

Development Description:

Integrated Development Application for the demolition of the existing structures, removal of trees, subdivision to create 2 residue lots for development, the construction and dedication of new public roads and the construction of 4 x 8 storey residential flat buildings comprising 434 apartments, basement car parking and landscaping.

1 ADVISORY NOTES**1.1 Terminology**

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

1.2 Scope of Consent

- 1.2.1 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.
- 1.2.2 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.
- 1.2.3 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.
- 1.2.4 The applicant is advised that Council will not release the Subdivision Certificate for the approved development until such time as the development has been completed in accordance with all of the conditions of consent, to Council's satisfaction.

1.3 Other Approvals

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

any construction works.

1.3.2 The applicant's attention is drawn to the need to obtain 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;
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development,
- (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
- (d) the installation of a vehicular footway crossing servicing the development.

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

1.4 Services

1.4.1 The applicant is advised to consult with:

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

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

All approved building construction plans attached to the Construction Certificate should be approved through the 'Sydney Water Tap In' service to determine whether the development will affect the Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. A receipt must be provided to the PCA. Please refer to the website www.sydneywater.com.au for more information. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

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

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

1.4.4 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of

plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

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

1.5 Identification Survey

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

1.6 Tree Planting and Service Locations

- 1.6.1 In order to facilitate street tree planting that does not impact on public utilities, the applicant is advised to liaise with the relevant service authorities regarding the location and use of their specific service allocation within the public road reserve. These authorities have indicated that it may be possible to lay services on opposite sides of the road thereby providing larger areas for tree planting.

The proposed street tree planting for the subdivision shall be reviewed in relation to the proposed street lighting layout to ensure that the intended tree planting does not interfere with the street light spill. Documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting shall be submitted to Council prior to the issue of a Construction Certificate relating to the approved development.

2 GENERAL

2.1 Scope of Consent

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

Drawing No.	Dated	Council's File Enclosure No.
Plans prepared by Aleksandar Design Group:		
DA 00 Issue B Cover Page	March 2016	66A
DA 02 Issue B Site/Roof Plan + Adaptable Units	March 2016	66B
DA 03 Issue B ILP Road Pattern Overlay	March 2016	66C
DA 03 Issue D Build A Basement 01	July 2016	66D
DA 04 Issue C Build B, D, C Basement 01	March 2016	66E
DA 05 Issue C Build A Basement 02	March 2016	66F
DA 06 Issue D Build B, D, C Basement 02	July 2016	66G
DA 07 Issue C Build A Basement 03	March 2016	66H
DA 08 Issue C, Build B, D, C Basement 03	March 2016	66I

Drawing No.	Dated	Council's File Enclosure No.
DA 33 Issue D, Build A + Builds D Ramp Sections	July 2016	66J
DA 10 Issue B Build A Ground	March 2016	66K
DA 11 Issue B Build B, C + D Ground	March 2016	66L
DA 12 Issue B Build A LV2-4	March 2016	66M
DA 13 Issue B Build B, C + D LV2-4	March 2016	66N
DA 14 Issue B Build A LV5-8	March 2016	66O
DA 15 Issue B Build B, C + D LV5-8	March 2016	66P
DA 16 Issue B Section A-A	March 2016	66Q
DA 17 Issue B Section B-B + C-C	March 2016	66R
DA 18 Issue B Section D-D + E-E	March 2016	66S
DA 19 Issue B North Elevation	March 2016	66T
DA 20 Issue B South Elevation	March 2016	66U
DA 21 Issue B Build A Elevations	March 2016	66V
DA 22 Issue B Build B Elevations	March 2016	66W
DA 23 Issue B Build C Elevations	March 2016	66X
DA 24 Issue B Build D Elevations	March 2016	66Y
DA 29 Issue B Solar / Cross-Ventilation Diagrams	March 2016	66Z
DA 30 Issue B Solar / Cross-Ventilation Diagrams	March 2016	66AA
DA 31 Issue B Solar / Cross-Ventilation Diagrams / COS Solar	March 2016	66AB
DA 32 Issue B GFA / COS Calculations	March 2016	66AC
Subdivision / Road Reserve Plan	-	66AD
DA 46 Issue A External Materials + Finishes: Buildings A + D	May 2015	66AE
DA 47 Issue A External Materials + Finishes: Buildings B + E	May 2015	66AF
DA 48 Issue A External Materials + Finishes: Buildings C	May 2015	66AG
Plans prepared by Scape Design:		
SK 01 Revision 1 Landscape Cover Sheet	-	66AH
SK 02 Revision 1 Landscape Plan West	-	66AI
SK 03 Revision J Landscape Plan East	-	66AJ

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

2.2 Services

- 2.2.1 Low voltage electricity and telecommunications services for the approved development shall be as per the requirements of the service provider, and reticulated underground if required by the relevant service provider.

2.3 Suburb Name

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

Suburb: Rouse Hill

- 2.3.2 Any advertising of land sales in association with the approved development shall clearly indicate that the development is located in the following suburb. No other estate names shall be used in any advertisements or other promotional information:

Suburb: Rouse Hill

2.4 Compliance with BASIX Certificate

- 2.4.1 All commitments listed in the BASIX Certificate number: 650777M_04 shall be complied with.

2.5 Other Matters

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

2.6 Engineering Matters

2.6.1 Definitions

- 2.6.1.1 Where this consent requires both engineering and building works to be undertaken, a separate Construction Certificate may be issued for each category of works i.e. a separate construction Certificate for the Engineering works nominated in "Prior to Construction Certificate (Engineering)" and a separate Construction Certificate (for all building works relating to the erection and fit-out of a structure). This excludes all works on existing public roads significant enough to warrant separate engineering approval pursuant to the Road Act 1993. In relation to this consent, an engineering approval pursuant to the Road Act, 1993 or Section 68 of the Local Government Act must be issued for works associated with inter-allotment drainage through adjoining properties and connection to Councils drainage system prior to the issue of the Construction Certificate.

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

Council does not permit the private certification of works on existing public roads or reserves, or any land under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works associated with inter-allotment drainage, connection to Councils drainage system and works within Cudgegong Road.

- 2.6.1.2 Any Construction Certificate issued in relation to this consent shall incorporate and address the design of those works required by Scope of Engineering Works and other sections of this consent which do not require separate Roads Act 1993 or Local Government Act 1993 approval and any ancillary works necessary to make the construction effective. All works on existing public roads require separate engineering approval pursuant to the Roads Act 1993.
- 2.6.1.3 The Construction Certificate for Engineering works may be issued by Council or by an appropriately qualified certifier. For Council to issue the Construction Certificate a separate application must be made on the prescribed form complete with detailed plans and specifications. You are further advised that Council does not permit the private certification of works on existing public roads or reserves Council property or any property under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any

works associated with inter-allotment drainage, connection to Councils drainage system and works within Cudgegong Road.

- 2.6.1.4 Prior to the issue of any Construction Certificate for the approved development it is necessary to obtain the separate approval of Council pursuant to the Roads Act 1993 for all relevant civil works on existing public roads as nominated in "Prior to Construction Certificate (Engineering)" and/or "Scope of Engineering Works and other sections of this consent " The application for this Engineering Approval must be made on the prescribed form and is to include detailed design plans and specifications prepared by a Chartered Professional Engineer or suitably experienced Registered Surveyor.

