

Development Description:

Demolition of all existing structures on site & construction of 6 x 4 storey residential flat buildings comprising of 353 units and associated basement parking and landscaping works.

PART 1 – “Deferred Commencement” Conditions pursuant to Section 80 (3) of the Environmental Planning and Assessment Act 1979

1 Deferred Commencement Matters

1.1 This Development Consent is not to operate until such time as:

(a) Reference is made to the concept stormwater drainage plans below:

Prepared By	Project No.	Drawing No.'s	Sheets	Revision	Dated
SGC	20150028	SW100-SW702	9	05	03.07.17
SGC	20150028	SW661	1	04	03.07.17

The following items are required to be addressed on the abovementioned plans in accordance with Council's DCP – Part J and submitted to Council's Manager Asset Design for approval:

- i. Grade the base of the OSD tanks at 2% and show finished tank base levels. Provide dimensions for each tank to demonstrate that the required storage volume has been achieved.
- ii. Provide sections and details of each of the Stormfilter chambers together with the OSD discharge control pits, weirs and orifices. Show levels that match those derived from the OSD spreadsheets.
- iii. Provide energy dissipaters on all the inlets to the Stormfilter chamber.
- iv. The minimum length of the Stormfilter weir (L) is to be increased to provide a maximum velocity of 0.4 m/s under the baffle during peak flow. Provide calculations.
- v. For OSD 1 provide a sealed impermeable baffle, or hood set 250 mm upstream of the Stormfilter weir and extending from the sealed underside of the tank to 200 mm below the top of the weir for the 310 mm Stormfilter cartridge to, to contain floatables including oil. The Stormfilter weir level is to be set 390 mm above the false floor.
- vi. For OSD 2 provide a sealed impermeable baffle, or hood set 250 mm upstream of the Stormfilter weir and extending from the sealed underside of the tank to 400 mm below the top of the weir for the 690 mm Stormfilter cartridge to, to contain floatables including oil. The Stormfilter weir level is to be set 770 mm above the false floor.
- vii. For OSD 3 provide a sealed impermeable baffle, or hood set 250 mm upstream of the Stormfilter weir and extending from the sealed underside of the tank to 300 mm below the top of the weir for the 460 mm Stormfilter cartridge to, to contain floatables including oil. The Stormfilter weir level is to be set 540 mm above the false floor.
- viii. Show how all the roof water downpipes and pipes discharge to the rainwater tanks.
- ix. For OSD 1 the Stormfilter underdrain flow is too high compared to the permissible

- site discharge, consequently the Stormfilters are to discharge direct to the OSD tank with the false floor level set to 100 mm below the 1.5 year ARI Overflow Weir Level. Raise all the upstream pipe systems to grade to the new false floor level. Amend the spreadsheet for OSD 1 by answering "No" to "Using Filter Cartridges to Manage Water Quality".
- x. The OSD 2 Spreadsheet is to be revised with the correct filter flows based on eleven 690 mm cartridges.
 - xi. For OSD 2 there is no 1.5 year ARI orifice. Redirect the base of the storage to a pipe into the Stormfilter chamber 100 mm above the false floor with a non-return flap.
 - xii. For OSD 3 the Stormfilter underdrain flow is too high compared to the permissible site discharge, consequently the Stormfilters are to discharge direct to the OSD tank with the false floor level set to 100 mm below the 1.5 year ARI Overflow Weir Level. Raise all the upstream pipe systems to grade to the new false floor level. Amend the spreadsheet for OSD 3 by answering "No" to "Using Filter Cartridges to Manage Water Quality".
 - xiii. Once the OSD Spreadsheets are amended and orifice sizes confirmed replace the orifices with a short section of standard pipe sizes.
 - xiv. Show location of all Enviropods.
 - xv. Enviropods treating only surface flows require a minimum clear depth of 500 mm from the grate to any inlet or outlet pipe obvert. Enviropods treating surface flows and upstream pipe flows require a minimum clear depth of 500 mm from the invert of the upstream pipes to be treated, to the obvert of the outlet pipe. Where these pits are treating upstream pipe flows the inverts of all pipes in and out of the pit are to be shown.
 - xvi. Provide either a masonry fence, a 150mm kerb, a raised planter bed, or similar along the external boundary to direct surface flows to the inlet pits.
 - xvii. Enviropods are to be temporarily fitted to the street drainage pits (Road No. 1 and Road No. 2).
 - xviii. The external drainage within the road system is to comply with the approved drainage plans by SGC Consulting Engineers Project 20150028 Drawing Set C Revision 7.

(b) Reference is made to the electronic MUSIC modelling file submitted:

09178 – 134 Burdekin Road Quakers Hill (Rev1 – With RWT) – 03.07.2017.sqz.

The following items are required to be addressed on the abovementioned MUSIC modelling in accordance with Council's DCP – Part J and submitted to Council's Manager Asset Design for approval:

- i. The TN target removal rate was not achieved.
- ii. The number of Enviropods in MUSIC could not be verified as these need to be clearly detailed on the drainage plans.
- iii. Amend the Stormfilter cartridges for OSD1 to 390 mm high (small). Amend the detention node.
- iv. Amend the Stormfilter cartridges for OSD 3 to 460 mm high (standard). Amend the detention node.
- v. Provide a calculation sheet to detail how the final non-potable usage rates for the rainwater tanks have been determined for landscaping.
- vi. Provide two separate and additional MUSIC models (pre and post) to demonstrate that the Stream Erosion Index is less than 3.5 based on the technique in Council's MUSIC Modelling Guide in part 4 of the Developer Handbook for Water Sensitive Urban Design available on Council's website. The pre development is to consider a vacant pervious block.

(c) Fees are required to be paid to Council's Asset Design for the priority assessment of plans. The fee is subject to periodic review and may vary at actual time of payment.

Fee for Asset Design – Request for information – priority assessment: \$ 1,190.00 (GST Free)

- 1.2 All of the requirements listed in the above condition must be completed within 60 months of the date of this "Deferred Commencement" consent. Should these matters not be completed to Council's satisfaction within this time period, this "Deferred Commencement" consent will lapse.

PART 2 – General Conditions

2 ADVISORY NOTES

2.1 Terminology

- 2.1.1 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.
- 2.1.2 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.

