

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 Separate approval is required prior to the fit out of each of the three (3) commercial units on the ground floor. The applicant is advised to contact Council's Development Services Unit in this regard.

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

1.3 Other Approvals

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

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

- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
- (c) 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 erection of any advertising sign, not being "Exempt Development" within the State Environmental Planning Policy (Exempt and Complying Development) 2008, and
- (e) the use or fit-out of any shop or commercial premises not being "Exempt Development" within the State Environmental Planning Policy (Exempt and Complying Development) 2008, and
- (f) the installation of a vehicular footway crossing servicing the development.
- (g) separate Council approval under the Roads Act 1993 is required for any crane used to construct this development that swings over public air space.

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

1.4 Services

1.4.1 The applicant is advised to consult with:

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

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

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

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

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

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

1.6.1 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

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.
Ground Floor Plan A102 Rev. E	12.08.16	38B
Basement 4 A100 Rev. D	26.05.16	34B
Basement 2 and 3 A101 Rev. D	26.05.16	34C
Basement 1 A102 Rev. D	26.05.16	34D
Level 1 A104 Rev. D	26.05.16	34F
Level 2 A105 Rev. D	26.05.16	34G
Level 3 A105 Rev. D	26.05.16	34H
Level 4 A106 Rev. D	26.05.16	34I
Level 5-12 A108 Rev. D	26.05.16	34J
Level 13-18 A109 Rev. D	26.05.16	34K
Roof Plan A110 Rev. A	07.11.15	34L
Roof Plan A111 Rev. A	07.11.15	34M
West Elevation A200 Rev. D	26.05.16	34N
North Elevation A201 Rev. D	26.05.16	34O
East Elevation A202 Rev. D	26.05.16	34P
South Elevation A203 Rev. D	26.05.16	34Q
Section AA A200 Rev. D	26.05.16	34R
Section BB 104 Rev. C	02.03.16	22Q
Landscape Plans** L_01 to L_04 Rev C	04.02.2016	19B to 19E
Colours and Finishes A700 Rev. A	07-11-15	42A

*Unless modified by any conditions of this consent.

** Note: This plan does not endorse street tree planting or path paving on Council road reserve. Separate approval is required in accordance with the conditions of this consent.

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

- (a) 20 x 1 bedroom units
- (b) 80 x 2 bedroom units; and
- (c) 6 x 3 bedroom units.

2.2 Suburb Name

2.2.1 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: BLACKTOWN

2.3 Compliance with BASIX Certificate

2.3.1 All commitments listed in the BASIX Certificate number: 680829M dated 9 November 2015 and held at enclosure 2C on Council File JRPP-15-2533 shall be complied with.

2.4 Engineering Matters

2.4.1 Definitions

2.4.1.1 Any Construction Certificate covering Engineering Works must include and address the following:

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

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

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

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

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

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

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

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

2.4.2 Design and Works Specification

- 2.4.2.1 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 Soil Erosion and Sediment Control Policy (Current Version)
- (d) Blacktown City Council On Site Detention General Guidelines and Checklist
- (e) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook THIRD Edition December 1999.

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

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

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

2.4.3 Payment of Engineering Fees

- 2.4.3.1 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.

- 2.4.3.2 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.

2.4.4 Other Fee and Bond/Securities

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

(a) Vehicular Crossing Application and Inspection Fee: \$280.

NOTE: This amount is valid until the 30th June 2017 after which time it will be reviewed in accordance with Council's Goods and Services Pricing Schedule.

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

2.5 Other Matters

- 2.5.1 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.
- 2.5.2 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 2.5.3 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of the Department of Environment and Climate Change (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

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

3.2 Road Deposit/Bond

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

- (a) Road inspection fee of \$169.00,
- (b) Road maintenance bond of \$5000.00, and
- (c) Administration fee of \$90.00.