2.6.2 Design and Works Specification

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

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

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

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

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

2.6.3 Payment of Engineering Fees

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

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

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

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

2.6.3.4 Fees are required to be paid to Council's Development Services Unit pursuant to Section 223 of the Roads Act 1993 for;

- (a) The checking of engineering drawings and the issue of an Engineering Approval pursuant to the Roads Act 1993.
- (b) All construction inspections for the works approved by (a) above. The required fee will be determined upon submission of the relevant plans to Council. This fee is subject to periodic review and may vary at the actual time of payment.

2.6.4 Other Fee and Bond/Securities

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

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

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

2.6.5 Other Necessary Approvals

2.6.5.1 A separate application or details (as necessary) shall be submitted for the separate approval of Council under the provisions of the Local Government Act 1993 and/or the Roads Act 1993 for any relevant works.

2.6.6 Subdivision

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

2.7 Other Matters

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

2.7.2 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on a future public road nor on future and existing Council land, including not on any public reserve or drainage reserve. Any proposal to locate a proposed substation or other

utility installation on a future public road shall be negotiated with and fully endorsed by the relevant Council Directorates.

2.8 Other Authorities – Sydney Water

2.8.1 Sydney Water Servicing - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

Make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

3 PRIOR TO DEMOLITION WORKS (BUILDING)

3.1 Safety/Health/Amenity

3.1.1 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.

3.1.2 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.

3.1.3 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.

3.1.4 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.

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

3.2 Tree Protection

- 3.3.1 Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage.

3.3 Other Matters

- 3.3.1 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

4 DURING DEMOLITION WORKS

4.1 Safety/Health/Amenity

- 4.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 4.1.2 A sign shall be maintained 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 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 4.1.4 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.
- 4.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.

- 4.1.6 Any excavation and/or backfilling associated with the demolition 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.
- 4.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2002 (if applicable)
- 4.1.8 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.

4.2 Nuisance Control

- 4.2.1 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.

5 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

5.1 DA Plan Consistency

- 5.1.1 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.

5.2 Blacktown Growth Centres Development Control Plan 2010

- 5.2.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Growth Centres Development Control Plan 2010.

5.3 Tree Management

- 5.3.1 That a Tree Management Plan is to be developed by an Arborist with AQF level 5 qualifications. The Arborist who has prepared the Tree Management Plan becomes the Site Arborist. The Site Arborist is to make, frequency and recording of inspections, that is independent periodic inspections and update reports to both the client and Council. The site Arborist is responsible for the establishment of tree protection zones and management of tree protection zones and ensuring all trees to be retained, are protected as per AS4970:2009, protection of trees on development sites.
- 5.3.2 A fencing plan is to be submitted which details the dog-proof fencing along the northern boundary adjoining Cudgegong Reserve during any demolition works, construction works and ongoing. This fencing is to appropriately designed to protect the flora and fauna within Cudgegong Reserve.

- 5.3.3 A Street Tree Planting Plan is required to be submitted for approval for appropriate street tree locations and species. The nature strip opposite Cudgegong Reserve should be *Melaleuca Decora* (White Paper Bark).

- 5.3.4 A Tree Preservation Bond is required to be applied on Trees 175, 176, 188, 198 and 190 along with any other trees identified in the Tree Management Plan by the site Arborist. The value of the bond is to be approved by Council's Open Space and Tree Maintenance Section. The period of the bond should be applied prior to the issue of any Construction Certificate until a 12 month period after the issue of the final Occupation Certificate.

5.4 Road Deposit/Bond

- 5.4.1 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 \$174.00;
- (b) Road maintenance bond of \$6,000.00; and
- (c) Road maintenance bond administration fee of \$104.00.

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.

5.5 Salinity

- 5.5.1 The recommendations of the Preliminary Soil Salinity Assessment prepared by EBG Environmental Geoscience August 2015) are to be identified on the Construction Certificate plans. Note: Final validation will be required prior to the release of an Occupation Certificate.

5.6 Site Contamination

- 5.6.1 The recommendations and 'Important Notes' provided at Section 9.2 of the Stage 1 Preliminary Site Investigation prepared by EBG Environmental Geoscience dated August 2015 shall be implemented.

5.7 Other Authorities – Roads and Maritime Services

- 5.7.1 The development shall comply with the Blacktown City Council Growth Centre Precincts Development Control Plan 2010.
- 5.7.2 The layout of the car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) are to be designed in accordance with Australian Standard AS2890.1 and AS2890.2-2002 for heavy vehicle usage.
- 5.7.3 A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of any Construction Certificate.

5.8 Other Authorities – NSW Rural Fire Service

- 5.8.1 Asset Protection Zones - At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document 'Standards for asset protection zones'
- 5.8.2 Water and Utilities - Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- 5.8.3 Access - Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
- 5.8.4 Access - Property access roads shall comply with sections 4.1.3(2) and 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- 5.8.5 Design and Construction - Construction of the proposed buildings shall comply with the relevant sections of Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas" and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection" 2006 as described by the drawing provided by Building Code & Bushfire Hazard Solutions, job reference: 140843, dated 12/05/2015, titled Construction Overlay – Buildings A & B and Construction Overlay – Buildings C, D & E.

5.9 Other Authorities – NSW Local Police

- 5.9.1 Each lift is to be operated by use of a swipe card or Fob (touch token). The swipe card system for the lift should be interfaced into the entry point intercom to allow occupants to grant access to authorised visitors.
- 5.9.2 If any swipe cards go missing, they should be immediately deactivated and bumped from the system so that they can no longer be used.
- 5.9.3 Local emergency services shall be provided with keys and/or swipe cards for emergency access if required.
- 5.9.4 The NSW Police Force strongly recommends that mail box facilities should be built into the front glass sections of a lockable unit foyer. This only allows residents with key pad access into their foyer to access their lockable mail box facility. If this is not possible, the mailbox facilities need to be situated in an area where natural surveillance exists and CCTV installed at location with adequate security lighting.

Each letterbox needs to be fitted with a separate, appropriate lock set and residents need to be reminded to keep them locked.
- 5.9.5 Should storage facilities be provided in the basement for residents, these are recommended to be constructed of an appropriately robust steel welded mesh to be used in lieu of chain link wire. Consider the use of 'over the bonnet' metal fully enclosed and lockable storage containers.
- 5.9.6 A Security Management Plan is to be prepared and adhered to during construction stage. This will assist with onsite building theft during and after hours.
- 5.9.7 A copy of the Evacuation Plan for the development is to be provided to the NSW

Local Police.

- 5.9.8 Prior to the issue of any Construction Certificate, a report prepared by a suitably experienced person is to be prepared which verifies that the plans incorporate the requirements of the principles of Crime Prevention through Environmental Design and the NSW Local Police.

A copy of this verification report is to be submitted to the NSW Local Police and Council. Should the NSW Local Police, Quakers Hill Local Area Command request any changes to the development with regard to safety and security, these are required to be incorporated into the Construction Certificate Plans.

