v. Include the two Jellyfish diversion pit weirs within the DRAINS model

6.10.3.6 Landscape plans are required that include appropriate species for the bioretention systems in accordance with the BCC Handbook Part 5 - Vegetation Selection Guide (October 2012) for the filter media depth of 500mm. Planting within the filter area should incorporate several growth forms, including shrubs and tufted plants and be densely planted (tufted plants at a minimum of 10 plants per square metre) to ensure plant roots occupy all parts of the media. Groundcover species must not be used. To ensure diversity and disease resistance a minimum of 5 different species all planted as a matrix. All plants within the filter area are to be planted from tubestock or virotube and not pots.

6.10.3.7 Details are to be provided for two permanent interpretive signage minimum A1 size to be installed, one at the northern and one at the southern end to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.

6.10.3.8 The landscape designer is to prepare a schedule of landscape watering requirements to assist in sizing the Rainwater Reuse Plan requirements. For watering landscaped areas only (excluding turf areas) e.g. common areas, allow 0.4 kL/year/m<sup>2</sup> using sprays or drips. For bioretention filter areas only allow 1 kL/year/m<sup>2</sup> delivered through drip irrigation. Watering of turf is optional. This watering requirements are to be combined into a single yearly usage.

6.10.3.9 An experienced hydraulic engineer is to prepare and certify a detailed Rainwater Reuse Plan for non-potable water uses (including all toilet flushing and landscape watering) on the site. The plan is to show the rainwater pipe arrangement including pre-treatment system, pump, mains water direct tank top up, isolation valves, flow meters for all mains water inflows, and solenoid

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controlled mains water bypass (if applicable) and non-potable usage outflows, a timer for landscape watering, an inline automatic backwash filter and certify that all Sydney Water requirements have been satisfied. A solenoid controlled mains water bypass must be provided for toilet flushing, but landscape watering or other reuse must only use pump water and be on a separate reuse line, independent to the toilets and their solenoid backup. Provide a warning light to indicate pump failure. All rainwater reuse pipes are to be coloured purple. Rainwater warning signs are to be fitted to all external taps where rainwater is used as a source. Include a detailed Landscape Watering Plan using the rates nominated by the landscape designer showing the layout of timers, taps and pipes and the use of sprinklers or drip irrigation. The system needs to be adjusted to allow for monthly seasonal variations e.g. the flow rate in December/January is to be designed to deliver a 50% increase above the average yearly flow.

## **7 PRIOR TO DEVELOPMENT WORKS**

### **7.1 Safety/Health/Amenity**

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

Each toilet provided shall be:

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

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

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

This condition does not apply to:

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

- 7.1.3 Should the development work:

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

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

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

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

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

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vehicles from dropping over the edge of the retaining wall if vehicles accidentally depart from the half road temporary construction.

**7.2 Notification to Council**

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

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

**7.3 Sydney Water Authorisation**

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

OR

The approved plans are to be submitted to a Sydney Water Customer Centre or Quick Check Agent, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For Quick Check Agent details, please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.

**7.4 Adjoining Owners**

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

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

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

**7.5 Construction Details**

7.5.1 Structural details of the nominated building component(s), prepared and/or certified

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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by a professional engineer or other appropriately qualified person, shall be lodged with Council prior to commencing or erecting that portion of the approved development.

Nominated Component

- (a) Footing piers
- (b) Footing system
- (c) Floor slab
- (d) Structural concrete
- (e) Wall frame bracing
- (f) Roof trusses
- (g) Structural steelwork
- (h) Retaining walls

**7.6 Use of Crane**

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

**7.7 Decommission Sewerage Management System**

- 7.7.1 The on-site sewage management system on the premises must be decommissioned. An *Application for Approval to Install, Construct or Alter a Septic Tank or Sewerage Management System* must be submitted to Council's satisfaction prior to any site works commencing. Work shall not commence until Council has issued a decommissioning approval under section 68 of the *Local Government Act 1993* (NSW).

**8 DURING CONSTRUCTION (BUILDING)**

**8.1 Safety/Health/Amenity**

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

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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(d) stating that unauthorised entry to the work site is prohibited.