2.2 Scope of Consent

- 2.2.1 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.
- 2.2.2 The applicant is required to lodge either a separate Development Application for Council's consideration, or a separate Complying Development Certificate where permitted by the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, for the demolition of the existing dwelling and associated structures. Any application made to Council must include a Site Plan, Site Investigation Report, Work Plan, and Waste Management Plan, for the disposal of the demolition materials and should also address potential contamination concerns. A copy of the contractor's licence as issued by WorkCover Authority NSW is also to be submitted.
- 2.2.3 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.

2.3 Services

2.3.1 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.

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

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

2.4 Other Approvals

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

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

- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
- (c) the installation of a vehicular footway crossing servicing the development.

2.5 Identification Survey

- 2.5.1 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.

2.6 Engineering Notes

- 2.6.1 A Construction Certificate covering Engineering Works must include and address the following:

- Design of specified Engineering Works as required by this consent.
- Any ancillary works necessary to make the construction effective

If both Building and Engineering works are required, separate construction certificates can be issued for the following works:

- Construction Certificate for Building Works
- Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent)

Works which require approval under the *Roads Act 1993* or *Local Government Act 1993* CAN NOT be privately certified. Examples of these works are, but not limited to:

- Works in public areas (i.e. Road Reserve, Public Reserves)
- Inter-allotment drainage (i.e. drainage outside the boundary of the land being developed)

Engineering works (as nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent) can be included within a Construction Certificate for Building works, provided that:

- All Engineering Works are specifically mentioned on the Construction Certificate
- The Certifier holds relevant qualifications to issue a Construction Certificate for the Engineering works. Appropriate accreditation qualifications must be shown on Construction Certificate.

- 2.6.2 All works requiring approval under the *Roads Act 1993* or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate.

2.7 Payment of Engineering Fees

- 2.7.1 If the applicant wishes for Council to issue the Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)') the applicant must:

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

A quote will be provided verbally generally within 2 days followed by confirmation in writing.

- 2.7.2 If the applicant wishes for Council to undertake Construction inspections and issue a Compliance Certificate for engineering works, the applicant must:

- Complete application form
- Submit all relevant plans produced by a suitably qualified person
- If plans are privately certified, applicant must supply Construction Certificate covering the required works.

A quote will be provided verbally generally within 2 days, followed by confirmation in writing.

2.8 Other Matters

- 2.8.1 This consent does not authorise the encroachment or overhang of any buildings or structures over or within any easements.

2.9 Tree planting and service locations

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

3 GENERAL

3.1 Scope of Consent

- 3.1.1 This consent is to be carried out in accordance with 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.
Basement Plan Dwg No. 4 Issue K	10/02/17	70C
Ground & First Floor Plan Dwg. No. 5 Issue J	16/12/16	66K
Second & Third Floor Plan Dwg No. 6 Issue J	16/12/16	66L
Fourth Floor Plan Dwg No. 7 Issue J	16/12/16	66M
Elevations AB Dwg No. 16 Issue K	10/02/17	70F
Elevations CD Dwg No. 17 Issue K	10/02/17	70G
Sections Dwg No. 18 Issue K	10/02/17	70H
Demolition Plan Dwg No. 19 Issue J	16/12/16	66Y
Colours and Finishes Schedule Dwg No. 32 Issue K	10/02/17	66E
Landscape Plan L-01 to L-03 Rev. E	19/12/16	66D

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

3.2 Services

- 3.2.1 Low voltage electricity and telecommunications services for the approved development

shall be reticulated underground.

3.3 Suburb Name

- 3.3.1 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/ QUAKERS HILL

3.4 Compliance with BASIX Certificate

- 3.4.1 All commitments listed in the BASIX Certificate number: 611822M_03 dated 2 December 2016 shall be complied with.

3.5 Engineering Matters

3.5.1 Design and Works Specification

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (f) Blacktown City Council On Site Detention General Guidelines and Checklist
- (g) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook THIRD Edition December 1999.

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

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

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

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

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

3.5.2 Other Necessary Approvals

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

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

3.6 Other Matters

3.6.1 Any future substation, temporary drainage works or other utility installation required to service the approved subdivision/development shall not be sited on future or existing Council land, including road reservations and/or public reserves.

3.7 Other Drainage Matters

3.7.1 The temporary detention basins 1, 2 and 3 are not to be removed or covenant released until the downstream drainage system and regional detention basin is complete.

3.7.2 Each year by the first business day on or after 1 September the registered proprietor/owners corporation 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 is to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's Water Sensitive Urban Design (WSUD) Compliance Officer.

3.7.3 The Temporary Enviropod Maintenance Bond can be refunded after 3 years once the Temporary Enviropods are cleaned with cleaning dockets provided to Council.

3.7.4 The Temporary Enviropod Removal Bond can only be refunded and the positive covenant for the maintenance of the Enviropods in the street pits can only be removed when the downstream regional basin is developed as agreed with Council.

3.7.5 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Part J of DCP 2015 for the entire site in perpetuity:

Required percentage reductions in post development average annual load of pollutants

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

3.8 Other Matters

3.8.1 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.

3.8.2 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.

4 PRIOR TO DEMOLITION WORKS

4.1 Safety/Health/Amenity

4.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.

4.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

4.1.3 Should the demolition work:

- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
- (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (c) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place or adjoining land or 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 or adjoining land or 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.

4.1.4 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, and
- (b) connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

4.1.5 Soil erosion and sediment control measures shall be provided in accordance with

Council's Soil Erosion and Sediment Control Policy.

4.2 Tree Protection

- 4.2.1 Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage.
- 4.2.2 Existing Site Trees 2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,23,25,28,32 and 33, as identified in the Arboricultural Assessment Report by TALC Tree and Landscape Consultants dated 2nd October 2015, are to be retained in accordance with the recommendations of this Report.
- 4.2.3 Measures for the protection of these existing trees are to be undertaken during construction, including road construction and paving, in accordance with the recommendations of the Arboricultural Assessment Report.
- 4.2.4 Any perimeter fencing along the western and eastern property boundaries is to stand at least 1 metre clear of the trunk of any above listed tree to be retained.

