

1 **ADVISORY NOTES**

1.1 **Terminology**

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

- 1.3.1 The applicant is advised to consult with:

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

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

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

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

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

1.4 Other Approvals

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

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

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

1.5 Identification Survey

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

1.6 Other Matters

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

1.7 Tree planting and service locations

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

2 GENERAL

2.1 Scope of Consent

2.1.1 This consent is to be carried out in accordance with the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

| Drawing No. | Dated | Council's File Enclosure No. |
|-------------------------------------|---------------|------------------------------|
| Site Plan A0004 Rev. 1 | March 2016 | 37F |
| Upper Basement A2000-1 Rev. 2 | March 2016 | 37G |
| Lower Basement A2000 Rev. 5 | November 2016 | 34E |
| Level 1 Ground Plan A2001 Rev. 3 | August 2016 | 37I |

| | | |
|---|---------------|---------|
| Level 2 A2002 Rev. 3 | May 2017 | 37J |
| Level 3 A2003 Rev. 3 | June 2016 | 29G |
| Level 4 A2004 Rev. 3 | May 2017 | 37L |
| Level 5 A2005 Rev. 4 | May 2017 | 37M |
| Roof A2006 Rev. 3 | May 2017 | 37N |
| Roof top A2007 Rev. 2 | March 2016 | 37O |
| Sections 1 A2020 Rev. 2 | March 2016 | 37P |
| Sections 2 A2021 Rev. 2 | March 2016 | 37Q |
| Section – Ramp A2022 Rev. 4 | August 2016 | 37R |
| North and West Elevations A2030 Rev. 3 | May 2017 | 37S |
| South and East Elevations A2031 Rev. 3 | May 2017 | 37T |
| Internal Layout A2032 Rev. 3 | May 2017 | 37U |
| WMP Lower Basement Diagram WMP-01 Rev. 1 | November 2016 | 34C |
| WMP Typical Levels WMP-02 Rev. 1 | November 2016 | 34D |
| Materials and Colours Schedule A2033 Rev. 4 | May 2017 | 37V |
| Landscape Plan 000, C101, 101, C102, 102, 201, 501 and 502 Issue B | 14/01/2016 | 1II-1PP |

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

2.2 Services

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

2.3 Suburb Name

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

Suburb: SCHOFIELDS

2.4 Compliance with BASIX Certificate

- 2.4.1 All commitments listed in the BASIX Certificate number: 688345M_03 dated 26 August 2016 shall be complied with.

2.5 Engineering Matters

2.5.1 Definitions

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

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

Council does not permit the private certification of works on existing public roads or reserves, or any land under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works on Council's existing dedicated public road.

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

- 2.10.1.3 The Construction Certificate for Engineering works may be issued by Council or by an appropriately qualified certifier. For Council to issue the Construction Certificate a separate application must be made on the prescribed form complete with detailed plans and specifications. You are further advised that Council does not permit the private certification of works on existing public roads or reserves Council property or any property under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works on Council's existing dedicated public road.

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

2.5.2 Design and Works Specification

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

(a) Blacktown City Council's Works Specification - Civil (Current Version)

- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part R – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)

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

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

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

2.5.3 **Payment of Engineering Fees**

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

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

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

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

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

- (a) The checking of engineering drawings for connection into Council's existing drainage system within the existing dedicated public road reserve, any associated work 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.

2.5.4 **Other Fee and Bond/Securities**

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

- (a) Vehicular Crossing Application and Inspection Fee: \$140.00.

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.

2.5.5 Other Necessary Approvals

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

2.6 Other Matters

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

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

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

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

3.3 Lot Registration

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

3.4 Services/Utilities

3.4.1 The following documentary evidence shall accompany any Construction Certificate:

- (b) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

3.5 Special Infrastructure Contributions

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

More information

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

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

3.6 Waste management

- 3.6.1 Any roads, ramps, driveways and internal areas of the development where the waste collection vehicle is to travel are to be rated for at least 24 tonne trucks.
- 3.6.2 Undercroft/ basement access for collection vehicles is to be built in accordance with the dimensions indicated on the approved vertical cross-section plans showing adequate truck entry and exit and all manoeuvring areas.
- 3.6.3 The certifier is to ensure roads, ramps, driveways are rated to be suitable with the proposed 8.8m long, medium rigid vehicle.

3.7 Street tree planting

3.7.1 The applicant must submit a Street Tree Plan detailing the proposed street tree planting and landscaping for the approved development. The Street Tree Plan is to reflect the species palette in our Street Tree Guidelines and must include:

- cross-sections showing dimensions of tree pits
- species
- details of root protection barriers
- soil specifications
- location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

NOTE: Any tree planting to be undertaken as part of the approved development shall be available to Council for inclusion in future carbon sequestration programs.

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

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

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

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

3.8 Environmental Health matters

3.8.1 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.

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

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 Construction Certificate (for building works) either by Council or any accredited certifier, whichever occurs first.