**8.1.3 Should the development work:**

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

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

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

**8.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.**

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

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

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

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

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

**8.1.9 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.**

**8.2 Building Code of Australia Compliance**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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- 8.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

**8.3 Surveys**

- 8.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.

- 8.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

**8.4 Nuisance Control**

- 8.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

- 8.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

- 8.4.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

**8.5 Waste Control**

- 8.5.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.

**8.6 Construction Inspections**

- 8.6.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

(a) After excavation for, and prior to placement of, any footings; and

(b) Prior to pouring any in-situ reinforced concrete building element; and

(c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and

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

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

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

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

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

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

## **8.7 Salinity and Aggressive Soil Management**

8.7.1 The environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works. In this regard, Council will require a post earthworks Salinity Investigation demonstrating that the salinity management measures provided in the Salinity Management Plan have been implemented and that the site is suitable for residential development. Any lots identified as containing saline or aggressive soils shall provide suitable Section 88B restrictions/ covenants on title for building construction measures to mitigate the effects of aggressive soils and salinity.

## **8.8 Site Contamination**

8.8.1 Should any contaminated material be unearthed during the construction works, all works are to cease immediately and a suitably qualified environmental site contamination consultant is to investigate and report on the findings. Any recommended remediation and validation works are to be undertaken pursuant to Council's Contamination Lands Policy.

## **8.9 Waste Management Plan**

8.9.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works. This includes the sorting and storage of waste and recyclable building materials on site for collection and disposal by the nominated waste/recycling contractor to the nominated disposal site.

## **8.10 European Heritage**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 8.10.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the *Heritage Act 1977*. Relevant works shall not recommence until written authorisation from the Heritage Council is issued.

**8.11 Aboriginal Heritage**

- 8.11.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the NSW Office of Environment & Heritage informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from the NSW Office of Environment & Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

**8.12 Other Matters**

- 8.12.1 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:
- a) The applicant is to ensure that validation for the entire subject site can be prepared by a suitably qualified environmental consultant in accordance with Council's Contamination Land Policy.
  - b) The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
  - c) Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
  - d) Any fill material imported to the site shall be certified at the source by a suitably qualified consultant as VENM fill material, non-slightly saline and non-aggressive to concrete or steel. If the importation of fill is undertaken under a specific EPA exemption, relevant details of the EPA exemption shall be forwarded to Council prior to the importation of fill to the site.

Should Council receive any complaints regarding non-compliance with any of the above matters or other such operational type matters, then Council will have no alternative but to fully investigate the complaint and pursue an appropriate course of action.

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- 8.12.2 The dam on the subject site shall be de-watered in stages. All native fauna located within and surrounding these dams shall be collected by an appropriately qualified and licensed ecologist. Any captured native fauna shall be relocated to a suitable location managed by the applicant or as nominated by Council. Details shall be submitted to Council, including photographs, surveys and diary entries of species found and details of relocation.

## **9 DURING CONSTRUCTION (ENGINEERING)**

### **9.1 Notice of work Commencement**

- 9.1.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$20,000,000.

### **9.2 Service Authority Approvals**

- 9.2.1 Prior to commencement of construction of footway crossings a clearance shall be obtained from the relevant telecommunications carriers and Integral Energy that all necessary ducts have been provided under the proposed crossing.

### **9.3 Boundary Levels**

- 9.3.1 Any construction at the property boundary, including fences and driveways shall not be carried out until alignment levels have been fixed.

### **9.4 Compaction Requirements**

- 9.4.1 Land shall be filled where necessary. All fill including existing fill shall be compacted in accordance with the Council's "Works Specification - Civil (current version)". A compaction certificate shall be obtained from a Registered Engineer (NPER) verifying that the correct compaction requirements have been met.

- 9.4.2 Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with the current version of Council's "Works Specification - Civil".

- 9.4.3 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):

(a) Submission of compaction certificates for fill within road reserves.

(b) Submission of compaction certificates for road sub-grade.