4.3 Site Investigation

A qualified Site Auditor accredited by NSW Department of Environment and Conservation (under the provisions of the Contaminated Land Management Act 1997) shall be engaged to undertake an investigation of the land to ascertain if the site has been affected by any contaminants (including, but not limited to, asbestos, organochlorins, arsenic, lead, petroleum residues and the like) that may be detrimental to the health of any future occupants and/or workers. The report shall identify the contaminants (if applicable) and shall make recommendations on the method of remediation of the land.

4.4 Other Matters

- 4.4.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 2 days prior to the intended work and include the following information:
 - date/s, hours and duration of the works.
 - contact name and phone number of the applicant
 - contact name and phone number of the licensed demolisher
 - WorkCover NSW contact number 131050, and email address contact@workcover.nsw.gov.au

5 COMPLETION OF DEMOLITION WORKS

5.1 Final Inspection

- 5.1.1 A final inspection is required to ascertain compliance with the condition of approval prior to the release of the road damage deposit.

5.2 Hazardous Materials and Waste

- 5.2.1 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 lodged with Council.

- 5.2.2 A clearance certificate prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos issued by a qualified occupational hygienist shall be obtained stating that, where the land has been affected by any contaminants (including asbestos & lead based paints), the land has been remediated in accordance with the recommendations of the investigation report. A copy of the clearance certificate is to be lodged with Council.
- 5.2.3 A report from a site auditor accredited by the NSW Department of Environment and Conservation (under the provisions of the Contaminated Land Management Act 1997) shall be lodged with Council stating that, where the land has been affected by any contaminants (including asbestos, organochlorins, arsenic, lead, petroleum residues and the like), the land has been remediated in accordance with the recommendations of the investigation report. A copy of the report is to be lodged with Council.
- 5.2.4 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling.

6 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

6.1 DA Plan Consistency

- 6.1.1 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.

6.2 Road Deposit/Bond

- 6.2.1 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 \$171.00;
 - (b) Road maintenance bond of \$5,000.00; and
 - (c) Road maintenance bond administration fee of \$107.00

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.

6.3 Lot Registration

- 6.3.1 The land to which this approval relates is to be identifiable with a Lot and Deposited Plan number and registered with the Land and Property Information.

6.4 Services/Utilities

6.4.1 The following documentary evidence shall accompany any Construction Certificate:

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

6.5 **Special Infrastructure Contributions**

- 6.5.1 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 Environment before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

More information

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

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

6.6 **Waste management**

- 6.6.1 The ongoing use section of the waste management plan must be amended as waste chutes are not proposed for this development so the reference to this equipment can be deleted. A revised waste management plan is to be submitted to Council's Waste Services Section prior to the release of a construction certificate.
- 6.6.2 Any roads, ramps, driveways and internal areas of the development where the waste collection vehicle is to travel are to be rated for at least 24 tonne trucks.
- 6.6.3 Access for collection vehicles is to be built in accordance with the dimensions indicated on the approved vertical cross-section plans showing adequate truck entry and exit and all manoeuvring areas.
- 6.6.4 The certifier is to ensure roads, ramps, driveways are rated to be suitable with the proposed 6.4m long, small rigid vehicle.

6.7 **Street tree planting**

- 6.7.1 The applicant must submit a Street Tree Plan detailing the proposed street tree planting and landscaping for the approved development. The Street Tree Plan is to reflect the species palette in our Street Tree Guidelines and must include:
- cross-sections showing dimensions of tree pits
 - species
 - details of root protection barriers
 - soil specifications
 - location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

NOTE: Any tree planting to be undertaken as part of the approved development shall be

available to Council for inclusion in future carbon sequestration programs.

The Street Tree Plan must show how the developer can decommission any median feature and road verge landscaping, and reinstate landscaping suitable to Blacktown City at handover.

Landscaping to lot boundaries is to be wholly located within private property and not encroach upon the road reserve.

Street tree planting must not interfere with the street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting.

This information must be received before a construction certificate can be issued.

6.8 Tree retention

6.8.1 Existing Site Trees 2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,23,25,28,32 and 33, as identified in the Arboricultural Assessment Report by TALC Tree and Landscape Consultants dated 2nd October 2015, are to be retained in accordance with the recommendations of this Report.

6.8.2 Measures for the protection of these existing trees are to be undertaken during construction, including road construction and paving, in accordance with the recommendations of the Arboricultural Assessment Report.

6.8.3 Any perimeter fencing along the western and eastern property boundaries is to stand at least 1 metre clear of the trunk of any above listed tree to be retained.

6.9 Environmental Health matters

6.9.1 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.

6.9.2 The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

7 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

7.1 Section 94 Contributions

7.1.1 The following monetary contributions pursuant to Section 94 of the *Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted up to \$10,000.00 only. Any payments above \$10,000.00 must be made by

cheque. Payments above \$10,000.00 cannot be split between different credit or EFTPOS cards.

Contribution Item	Base Amount	Relevant C.P.
Stormwater Quantity	\$1,112,419	CP20
Stormwater Quality	\$47,470	CP20
Traffic Management	\$322,403	CP20
Open Space	\$4,580,772	CP20
Community Facilities	\$61,876	CP20
E2 Conservation zone	\$197,352	CP20

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

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

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

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

Developable Area: 1.7308 hectares
Additional Population: 631.5 persons

7.2 Necessary plan amendments

7.2.1 The following plan amendments are to be shown on the construction certificate plans:

- (a) In Basement AB:
 - i. 2 of the 37 visitor parking spaces are to be disabled parking spaces.
 - ii. A disabled residential parking space is to be provided for each adaptable unit in buildings A and B.
- (b) In Basement CD a disabled parking space is to be provided for each adaptable unit in buildings C and D.
- (c) In both basements AB and CD, car parking space allocation is to be redesigned in order that visitor parking is located closest to the entries and a security entry system is provided to resident carparking spaces.
- (d) Plans are to identify the location of the 36 adaptable units required and a disabled parking space for each of these units in the basement immediately below the building where each unit is located. An Access Report from an accredited access consultant is to be provided that verifies the units' design and capability for adaptation.
- (e) An opening highlight window with an area of at least 1.0 square metres must be incorporated in the western wall of the living room of each of the apartments B106, B206, B306 and B406, so that the southern edge of the window is no further than 3 metres from the southern edge of the balcony of each apartment.