5.10 Other Authorities – Endeavour Energy

- 5.10.1 As the development will encroach / affect Endeavour Energy's easements / electrical assets, contact must be made with the Endeavour Energy's Easements Officer, Jeffrey Smith, on 9853 7139 or alternately Jeffrey.Smith@endeavourenergy.com.au, who has from a preliminary review of the development application provided the following advice:

- Trees, plants or shrubs with a mature height that does not exceed 3 metres may be planted within the easement area provided they are no closer than 15 metres from the closest structure and no closer than 5 metres from the vertical projection of the closest conductor. No plants are permitted in an area where they may obstruct access.
- From the plans, it indicates that they are proposing drainage pipework within the easement, Endeavour Energy will require a detailed plan of all works within the easement area for assessment before any work can commence.

Written verification from Endeavour Energy is to be sighted by the PCA prior to the issue of any Construction Certificate which verifies that Endeavour Energy do not raise any objection to the proposal.

- 5.10.2 Network Capacity / Connection - In due course the applicant for the future proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount substations or indoor / chamber substations will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please find attached for the applicant's reference is a copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or are available on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link: <http://www.endeavourenergy.com.au>

In this regard, Endeavour Energy's Capacity Planning section has advised that whilst they have not undertaken a detailed load assessment:

- The establishment of 434 apartments is likely to attract an electrical load of

around 1.3 Mega Volt Ampere (MVA) and require a high voltage supply. This will be supplied from Endeavour Energy's Mungerie Park Zone Substation which is located at Commercial Road Rouse Hill (Lot 2011 DP 1131519).

- The high voltage supply will be reticulated at 22,000 volts (22kV). Electrical capacity may not be available from the frontage of this development. A point further east or south of this development may be the likely connection point for high voltage supply to the site.
- For the low voltage distribution within the site, a number of padmount or indoor / chamber substations may be required around the site, but this will be determined at the application for connection of load / design stage.

Any required padmount substations or indoor / chamber substations cannot be located in the basement car park. Although being able to be placed 'out of view', their location must still meet the requirements of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' e.g. access must be available at all times.

- 5.10.3 Safety Clearances - Any future proposed buildings, structures, etc. must comply with the minimum safe distances / clearances for voltages up to and including 132,000 volts (132kV) as specified in AS/NZS 7000:2010 'Overhead line design - Detailed procedures' and the 'Service and Installation Rules of NSW'. Different voltages are kept at different heights, the higher the voltage, the higher the wires are positioned on the pole. Similarly, the higher the voltage, the greater the required building setback. These distances must be maintained at all times e.g. for the erection of scaffolding etc., and regardless of the Council's allowable building setbacks etc. under its development controls, allowance must be made for the retention of appropriate / safe clearances. Any work in proximity of the overhead power lines must be undertaken in accordance with the requirements of SafeWork NSW / Work Cover 'Work Near Overhead Power Lines Code Of Practice 2006' a copy of which is attached.
- 5.10.4 Earthing - The construction of any building or structure (including fencing) that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with AS/NZS 3000:2007 'Electrical installations' to ensure that there is adequate connection to the earth. Inadequate connection to the earth places persons and the electricity network at risk.
- 5.10.5 Noise - The electricity network is operational 24/7/365 ie. all day, every day of the year. Overhead power lines can produce an audible sound or buzz as a side effect of carrying electricity. The sound can be louder if there is increased moisture (during rain, fog, frost etc.) or pollutants in the air. The sound usually occurs at the poles at the insulators supporting the power lines. The transformer in substations may emit a hum – especially when under heavy load say in the summer peak when use of air conditioning is at its highest. These sounds are generally not an issue in non-urban / non-residential areas but with increasing density and building heights Endeavour Energy believes it is worth considering. Where development is proposed in the vicinity of electricity infrastructure, Endeavour Energy is not responsible for any acoustic / noise amelioration measures for such noise that may impact on the nearby proposed development.
- 5.10.6 Electric and Magnetic Fields (EMF) - Endeavour Energy recognises that a causal link between power-line EMF exposure and demonstrated health effects has not been established, even after much scientific investigation throughout the world.

There are no state or federal exposure standards for 50/60- hertz (Hz) EMF based on demonstrated health effects. Nor are there any such standards world-wide. Among those international agencies that provide guidelines for acceptable EMF exposure to the general public, the International Commission on Non-Ionizing Radiation Protection established a level of 1000 milligauss (mG). Endeavour Energy recognises that timely additional research is unlikely to prove the safety of power-line EMF to the satisfaction of all.

Endeavour Energy is committed to ensuring that its activities and assets conform to all relevant International and Australian Standards, National Health and Medical Research Council (NH&MRC) Standards, Energy Networks Association (ENA) Standards and NSW legislation. This includes a commitment to a policy of prudent avoidance as endorsed by the ENA with regard to the location of assets and electric and magnetic fields. Please find attached a copy of ENA's 'Electric & Magnetic Fields – What We Know, January 2014' which can also be accessed via the ENA's website at <http://www.ena.asn.au/>.

- 5.10.7 Vegetation Management - The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs with non-invasive root systems are the best plants to use. Ideally larger trees should be planted well away from electricity infrastructure, including underground cables (or installed with a root barrier around the root ball of the plant), as they can restrict safe access by maintenance workers and may damage the electricity network eg. falling branches. Landscaping that interferes with electricity infrastructure may become subject to Endeavour Energy's Vegetation Management program and/or the provisions of the *Electricity Supply Act 1995* (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.
- 5.10.8 Asbestos - Whilst not shown on the site plan provided, Endeavour Energy's G/Net master facility model indicates that Cudgegong Road is a location identified or suspected of having asbestos or asbestos containing materials (ACM) present within the electricity network. Whilst Endeavour Energy's underground detail is not complete within G/Net in some areas, in older communities, cement piping was regularly used for the electricity distribution system and in some instances containing asbestos to strengthen the pipe; for insulation; lightness and cost saving.

When undertaking works on or in the vicinity of Endeavour Energy's electricity network, asbestos or ACM must be identified by a competent person employed by or contracted to the applicant and an asbestos management plan, including its proper disposal, is required whenever construction works has the potential to impact asbestos or ACM.

The company's potential locations of asbestos to which construction / electricity workers could be exposed include:

- customer meter boards;
- conduits in ground;
- padmount substation culvert end panels; and
- joint connection boxes and connection pits.

Further details are available by contacting Endeavour Energy's Health, Safety & Environment via Head Office enquiries on telephone: 133 718 or (02) 9853 6666

from 8am - 5:30pm.

- 5.10.9 Dial before You Dig - Before commencing any underground activity the applicant is required to obtain advice from the **Dial before You Dig 1100** service ie. there may be underground services other than electricity on or in the vicinity of the site.
- 5.10.10 Public Safety Training Resources - When working on or near electricity infrastructure, workers run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:
<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

Demolition work is to be carried out in accordance with Australian Standard AS2601: The demolition of structures (AS 2601). All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site e.g. street light columns, power poles, overhead and underground cables etc.

6 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

6.1 Section 94 Contributions under Section 94E Directions

- 6.1.1 Contributions under Section 94 of the Environmental Planning & Assessment Act 1979 must be paid.