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

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

3.3 Services/Utilities

3.3.1 The following documentary evidence shall accompany any Construction Certificate:

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

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

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

3.5 Other Matters

3.5.1 A Construction Traffic Management Plan (CTMP) must be prepared for the development by a suitably qualified person prior to the release of the Construction Certificate. The CTMP must detail construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control methods.

3.5.2 A dilapidation report shall be carried out for any of the potentially affected existing buildings surrounding the proposed development. A copy of the report shall be submitted to Council prior to construction commencing.

3.6 Traffic matters

3.6.1 Prior to the release of a construction certificate, information is to be submitted for separate approval by Council's Manager, Traffic Management detailing the operation aspects of the internal ramp signal operations to insure that the one way ramp can be effectively managed.

3.7 Waste

3.7.1 The certifying authority is to ensure that the basement/ undercroft access for waste 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.

3.7.2 All roads, ramps and driveways for the path of travel of the waste collection vehicle are to be rated for at least a Medium Rigid Vehicle.

3.8 Wind Impact Mitigations

3.8.1 The recommendations of the Wind Impact Assessment prepared by Windtech Consultants Pty Ltd (Report No. WC786-01F02 Rev. 0 dated 21 October 2015) are to be implemented. Any mitigation measures are to be identified on the construction

certificate plans. Note: Should any external modifications be made to the development, then a Section 96 application may be required.

3.9 Salinity and Aggressive Soil Management

- 3.9.1 The recommendations of the Geotechnical Investigation report prepared by JK Geotechnics (Report No. 28816Srpt dated 21 October 2015 and held at Enclosure 2I on Council file JRPP-15-2533) are to be identified on the construction certificate plans.

3.10 Acoustic impact

- 3.10.1 The recommendations of the acoustic impact assessment prepared by Acoustic Logic (Project No. 20151286.1 dated 7/10/2015 and held at enclosure 2F on Council file JRPP-15-2533) is to be implemented. Note: Acoustic validation that the recommendations have been implemented is required prior to the release of an Occupation Certificate.

3.11 Site contamination

- 3.11.1 The recommendations of the Preliminary Site Investigation prepared by Environmental Investigations (Report E22733 AA_Rev0 dated 19 October 2015 and held at enclosure 2H on Council file JRPP-15-2533) are to be implemented. Prior to the release of a construction certificate, the site is to be validated to the residential standard in NEPM 2013 guidelines by a certified contaminated land consultant recognised by the EPA.

3.12 Street Tree Planting and CBD Pavement Treatment

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

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

These shall be submitted to Council for the approval of Council's Manager Civil and Park Maintenance. NOTE: Any tree planting to be undertaken as part of the approved development shall be available to Council for inclusion in future carbon sequestration programs.

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

3.13 Awnings

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

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

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

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

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Section 94 Contributions

4.1.1 The following monetary contributions pursuant to Section 94 of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Subdivision Certificate.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted up to \$10,000.00 only. Any payments above \$10,000.00 must be made by cheque. Payments above \$10,000.00 cannot be split between different credit or EFTPOS cards.

Contribution item	Amount	Relevant CP
i. Flood Mitigation	\$2,477	19
ii. Stormwater Quality	\$9,787	19
iii. Traffic Management – Medium to High Density	\$158,041	19
iv. Traffic Management – All residential development	\$221,118	19
v. Open Space – Medium to High Density	\$764,602	19
vi. Open Space – All residential development	\$211,808	19
vii. Community Facilities	\$55,396	19
viii. Local Road Construction	\$169,835	19
ix. Streetscape Facilities	\$129,011	19
x. Traffic Management – Residential Development	\$181,425	19
xi. Traffic Management – Commercial/Office Development	\$9,349	19

xii. Traffic Management – Retail Development	\$87,578	19
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The contributions will be indexed according to the Australia Bureau of Statistics' Consumer Price Index (Sydney Housing) or Consumer Price Index (All Groups Sydney).

