

ANNEXURE B
Universal Property Group Pty Limited v Blacktown City Council
LAND AND ENVIRONMENT COURT PROCEEDINGS NO. 15/10875

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.

1.3 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 and any tree(s) located greater than 3 metres from the building perimeter, and
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
 - (c) the installation of a vehicular footway crossing servicing the development.
- 1.3.3 Any subdivision of the site is to be the subject of a separate application. This includes any Torrens title subdivision, strata subdivision or community title subdivision, or the like.

1.4 Services

- 1.4.1 The applicant is advised to consult with:
- (a) Sydney Water Corporation Limited
 - (b) An 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 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.
- 1.4.5 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

1.5 Identification Survey

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

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 Reference:	Dated:	Council's File Enclosure No.:
Architectural Plans		
Site Info Plan Drawing No. 01, Revision 8	09.05.2016	39A
Site / Ground Floor Plan Drawing No. 02, Revision 8	09.05.2016	39B
First / Roof Plan Drawing No. 03, Revision 8	09.05.2016	39C
Plan Part-1 Drawing No. 04, Revision 8	09.05.2016	39D
Plan Part-2 Drawing No. 05, Revision 8	09.05.2016	39E
Plan Part-3 Drawing No. 06, Revision 8	09.05.2016	39F
Plan Part-4 Drawing No. 07, Revision 8	09.05.2016	39G
Elevations-1 Drawing No. 08, Revision 8	09.05.2016	39H
Elevations-2 Drawing No. 09, Revision 8	09.05.2016	39I
Sections- Drawing No. 10, Revision 8	09.05.2016	39J
Colour Schedule, Issue B	2.05.2016	39K
Colour Schedule Streetscape Elevations, Issue A	17.02.2016	39 L, 39M, 39N
Landscape Plans		
Concept Landscape Plan Drawing No. LP01, Issue R05	02.05.2016	39O
Concept Landscape Plan Drawing No. LP02, Issue R05	02.05.2016	39P
Concept Landscape Plan Drawing No. LP03, Issue R05	02.05.2016	39Q
ENGINEERING PLANS		
Cover Sheet 01043_BIW_100	-	39AA
General Notes and Legend 01043_BIW_110, Issue 02	10.3.16	39AB
Site Plan, 01043_BIW_120, Issue 02	10.3.16	39AC
General Arrangement Plan – Sheet 1 01043_BIW_201, Issue 4	9.5.16	39AD
General Arrangement Plan – Sheet 2 01043_BIW_202, Issue 4	9.5.16	39AE
General Arrangement Plan – Sheet 3 01043_BIW_203, Issue 4	9.5.16	39AF
Bulk Earthworks 01043_BIW_231, Issue 4	9.5.16	39AG

Drawing Reference:	Dated:	Council's File Enclosure No.:
Longitudinal Section – Road No. 1 & 2, 01043_BIW_301, Issue 4	9.5.16	39AH
Longitudinal Section – Road No. 3,4,5 & 6, 01043_BIW_302, Issue 4	9.5.16	39AI
Longitudinal Section – R02 & 03, 01043_BIW_303, Issue 4	9.5.16	39AJ
Typical Sections 01043_BIW_401, Issue 3	9.5.16	39AK
Civil Details, 01043_BIW_501, Issue 02	10.3.16	39AL
Stormwater Catchment Plan, 01043_BIW_601, Issue 02	10.3.16	39AM
OSD Tank, 01043_BIW_621, Issue 04	9.5.16	39AN
OSD Tank Details, 01043_BIW_622, Issue 02	10.3.16	39AO
Sediment and Erosion Control Plan, 01043_BIW_701, Issue 02	10.3.16	39AP

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: Quakers Hill

2.3 Compliance with BASIX Certificate

- 2.3.1 All commitments listed in the BASIX Certificate number: 650223M_03 shall be complied with.

2.4 Engineering Matters

2.4.1 Definitions

- 2.4.1.1 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 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 on Burdekin Rd, Glory or Lynn Streets.

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 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
- (f) 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.

- 2.4.3.3 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 for the road connection to the existing roundabout in Burdekin Road 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.

2.4.4 Other Fee and Bond/Securities

- 2.4.4.1 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.

- 2.4.4.2 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.

2.4.5 Other Necessary Approvals

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

2.4.6 Subdivision

- 2.4.6.1 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.