Under the Section 94E Direction issued by the Minister for Planning on 4 March 2011, Council must not impose a condition of development consent under Sections 94 (1) or 94 (3) or the Act requiring the payment of a monetary contribution exceeding \$30,000 for each dwelling authorised by the development consent, or in the case of a development consent that authorises the subdivision of land into residential lots, exceeding \$30,000 for each residential lot authorised to be created by the development consent. The Section 94 contributions payable below have been assessed in accordance with this Direction:

No. of intended dwellings / apartments: 434

Contribution: \$9,282,213.00

Payment of this amount must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) whichever occurs first.

PLEASE NOTE: 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.

Notes: In complying with the Minister's Section 94E Direction, the applicant is advised that Council may not be in a position to provide all of the facilities listed in the applicable contributions plan due to the potential shortfall of contributions to be received as a result of the \$30,000 per dwelling / lot limit.

The amounts below are the INDEXED contributions as at the date of this consent which, if not for the Ministerial Direction, would have applied to this consent. These amounts have been supplied for your information.

Contribution Item	Base Amount	Relevant C.P.
Stormwater Quantity Second Ponds Creek	\$ 653,525	22
Stormwater Quality Second Ponds Creek	\$ 715,086	22
Traffic Management	\$ 450,134	22
Open Space	\$ 7,195,498	22
Community Facilities	\$ 45,489	22
E2 Conservation Zone	\$ 222,481	22

These contributions are based upon the following parameters as specified in the Contributions Plan.

Developable Area: 2.023 hectares
Additional Population: 774.1 persons

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Customer Information Centre. Alternatively, Contributions Plans may be downloaded from Council's website:

S.94 CP No. 22 Area 20 Precincts

6.2 Special Infrastructure Contributions

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

More information

Information about the special infrastructure contribution can be found on the Department of Planning and Environment's website:
<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/quage/en-US/Default.aspx>

6.3 Verification of Traffic and Access

- 6.3.1 Prior to the issue of any Construction Certificate a suitably qualified traffic engineer is to certify in writing that the basement parking and access driveways comply with Australian Standard AS2890.1 / AS2890.6 in terms of dimensions, headroom, grade, sight distance, driveway width, ramp grade and manoeuvrability requirements.

6.4 Street Tree Planting

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

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

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

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

6.6 Aesthetics

- 6.6.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent and must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.
- 6.6.2 Any bathroom, w.c. or laundry window in the external walls of the buildings shall be fitted with translucent glazing.
- 6.6.3 The development approved by Council is to be constructed in accordance with the approved External Materials and Finishes Schedules.
- 6.6.4 External service fixtures and conduits are to be part of the overall appearance of the building, or are to be screened from view.
- 6.6.5 Prior to the issue of any Construction Certificate, architectural and landscape plans are to be submitted to and approved by Council which detail the treatment of any front fences or walls at the ground level which is in the vicinity of the public domain / public footway. Appropriate measures are to be in place to deter the potential for graffiti on these front fences or walls, such as landscaping which limits access to these front fences or walls, or a varied finish to these front fences / walls (such as horizontal metal slats set on a masonry base with piers at regular intervals and with an anti-graffiti finish).

6.7 Communal Open Space and Landscaping

- 6.7.1 All landscaping, recreation features and furniture, bbq facilities, gym equipment, children's play equipment, Community Garden, Community Pocket Park, clothes drying facilities and site through link shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate.

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

6.8 Access and Parking

- 6.8.1 A minimum of 542 car parking spaces are required to be provided on site, being 455 resident spaces and 87 visitor car parking spaces, and all are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

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

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

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

- 6.8.2 All car parking spaces (excluding disable and/or accessible car parking spaces) are to have a minimum width of 2.5 m (with an additional 100 mm where adjacent to any solid wall). The basement layout is required to be amended to reflect this minimum width within the approved basement footprint.
- 6.8.3 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009 and AS1428.1 - 2009.
- 6.8.4 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.
- 6.8.5 Head room clearance at the basement ramp must comply with requirements of AS2890.1 (Section 5.3) for a Disabled Vehicle, and meet AS2890.1 – Appendix C for the disabled parking space and access to the lift.
- 6.8.6 All internal accessways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- ## **6.9 Adaptable Housing Units**
- 6.9.1 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.
- ## **6.10 Floor to Ceiling Heights**
- 6.10.1 All habitable rooms are to have a minimum floor to ceiling height of 2.7 m. Service bulkheads are not to intrude into habitable spaces.
- ## **6.11 Plant and Equipment**
- 6.11.1 The plans are to demonstrate that all building plant, equipment and services

including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the units and communal open spaces with regard to visual, acoustic and odour impacts.

7 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

7.1 Building Code of Australia Compliance

7.1.1 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).

7.2 Site Works and Drainage

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

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

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

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

7.3 BASIX Certificate Compliance

7.3.1 The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 650777M_04.

7.4 Hazardous Materials and Waste

7.4.1 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.

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

8 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

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

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

- 8.2 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:
- does not exceed an L_{Aeq} sound pressure level of 5dB (A) above the ambient background noise level when measured
 - at the most effected point on or within any residential property boundary or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
 - cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

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

- 8.3 A certificate must be provided by a qualified acoustic engineer stating that provision has been made in the design of the Ground Level Communal Rooms within Buildings A, C and D to ensure that it is acoustically attenuated so that the noise emitted does not adversely impact on the adjoining and nearby residents.
- 8.4 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.
- 8.5 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.

9 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

9.1 Compliance with Conditions

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

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

9.2 Road-works

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

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

9.2.3 Dedication at no cost to Council of 5m x 5m splay corners on allotments at each street intersection. Road design plans are to reflect the need for this dedication.

9.3 Drainage

9.3.1 Where drainage involves the provision of drains across land owned by others, evidence of the creation of necessary easements must be submitted to Council for concurrence prior to the issue of a Construction Certificate for engineering works.

9.3.2 Council requires that any lot created not draining directly to a public road be serviced by an inter-allotment drainage line and appropriate easement. Designs including longitudinal sections of the inter-allotment drainage lines are to be included with any Construction Certificate for engineering works.

9.4 Erosion and Sediment Control

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

9.5 Permanent On-Site Detention

- 9.5.1 On-site detention systems within private or common courtyard areas shall be designed so they do not impact on the amenity of the development or the use of such areas.
- 9.5.2 A certificate from a Registered Engineer (NER) to be submitted to Council certifying that the structures associated with the on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- 9.5.3 A certificate from a Professional Civil Engineer/Registered Surveyor must be obtained verifying that the On Site Detention system will function hydraulically in accordance with the requirements of the Upper Parramatta River Catchment Trust and Council's current development guide.
- 9.5.4 Any Construction Certificate issued for or including an On-site Stormwater Detention (OSD) System must be accompanied by:
- a. A Drainage Design Summary Sheet.
 - b. Full drainage calculations and details for all weirs overland flow-paths and diversion/catch drains - including catchment plans and areas, times of concentration and estimated peak run-off volumes.
 - c. A completed OSD Detailed Design Submission and Checklist per Appendix B9 of the Upper Parramatta River Catchment Trust Handbook (Version 3).
 - d. A complete address of Council's OSD General Guidelines and Checklist requirements.
 - e. A Maintenance Schedule is to be presented with the designer's name, his signature and date on it in accordance with the Upper Parramatta River Catchment Trust handbook guideline. (If an underground tank is involved this must include reference to WorkCover Authority of NSW Occupational Health & Safety Act 1983 and Confined Spaces Regulation.)
- 9.5.5 Permanent water quality treatment and on-site detention (where implemented) shall discharge into Council's existing drainage system.