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

S.94 CP No. 19 – Blacktown Growth Precinct

The Section 94 Contributions have been based on the potential additional population nominated below. Should the final plan of survey indicate any change to the potential additional population, the Section 94 Contributions will be adjusted accordingly.

Commercial/office area: 79.2 sqm

Retail area: 251.5 sqm

Additional Population: 225.2 persons

Road Frontage: 73.555 m

4.2 Aesthetics/Landscaping

4.2.1 Council is particularly concerned about the appearance of the development. Accordingly, the following additional information is required to be submitted for Council's separate approval prior to the issue of any Construction Certificate for the approved development:

- (a) Details of the proposed awning over Council's road reserve, including colour samples of the materials/finishes from brochures or the like. Note: The height and width of the proposed footpath awning is to comply with the requirements of Council's Maintenance Engineers.

4.2.2 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.

4.2.3 All landscaping must be in accordance with the landscape details approved by condition 2.1.1 of this development consent.

4.2.4 All common open space areas are to be appropriately illuminated by the use of suitable outdoor lighting or the like, to provide for the safety of residents at night. Details of all outdoor lighting are to be identified on the Construction Certificate plans. Note: If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining residential properties/units are to be protected.

4.2.5 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.

4.3 Access/Parking

4.3.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.

The loading facility must be designed so that trucks do not interfere with resident's

vehicles during loading/unloading operations.

- 4.3.2 The layout of the car parking areas (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking dimensions) should be in accordance with AS2890.1-2004 and AS2890.6-2009.
- 4.3.3 A total of 129 parking spaces are to be provided on site, being 11 commercial car parking spaces, 103 residential car parking spaces and 15 resident visitor car parking spaces and 1 service/courier parking space. Suitable bicycle parking must also be provided as indicated on the approved plans.
- 4.3.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009.

5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

5.1 Building Code of Australia Compliance

- 5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by :
 - (a) Complying with the deemed to satisfy provisions, or
 - (b) Formulating an alternative solution which :
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).

5.2 Site Works and Drainage

- 5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 5.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:
 - (a) be in accordance with Australian Standard 3500.3, and
 - (b) provide for drainage discharge to an existing Council drainage system, and
 - (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.
- 5.2.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.
- 5.2.4 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any

adjoining allotment of land (including a public place), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:

- (a) Preserved and protected from damage, and
- (b) Underpinned and supported.

Such details shall accompany the Construction Certificate.

5.3 BASIX Certificate Compliance

The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 680829M dated 9 November 2015 and held at enclosure 2C on Council File JRPP-15-2533 on Council file JRPP-15-2533.

6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

6.1 Compliance with Conditions

- 6.1.1 All conditions in the "Prior to Construction Certificate (Engineering)" Section and the relevant conditions in the "General" Section of this consent, must be complied with prior to the issue of any Construction certificates.
- 6.1.2 All fees for Construction and Compliance Certificates, Roads Act 1993 and Local government Act 1993 approvals must be paid to Council prior to the issue of any of the above certificates or approvals.

6.2 Road-works

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

6.3 Drainage

- 6.3.1 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.
- 6.3.2 Where the internal driveway cannot be drained to an internal pit a grated drain shall be provided at the property boundary.

6.4 Erosion and Sediment Control

- 6.4.1 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.

6.5 On-Site Detention

- 6.5.1 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.

6.6 **Asset Management**

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

6.7 **Scope of Engineering Works**

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

6.7.1 **On Site Stormwater Detention System**

6.7.1.1 On Site Detention

(A) On-site detention of stormwater runoff from the site must be provided to achieve the following nominated permissible site discharge and site storage capacity for the following percentages of site area draining to the system. (Absolute minimum site draining area is 80%)

Nominated Discharge PSD: 95l/s/ha for 100%; 65l/s/ha for 90%; 36l/s/ha for 80%.