(c) Submission of compaction certificates for road pavement materials (sub-base and base courses).

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(d) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.

(e) Compliance Certificates from road material suppliers.

## **9.5 Maintenance of Soil Erosion Measures**

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

9.5.2 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

## **9.6 Filling of Land & Compaction**

9.6.1 Regular wetting down of the site must be undertaken during the course of works being carried out in order to control wind blown dust from the site.

9.6.2 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.

9.6.3 Trucks transporting fill must have their loads covered.

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

9.6.5 Site filling and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.

9.6.6 Provisions of "Shaker Pads" and wash-down areas for trucks leaving the site details are to be shown on plans.

9.6.7 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.

9.6.8 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.

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(a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.

(b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.

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

**9.7 Inspections of Works**

- 9.7.1 Inspection Compliance Certificates issued by a Registered Engineer (NPER) or Registered Surveyor or Compliance Certificates issued by an accredited certifier, under Part A of Environmental Planning and Assessment Act 1979 as amended, are to be issued for works covered by the Construction Certificate for engineering works at the completion of the following mandatory inspection stages: -

(i) Soil Erosion and Sediment Control

- (a) Implementation of erosion and sediment control
- (b) Revegetation of disturbed areas
- (d) Removal of sediment basins/ fencing etc.
- (e) Internal sediment/ pollution control devices
- (f) Final Inspection

(ii) Traffic Control

- (a) Implementation of traffic control
- (b) Maintenance of traffic control during works
- (c) Removal of traffic control

(iii) Construction of Drainage works

- (a) Pipes before backfilling including trench excavation and bedding
- (b) Sand Backfilling
- (c) Final pipe inspection
- (d) Pit bases and headwall aprons
- (e) Pit Walls/ wingwalls/ headwalls
- (f) Concrete pit tops
- (g) Connection to existing system
- (h) Tailout works
- (i) Final Inspection

(iv) Construction of Road Pavement

- (a) Boxing out
- (b) Sub-grade roller test
- (c) Subsoil drainage
- (d) Sandstone roller test layer 1
- (e) Sandstone roller test layer 2
- (f) Kerb pre-laying
- (g) Kerb during laying including provision of roof-water outlets

These conditions are imposed for the following reasons:

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- (h) Sandstone depth
- (i) Pavement profiles
- (j) DGB depths and roller tests
- (k) Wearing Course
- (l) Kerb final
- (m) Concrete tests
- (n) Formwork concrete pavements
- (o) Final inspection

(v) Provision of Street Furniture

- (a) Street Furniture (including street signs guideposts guardrail etc)
- (b) Erection of fencing adjoining public/ drainage reserves

(vi) Footpath Works

- (a) Footpath Trimming and/or turfing (to ensure 4% fall)
- (b) Pathway construction (cycle/ link pathways)
- (c) Path-paving construction
- (d) Service Adjustments
- (e) Final Inspection

(vii) Construction of on-site detention system

- (a) Steel and Formwork for tank/ HED control pit
- (b) Completion of HED control pit
- (c) Pit formwork
- (d) Pipes upstream/ downstream of HED control pit before backfilling
- (e) Completion of OSD system

(viii) Stormwater Quality Control

- (a) Installation of Stormwater Quality Control devices
- (b) Final Inspection

(ix) Traffic Control

- (a) Implementation of traffic control
- (b) Maintenance of traffic control during works

(x) CCTV Inspection of Drainage Structures (pipelines and pits)

- (a) All road drainage

(xi) Final overall Inspections

- (a) Preliminary overall final inspection
- (b) Overall final inspection

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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ALTERNATIVELY, one comprehensive Inspection Certificate or Compliance certificate may be issued to include all of the above-mentioned stages of construction.

Where Council is appointed as the Principal Certifying Authority for the development (e.g. all Torrens Title subdivisions), only Compliance Certificates issued by accredited certifiers will be accepted at the completion of the above-mentioned stages. Any Compliance Certificate must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction certificate.