Note: Temporary use of any water quality and on-site detention systems, and their associated drainage lines shall be capped once the associated downstream regional basins are operational. This is to ensure that road drainage is not directed through private property.

Note: Amended Civil Engineering plans are required prior to Construction Certificate to reflect the above note.

9.6 Compaction Requirements

- 9.6.1 Special attention is drawn to the following requirements of Council's current Works Specification – Civil.
- (i) Submission of compaction certificates for fill within road reserves.
 - (ii) Submission of compaction certificates for road subgrade.
 - (iii) Submission of compaction certificates for road pavement materials.
 - (iv) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A Restriction as to User with Council's standard wording must be placed on filled lots.
 - (v) Certificates from road material suppliers.

9.7 Asset Management

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

9.8 Other Approvals/Clearances/Adjoining Owners Permission

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

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

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

9.9 Tree Preservation

- 9.9.1 A tree retention plan shall be included with any Construction Certificate indicating:

- (a) The trees to be retained.
- (b) All areas left undisturbed and to be cordoned off from construction works.

- 9.9.2 Prior to the commencement of any earthworks and after the road centrelines have been pegged and/or permanently marked the site must be inspected by Council's representative or an appropriately accredited private certifier and the applicant's representative to identify and appropriately mark:

- (i) The trees to be retained
- (ii) All areas to be left undisturbed and cordoned off.

- 9.9.3 All trees on the site are to be retained and are to be protected by 1800 mm high mesh fencing located 2 metres from the trunk on all sides. This mesh is to be covered in a highly visible material and remain in good repair throughout the life of the construction.

9.10 Ancillary Works

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

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

9.11 Street Furniture

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

9.12 Scope of Engineering Works

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

9.12.1 Road and Drainage works

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

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

Name	Length (m)	Width (m)		Formation (m)	Traffic Loading N (E.S.A.)
Road 1	292	Full-width	15.5	1.0 – 11.0 – 3.5	2 x 10 ⁵
Road 2		Half-road	9.0	3.5 – 5.5	
Road 3	60	Full-width	18.0	3.5 – 11.0 – 3.5	
Road 4		Half-road	9.0	3.5 – 5.5	

The above is generally in accordance with DA plans prepared by Northrop, reference 141739, drawing numbers P01 – P15, revision D, dated 30.05.16.

Note: Staging of road construction will be permitted where suitable traffic circulation or turning areas are provided.

Note: Suitable turning provisions for dead end roads shall be required to the satisfaction of Blacktown City Council's Co-ordinator of Engineering Approvals.

- 9.12.1.3 Existing road(s) must be constructed generally as follows:

Name	Length (m)	Width (m)		Formation (m)	Traffic Loading N (E.S.A.)
Cudgegong Road	100	Half-road	10.06	4.56 – 5.5	1 x 10 ⁶

The above is generally in accordance with DA plans prepared by Northrop, reference 141739, drawing numbers P01 – P15, revision D, dated 30.05.16.

- 9.12.1.4 Inter-allotment drainage must be provided where any part of any lot does not drain to a public road. The inter-allotment drainage design must include the disposal of stormwater from upstream properties.

- 9.12.1.5 Overland flows up to the 1% A.E.P. (100 year Average Recurrence Interval) event must be intercepted at the boundary of the site and conveyed through the site in a piped or channelled discharge system and discharged in a satisfactory manner.

9.12.2 Temporary On-site Stormwater Detention System (OSD)

9.12.2.1 Temporary On-Site Detention

- (A) Temporary on-site detention of stormwater runoff from the site must be provided to limit the post-developed flows to the pre-developed flows for the 2 to 100 year ARI storm events.
- (B) Council acknowledges the submission of the On-site Stormwater Detention concept plan prepared by Northrop, reference 141739, drawing numbers P01 – P15, revision D, dated 30.05.16. The Construction Certificate issued in this regard must generally be in accordance with this concept.
- (C) Any variation to the following design parameters of the abovementioned concept plan will require a lodgement of a Section 96 application to Council for amendment of the consent;
 - i. location of storage area.
 - ii. alteration of the type of storage – i.e. changing from above ground to below ground storage.
 - iii. location of discharge outlet from the system.

Professional accreditation of OSD designers and certifiers must be in accordance with Council's Policy.

Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer to be issued with a Construction Certificate under the Environmental Planning and Assessment Act 1979 prior to the commencement of works.

NOTE: Council has preference for a fully above ground Temporary on-site Stormwater Detention system. This type of system would significantly reduce confined space issues and may have cost saving advantages in comparison with a below ground system.

9.12.3 Vehicular Crossings

- 9.12.3.1 Construction of Council's standard commercial and industrial vehicular footway crossing(s), with the following nominated width(s) at the property boundary in accordance with Council plan A(BS)103S.

9.12.4 Filling of Land

- 9.12.4.1 The site is to be filled generally in accordance with levels indicated on plans prepared by Northrop, reference 141739, drawing numbers P01 – P15, revision D, dated 30.05.16.

The filling must not impact on the adjacent property.

This plan is considered conceptual only. In this regard the submission of a detailed design of proposed lot filling and ancillary works are required.

NOTE: Additional fill may be required in conjunction with further development of the site

- 9.12.4.2 Batters are not to exceed a grade or slope of 5 metres horizontal to 1 metre vertical. These are to have topsoil placed on them and vegetated to ensure control of sediment and erosion. No filling including fill batters are to be placed on the drainage reserve area. The fill batters are to be suitably designed to protect them from erosion from the channel.

9.12.5 Footpaths

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

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

Name	Length	Side	Paving Width	Thickness
Road 1	Full Length	South	1.2m	125mm
Road 4		East		

- 9.12.5.3 Cycle pathways and associated facilities are to be provided along Cudgegong Road and Proposed Road 3. These facilities are to include the provision of barrier fencing (including handrails) with all works to be in accordance with Council's standards. Linemarking and signposting shall be in accordance with the requirements of Part 6A (Pedestrians and Cyclist Paths) of Austroads "Guide to Road Design" and the RMS NSW Bicycle Guidelines – November 2003. Details are to be included in the Construction Certificate.

- 9.12.5.3 The provision of the cycle way 2.5 meters wide between proposed nominated roads in accordance with Council's standards.

Nominated Roads: Cudgegong Road and Proposed Road 3

9.12.6 Finished Boundary Levels

- 6.12.6.2 Finished levels of all internal works at the road boundary of the property must be 4% above the top of the kerb.

9.12.7 Stormwater Quality Control

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

Nominated Plan: Reference 141739, drawing numbers P01 – P15, revision D, prepared by Northrop, dated 30.05.16.