- (f) An opening highlight window with an area of at least 0.5 square metres must be incorporated into the northern wall of the living room of each of apartments A117, A217, A317, A417, B102, B202, B302, B402, B114, B214, B314 and B414.
- (g) The applicant is to relocate the proposed bicycle parking immediately outside the entrance to the bulky waste storage area on Drawing 09 (Revision K). Its current location results in an obstructed travel path from the storage area to the collection point.

7.3 Salinity and Contamination Report

- 7.3.1 The recommendations of the Detailed Site Investigation for the site prepared by STS GeoEnvironmental Pty Ltd (ref: 20174/5337C dated June 2015) are to be implemented. Salinity measures are to be shown on the construction certificate plans. IN this regard the site must be validated by an EPA recognised geoscientist as suitable for residential development in accordance with the strict residential use criteria as set out in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013 prior to the release of any construction certificate on the site.

7.4 Fencing

- 7.4.1 Fencing enclosing ground floor private open space is to be setback 3 m from the property boundary and have a height of 1.5 m high and is to be constructed of masonry up to 1 m, with 500 mm of horizontal powder coated infill slats to enclose ground floor terrace areas. Fencing is also to be consistent with the requirements of condition 4.5.3 of this consent.
- 7.4.2 Perimeter fencing on all road frontages and on the western boundary with the SP2 Infrastructure (Drainage) land is to be no more than 1 metre high. (safety, streetscape, casual surveillance).
- 7.4.3 All retaining walls are to be of masonry construction.
- 7.4.4 All fencing is to be erected on top of any retaining walls, at full cost to the development.

7.5 Access/Parking

- 7.5.1 Widen the driveway servicing the loading area so that it is at least 6m at the kerb in accordance with AS 2890.2-2002 for commercial vehicles Section 3.4.3 and Figure 3.1.
- 7.5.2 The design of the car parking area, aisle widths, driveway widths, manoeuvring areas, sight distances, ramp grades, headroom, loading areas etc. are to conform with AS 2890.1-2004 and AS 2890.2-2002 for commercial vehicles.
- 7.5.3 Any proposed fence/side boundary fence/landscape element on either side next to the proposed driveway must not exceed 900 mm in height for a length of 2.5 m from the property boundary within the property and 2 m along the property boundary to ensure safety of pedestrians on footpath in accordance with Figure 3.3 of AS2890.1.
- 7.5.4 All vehicles must enter and leave the development in a forward direction.
- 7.5.5 All car parking spaces 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 Spaces: 4.8m x 5.4m (including shared zone)

A car wash bay and 71 bicycle parking spaces are also to be provided on site.

- 7.5.6 The car wash bay(s) are to be appropriately bunded and connected to an approved waste water system.
- 7.5.7 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009 and AS1428.1 - 2009.
- 7.5.8 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.
- 7.5.9 A roller shutter and card-key system is to be installed at the entry/exit points of the basement car park.
- 7.5.10 The basement storage areas are to be provided with quality doors/cages and lock sets to restrict unauthorised access. Also the loading dock and areas within the bin storage room and bulky waste storage area that are unsafe for children to access area to be provided with lock sets to restrict unauthorised access.
- 7.5.11 Prior to issue of a Construction Certificate, an Access Report to be submitted to Council from an accredited Access Consultant certifying:
- that the accessible parking spaces meet Australian Standards.
 - that the adaptable dwellings are designed in accordance with AS 4299-19595 and are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).
 - the universal accessibility of the site in accordance with the Building Code of Australia.

7.6 Building Materials and Finishes

- 7.6.1 The development is to be constructed in accordance with the approved materials, finishes and colours submitted as part of the approved colours and finishes schedule.
- 7.6.2 The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the Building Code of Australia.
- 7.6.3 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.
- 7.6.4 All bathrooms, WC or laundry windows in the external walls and the building shall be fitted with translucent glazing.

7.7 Communal Open Space & Landscaping

- 7.7.1 All landscaping, recreation features and furniture, bbq facilities, children's play equipment and clothes drying facilities shall be of a high quality and detailed on the approved landscaping design plans.

7.8 Adaptable Housing Units

- 7.8.1 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.

7.9 Acoustic measures

- 7.9.1 A qualified acoustic engineer must certify that the buildings have been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

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

- 7.9.2 A certificate must be provided by a qualified acoustic engineer stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:

- a) does not exceed an L_{Aeq} sound pressure level of 5dB (A) above the ambient background noise level when measured
 - at the most effected point on or within any residential property boundary or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
- b) cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

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

8 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

8.1 Building Code of Australia Compliance

- 8.1.1 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).

- 8.1.2 The structural alterations to the building shall not unduly reduce or compromise:

- (a) the existing level of fire protection afforded to persons accommodated in or resorting to the building, or

- (b) the existing level of resistance to fire of the building, or
- (c) the existing safeguards against the potential spread of fire to adjoining buildings.

8.1.3 In accordance with the provisions of Clauses 94 and 143 of the Environmental Planning and Assessment Regulation, 2000, and in order to enable a determination of the appropriate level of conformity with the provisions of the Building Code of Australia which the existing building will be required to meet, it will be necessary to submit to Council a Fire Safety Study (FSS) for the proposed development. This study is to address the impact of the proposal on the existing building, particularly in regard to fire safety measures contained to protect persons using the building and to facilitate egress from the building in the event of a fire, together with measures to restrict the growth and spread of fire. The FSS shall clearly identify the operational capacity of each such measure, existing and proposed. The FSS may also make recommendations as to the level of conformity or overall fire safety considered appropriate, which may be taken into account by Council Officers in assessing the overall suitability of the proposal.

8.1.4 It is advised the building is the subject of an alternative solution under the performance requirements of the Building Code of Australia. In this respect, your attention is drawn to the need to ensure any associated construction certification for the development work is consistent with, and conforms to, the terms of the approved alternative solution, and does not compromise or reduce the level of fire or structural safety afforded the building.

8.2 Demolition

8.2.1 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.

8.2.2 A report from a site auditor accredited by the NSW Department of Environment and Conservation (under the provisions of the Contaminated Land Management Act 1997) shall be lodged with Council stating that, where the land has been affected by any contaminants (including asbestos, organochlorins, arsenic, lead, petroleum residues and the like), the land has been remediated in accordance with the recommendations of the initial investigation report. A copy of the report is to be attached to the Construction Certificate.

8.3 BASIX Certificate Compliance

The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 611822M_03 dated 2 December 2016.