2.5 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 Any Future Substation

- 2.6.1 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on future or

existing Council land, including road reservations and/or public reserves. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

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

3.2 Road Deposit/Bond

- 3.2.1 Prior to the issue of a Construction Certificate 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 \$5,000.00; and
- (c) Road maintenance bond administration fee of \$100.00.

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

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

3.2.2 Other Fees and Bond/Securities

- 3.2.2.1 Prior to the issue of a Construction Certificate the payment of the following fee must be made to Council's Maintenance Section pursuant to Sections 608 and 609 of the Local Government Act 1993. The fee is subject to periodic review and may vary at actual time of payment.

- (a) Vehicular Crossing Application and Inspection Fee: \$135 per crossing.

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

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

3.3 Salinity

- 3.3.1 A detailed salinity assessment report prepared by a suitable qualified person shall be prepared and submitted to Council's satisfaction prior to the issue of a construction certificate. The recommendations of the salinity assessment are to be identified on the construction certificate plans and implemented during construction.

3.4 **Acoustic Measures**

- 3.4.1 An Acoustic Assessment Report is required to be prepared based on the approved plans. This Report is to consider the impact from the adjoining sub-arterial road (Burdekin Road) on the proposed development, including whether an acoustic attenuation barrier is required. The recommendations of the Report are to be included on the Construction Certificate documentation.

3.5 **Contamination and Remediation**

- 3.5.1 Prior to the issue of a Construction Certificate all areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with:

- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (1997)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995).
- Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (1992).

A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use and must be submitted prior to the issue of a Construction Certificate.

3.6 **Section 94 Contributions under Section 94E Directions**

- 3.6.1 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: 175

Contribution: \$5,250,000

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	Amount	Relevant C.P.
Stormwater Quantity Eastern Creek	\$ 2,538,732	20
Stormwater Quality Eastern Creek	\$ 433,338	20
Traffic Management	\$ 735,779	20
Open Space	\$ 3,582,430	20
Community Facilities	\$ 48,391	20
E2 Conservation Zone	\$ 154,340	20

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

Developable Area: 4.059 hectares
Additional Population: 507.5 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. 20 Riverstone & Alex Avenue Precincts

3.7 Special Infrastructure Contributions

- 3.7.1 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/guage/en-US/Default.aspx>

3.8 Street Tree Planting

- 3.8.1 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 frontages of the development site for the purpose 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.

3.9 Aesthetics

- 3.9.1 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the approved Colour Schedule and Streetscape Plans. Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans.

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

3.10 Reflectivity

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

3.11 Fencing

- 3.11.1 All fencing details are to be as per the approved plans and the requirements of Clause 4.2.10 of the Growth Centres Precincts DCP 2010.

The fence that extends across Burdekin Road and which returns up to the northern end of Unit 34 is to be amended to a decorative masonry fence that consists of a masonry base of at least 1.2 m in height, with 600 mm decorative metal or timber in fill panels (i.e. such as a vertical slat style) and featuring 1.8 m high piers set at regular intervals. The fence colour is to be in a colour and finish that complements the materials and colour used in the development.

All fencing is to be provided at full cost to the developer and is to be constructed on top of any masonry 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. All fencing which is visible from the public domain is not permitted to be continuous, closed board, or the like.

3.12 Retaining Walls

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

3.13 Garbage Storage and Collection

- 3.13.1 The roads and driveways, etc. which are to accommodate the waste collection trucks are to be designed to accommodate trucks with a weight of at least 24 tonnes.
- 3.13.2 The trees and landscaping in/near the areas which are to accommodate the kerbside collection of waste bins are to be of a suitable species and suitably located so as not to obstruct the collection of bins.

3.14 Access and Parking

- 3.14.1 A minimum of 298 car parking spaces are required to be provided on site, being 263 resident spaces and 35 visitor car parking spaces, and all are to be designed having minimum internal clear dimensions in accordance with the Growth Centres Precincts DCP 2010.
- 3.14.2 Adequate site distances are required to be provided for both pedestrian and vehicular movement along the new link road to Grima Street in accordance with Section 3.2.4 of AS 2890.1 and Figure 3.3 or AS 2890.1 to ensure safety of pedestrians on any proposed footpath and future vehicles along Grima Street.
- 3.14.3 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network.
- 3.14.4 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.
- 3.14.5 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

3.15 Graffiti Management Plan

- 3.15.1 Prior to the issue of a Construction Certificate 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.