- 9.7.2 Inspection of the works required pursuant to the engineering approval issued under the Roads Act 1993 must be made by Council's Development Overseers who can be contacted on 9839 6586 between 7am - 8am and 12.30pm - 1.30pm. A site inspection is required prior to commencement of work. A minimum twenty-four (24) hours notice must be given prior to any required inspection. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

**9.8 Public Safety**

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

**9.9 Site Security**

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

**9.10 Other Matters**

- 9.10.1 The Humegard 15, Humegard 15A, Jellyfish JF 3000-12-4 and Jellyfish JF 3000-18-4 all supplied by Humes and the filter area of the bioretention swales and bioretention tree pits are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product. Provide certification ex bin from the material supplier prior to placement, that the bioretention filter media has:

- i. A minimum hydraulic conductivity as defined by ASTM F1815-06 of 200 mm/hr (actual, not predicted)
- ii. A maximum hydraulic conductivity as defined by ASTM F1815-06 of 700 mm/hr (actual, not predicted)
- iii. An Orthophosphate content < 40 mg/kg
- iv. A Total Nitrogen content < 1000 mg/kg
- v. Is not hydrophobic.

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9.10.2 No fertiliser or additional nutrient material is to be provided to the bioretention basin filter area during planting of the tubestock, or at any time.

9.10.3 The filter media in the bioretention area is not to be placed until all the building works, retaining walls and driveways and landscaping have been completed, unless temporary geotextile is placed over the filter media and pegged immediately after installation.

## **10 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)**

### **10.1 Premises Construction**

10.1.1 Any asbestos material is to be handled and treated in accordance with the WorkCover document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.

### **10.2 Other Matters**

10.2.1 Written evidence is to be provided to Council from an appropriately qualified acoustic consultant stating that the central plant and equipment have been selected to meet the project noise criteria.

10.2.2 Any wastewater collected from groundwater drains must not be discharged to stormwater unless the water quality meets NSW EPA's *Approved Methods for the Sampling and Analysis of Water Pollutants in New South Wales*, otherwise all waste water must be directed to sewer.

## **11 PRIOR TO OCCUPATION CERTIFICATE**

### **11.1 Road Damage**

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

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

### **11.2 Compliance with Conditions**

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

11.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

- 11.2.3 An Certificate shall not be issued until all conditions of this consent, other than "operational" conditions, have been satisfied.

**11.3 Temporary Facilities Removal**

- 11.3.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 11.3.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 11.3.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 11.3.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 11.3.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

**11.4 Fire Safety Certificate**

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

**11.5 Services/Utilities**

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

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to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

- 11.5.2 A final written clearance shall be obtained from an energy service provider and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Notification of Arrangement, etc) has not previously been issued.

**11.6 Fee Payment**

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

**11.7 Street Tree Planting**

- 11.7.1 Prior to the issue of the final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to Council's Maintenance Section satisfaction.

**11.8 Building materials and finishes**

- 11.8.1 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours submitted as part of the Construction Certificate. The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent, must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.

**11.9 Landscaping**

- 11.9.1 All landscaping, recreation features, bbq facilities and children's play equipment shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.

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

**11.10 Fencing and retaining walls**

- 11.10.1 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer.

**11.11 Lighting and Security Measures**

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

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**11.12 Letterboxes**

- 11.12.1 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.

**11.13 Street Number**

- 11.13.1 The street number must be displayed prominently at the front of the premises to comply with Local Government Act, 1973 Section 124, Order 8. The street number is to be visible at night.

**11.14 Power Boards**

- 11.14.1 All power boards should be housed within a locked cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.

**11.15 Car Parking**

- 11.15.1 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 11.15.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 11.15.3 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 11.15.4 All required internal accessways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 11.15.5 All car spaces are to be appropriately signposted for their intended use and allocation.
- 11.15.6 The basement ceiling is to be painted white to enhance lighting illumination.
- 11.15.7 A roller shutter and card-key system is to be installed at the entry/exit points of the basement car park.

**11.16 Waste**

- 11.16.1 Evidence (e.g. in the form of receipts) is to be submitted to confirm that waste and recyclable materials, including fill from the excavation of the basement car parking have been managed and disposed of legally.