Nominated Storage SSR: 343cu.m/ha for 100%; 429cu.m/ha for 90%; 580cu.m/ha for 80%.

Intermediate values can be interpolated linearly for PSD and a fair curve through the 3 values for SSR.

Council electronic OSD calculation spreadsheet is available for calculating the above parameters. This electronic spreadsheet can be obtained upon request from Council Development Services Unit.

(B) Council acknowledges the submission of the On-site Stormwater Detention concept plan Reference No. 20150338 Drawing no. SW06 & SW10 Revision B by sgc Consultants Pty Limited, dated 02:06:2016 (Council File No. JRPP-15-02533). 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 above mentioned concept plan will require a lodgement of a Section 96 application to Council for amendment of the consent;

- (i) location of storage area
- (ii) alteration of the type of storage - i.e changing from above ground to below ground storage
- (iii) location of discharge outlet from the system.

- (D) Professional accreditation of OSD designers and certifiers must be in accordance with the requirements of Council's Policy.
- (E) The concept plan referred to above is for Development Application purposes only and is not to be used for construction.
- (F) Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer to be issued with a Construction Certificate under the Environmental Planning and Assessment Act 1979 prior to the commencement of works.

NOTE: Council has preference for a fully above ground 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 storage system.

6.7.2 Vehicular Crossings

- 6.7.2.1 Construction of Council's standard residential vehicular footway and gutter (layback) crossing(s) to each of the following nominated lot(s) in accordance with Council's plan A(BS)102S but thickened to 150mm and reinforced with F82 steel reinforcing fabric. The construction standard for this work may be reduced if the house construction precedes the crossing construction.

Nominated Lot(s): Two Driveways -1 x Minimum 6.5 metres (Second Avenue) and 1 x Minimum 7 metres (Princes Street), Blacktown.

7 PRIOR TO DEVELOPMENT WORKS

7.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

- (a) the name, address and telephone number of the principal certifying authority for the work, and
- (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.

7.1.3 Should the development work:

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

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

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

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

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

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

7.1.6 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.

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

7.2 **Notification to Council**

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

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

7.3 **Home Building Act**

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

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

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

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

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

7.4 **Sydney Water Authorisation**

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

OR

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

7.5 **Use of Crane**

7.5.1 Any crane used in the construction of this development must have approval under the Roads Act 1993 from Council to swing over public air spaces.

7.5.2 The crane used must be provided with a light in accordance with the requirements of the Civil Aviation Authority (CASA) requirement. This may require a separate approval from CASA.

8 **DURING CONSTRUCTION (BUILDING)**

8.1 **Safety/Health/Amenity**

8.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

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

Regulations 2000 indicating:

- (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.

8.1.3 Should the development work:

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

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

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

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

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

8.1.6 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.

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

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

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

8.2 **Building Code of Australia Compliance**

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

8.3 Surveys

- 8.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.
- 8.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

8.4 Nuisance Control

- 8.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 8.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 8.4.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

8.5 Stormwater Drainage

- 8.5.1 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.

8.6 Waste Control

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

8.7 Construction Inspections

- 8.7.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):
 - (a) After excavation for, and prior to placement of, any footings; and
 - (b) Prior to pouring any in-situ reinforced concrete building element; and
 - (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and

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

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

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

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

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

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

8.8 Vehicular Crossings

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

8.9 Site Contamination

8.9.1 The recommendations of the Preliminary Site Investigation prepared by Environmental Investigations (Report E22733 AA_Rev0 dated 19 October 2015 and held at enclosure 2H on Council file JRPP-15-2533) are to be implemented during construction.

8.9.2 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, an amended Remediation Action Plan (RAP) is to be submitted to Council's Manager, Development Services for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.

8.9.3 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 certified contaminated land consultant recognised by the EPA in accordance with Council's Contamination Land Policy and NEPM 2013.
- 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.