9 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

9.1 General

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

In this regard, the following scope of works shall be included in the design documentation accompanying any construction certificate for engineering works.

- 9.1.2 All fees for Construction, *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. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.
- 9.1.3 The construction and dedication of all adjoining new roads associated with the original Subdivision development application DA-16-03680 including and the creation/provision of temporary roads, drainage, pathways, concrete path paving and any other ancillary work necessary to make this construction effective.
- 9.1.4 Construction certificate plans shall be generally in accordance with the following drawings :

Prepared By	Project No.	Drawing No.'s	Sheets	Revision	Dated
SGC	20150028	SW100- SW702	10	05	03.07.17

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

- i. Road drainage for all sheets is to be shown in accordance with the road drainage plans approved under DA-16-03680.
- ii. Junction pits or surface inlet pits are to be provided at the property boundary prior to final connection to the road drainage system.
- iii. Stormwater pipes crossing the footway area are to be minimum 375 mm diameter RCP.
- iv. Clearly show and label property boundary on all sheets.
- v. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the rainwater tank, detention tank and Stormfilter chamber in accordance with Council's Engineering Guide for Development 2005.
- vi. The minimum storage and dual alternating pump requirements for the basement garage is to satisfy AS/NZS 3500.3:2015 – Plumbing and Drainage Part 3: Stormwater Drainage.
- vii. Provide a basement design that ensures a minimum 0.5% slope to all surface inlet pits

9.2 Construction Certificate Requirements

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

- On-site stormwater detention
- Water quality treatment
- Earthworks

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

9.3 Roads Act Requirements

- 9.3.1 Under *Section 138 of the Roads Act 1993* an approval for engineering work is required on public roads. These works include but are not limited to the following:

- Any works within Council's road reserve

- Kerb inlet pit connections or construction
- Vehicular crossings

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

9.4 Other Engineering Requirements

9.4.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater then a long service levy payment is required. Provide proof of this payment to Council.

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

9.5 Other Drainage Engineering Requirements

9.5.1 An experienced Drainage Engineer registered with NER and supported by a DRAINS or alternate hydraulic drainage assessment is to certify that the internal drainage system is capable of carrying the 20 year ARI flows without surcharge at any pits and that the 100 year flows can reach the detention tank.

9.5.2 An experienced Drainage Engineer registered with NER and supported by a DRAINS or alternate hydraulic drainage assessment is to certify that the internal drainage system is capable of carrying the 20 year ARI flows without surcharge at any pits and that the 100 year flows can reach the detention tank.

9.5.3 An experienced hydraulic engineer is to prepare and certify a detailed Landscape Watering Plan for non-potable water uses on the site for landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:

- i. a first flush or pre-treatment system (at min. 0.2 litres / m² of roof area going to the tank),
- ii. a pump with isolation valves and a warning light to indicate pump failure;
- iii. a mains water direct tank top up with air gap for landscape watering;
- iv. flow meters on the mains water tank top-up line and the pump outflow line, to determine actual non-potable usage;
- v. a timer and control box for landscape watering, allowing for seasonal variations;
- vi. ensuring all the rainwater reuse pipes are coloured purple;
- vii. an inline filter and preferably an automatic backwash inline filter;
- viii. fitting rainwater warning signs to all external taps using rainwater.

9.5.4 Details are to be provided for three permanent interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The signs are 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 signs are to be supported by a steel post or on a wall and are to be located adjacent to each major water quality device. The wording and detail is to be approved by Council.

9.5.5 Provide a Temporary Enviropod Removal Estimate for the removal of the temporary Enviropods in the street pits surrounding the developments.

9.5.6 Provide a Temporary Enviropod Maintenance Estimate for the maintenance of the temporary Enviropods in the street pits surrounding the developments for a minimum of three years.

9.5.7 Due to the cut and/or fill exceeding 1.5 m, a desktop Groundwater Assessment Report is required for the site in accordance with section 4.6 of DCP 2015 Part J. Where there is the potential for interaction with groundwater, a Groundwater Management Plan must be prepared by a Geotechnical Engineer registered with NER.

9.6 Drainage

9.6.1 Drainage from the site must be connected into Council's existing drainage system.

9.6.2 Any overland or stormwater flows up to the 1% A.E.P. (100 year Average Recurrence Interval) event must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

9.7 Erosion and Sediment Control

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

9.8 Stormwater Quality Control

9.8.1 Provide a stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

9.8.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 96 application.

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

9.9 On-Site Detention

9.9.1 Provide an on-site detention system in accordance with Council's Engineering Guide for Development. This design shall limit the post-developed flows to the pre-developed flows for the 2 to 100 year ARI storm events.

9.9.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the on-site detention design shall require a section 96 application.

9.9.3 Submit the following certificates which are to be prepared by a registered engineer (NER):

- Certification 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.
- Certification that the on-site detention system will perform to meet the on-site detention requirements.

9.9.4 The following documents shall be submitted to accompany the on-site detention design:

- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
- OSD detailed design submission and calculation summary sheet
- A maintenance schedule that is signed and dated by the designer

9.10 Vehicular Crossings

9.10.1 Construct a commercial and industrial vehicular crossing to Council's standard A(BS)103S.

9.11 Other matters

6.10.1 The construction and dedication of all adjoining roads associated with the original Subdivision Development Application DA-16-03680 including the creation/provision of roads, drainage, pathways, concrete path paving and any other ancillary work necessary to make this construction effective.

10 PRIOR TO DEVELOPMENT WORKS

10.1 Safety/Health/Amenity

10.1.1 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.

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

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

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.

10.1.3 Should the development work:

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

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

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

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

10.2 Notification to Council

10.2.1 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.

10.2.2 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 \$20,000,000.

10.3 Home Building Act

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

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

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

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

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

10.4 Sydney Water Authorisation

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

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

OR

The approved plans are to be submitted to a Sydney Water 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, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.

10.5 Compliance Certificate Fee

- 10.5.1 All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.

10.6 Use of Crane

- 10.6.1 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.
- 10.6.2 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.

10.7 Adjoining Owners

- 10.7.1 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.

11 DURING CONSTRUCTION (BUILDING)

11.1 Safety/Health/Amenity

- 11.1.1 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.
- 11.1.2 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:
- (c) the name, address and telephone number of the principal certifying authority for the work, and
 - (d) 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
 - (e) stating that unauthorised entry to the work site is prohibited.