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- 11.16.2 Arrangements are to be made for a private contractor to service the development. The private contractor is to be engaged prior to the release of any occupation certificate.
- 11.16.3 Appropriate provisions are to be included in any future Strata Management Plan for the ongoing management of waste and recyclables on the property during the operations of the development. The following provisions must also be adopted:
- a. The managing agent and future Body Corporate is to be responsible for ensuring the implementation of the ongoing waste management system in accordance with this condition.
  - b. If the development is to be strata subdivided, a clause is to be included in the Plan of Strata Management to incorporate the requirements of this condition to address the ongoing management of waste and recycled materials in accordance with this Condition.
- 11.16.4 Contact details of the private contractor engaged used to provide the collection services will need to be provided to Council once the development is operational. Note: Since a private contractor will be engaged to service the development, residents will not be able to access Council's household clean up service, or garbage/recycling service.
- 11.16.5 Appropriate signage and painting of loading dock area to ensure no parking must be provided in the garbage areas to advise where waste and recycling materials are to be placed, and what are appropriate materials for recycling.
- 11.16.6 A restriction as to user shall be created under Section 88B of the Conveyancing Act 1919 providing that:
- (a) Waste and recycling services for this development are to be provided and undertaken by private waste and recycling contractors (not Blacktown City Council). Residents therefore cannot access Council's household clean up service or waste/recycling service. The Strata Scheme for this development is responsible for providing all waste and recycling services for its residents.

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

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

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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**11.18 Adaptable Housing Units**

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

**11.19 Salinity**

- 11.19.1 Final validation from a suitably qualified person must be submitted to Council verifying that the recommendations of the salinity investigation (JG13756A dated March 2014 and held at Enclosure 2U on Council File JRPP-14-1105) have been implemented.

**11.20 Engineering Matters**

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

- 11.20.1.1 A Work-As-Executed plan (to a standard suitable for scanning) signed by a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works for the stormwater quality requirements are completed. Council requires the Work-As-Executed plans to be submitted in both hardcopy and electronically on a CD (in PDF and DWG format). All engineering Work-As-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

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

- 11.20.1.3 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

**11.20.2 Easements/Restrictions/Positive Covenants**

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

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

(b) The standard format for easements and restrictions as accepted by the Lands Title Office.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.  
(b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.  
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**11.20.3 Other matters**

11.20.3.1 A Civil Engineer registered with NPER, is to certify that:

- i. all the requirements of the approved drainage plan have been undertaken;
- ii. the bioretention system has been installed with liners with a minimum total filter media area of 140 m<sup>2</sup> clear of pits and scour protection for the bioretention swales for the southern development and 151 m<sup>2</sup> for the northern development plus the bioretention tree pits.
- iii. All the elements of the bioretention have been installed correctly including impermeable liner, un-socked slotted PVC subsoil lines at 0.5% minimum, 100 mm transition layer and minimum 500 mm of filter media for the swale and 800 mm for the tree pits.
- iv. the total rainwater tank volume is a minimum 200KL for the southern development and 76 KL for the northern development, collecting runoff from a minimum of 80% of roof area.;
- v. the minimum temporary detention storage has been provided
- vi. the orifice size matches the approved construction certificate plans
- vii. all the signage and warning notices have been installed
- viii. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.

A copy of the certification and the works-as-executed drainage plan is to be provided to Council.

11.20.3.2 A Restriction to User and Positive Covenant is to be provided over the Stormwater Quality Improvement Devices and Rainwater Tanks in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with Land & Property Information prior to the final occupation certificate.

Provide a Restriction to User and Positive Covenant over the On-Site Detention System in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with Land & Property Information.

11.20.3.3 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that all toilet flushing and landscape watering is being supplied by rainwater and that all the requirements of the detailed Rainwater Reuse Plan including Landscape Watering Plan have been installed and are working correctly. A signed, works-as-executed Rainwater Reuse Plan including Landscape Watering Plan is to be provided to Council's WSUD Compliance Officer.