8.10 Aboriginal Archaeology

- 8.10.1 Should any archaeological material be uncovered during construction activities on any location within the approved development, then all works are to cease immediately and representatives of the Office of Environment & Heritage (OEH) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

8.11 Salinity and Aggressive Soil Management

- 8.11.1 All salinity management measures provided in the Geotechnical Investigation Report prepared by JK Geotechnics (Report No. 28816Srpt dated 21 October 2015 and held at enclosure 2I on Council file JRPP-15-2533) shall be implemented during construction.

9 DURING CONSTRUCTION (ENGINEERING)

9.1 Notice of work Commencement

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

9.2 Service Authority Approvals

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

9.3 Maintenance of Soil Erosion Measures

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

9.3.2 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.

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

9.4 **Inspections of Works**

9.4.1 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 (i.e gabions mattresses shotcreting etc)
- (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) Provision of Street Furniture

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

(v) Footpath Works

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

(e) Final Inspection

(vi) 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

(vii) Traffic Control

(a) Implementation of traffic control

(b) Maintenance of traffic control during works

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

(a) All road drainage

(ix) 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.

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

9.5 **Public Safety**

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

9.6 **Site Security**

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

9.7 **Traffic Control Plan**

- 9.7.1 Where amendments to the approved Traffic Control Plan are required, a new plan shall be prepared and approved prior to implementation. Such plans shall be prepared in strict compliance with the requirements of the current version of Australian Standard 1742.3 (Traffic Control Device for works on Roads) as well as the current version of the RTA Traffic Control at Work Site manual. Any person preparing such Traffic Control plans shall have the relevant RTA accreditation, which must be stated on the submitted plans.

10 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

10.1 Premises Construction

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

11 PRIOR TO OCCUPATION CERTIFICATE

11.1 Road Damage

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

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

11.2 Compliance with Conditions

- 11.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 11.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

11.3 Temporary Facilities Removal

- 11.3.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 11.3.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 11.3.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 11.3.4 Any temporary builder's sign or other site information sign shall be removed from

the land.

- 11.3.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

11.4 Service Authorities

- 11.4.1 A final written clearance shall be obtained from Sydney Water Corporation, energy provider and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.

- 11.4.2 The following documentary evidence shall accompany any Occupation Certificate:

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

11.5 Fire Safety Certificate

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

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

11.6 Fee Payment

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

11.7 Engineering Matters

11.7.1 Surveys/Certificates/Works As Executed plans

- 11.7.1.1 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 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.

11.7.1.2 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.

11.7.1.3 A Maintenance Schedule must be provided for the on-site detention system 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.

11.7.2 **Easements/Restrictions/Positive Covenants**

11.7.2.1 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.

11.7.2.2 Restrictions and positive covenants must be registered with Land and Property Information over the on-site detention storage areas and outlet works.

11.7.2.3 Restrictions and/ or positive covenant must be registered with Land and Property Information over the overland flow-path.

11.7.3 **Inspections**

11.7.3.1 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.

11.8 **External Finishes**

11.8.1 The development approved by Council is to be constructed in accordance with the approved schedule of materials, finishes and colours. All landscaping, fencing, retaining walls and driveways are to be provided in accordance with the approved plans, and the details submitted and approved as part of the Construction Certificate.

11.9 **Landscaping**

11.9.1 All landscaping and common open space areas shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

11.9.2 All common open space areas and internal driveways shall be appropriately illuminated by the use of suitable outdoor lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night. The loading dock area and car parking areas must also be provided with sufficient lighting to enhance the safety of users.

11.10 Car Parking

11.10.1 Off-street commercial, resident and resident visitor car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability for residents and their visitors.

11.10.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.

11.10.3 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.6. - 2009

11.10.4 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose. In this regard, a minimum 129 car parking spaces are to be provided on site.

11.10.5 The car parking allocation is to be incorporated into a Parking Management Strategy which will also include the following responsibilities for the Managing Agent/future Body Corporate:

- (a) Measures to ensure a clear segregation between the commercial, residential and non-residential parking spaces is maintained at all times.