3.16 Total Maintenance Plan

3.16.1 A “total” maintenance plan is to be prepared for the site. The plan is to be for the life of the development and is to ensure the following:

- (a) The long term up-keep and cleanliness of the development, to ensure all structures, fencing, public areas, landscaping, mail box areas, waste storage and collection areas and lighting 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 site is always under the control of a fulltime Caretaker / Manager.

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

3.17 Blacktown Growth Centres Development Control Plan 2010

3.17.1 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.

4 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

4.1 Building Code of Australia Compliance

4.1.1 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).

4.2 Site Works and Drainage

4.2.1 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.

- 4.2.2 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.

- 4.2.3 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.

4.3 **BASIX Certificate Compliance**

The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 650223M_03.

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

5.1 **Compliance with Conditions**

- 5.1.1 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.
- 5.1.2 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.

5.2 **Road-works**

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

5.3 **Erosion and Sediment Control**

- 5.3.1 Soil erosion and sediment control measures for road, drainage, On Site Stormwater Detention and earth works shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development.

Details are to be included with the plans and specifications to accompany any Construction Certificate.

5.4 Asset Management

- 5.4.1 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.

5.5 Other Approvals/Clearances/Adjoining Owners Permission

- 5.5.1 Written permission from the affected property owners shall be obtained to:
- (a) discharge stormwater onto adjoining land other than replicating existing flows into an existing lowpoint
 - (b) carry out works on 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.

5.6 Tree Preservation

- 5.6.1 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.

5.7 Ancillary Works

- 5.7.1 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.

5.8 Scope of Engineering Works

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

5.8.1 Road and Drainage works

- 5.8.1.1 The proposed construction and dedication of all new roads associated with the development and the creation/provision of temporary roads, drainage, pathways,

concrete path paving and any other ancillary work necessary shall be designed to make this construction effective.

5.8.1.2 Proposed new road(s) must be designed to be constructed generally as follows:

Name	Width(m)	Length(m)	Formation(m)	Traffic Loading
Lynn St	Half Road 8m	Full length	3.5/9/3.5 (Half width)	2x10 ⁵
Grima St	Half Road 8m	Full length	3.5/9/3.5 (Half width)	5x10 ⁵

Note: Construction of the half road in Grima Street will only be considered sufficient for two way traffic movement provided an adequate transition can be constructed to access the existing roundabout in Burdekin Road. This will likely require construction within the adjoining Lot and would require owner's permission. Where a suitable transition cannot be provided, Grima Street will be required to be signposted and linemarked as One Way movement only southbound until such time that the adjoining half road is constructed and dedicated as Public Road.

5.8.1.3 All internal roads are to be designed in accordance with Council's Engineering Guide for Development. This will require pavements to be constructed as a rigid concrete pavement.

5.8.1.4 Overland flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system to match or set local condition, and discharged in a satisfactory manner.

5.8.2 Temporary On Site Stormwater Detention and Water Quality System

5.8.2.1 Temporary On-Site Detention

(A) Temporary On-site detention of stormwater runoff from the site must be provided to reduce post development stormwater flows to the pre-development level for 6month to 100 year ARI storm events. Temporary water quality treatment must be provided to meet the required targets in DCP Part J.

(B) Council acknowledges the submission of On-site Stormwater Detention concept plan reference C&M Consulting No PN01043 Sheet 01043-BIW-621 rev04 and 622 rev02. The Construction Certificate issued in this regard must be generally in accordance with this concept plan.

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

(i) location of storage area

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

(iii) location of discharge outlet from the system.

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

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

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

NOTE: The provision of temporary OSD and water quality as a permanent structure WILL NOT negate the requirement for payment of \$94 fees for these items.

5.8.3 Temporary On-Site Detention

5.8.3.1 Temporary 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.

5.8.3.2 Prior to the issue of a Construction Certificate a certificate from a Registered Engineer (NPER) is to be submitted to Council certifying that the structures associated with the temporary on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.

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

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

- a. A Drainage Design Summary Sheet per Appendix B1 of the Upper Parramatta River Catchment Trust Handbook, Version 3.
- b. Full drainage calculations and details for all weirs overland flow-paths and diversion/catch drains - including catchment plans and areas, times of concentration and estimated peak run-off volumes.
- c. A completed OSD Detailed Design Submission and Checklist per Appendix B9 of the above-mentioned Handbook.
- d. A complete address of Council's OSD General Guidelines and Checklist requirements.
- e. A Maintenance Schedule is to be presented with the designer's name, his signature and date on it in accordance with the Upper Parramatta River Catchment Trust handbook guideline. (If an underground tank is involved this

must include reference to WorkCover Authority of NSW Occupational Health & Safety Act 1983 and Confined Spaces Regulation.)