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**11.21 Other Matters**

- 11.21.1 Retaining wall(s) and/or other effective methods to retain excavated or filled ground (other than those sites works which may be Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be constructed and/or provided in accordance with the plans attached to the Construction Certificate.

**12 PRIOR TO SUBDIVISION CERTIFICATE**

**12.1 Lot registration**

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

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

**12.2 Road Damage**

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

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

**12.3 Service Authority Approvals**

- 12.3.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Subdivision Certificate:

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the plan of subdivision.
- (b) A Notification of Arrangement" Certificate from Endeavour Energy, stating that electrical services, including the provision of street lighting, have been

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made available to the development.

- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

#### 12.4 Asset Management

- 12.4.1 An amount of \$450 is to be paid to Council for the ongoing maintenance of the black powder coated light poles, street name poles proposed in this subdivision. This amount is based on a fee of \$39.50 per lot plus units proposed in the subdivision and is to be paid prior to the release of the Linen Plan. This amount is valid only until 30 June 2016, upon which this amount will be updated in accordance with Council's adopted fee structure at the time. Any enquiries regarding this fee are to be directed to the Maintenance Section of the City Assets Directorate.

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

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

#### 12.5 Additional Inspections

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

#### 12.6 Fee Payment

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

#### 12.7 Easements/Restrictions

- 12.7.1 A Restriction as to User over proposed Lot 1 & 2 shall be created under Section 88B of the Conveyancing Act 1919 in the following terms:

No further development of the lot burdened is to take place unless it is approved by Development Consent. Such approval is likely to require, but not be restricted to, construction of road and drainage works, the provision of lot fill and the payment of Section 94 Contributions.

NOTE: The final wording of the recital of the Restriction as to User is to be to Council's satisfaction.

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- 12.7.2 Restrictions and positive covenants must be registered with Land and Property Information over the temporary on-site detention storage areas and outlet works.
- 12.7.3 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
- a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
  - b) The standard format for easements and restrictions as accepted by the Lands Title Office.
- 12.7.4 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

## **12.8 Final Plans**

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

## **12.9 Site Contamination**

- 12.9.1 Prior to the release a subdivision certificate, the site must be validated by a suitably qualified person as suitable for residential development. In this regard, the recommendations of the Stage 1 Preliminary Site Investigation prepared by Environmental Earth Sciences NSW (Report No. 115065\_V02 dated 24 August 2015) are to be implemented.

## **12.10 Salinity**

- 12.10.1 A report from a geotechnical engineer is to be submitted to Council certifying the site classification for the reactivity of the lots in the subdivision after identification of the soil characteristics in accordance with the provisions of AS 2870, "Residential Slabs and Footings".
- 12.10.2 A post earthworks salinity investigation demonstrating that the salinity management measures provided in the Salinity Management Plan have been implemented and

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that the site is suitable for residential development. Any lots identified as containing saline or aggressive soils shall provide suitable Section 88B restrictions/ covenants on title for building construction measures to mitigate the effects of aggressive soils and salinity.

## **12.11 Engineering Matters**

### **12.11.1 Surveys/Certificates/Works As Executed plans**

- 12.11.1.1 A Work-As-Executed plan (to a standard suitable for scanning) signed by a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed. Council requires the Work-As-Executed plans to be submitted in both hardcopy and electronically on a CD (in PDF and DWG format). All engineering Work-As-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works. The Work-As-Executed plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from the Upper Parramatta River Catchment Trust or Council.
- 12.11.1.2 Upon completion of the works a certificate from a Registered Surveyor must be obtained and submitted to Council verifying the finished floor levels for the lots have been achieved upon completion of the construction of the floor. All levels must be to Australian Height Datum
- 12.11.1.3 Upon completion of the works a certificate from a Registered Surveyor must be obtained and submitted to Council verifying the finished surface levels for the lot(s) have been maintained in accordance with those established at the time of creation of the lot.
- 12.11.1.4 A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the on-site detention system as constructed will function hydraulically in accordance with the approved design plans.
- 12.11.1.5 A certificate from a Registered Engineer (NPER) must be lodged with Council verifying that the structures associated with the on-site detention systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 12.11.1.6 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 12.11.1.7 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control

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system will function effectively in accordance with Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

12.11.1.8 Written evidence is to be obtained from the Roads & Traffic Authority indicating compliance with its requirements including the payment of any necessary works supervision fees.