11.1.3 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.

11.1.4 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.

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

11.1.6 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.

11.1.7 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.

11.1.8 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.

11.1.9 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.

11.2 Building Code of Australia Compliance

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

11.3 Surveys

11.3.1 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.

11.3.2 A registered surveyor's report indicating that the required minimum Australian Height Datum floor level has been achieved, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

11.3.3 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.

11.4 Nuisance Control

11.4.1 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.

11.4.2 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.

11.4.3 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.

11.5 Swimming Pools

11.5.1 Any child-resistant barrier required by the Swimming Pool Act 1992 shall be erected prior to filling, or allowing the pool to fill, with water to a depth exceeding 300mm.

11.5.2 A poster (warning notice) prepared by the Royal Life Saving Society shall be exhibited in a prominent position adjacent the pool area. The poster shall contain the wording referred to in Part 3 of the Swimming Pools Regulation 2008, including a flow sequence containing details of resuscitation techniques (for infants, children and adults).

11.5.3 The filtration motor is not permitted to operate between the hours of 8.00pm and 8.00am.
The swimming pool filter and pump shall be fully enclosed in a purpose built acoustic enclosure to attenuate noise emitted by the swimming pool equipment. The acoustic enclosure shall reduce the sound pressure level of the swimming pool filter and pump equipment to a level not greater than 5dB (A) above the background noise level in accordance with Protection of the Environmental Operations Act 1997.

11.5.4 The discharge and/or overflow pipe from the swimming pool and filtration unit shall be connected to an approved sewerage system where available.

All backwash water from the filtration unit shall be similarly disposed, or alternatively, shall be connected to an absorption trench having a minimum capacity of 1m³, having a maximum depth of 600mm and located a minimum 3m from any boundary and existing or proposed building (including impervious pavement) on the land.

11.5.5 The swimming pool development is subject to an exemption under the provisions of Section 22(2) of the Swimming Pools Act, 1992.

The exemption has been granted subject to the ongoing compliance with the following condition (s):-

(a)The openable portion of the window(s) servicing the # shall be totally enclosed by an

effective child-safe grille of substantial construction and being so fixed that it has no opening through which it is possible to pass a standard test bar as defined under Section 4 of Australian Standard 1926.1-2012: Safety Barriers for Swimming Pools, and

11.5.6 Due to the close proximity of the pool excavation to the dwelling, a certified practising structural Engineers certificate is required to be submitted to Council confirming that the pool excavation has not adversely affected to the footing system of the adjacent dwelling. Further, the area between the pool and the dwelling is required to be suitably drained and graded back towards the pool to prevent water ponding adjacent the dwelling footings.

11.5.7 The following inspections shall be carried out during construction of the swimming pool:-

- (a) Completion of the pool excavation (fibreglass or fibrecrete construction), and/or placement of steel reinforcement (prior to pouring concrete),
- (b) Erection of the child resistant barrier (prior to filling or allowing the pool to fill with water to a depth exceeding 300mm),
- (c) Completion of the swimming pool development (prior to use of the pool).

11.6 Stormwater Drainage

11.6.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:

- (a) the floor level being a minimum 225mm above the adjoining finished ground level, and/or
- (b) being drained to an effective drainage system.

11.7 Waste Control

11.7.1 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.

11.8 Tree Protection

11.8.1 The measures required to effectively protect trees on the land shall be maintained throughout the development works.

11.9 Construction Inspections

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

- (a) After excavation for, and prior to placement of, any footings; and
- (b) Prior to pouring any in-situ reinforced concrete building element; and
- (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and

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

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

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

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

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

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

11.10 Vehicular Crossings

Any vehicular crossing of the footway shall be maintained a minimum of 6m from the tangent point of the kerb return on a corner allotment. The vehicular crossing shall also be maintained at least 1m clear of any stormwater gully pit and clear of any other utility surface infrastructure.

11.11 Site Cut and Fill levels

The extent of cut and fill on the development site is restricted to that which is indicated on the approved plans. The maximum height of fill on the development site shall be 600mm and the maximum height of cut shall be 900mm.

Any ground re-shaping by cut and/or fill shall not compromise the structural integrity of any adjacent building, structure or service conduit on the subject or adjoining land.

11.12 Salinity and Aggressive Soil Management

- 11.12.1 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 (aggressive soils are defined as soils that have the potential to damage foundations) shall provide suitable Section 88B restrictions/ covenants on title for building construction measures to mitigate the effects of aggressive soils and salinity.

11.13 Site Contamination

- 11.13.1 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.

11.14 Waste Management Plan

- 11.14.1 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.

11.15 European Heritage

- 11.15.1 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.

11.16 Aboriginal Heritage

- 11.16.1 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.

11.17 Other Matters

- 11.17.1 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.

- 11.17.2 The acoustic measures identified to satisfy conditions 7.9.1 and 7.9.2 of this consent are to be implemented during construction.

12 DURING CONSTRUCTION (ENGINEERING)

12.1 Notification of Works

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

12.2 Insurances

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

12.3 Soil Erosion and Sediment Control Measures

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

12.4 Earthworks

- 12.4.1 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.
- 12.4.2 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 12.4.3 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.

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

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

Where Council is appointed as the Principal Certifying Authority for the development, only compliance certificates issued by accredited certifiers will be accepted. All compliance

certificate(s) must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction Certificate.

12.6 Inspection of Engineering Works - Roads Act 1993

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

Inspections must be pre-booked with a minimum twenty-four (24) hours notice. Council's Development Overseers may be contacted on 02 9839 6586 between 7am - 8am and 12.30pm - 1.30pm, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

12.7 Public Safety

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

12.8 Site Security

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

12.9 Traffic Control

- 12.9.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.

12.10 Other Drainage Engineering Matters

- 12.10.1 The Enviropods and Stormfilter cartridges supplied by Stormwater 360 are not to be replaced with an alternate manufacturer's product.

13 PRIOR TO OCCUPATION CERTIFICATE

13.1 Road Damage

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

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.

13.2 Compliance with Conditions

- 13.2.1 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.

- 13.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

13.3 Service Authorities

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

13.4 Temporary Facilities Removal

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

13.5 Fee Payment

- 13.5.1 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.