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

9.12.8 Consistency with Approved Development Plans

- 9.12.8.1 This involves a change to the original application plans as submitted to Council. The change must be reflected on any plans submitted to Council with any Construction Certificate relating to engineering/building works for the proposed development.

10 PRIOR TO DEVELOPMENT WORKS

10.1 Compliance Certificate Fee

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

10.2 Safety/Health/Amenity

- 10.2.1 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.

- 10.2.2 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.

- 10.2.3 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.

- 10.2.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 10.2.5 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.
- 10.2.6 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.

10.3 Notification to Council

- 10.3.1 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.
- 10.3.2 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.

10.4 Home Building Act

- 10.4.1 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.

10.5 Sydney Water Authorisation

- 10.5.1 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.

10.6 Other Authorities – Sydney Water

- 10.6.1 Building Plan Approval** - The building plans must be stamped and approved before any construction is commenced. Approval is needed because construction / building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains).

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.

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and developing then Building over or next to assets).

10.7 Removal of Dams

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

10.8 Protection of Fauna

- 10.8.1** It is the responsibility of the developer to ensure that the removal of hollow-bearing trees or trees containing nests is conducted with due regard to any fauna present. In the event that fauna is evident an ecologist shall be engaged on-site to undertake appropriate relocation any fauna.

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:

- (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.

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 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.

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

11.1.7 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.

11.4 Nuisance Control

11.4.1 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.

11.5 Stormwater Drainage

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

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

11.6 Construction Inspections

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

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

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

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

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

11.7 Construction Traffic Management Plan

11.7.1 The Construction Traffic Management Plan submitted to Council is to be adhered to at all times.

12 DURING CONSTRUCTION (ENGINEERING)

12.1 Notice of work Commencement

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

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

12.2 Service Authority Approvals

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

12.3 Boundary Levels

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

12.4 Compaction Requirements

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

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

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

- (a) Submission of compaction certificates for fill within road reserves.
- (b) Submission of compaction certificates for road sub-grade.
- (c) Submission of compaction certificates for road pavement materials (sub-base and base courses).
- (d) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- (e) Compliance Certificates from road material suppliers.

12.5 Tree Protection

12.5.1 Existing vegetation shall be left undisturbed except where roads, drainage lines and filling and/or building works are proposed.

12.5.2 Prior to the commencement of any earthworks, and after the road centrelines have been pegged and/or permanently marked, the site shall be inspected by Council's representative or an appropriately accredited private certifier and the applicant's representative to identify and appropriately mark:-

- (i) The trees to be retained.
 - (ii) All areas to be left undisturbed and cordoned off.
- 12.5.3 There is to be no storage of materials stockpiling of excavated material or parking of machinery within the drip line of the crown of any trees to be retained.
- 12.5.4 Prior to the removal of any branches of the trees, which are to be, retained Council is to be notified at least 24 hours prior to any activity and the work is to be undertaken by a qualified Arborist.
- 12.5.5 All works are to be in accordance with the Tree Management Plan (TMP) prepared by an Arborist with AQF level 5 qualifications. Independent periodic inspections and updated reports, as required by the TMP are to be undertaken and provided to both the client and Council. The Site Arborist is to ensure that the tree protection zones and management of tree protection zones are protected as per AS4970:2009, protection of trees on development sites.
- 12.6 **Maintenance of Soil Erosion Measures**
 - 12.6.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.
 - 12.6.2 Re-vegetation must be applied to disturbed areas as soon as practical after completion of earthworks and must be established prior to release of the maintenance security. All open drains must be turfed.
 - 12.6.3 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.
- 12.7 **Filling of Land and Compaction**
 - 12.7.1 Land shall be filled where necessary. All fill including existing fill must be compacted in accordance with the Council's "Works Specification - Civil (Current Version)". A compaction certificate is to be obtained from a practising Civil Engineer verifying that the correct compaction requirements have been met.
 - 12.7.2 Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with Councils "Works Specification - Civil (Current Version)".
 - 12.7.3 Regular wetting down of the site must be undertaken during the course of works being carried out in order to control wind blown dust from the site.
 - 12.7.4 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.
 - 12.7.5 Trucks transporting fill must have their loads covered.
 - 12.7.6 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.

- 12.7.7 Site filling and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 12.7.8 Provisions of "Shaker Pads" and wash-down areas for trucks leaving the site details are to be shown on plans.
- 12.7.9 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.
- 12.7.10 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.
- 12.7.11 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.
- 12.7.12 Only clean fill shall be deposited on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site.

12.8 Inspections of Works

- 12.8.1 Inspection Compliance Certificates issued by a Registered Engineer (NPER) or Registered Surveyor or Compliance Certificates issued by an accredited certifier, under Part A of Environmental Planning and Assessment Act 1979 as amended, are to be issued for works covered by the Construction Certificate for engineering works at the completion of the following mandatory inspection stages: -
- i. Soil Erosion and Sediment Control
 - (a) Implementation of erosion and sediment control
 - (b) Revegetation of disturbed areas
 - (c) Construction of major controls
 - (d) Removal of sediment basins/ fencing etc.
 - (e) Internal sediment/ pollution control devices
 - (f) Final Inspection
 - ii. Traffic Control
 - (a) Implementation of traffic control
 - (b) Maintenance of traffic control during works
 - (c) Removal of traffic control
 - iii. Construction of Drainage works (including inter-allotment)
 - (a) Pipes before backfilling including trench excavation and bedding
 - (b) Sand Backfilling
 - (c) Final pipe inspection
 - (d) Pit bases and headwall aprons
 - (e) Pit Walls/ wingwalls/ headwalls
 - (f) Concrete pit tops

- (g) Connection to existing system
- (h) Tailout works
- (i) Final Inspection
- iv. Construction of Road Pavement
 - (a) Boxing out
 - (b) Sub-grade roller test
 - (c) Subsoil drainage
 - (d) Sandstone roller test layer 1
 - (e) Sandstone roller test layer 2
 - (f) Kerb pre-laying
 - (g) Kerb during laying including provision of roof-water outlets
 - (h) Sandstone depth
 - (i) Pavement profiles
 - (j) DGB depths and roller tests
 - (k) Wearing Course
 - (l) Kerb final
 - (m) Concrete tests
 - (n) Formwork concrete pavements
 - (o) Final inspection
- v. Provision of Street Furniture
 - (a) Street Furniture (including street signs, guideposts, guardrail etc.)
 - (b) Erection of fencing adjoining public/drainage reserves
- vi. Footpath Works
 - (a) Footpath Trimming and/or turfing (to ensure 4% fall)
 - (b) Pathway construction (cycle/link pathways)
 - (c) Path-paving construction
 - (d) Service Adjustments
 - (e) Final Inspection
- vii. Construction of on-site detention system
 - (a) Steel and Formwork for tank/HED control pit
 - (b) Completion of HED control pit
 - (c) Pit formwork
 - (d) Pipes upstream/downstream of HED control pit before backfilling
 - (e) Completion of OSD system
- viii. Stormwater Quality Control
 - (a) Installation of Stormwater Quality Control devices
 - (a) Final Inspection
- ix. CCTV Inspection of Drainage Structures (pipelines and pits)
 - (a) All road drainage
- x. Final overall Inspections
 - (a) Preliminary overall final inspection
 - (b) Overall final inspection

ALTERNATIVELY, one comprehensive Inspection Certificate or Compliance certificate may be issued to include all of the above-mentioned stages of construction.