5.8.4 Vehicular Crossings

- 5.8.4.1 All vehicular crossings to the development site are to be designed to be constructed as Council's standard commercial and industrial vehicular footway crossing in accordance with Council plan A(BS)103S.

5.8.5 Footpaths

- 5.8.5.1 The footway area other than concrete path paving in Public Roads must be designed to be fully turfed in an appropriate manner to be free draining to the street and of neat appearance.

- 5.8.5.2 The construction of path paving is to be provided to the following nominated street:

Name	Side	Paving Width	Length
Grima St	East	1.2m	Full length

- 5.8.5.3 Suitable provision for path paving a minimum of 1.2m wide is to be provided on a minimum of one side of all internal roads.

5.8.6 Finished Boundary Levels

- 5.8.6.1 Finished levels of all internal works at the road boundary of the property must be:
- (a) 4% above the top of the proposed kerb.

6 PRIOR TO DEVELOPMENT WORKS

6.1 Safety/Health/Amenity

- 6.1.1 Prior to the commencement of development works 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.

- 6.1.2 Prior to the commencement of development works 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.

6.1.3 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,

prior to the commencement of development works, 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.

6.1.4 Prior to the commencement of development works soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

6.1.5 Prior to the commencement of development works 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.

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

6.2 Notification to Council

6.2.1 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.

6.3 Home Building Act

6.3.1 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.

6.4 **Sydney Water Authorisation**

6.4.1 Prior to the commencement of development works 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 development plans must be approved through the 'Sydney Water Tap In' service to determine whether the development will affect any 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 Council.

Please refer to the website www.sydneywater.com.au for more information.

6.5 **Adjoining Owners**

6.5.1 Prior to the commencement of development works written permission from the respective owner(s) must be obtained to:

- (a) carry out works on adjoining land.

A copy of such written permission shall be lodged with Council prior to the commencement of development works.

7 **DURING CONSTRUCTION (BUILDING)**

7.1 **Safety/Health/Amenity**

7.1.1 During construction works 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.

7.1.2 During construction works 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.

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) involves the enclosure of a public place,

during construction works 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.

7.1.4 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.

7.1.5 During construction works 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.

7.1.6 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.

7.1.7 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.

7.2 Building Code of Australia Compliance

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

7.3 Surveys

7.3.1 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 prior to works commencing.

7.4 Nuisance Control

- 7.4.1 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.
- 7.4.2 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.
- 7.4.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

7.5 Stormwater Drainage

- 7.5.1 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.

7.6 Waste Control

- 7.6.1 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. 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.

7.7 Construction Inspections

- 7.7.1 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.

7.8 **Site Contamination**

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

7.9 **Aboriginal Archaeology**

- 7.9.1 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.
- 7.9.2 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.
- 7.9.3 The recommendations of the Aboriginal Archaeological and Cultural Heritage Assessment prepared by Dominic Steele Consulting Archaeology dated 6 March 2014 are to be implemented at all times.

7.10 **Imported “Waste Derived” Fill Material**

- 7.10.1 The only waste derived fill material that may be received at the development site is:
- (a) virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*),
 - (b) any other waste-derived material the subject of a resource recovery exception under cl.51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.
 - (c) Certified by an appropriately qualified consultant

Any waste-derived material the subject of resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the principal certifying authority on request

7.10.2 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 fill material imported to the site shall be certified at the source by a suitably qualified consultant as VENM fill material, non-slightly saline and non-aggressive to concrete or steel. If the importation of fill is undertaken under a specific EPA exemption, relevant details of the EPA exemption shall be forwarded to Council prior to the importation of fill to the site.

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

7.11 Dewatering Operations

7.11.1 The applicant must ensure that the dams on the subject site are de-watered in stages. All native fauna located within and surrounding these dams must be collected and protected in a healthy condition during the operation by an appropriately qualified and licensed ecologist. The captured fauna must be relocated to a suitable location managed by the applicant or as nominated by Council. The applicant must ensure that details of the process are submitted to Council, including photographs, surveys and diary entries of species found and details of relocation.