13.6 Engineering Matters

13.6.1 Surveys/Certificates/Works As Executed plans

- 13.6.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 13.6.1.2 The Work-as-Executed (WAE) 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 Council.
- 13.6.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 13.6.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 13.6.1.5 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 13.6.1.6 A Civil Engineer registered with NER, is to certify that:
- i. All the requirements of the approved drainage plan have been undertaken.
 - ii. The outlet control pipe sizes are as per the approved drainage plans.
 - iii. There is no 1.5 year orifice for OSD 2.
 - iv. The required detention volume has been provided within the detention basin in the 1.5 year ARI and 100 year ARI event.
 - v. All the signage and warning notices have been installed including the interpretative water quality sign.
 - vi. A copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.
- 13.6.1.7 Stormwater 360 is to certify for the installation of the 200 micron Enviropods and Stormfilters that:
- i. They are installed in accordance with the Stormwater 360 standard operational guidelines and production drawings;
 - ii. The Enviropods have been installed as 200 micron;
 - iii. The Stormfilter tanks includes a baffle 300 mm below the weir and set 250 mm upstream from the Stormfilter weir to retain floatables including oils for the 460 mm cartridges

- iv. The Stormfilter weir length enables flow velocities under the baffle to be less than 0.4 m/s.;
- v. The underdrains from the Stormfilter chamber for OSD 1 and OSD 3 both discharge direct to the OSD tank and the false floor level is a maximum of 100 mm below the 1.5 year ARI control weir.
- vi. The underdrains from the Stormfilter chamber for OSD 2 discharge direct to the overflow chamber.
- vii. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and
- viii. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.

13.6.1.8 Maintenance schedule requirements are to be provided for each of the Stormwater Quality Improvement Devices including the rainwater tank. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The maintenance schedule is to contain a requirement that either the filter cartridges are to be replaced no later than two years after the date of installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's MUSIC Modelling and Design Guide to verify that the actual flow rate through the cartridges is greater than 90% of the design flows to enable the filters to be retained i.e. the filters pass the test. The flow test is to be repeated and passed each and every year after that for the filters to be retained, but the filters must be replaced after a maximum of 5 years. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, signature and date on it.

13.6.1.9 Written evidence is to be provided that the registered owner/lessee has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the rainwater tank and all internal proprietary water quality treatment devices. The maintenance contract is to contain a requirement that either the Stormfilter cartridges are to be replaced no later than two years after the date of installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's MUSIC Modelling and Design Guide to verify that the actual flow rate through the cartridges is greater than 90% of the design flows to enable the Stormfilters to be retained i.e. the filters pass the test. The flow test is to be repeated and passed each and every year after that for the filters to be retained, but the filters must be replaced after a maximum of 5 years. A copy of the signed and endorsed contract(s) and maintenance contractor(s) details are to be forwarded to Council's WSUD Compliance Officer.

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

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

13.6.1.11 Where the Groundwater Assessment Report indicated the requirement for a Groundwater Management Plan, then a Geotechnical Engineer registered with NER, is to certify that all the requirements of the Groundwater Management Plan have been undertaken and that there is no adverse impact due to groundwater.

13.6.1.12 An experienced irrigation specialist is to certify that all the requirements of the detailed Landscape Watering Plan have been installed as per the approved plan and are

working correctly. Provide a signed, works-as-executed Landscape Watering Plan to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au

13.6.2 Easements/Restrictions/Positive Covenants

13.6.2.1 Any easement(s), restriction(s) or positive covenant(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s), restriction(s) or positive covenant(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.

13.6.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the on-site detention storage areas and outlet works.

13.6.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the Stormwater Quality Control devices/system and outlet works. The positive covenant requirements are to include the submission of an annual report on water treatment and water usage by the first business day on or after 1 September each year.

13.6.2.4 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.

13.6.3 Other Drainage Engineering Matters

13.6.3.1 A Positive Covenant is to be provided over each lot for the Temporary Enviropods in Roads 1 and 2 directly opposite. The covenant requirements are to include cleaning at maximum 4 monthly intervals and the submission of an annual report on water treatment by the first business day on or after 1 September each year. The Positive Covenant must be registered with Land & Property Information prior to the final occupation certificate.

13.6.3.2 Provide written evidence that the registered owner/owners corporation has entered into a minimum 3 year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the street Enviropods. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer.

13.6.3.3 Provide a Temporary Enviropod Removal Bond to Council for the removal of the Temporary Enviropods within the street pits equal to 200% of the Temporary Enviropod Removal Estimate.

13.6.3.4 Provide a Temporary Enviropod Maintenance Bond to Council for the maintenance of the Temporary Enviropods within the street pits equal to 150% of the Temporary Enviropod Maintenance Estimate.

13.6.4 Inspections

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

13.6.5 Relationship with other Approvals

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

- a) Development Consent No. 16-03680 dated 23 May 2017 issued by Blacktown City Council
- b) Relevant requirement of any other development consent, Construction Certificate issued under the *Environmental Planning and Assessment Act, 1979*, *The Local Government Act, 1993* or *The Roads Act 1993*.

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

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

13.6.6 CCTV Inspection of Stormwater Drainage Structures

- 13.6.6.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV on completion of the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of a DVD of the inspection, a hard copy printout of the SEWRAT (or equivalent) report and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

13.7 Landscaping

- 13.7.1 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 13.7.2 All landscaping, recreation features and furniture, bbq facilities, children's play equipment and clothes drying facilities shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.
- 13.7.3 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.
- 13.7.4 Vandal proof and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate. In relation to the installation of CCTV cameras:
- a. They must be installed at entry and exit doorways to the lobby and driveway access points, car park and loading docks.