11.10.6 Bicycle racks are to be provided on site.

11.10.7 On-site waste collection areas, loading areas and manoeuvrability paths are to be suitably line-marked and sign-posted to ensure areas are kept clear of obstructions that may prohibit their future use.

11.11 Ancillary Work

11.11.1 Each dwelling unit is to be provided with a mechanical drying appliance within the unit.

11.11.2 Mail boxes are to be provided on site in accordance with the requirements of Australia Post.

11.11.3 The awning must be constructed in accordance with those details submitted as part of the Construction Certificate. The height and width of the awning must comply with the requirements of Council's Maintenance Section.

11.11.4 Plumbing services are to be provided to the commercial tenancy to enable the installation of a potential kitchen.

11.12 Waste Management

- 11.12.1 Evidence (e.g. in the form of receipts) is to be submitted to confirm that waste and recyclable materials, including fill from the excavation of the basement car parking have been managed and disposed.
- 11.12.2 Arrangements shall be made for an effective private contractor commercial refuse removal service.
- 11.12.3 A private contractor must be engaged for the development for waste and recycling collections and household clean ups for bulky waste.
- 11.12.4 Contact details of the private contractor engaged used to provide the collection services will need to be provided to Council once the development is operational.

Note: Should a private contractor be engaged for the residential component, residents will not be able to access Council's household clean up service, or garbage/recycling service.

- 11.12.5 A restriction as to user shall be created under Section 88B of the Conveyancing Act 1919 providing that waste and recycling services for this development will be serviced by private waste and recycling contractors (not Blacktown City Council). Residents therefore, cannot access Council's household clean up service or waste and recycling service. The Strata Scheme for this development is responsible for providing this waste and recycling service for its residents.
- 11.12.6 Appropriate provisions are to be included in any future Strata Management Plan for the ongoing management of waste and recyclables on the property during the operations of the development. The following provisions must also be adopted:
 - a. Requirement for the appointment of a building manager/ caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan.
 - b. Responsibility for maintenance of the waste system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times.
 - c. The method of communication to new tenants and residents regarding the waste management services and collection system for the complex.
 - d. Responsibility for the ongoing maintenance and management of any bin movement aides.

11.13 Street tree planting

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

The number of trees should equal the number lots/dwellings with street frontage. However, corner lots require 1 tree for the primary frontage and 2 trees on the side frontage. In the case of medium and high density residential developments. Trees will be planted at a minimum spacing of 8 metres.

Additional trees may be requested following assessment of the development's configuration.

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

The applicant must obtain clearances from relevant service authorities.

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

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

11.14 Other Matters

11.14.1 All commitments listed in the BASIX Certificate number: 680829M dated 9 November 2015 and held at enclosure 2C on Council File JRPP-15-2533 shall be complied with prior to the issue of an Occupation Certificate for the development.

11.14.2 All fencing, landscaping, clotheslines, hot water systems, TV antennae, mailboxes, driveways and the common open space area are to be completed in accordance with the approved plans and conditions of this consent to Council's satisfaction prior to the release of the Occupation Certificate.

11.14.3 A post-construction dilapidation report shall be carried out for any of the potentially affected existing buildings surrounding the proposed development. A copy of the report shall be submitted to Council prior to issue of Occupation Certificate.

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

11.15.1 No occupation certification must be issued unless all design verifications have been provided in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000, a certifying authority must not issue a construction certificate for residential 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](#).

11.16 Graffiti Management Plan

11.16.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council's Manager, Development Services. 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.

11.16.2 The Owners Corporation is to manage the graffiti management plan. The recommendations of the plan are to be integrated into a Strata Management Agreement/by-laws.