8 DURING CONSTRUCTION (ENGINEERING)

8.1 Compaction Requirements

8.1.1 Any unsuitable soil and/or fill material must be removed and replaced with suitable material compacted in accordance with the current version of Council's "Works Specification - Civil".

8.1.2 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.

8.1.3 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.

8.2 **Tree Protection**

8.2.1 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.

8.3 **Maintenance of Soil Erosion Measures**

8.3.1 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.

8.4 **Filling of Land & Compaction**

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

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

8.5 **Inspections of Works**

8.5.1 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) 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
- (b)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.

- 8.5.2 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).

8.6 Public Safety

- 8.6.1 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.

8.7 Site Security

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

9 PRIOR TO OCCUPATION CERTIFICATE

9.1 Road Damage

- 9.1.1 Prior to the issue of an Occupation Certificate 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.

9.2 Compliance with Conditions

- 9.2.1 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.
- 9.2.2 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.

9.3 Service Authorities

- 9.3.1 Prior to the issue of an Occupation Certificate a final written clearance shall be obtained from Sydney Water Corporation, the 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.

9.4 Temporary Facilities Removal

- 9.4.1 Prior to the issue of an Occupation Certificate any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 9.4.2 Prior to the issue of an Occupation Certificate any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 9.4.3 Prior to the issue of an Occupation Certificate 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.

9.4.4 Prior to the issue of an Occupation Certificate any temporary builder's sign or other site information sign shall be removed from the land.

9.4.5 Prior to the issue of an Occupation Certificate 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.

9.5 Landscaping

9.5.1 Prior to the issue of an Occupation Certificate all landscaping shall be completed in accordance with the approved landscaping plans. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

9.5.2 Prior to the issue of an Occupation Certificate all public areas and internal driveways shall be appropriately illuminated to provide for the safety and convenience of occupants and other people resorting to the land at night.

9.6 Car Parking

9.6.1 Prior to the issue of an Occupation Certificate access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.

9.6.2 Prior to the issue of an Occupation Certificate visitor / public car parking spaces are to be available for the use and clearly marked / sign posted.

9.7 Fencing and Retaining Walls

9.7.1 Prior to the issue of an Occupation Certificate 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.

9.8 Street Tree Planting

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

9.9 Letterboxes

9.9.1 Prior to the issue of an Occupation Certificate the required letterboxes are to comply with the details submitted as part of the Construction Certificate and with the requirements of Australia Post. The letterbox system should be vandal resistant and secure.

9.10 Acoustic Matters

9.10.1 Prior to the issue of an Occupation Certificate 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.

9.11 Salinity

- 9.11.1 Prior to the issue of an Occupation Certificate final validation from a suitably qualified person must be submitted to Council verifying that the recommendations of the salinity investigation required by Condition 3.3 have been implemented.

9.12 Fee Payment

- 9.12.1 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.

9.13 Engineering Matters

9.13.1 Surveys/Certificates/Works As Executed plans

- 9.13.1.1 Prior to the issue of an Occupation Certificate 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 Council.
- 9.13.1.2 Prior to the issue of an Occupation Certificate 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.
- 9.13.1.3 Prior to the issue of an Occupation Certificate 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 R – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 9.13.1.4 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version) which must be addressed Prior to the issue of an Occupation Certificate:
- (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.

9.13.1.5 Prior to the issue of an Occupation Certificate all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent must be submitted to Council.

9.13.2 Easements/Restrictions/Positive Covenants

9.13.2.1 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.

9.13.2.2 Prior to the issue of an Occupation Certificate restrictions and positive covenants must be registered with Land and Property Information over the temporary on-site detention storage areas and outlet works. These restrictions and covenants will remain until such time that the regional infrastructure for detention and water quality are constructed.

9.13.2.3 Prior to the issue of an Occupation Certificate restrictions and positive covenants must be registered with Land and Property Information over the temporary Stormwater Quality Control devices and outlet works. These restrictions and covenants will remain until such time that the regional infrastructure for detention and water quality are constructed.

9.13.2.4 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.

9.13.3 Dedications

9.13.3.1 Prior to the issue of an Occupation Certificate dedication must be made at no cost to Council of 5m x 5m (residential) splay corners on allotments at each standard street intersection and a suitable splay at the roundabout at the intersection of Grima Street and Burdekin Road, ensuring a minimum footway width of 3.5m is provided.