- b. They must be of high resolution and set up with appropriate field of view to capture good detail.
 - c. The soft copy images recorded by the CCTV system shall be appropriately stored in accordance with legal requirements.
 - d. Appropriate signage is to be installed in prominent locations to ensure all visitors are aware that CCTV is operating.
 - e. Certification that the CCTV has been appropriately installed is to be provided prior to the release of any Occupation Certificate.
- 13.7.5 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 13.7.6 All power boards should be housed within a locked cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.
- 13.7.7 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves and/or drainage 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.
- 13.8 **Car parking**
 - 13.8.1 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
 - 13.8.2 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
 - 13.8.3 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
 - 13.8.4 Visitor spaces, car wash bay and the loading zone are to be suitably line-marked and signposted to identify their intended purpose.
- 13.9 **Adaptable Housing Units**
 - 13.9.1 Certification from a qualified Access Consultant confirming that the Adaptable Housing Units are capable of being modified when required by the occupants in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) is to be submitted to Council.
- 13.10 **Total Maintenance Plan**
 - 13.10.1 A "total" maintenance plan is to be prepared for the site. The plan is to ensure the following:
 - (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, landscaping, the communal open space areas, gymnasium, security systems, mail boxes, lighting, loading areas and services are regularly inspected and maintained at optimum levels at all times.
 - (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the

opportunity for graffiti or anti-social behaviour. Any unwanted "junk mail" is to be collected on a regular basis and disposed of as necessary.

- (c) The proposed development is always under the control of a fulltime Building Manager.

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

13.11 Emergency Evacuation Plan

- 13.11.1 A detailed Emergency Evacuation and Management Plan is to be prepared in conjunction with a specialist consultant in accordance with Australian Standard "Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces". As part of the Emergency Plan, an "audio" system is to be installed at strategic locations (e.g. car park entry/exits, lift door access, select public areas) to ensure the safety of residents and the public in the event of an emergency.

A copy of the Emergency Evacuation Plan is to be submitted for Council's Manager, Development Services and the Quakers Hill Local Area Command prior to the release of any Occupation Certificate. A copy of the Emergency Evacuation Plan must also be issued to all emergency services groups inviting them to review and comment on the Plan prior to its finalisation.

13.12 Waste matters

- 13.12.1 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.

- 13.12.2 Prior to the release of an occupation certificate, evidence that a private contractor has been engaged for waste and recycling collections as well as household clean-ups is to be submitted to Council.

- 13.12.3 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. requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan.
- b. responsibility for maintenance of the waste system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times.
- c. the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.
- d. responsibility for the on-going maintenance and management of any bin movement aides (such as bin trolleys and tractors) as proposed in this application.

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.

- 13.12.4 Appropriate signage and painting of loading dock area to ensure no parking must be provided in the garbage and recycling bin storage areas to advise where waste and recycling materials are to be placed, and what are appropriate materials for recycling.
- 13.12.5 A restriction is to be placed on the Section 88B of the subject site identifying that the site is serviced by a private water and recycling contractor and that residents are unable to access Council's household clean up service or garbage and recycling service.

13.13 Street tree planting

- 13.13.1 Any tree planting (and maintenance) along the frontage of the development site to improve the amenity of the streetscape must be approved before a Subdivision Certificate is issued.

The number of trees, in the case of medium and high density residential developments, are to be as follows:

Trees will be planted at a minimum spacing of 8 metres.

Additional trees may be requested following assessment of the subdivision configuration.

Trees must be of a minimum container size of 45 litres with root barriers.

The applicant must obtain clearances from relevant service authorities.

The applicant will be required to pay a bond of \$320 per tree to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), to council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed.

The applicant will also be required to pay a \$132 inspection fee. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification

13.14 Graffiti Management Plan

- 13.14.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council. The Plan is to address the following issues:
- (a) Methods to minimise the potential for graffiti;
 - (b) Management/notification procedures for the "early" removal of graffiti;
 - (c) Annual review of any "management agreement" for the removal of graffiti to ensure the property is maintained at its optimum level; and
 - (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

13.15 Acoustic matters

- 13.15.1 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed

in accordance with the certified design and to the standard required by condition 4.9 of this consent.

13.16 Fire Safety Certificate

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

14 OPERATIONAL (PLANNING)

14.1 Use of Premises

- 14.1.1 The development shall not be used or converted for use for any purpose other than that:
 - (a) Granted consent by Council's Notice of Determination, or
 - (b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.
- 14.1.2 The communal ground level and rooftop areas are only permitted to be occupied by residents and their guests from 8am-8pm daily.
- 14.1.3 A minimum of 10% of the units of the approved residential flat building are to be designed in accordance with the Australian Adaptable Housing Code AS 4299-1995 which includes 'pre-adaptable' design details to ensure visitability is achieved.

14.2 Storage

- 14.2.1 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.

14.3 Landscaping

- 14.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner. The landscaping in the planter areas either side of the two driveways off Allawah Street are to be kept trimmed to a low height that will not obstruct the viewing of pedestrians by cars and vehicles exiting the two driveways. Such landscaping is to not obstruct compliance with AS 2890.1 at all times.
- 14.3.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.
- 14.3.3 The management of vegetation, gardens, planter boxes, communal areas and other similar areas is to be incorporated within the future strata management plan once the development is occupied.

14.4 Lighting and Security

- 14.4.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 14.4.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 14.4.3 The maintenance of all external lighting is to be managed by way of an annual service agreement to ensure the security of the building and persons within are not compromised from dark or uncontrolled public areas.
- 14.5 **Waste**
- 14.5.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 14.5.2 The entire waste entry driveway including area outside the loading dock are to be kept unobstructed and free of any vehicle parking and any other obstructions so it is always freely available for use by the waste delivery trucks. The Strata Management are responsible for enforcing this requirement.
- 14.6 **Emergency Procedures**
- 14.6.1 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.
- 14.7 **Clothes Drying**
- 14.7.1 The hanging/drying of clothes on balconies (where visible from a public place) is prohibited. A clause is to be included in the future Plan of Strata Management prohibiting the drying of clothes on balconies (where visible from a public place)..
- 14.8 **Graffiti Removal**
- 14.8.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s and to be undertaken in accordance with the Graffiti Management Plan endorsed to satisfy condition 13.14.1 of this consent. All graffiti must be removed no later than 48 hours after detection.
- 14.9 **Access/Parking**
- 14.9.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 14.9.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 14.9.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 14.10 **Crime Prevention Through Environmental Design**
- 14.10.1 Vandal proof and security lighting, CCTV and security measures endorsed by this consent shall be met and maintained at all times.

15 OPERATIONAL (ENVIRONMENTAL HEALTH)

15.1 Environmental Management

- 15.1.1 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.
- 15.1.2 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.
- 15.1.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out any approved activity where material harm to the environment is caused or threatened.
- 15.1.4 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.
- 15.1.5 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 on-site waste collection area immediately prior to pick-up and returned to the storage area as soon as possible after pick-up.