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

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

12.9 Public Safety

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

12.10 Site Security

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

12.11 Powder Coated Furniture

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

13 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

13.1 Premises Construction

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

13.2 Plant and Equipment

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

13.3 Site Contamination

13.3.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during the demolition, excavation and 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. The environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.

13.3.2 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 filling shall be undertaken in accordance with the fill protocol approved by Council's Manager, Development Assessment.

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.

13.4 Waste Management Plan

13.4.1 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.

13.5 European Heritage

13.5.1 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.

13.6 Aboriginal Heritage

13.6.1 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.

14 PRIOR TO OCCUPATION CERTIFICATE

14.1 Road Damage

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

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

14.2 Compliance with Conditions

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

14.3 Services / Utilities

- 14.3.1 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.
- 14.3.2 A "Notification of Arrangement" Certificate from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.
- 14.3.3 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.

14.4 Temporary Facilities Removal

- 14.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 14.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 14.4.3 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.
- 14.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 14.4.5 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.

14.5 Fee Payment

- 14.5.1 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.

14.6 Street Tree Planting

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

14.7 Privacy Screening

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

14.8 Landscaping / Car Parking

- 14.8.1 All landscaping, recreation features and furniture, bbq facilities, gym equipment, children's play equipment, Community Garden, Community Pocket Park clothes drying facilities and lighting shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.
- 14.8.2 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 14.8.3 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should

be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.

- 14.8.4 Vandal proof and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.
- 14.8.5 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.
- 14.8.6 All power boards should be housed within a locked cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.
- 14.8.7 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 14.8.8 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 14.8.9 Head room clearance at the basement ramp must comply with requirements of AS2890.1 (Section 5.3) for a Disabled Vehicle, and meet AS2890.1 – Appendix C for the disabled parking space and access to the lift.
- 14.8.10 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 14.8.11 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.
- 14.8.12 A roller shutter and card-key system is to be installed at the entry/exit points of the basement car park.
- 14.8.13 Should any basement storage areas be provided, they are to have quality doors/cages and lock sets to restrict unauthorised access. These are recommended to be constructed of an appropriately robust steel welded mesh to be used in lieu of chain link wire. Consider the use of 'over the bonnet' metal fully enclosed and lockable storage containers.
- 14.8.14 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves and also not on drainage zoned land.

14.9 Waste Matters

- 14.9.1 Basement 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 in all manoeuvring areas.
- 14.9.2 All roads, ramps and driveways, etc. are to be rated suitable for 6.4 m long, small rigid vehicles.

- 14.9.3 Arrangements are to be made for a private contractor to service the development. The private contractor is to be engaged prior to the release of any occupation certificate.
- 14.9.4 Appropriate provisions are to be included in any future Strata Management Plan which indicates:
- a) The appointment of a building manager / caretaker to manage all waste and recycling bins and bulky waste services onsite in accordance with the approved waste management plan.
 - b) Responsibility for maintenance of the waste system and cleaning of the waste areas and bins, and to ensure waste collection points are clear and unobstructed prior to collection times.
 - c) The method of communication to new tenants / residents regarding the waste management services and collection system.
 - d) Responsibility for the on-going maintenance and management of the bin movement aides.
- 14.9.5 Contact details of the private contractor engaged used to provide the collection services will need to be provided to Council once the development is operational. Note: Since a private contractor will be engaged to service the development, residents will not be able to access Council's household clean up service, or garbage/recycling service.
- 14.9.6 Appropriate signage is to be provided to all waste storage and collection areas to ensure these areas are clear and unobstructed during collection times to advise where waste and recycling materials are to be placed, and what are appropriate materials for recycling.
- 14.10 **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**
- 14.10.1 No occupation certification must be issued unless all design verifications have been provided in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000. A certifying authority must not issue an occupation certificate for the residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.
- 14.11 **Adaptable Housing Units**
- 14.11.1 Certification from a qualified Access Consultant confirming that the Adaptable Housing Units are capable of being modified when required by the occupants in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) is to be submitted to Council.
- 14.12 **NSW Local Police Matters**
- 14.12.1 Details of the Body Corporate are to be forwarded to NSW Local Police, Quaker Hill Local Area Command.

- 14.12.2 A copy of Evacuation Plan for the development is to be forwarded to the NSW Local Police, Quaker Hill Local Area Command.

14.13 Graffiti Management Plan

- 14.13.1 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.

14.14 Total Maintenance Plan

- 14.14.1 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, through site links, soft and hard landscaping, the communal open space rooms and outdoor areas, 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.

14.15 Engineering Matters

14.15.1 Surveys/Certificates/Works As Executed plans

- 14.15.1.1 A Work-As-Executed plan (to a standard suitable for scanning) signed by a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed. Council requires the Work-As-Executed plans to be submitted in both hardcopy and electronically on a CD (in PDF and DWG format). All engineering Work-As-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works. The works as executed plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Upper Parramatta River Catchment Trust or Council.

- 14.15.1.2 A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the on-site detention system as constructed will function hydraulically in accordance with the approved design plans.
- 14.15.1.3 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the on-site detention systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 14.15.1.4 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 14.15.1.5 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 14.15.1.6 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):
- (a) Submission of compaction certificates for fill within road reserves.
 - (b) Submission of compaction certificates for road sub-grade.
 - (c) Submission of compaction certificates for road pavement materials (sub base and base courses).
 - (d) The submission of two (2) contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
 - (e) Compliance Certificates from road material suppliers.
- 14.15.1.7 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

14.15.2 Easements/Restrictions/Positive Covenants

- 14.15.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
 - (b) The standard format for easements and restrictions as accepted by the Lands Title Office.
- 14.15.2.2 Restrictions and positive covenants must be registered with Land and Property Information over the on-site detention storage areas and outlet works.
- 14.15.2.3 Restrictions and positive covenants must be registered with Land and Property Information over the Stormwater Quality Control devices and outlet works.
- 14.15.2.4 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.

14.16.3 Dedications

- 14.16.3.1 Dedication at no cost to Council of 5m x 5m splay corners on allotments at each street intersection.

14.17.4 Bonds/Securities/Payments in Lieu of Works

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

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

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

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

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

- 14.17.4.3 A bond shall be submitted to cover any unconstructed works that are required by the development. These bonds shall be valued at twice the cost of works and shall remain in place until those specified works are completed to Council's satisfaction.

14.18.5 Inspections

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

14.19.6 Inspection of Work

- 14.19.6.1 All road stormwater drainage structures (pipelines and pits) must be inspected by a 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 that any defects identified by this inspection have been rectified.

14.20 Acoustic Verification

- 14.20.1 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard

required by this consent.

15 PRIOR TO SUBDIVISION CERTIFICATE

15.1 Site Access

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

NOTE: Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on a future public road nor on future and existing Council land, including not on any public reserve or drainage reserve. Any proposal to locate a proposed substation or other utility installation on a future public road shall be negotiated with and fully endorsed by the relevant Council Directorates.