9.13.3.2 All public roads are to be constructed and dedicated to Council at no cost prior to ANY Occupation Certificate.

9.13.3.3 Prior to the issue of an Occupation Certificate the land required for road widening in Burdekin Road shall be dedicated to Council and at no cost.

9.13.4 Bonds/Securities/Payments in Lieu of Works

9.13.4.1 Prior to the issue of an Occupation Certificate payment must be made 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.

9.13.4.2 Prior to the issue of an Occupation Certificate a maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.

- a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)
- b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

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

9.13.4.3 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.

9.13.5 Inspections

9.13.5.1 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.

9.14 Waste Management and Collection

9.14.1 Prior to the issue of an Occupation Certificate the onsite communal household clean-up area for bulky waste items must be:

- a) Properly sign posted stating its specific use as a bulky items collection point.
- b) Marked 'No Parking' at any time.
- c) Line marked and painted as a special collection bay for bulky items.

9.14.2 The Applicant / Strata Manager is to complete the Blacktown City Council's 'Agreement for Onsite Waste Collection' form. This is to be submitted to Council prior to the issue of an Occupation Certificate.

9.14.3 Waste and recycling collection vehicles are to be capable of entering and exiting the property in a forward direction.

- 9.14.4 The roads and driveways, etc. which are to accommodate the waste collection trucks are to be designed to accommodate trucks with a weight of at least 24 tonnes.
- 9.14.5 Prior to the issue of an Occupation Certificate no stopping signage must be installed along the entire travel path of the waste collection vehicles.
- 9.14.6 The trees and landscaping in/near the areas which are to accommodate the kerbside collection of waste bins are to be of a suitable species and suitably located so as not to obstruct the collection of bins.
- 9.14.7 Prior to the issue of an Occupation Certificate a Community or Strata Management Agreement must be prepared which clearly outlines that:
- a) No bins are to be located or placed in the approved collection points outside the scheduled collection time for that area.
 - b) The Owners Corporation will be responsible for ensuring that clear access is provided to Council collection trucks entering the property.
 - c) It is the tenant's responsibility to transfer bins to their nominated collection point and remove them on the same day of service which will be in line with collection schedules for that area.
 - d) The method of communication to new tenants and residents regarding Council's waste management services and collection system for the complex.
 - e) The nominated kerbside collection points are to be used for the collection of waste and recycling bins from the development. Bin placement locations are to be in accordance with the approved drawings and waste management plan.
 - f) That clean ups will only occur from the communal bulky waste collection point if they comply with Council requirements for household clean ups. If discarded items fail to comply or the communal collection point is poorly managed, it is the responsibility of the Strata / Body Corporation (and at their cost) to have these items removed from the site and disposed of appropriately.
 - g) That no bulky waste items are permitted to be presented to a perimeter street frontage unless it belongs to an individual lot that has suitable truck access for a heavy rigid vehicle.
- 9.14.8 Prior to the issue of an Occupation Certificate a restriction is to be included on the Section 88B Instrument in relation to each Lot which is immediately adjacent to the two communal bulky waste storage and collection areas (being Units 74, 94, 113 and 133) which outlines:
- a) That the private road/driveway adjoining Units 74, 94, 113 and 133 will contain the communal bulky waste storage and collection area for all lots within the development (with the exception of Units with a frontage to a perimeter street frontage which has suitable truck access for a heavy rigid vehicle).
- 9.14.9 Prior to the issue of an Occupation Certificate a restriction is to be included on the Section 88B Instrument in relation to each Lot which is burdened with multiple bins being presented at the kerbside on their immediate frontage to the benefit of other

Lots within the development. This includes each Lot which is immediately adjacent to the communal bin pads within the development.

10 OPERATIONAL (PLANNING)

10.1 Use of Premises

10.1.1 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.

10.2 Access/Parking

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

10.3 Lighting

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

10.3.2 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.

10.4 Landscaping

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

10.5 Environmental Management

10.5.1 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.

10.5.2 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.

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

10.6 Waste Management and Collection

10.6.1 Waste and recycling collection vehicles are to be capable of entering and exiting the property in a forward direction.

- 10.6.2 No stopping signage must be maintained along the entire travel path of the waste collection vehicles.
- 10.6.3 The trees and landscaping in/near the areas which are to accommodate the kerbside collection of waste bins are to be maintained so as not to obstruct the collection of bins.
- 10.6.4 The waste management and collection activities must be managed in accordance with the Community or Strata Management Agreement at all times.