11.17 **Acoustic impact**

11.17.1 Validation from a suitably qualified acoustic consultant that the recommendation of the acoustic impact assessment prepared by Acoustic Logic (Project No. 20151286.1 dated 7/10/2015 and held at enclosure 2F on Council file JRPP-15-2533) have been implemented is to be submitted to Council for its records.

11.18 **Pavement Treatment and Awnings**

11.18.1 Prior to the issue of any Occupation Certificate, the pavement treatment along the Aldgate Street frontage are to be completed to Council's Manager Civil and Park Maintenance satisfaction.

11.18.2 The awnings must be constructed in accordance with the details submitted as part of the Construction Certificate. The height and width of the awning must comply with the requirements of Council's Civil and Park Maintenance section.

11.19 **Lighting**

11.19.1 All lighting is to comply with relevant Australian Standards, including Australian Standard 4282 to ensure no spillage of light affecting the amenity of adjoining residential properties.

14.23 **Privacy Screening**

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

14.24 **Security**

14.18.6 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.

14.18.7 A roller shutter and card-key system is to be installed at the entry/exit points of the basement car park.

14.18.8 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.

14.18.9 The car parking allocation is to be incorporated into a Parking Management Strategy which will also include the following responsibilities for the Managing Agent/future Body Corporate:

- (a) Measures to ensure a clear segregation between the commercial, residential and non-residential parking spaces is maintained at all times.

12 OPERATIONAL (PLANNING)

12.1 Graffiti Removal

- 12.1.1 Removal of any graffiti, visible from any public road or space, is the responsibility of the property owner/s. All graffiti must be removed within 48 hours.

12.2 Access/Parking

- 12.2.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 12.2.2 All loading and unloading operations shall take place at all times wholly within the confines of the land. All vehicles must enter and exit the site in a forward direction at all times.
- 12.2.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

12.3 General

- 12.3.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
- 12.3.2 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 12.3.3 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 12.3.4 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 12.3.5 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.

12.4 Landscaping

- 12.4.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 12.4.2 Sightlines must be kept free from obstructions. If a lack of natural surveillance occurs this would quickly encourage anti-social behaviour and criminal offences specifically malicious damage to the area. The 'fear of crime' would also no doubt increase if there is sign of malicious damage, rubbish, broken bottles etc around the development. Regular maintenance and up-keep of the site must therefore be adhered to.

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

12.5 Use of Premises

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

12.6 Waste Management

- 12.6.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 12.6.2 All waste generated on site must be disposed of in accordance with the approved Waste Management Plan.
- 12.6.3 Retail bin transfers from the temporary holding rooms to the collection points must be conducted after hours (i.e. between 7 am and 9 am or 5 pm and 7 pm).
- 12.6.4 Should a change of use be proposed for the approved retail space, allowance must be made for the following waste generation rates:
- 660L/100 sqm floor area/day for waste
 - 130L/100 sqm floor area/day for recycling

12.7 Emergency Procedures

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

12.8 Clothes Drying

- 12.8.1 Clothes drying is to be conducted in the mechanical dryers. The 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).

12.9 Lighting and Security

- 12.9.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 12.9.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 12.9.3 The maintenance of all external lighting is to be managed by way of an annual service agreement to ensure the security of the building and persons within are not compromised from dark or uncontrolled public areas.
- 12.9.4 Sightlines must be kept free from obstructions. If a lack of natural surveillance occurs this would quickly encourage anti-social behaviour and criminal offences specifically malicious damage to the area. The 'fear of crime' would also no doubt increase if there is sign of malicious damage, rubbish, broken bottles etc around

the development. Regular maintenance and up-keep of the site must therefore be adhered to.

12.10 Awnings

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

12.10.2 No hanging is permitted under the awning which may affect the minimum clearance height of 2.4m.

12.10.3 The property owner is responsible for the maintenance of the awnings at all times.

13 OPERATIONAL (ENVIRONMENTAL HEALTH)

13.1 Environmental Management

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

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

13.1.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.