15.2 Road Damage

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

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

15.3 Asset Management

- 15.3.1 An amount is to be paid to Council for the ongoing maintenance of the black powder coated light poles, street name poles and bus shelters proposed in this subdivision. This amount is to be paid prior to the release of the Linen Plan. Any enquiries regarding this fee are to be directed to the Maintenance Section of the City Assets Directorate.

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

15.4 Consent Compliance

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

15.5 Additional Inspections

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

15.6 Fee Payment

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

15.7 Engineering Matters

15.7.1 Surveys/Certificates/Works As Executed plans

- 15.7.1.1 A Work-As-Executed plan (to a standard suitable for scanning) signed by a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed. Council requires the Work-As-Executed plans to be submitted in both hardcopy and electronically on a CD (in PDF and DWG format). All engineering Work-As-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works. The Work-As-Executed plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from the Upper Parramatta River Catchment Trust or Council.
- 15.7.1.2 A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the on-site detention system as constructed will function hydraulically in accordance with the approved design plans.
- 15.7.1.3 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the on-site detention systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 15.7.1.4 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 15.7.1.5 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 15.7.1.5 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):
- (a) Submission of compaction certificates for fill within road reserves.
 - (b) Submission of compaction certificates for road sub-grade.
 - (c) Submission of compaction certificates for road pavement materials (sub base and base courses).
 - (d) The submission of two (2) contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
 - (e) Compliance Certificates from road material suppliers.
- 15.7.1.6 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

15.7.1.7 A certificate from a Registered Engineer (NER - Structural) must be lodged with Council verifying that the following items have been designed and constructed in accordance with all relevant Australian standards and in accordance with Council's Engineering Guide for Development;

- i. Retaining walls adjacent to roads, pathways and public reserves
- ii. Retaining walls greater than 1.2m in height
- iii. Batters with a slope greater than 1V:5H
- iv. All non-standard pits
- v. Pits deeper than 2.0m

15.7.2 Easements/Restrictions/Positive Covenants

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

- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
- (b) The standard format for easements and restrictions as accepted by the Lands Title Office.

15.7.2.2 Restrictions and positive covenants must be provided over the on-site detention storage areas and outlet works.

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

15.7.2.4 Restrictions and positive covenants must be provided over the Stormwater Quality Control devices and outlet works.

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

15.7.3 Dedications

15.7.3.1 Dedication at no cost to Council of 5m x 5m splay corners on allotments at each street intersection.

15.7.4 Bonds/Securities/Payments in Lieu of Works

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

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

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

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

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

15.7.4.4 A bond shall be submitted to cover any unconstructed works that are required by the development. These bonds shall be valued at twice the cost of works and shall remain in place until those specified works are completed to Council's satisfaction.

15.7.5 Inspections

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

15.7.6 Inspection of Work

15.7.6.1 All road stormwater drainage structures (pipelines and pits) must be inspected by a 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 that any defects identified by this inspection have been rectified.

15.8 Section 94 Contributions under Section 94E Directions

15.8.1 Contributions under Section 94 of the *Environmental Planning & Assessment Act 1979* must be paid. Refer to details at **Condition 6.1**.

15.9 Special Infrastructure Contributions

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

More information

Information about the special infrastructure contribution can be found on the Department of Planning and Environment's website: <http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/quage/en-US/Default.aspx>

15.10 Street Tree Planting

15.10.1 Prior to the issue of any Subdivision Certificate, the person having the benefit of the development consent is to enter into an arrangement satisfactory to the Council for

the planting and maintenance of tree(s) along the frontage of the development site for the purposes of improving the amenity of the streetscape.

Number of Trees: the number of trees are to be to the satisfaction of Council's Manager Civil and Park Maintenance with a minimum container size of 45 litre trees with root barriers.

NOTE: If the Applicant wishes to undertake the planting and maintenance of street tree/s to Council's satisfaction at no cost to Council (making any necessary Applications with Council or obtaining any necessary clearances from relevant Service Authorities), the Applicant is, subject to any alternative arrangements satisfactory to the Council, to lodge a tree bond of \$310 per tree and \$128 Inspection fee with Council to ensure the health and vigour of the tree/s. The bond shall be returned 12 months after the completion of the development (i.e. issue of final Occupation/Subdivision Certificate) if the trees are in a state of good health and vigour to Council's satisfaction.

All street tree and public estate landscaping shall be inspected by Council during the establishment period (between practical date of completion and formal handover). Elements deemed by Council not to be adequately performing shall be removed, substituted or repaired by the developer within 60 days of written notification

15.11 Services / Utilities

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

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

15.11.3 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.

15.12 Final Plans

15.12.1 The submission of a final plan of subdivision, together with 7 exact copies and the appropriate fee. The final plan of subdivision will not be released until all conditions of this determination have been complied with.

15.12.2 Where any permanent control marks are placed in accordance with the Survey

Practice Regulation 1990 in the preparation of the plan, 2 copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision.

15.13 Site Contamination

- 15.13.1 A final site contamination Validation Report confirming the suitability of the site for the proposed development is to be endorsed by Council prior to the release of the final plan of subdivision. The Validation Report shall be prepared by a consultant engaged under the terms of Council's Contaminated Lands Policy.

15.14 Salinity

- 15.14.1 A report from a geotechnical engineer is to be submitted to Council certifying the site classification for the reactivity of the lots in the subdivision after identification of the soil characteristics in accordance with the provisions of AS 2870, "Residential Slabs and Footings."

16 OPERATIONAL (PLANNING)

16.1 Use of Premises

- 16.1.1 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.

- 16.1.2 The internal communal courtyards, Ground Floor Communal Rooms (both the indoor and outdoor spaces) are only permitted to be occupied by residents and their guests from 8am-8pm daily.

The Community Garden is only permitted to be accessed by residents and their guests from 7am-8pm daily.

- 16.1.3 The Ground Floor Communal Rooms are only permitted to be used by the owners and residents of the building. The Communal Rooms are not permitted to be accessed by the general public and is not permitted to operate as a commercial purpose. The hours of operation and noise levels from the Communal Rooms are to be appropriately managed to ensure that the occupiers of the buildings are not adversely affected by noise and vibrations, in particular not prior to 8.00am and not after 8.00pm daily.

16.2 Storage

- 16.2.1 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.

16.3 Landscaping

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

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

16.3.3 The management of vegetation, gardens, planter boxes, communal areas, fences, BBQ facilities, children's play equipment, gym equipment, Community Garden, Community Pocket Park, lighting and other similar areas is to be incorporated within the future strata management plan once the development is occupied.

16.4 Lighting and Security

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

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

16.4.3 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.

16.5 Waste Matters

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

16.5.2 The management and operation of the waste, recycling and bulky waste storage and collection activities are to be undertaken by a private waste contractor and under the responsibility of the Owners Corporation / any future Strata Management Plan, or the like, as required by **Condition 14.9**.

16.6 Emergency Procedures

16.6.1 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.

16.7 Clothes Drying

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

16.8 Graffiti Removal

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

16.9 Total Maintenance Plan

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

17 OPERATIONAL (ENVIRONMENTAL HEALTH)

- 17.1 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.
- 17.2 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.
- 17.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 17.4 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.
- 17.5 All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.