12.11.1.9 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):

(a) Submission of compaction certificates for fill within road reserves.

(b) Submission of compaction certificates for road sub-grade.

(c) Submission of compaction certificates for road pavement materials (sub base and base courses).

(d) The submission of two (2) contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.

(e) Compliance Certificates from road material suppliers.

12.11.1.10 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

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

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

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

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

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

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

12.11.2.3 Concrete path paving must not be placed until about 75% of the lots have been built upon or until approved in writing by Council. The applicant has the option of

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lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Councils Goods and Pricing Schedule. The security will be released upon satisfactory completion of the works.

**12.12 Access/Parking**

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

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

12.12.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 - 2009 and AS 2890.6 – 2009

12.12.4 All vehicles, including garbage and removalist vehicles, are to enter and leave the site in a forward direction at all times.

**12.13 Graffiti Removal**

12.13.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed no later than 48 hours after detection.

**12.14 Noise & Nuisance**

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

12.14.2 The use of the land is not to interfere with the amenity of the surrounding residential area.

12.14.3 Any nuisance created by the use of any aerial or transmitting or receiving equipment associated with the development shall be addressed to the satisfaction of the Australian Communications and Media Authority.

12.14.4 In accordance with the requirements of Council's Development Control Plan, no plant or equipment shall generate a noise level greater than 5dB(A) above the ambient L90 sound level.

12.14.5 No nuisance or interference with the amenity of the area shall be created by reason of any process or operation on the land causing the emission of noise, dust, smoke or any polluted discharge whatsoever. The Protection of the Environment Operations Act 1997 requires Council to investigate complaints where only one person complains.

**12.15 Use of Premises**

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

**12.16 Storage**

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

**12.17 Landscaping**

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

12.17.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.

12.17.3 The management of vegetation, gardens, planter boxes, communal areas, BBQ facilities, children's play equipment and other similar areas is to be incorporated within the future strata management plan once the development is occupied.

**12.18 Lighting & Security**

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

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

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

**12.19 Waste**

12.19.1 Arrangements shall be made for an effective refuse removal service. There shall be a future Strata Management Plan for the ongoing management of waste and recyclables on the property during the operations of the development. The following provisions are to be addressed in the Strata Management Plan:

- i. Indicate responsibility for the maintenance of the garbage collection system;
- ii. Indicate responsibility for the cleaning of bins;
- iii. Ensure that designated collections points are clear and unobstructed for collection vehicles;

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- iv. Indicate method of communication to new tenants and residents regarding the waste management services and collection system for the development.
- v. Waste and recycling collections are to be undertaken by private waste contractor/s and are to be provided by the Owners Corporation. Note: Residents are not able to access Council's household clean up service or garbage/recycling service.

12.19.2 Waste collection vehicles must enter and exit the site in a forward direction.

12.19.3 The managing agent and future Owners Corporation is to be responsible for ensuring the implementation of the ongoing waste management system, including the collection of all recycled materials. At the commencement of the service to the development, Council will require the Strata management to sign the "Agreement for Onsite Waste Collection" form.

## **12.20 Emergency Procedures**

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

## **12.21 Clothes Drying**

12.21.1 The hanging/drying of clothes on balconies (where visible from a public place) is prohibited. If the development is to be strata subdivided, a clause is to be included in the Plan of Strata Management prohibiting the drying of clothes on balconies (where visible from a public place). Any future Strata Management Plan is to contain a restriction to this effect.

## **13 OPERATIONAL (ENVIRONMENTAL HEALTH)**

### **13.1 Environmental Management**

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

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

13.1.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs

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in the course of carrying out any approved activity where material harm to the environment is caused or threatened.

- 13.1.4 To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10pm and 7am.
- 13.1.5 All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

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