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

| Contribution Item | Base Amount | Relevant C.P. |
|----------------------|-------------|---------------|
| Stormwater Quantity | \$291,454 | CP20 |
| Stormwater Quality | \$12,440 | CP20 |
| Traffic Management | \$84,470 | CP20 |
| Open Space | \$1,241,739 | CP20 |
| Community Facilities | \$16,773 | CP20 |
| E2 Conservation zone | \$53,497 | CP20 |

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

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

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

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

Developable Area: 0.4551 hectares
Additional Population: 171.8 persons

4.2 Site Contamination

- 4.2.1 Prior to the release of any construction certificate on the site an EPA recognised geoscientist is to validate the site as suitable for residential development in accordance with the strict residential use criteria as set out in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013. In this regard, the recommendations of the preliminary contamination assessment prepared by Geotechnique Pty Ltd (Report No. 13061/7-AA dated 9 May 2014) are to be implemented. This includes the preparation of a Phase 2 contamination report is to be undertaken on the site by a suitable qualified site contamination consultant and a Remediation Action Plan (RAP) is to be prepared for the site in accordance with Environment Protection Authority's Guidelines and relevant Australian Standards.

A copy of the Phase 2 report, RAP and validation report is to be submitted to Council.

- 4.2.2 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).
 - National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.

4.3 Salinity

- 4.3.1 The recommendations of the geotechnical investigation and salinity assessment prepared by Geotechnique Pty Ltd (Report No. 13061/11-AA dated 28 March 2014) are to be shown on the construction certificate plans.

4.4 Fencing

- 4.4.1 Fencing is to be consistent with the approved materials and colours schedule and landscape plan. In this regard, fencing enclosing ground floor private open space is to be setback 3 m from the property boundary and have a height of 1.5 m high and is to be constructed of masonry up to 1 m, with 500 mm of horizontal powder coated infill slats to enclose ground floor terrace areas. Fencing is also to be consistent with the requirements of condition 4.5.3 of this consent.

4.4.2 All retaining walls are to be of masonry construction.

4.4.3 All fencing is to be erected on top of any retaining walls, at full cost to the development.

4.5 **Access/Parking**

4.5.1 Widen the driveway servicing the loading area so that it is at least 6m at the kerb in accordance with AS 2890.2-2002 for commercial vehicles Section 3.4.3 and Figure 3.1.

4.5.2 The design of the car parking area, aisle widths, driveway widths, manoeuvring areas, sight distances, ramp grades, headroom, loading areas etc. are to conform with AS 2890.1-2004 and AS 2890.2-2002 for commercial vehicles.

4.5.3 Any proposed fence/side boundary fence/landscape element on either side next to the proposed driveway must not exceed 900 mm in height for a length of 2.5 m from the property boundary within the property and 2 m along the property boundary to ensure safety of pedestrians on footpath in accordance with Figure 3.3 of AS2890.1.

4.5.4 All vehicles must enter and leave the development in a forward direction.

4.5.5 A minimum of 118 car parking spaces including 99 residential parking spaces and 19 visitor car parking spaces are to be provided on site. All car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

- Residential Flat Building (excluding width of pillar): 2.5m x 5.4m
- Residential Flat Building (adjacent to solid wall): 2.7m x 5.4m
- Disabled Car Spaces: 4.8m x 5.4m (including shared zone)

A car wash bay and 32 bicycle parking spaces are also to be provided on site.

4.5.6 The car wash bay(s) are to be appropriately bunded and connected to an approved waste water system.

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

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

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

4.5.10 The basement storage areas are to be provided with quality doors/cages and lock sets to restrict unauthorised access. Also the loading dock and areas within the bin storage room and bulky waste storage area that are unsafe for children to access area to be provided with lock sets to restrict unauthorised access.

4.6 **Building Materials and Finishes**

4.6.1 The development is to be constructed in accordance with the approved materials, finishes and colours submitted as part of the approved colours and finishes schedule.

4.6.2 The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the Building Code of Australia.

4.6.3 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent, must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.

4.6.4 All bathrooms, WC or laundry windows in the external walls and the building shall be fitted with translucent glazing.

4.7 Communal Open Space & Landscaping

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

4.8 Adaptable Housing Units

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

4.9 Acoustic measures

4.9.1 The recommended acoustical treatments detailed in the Acoustic Report prepared by Acoustic Logic (Ref: 20151486.1/1801A/R1/MF dated 18/01/2016) are to be detailed on the Construction Certificate Plans.

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

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

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

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

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

Standard 1055.1.

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.

5.3 Fire Services

5.3.1 Where any external on-site fire hydrant or hydrant booster assembly is to be located within any building setback from a boundary, the hydrant or booster assembly shall be located or protected in accordance with the requirements of AS 2419.1.

5.3.2 Where any external on-site water storage tank is required by AS 2118.1 or AS 2419.1, details of the location and type of any proposed tank are to be submitted to and approved by Council prior to the issue of the relevant Construction Certificate.

5.4 BASIX Certificate Compliance

The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 688345M_03 dated 26 August 2016.

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

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

- 6.5.1 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.

6.6 Work Adjacent to Easements

- 6.6.1 Foundations adjacent to easements shall not place a loading on the pipe within the easement. Foundations shall be located at:
 - (a) the depth of the invert of the existing pipeline, and/or

(b) the depth of the invert of the proposed pipeline.

6.6.2 All development shall be kept clear of the drainage easement(s) on the land, and no alteration to the existing surface levels within the easement(s) is to be made.

6.6.3 Pier and beam style construction shall be used adjacent to easements to the depth of the invert of the proposed or existing pipeline. A Registered Engineer (NPER) shall certify that this condition has been satisfied.

6.7 Ancillary Works

6.7.1 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.

6.8 Scope of Engineering Works

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

6.8.1 Road and Drainage works

6.18.1.16 Drainage from the site must be connected into Council's existing drainage system. (by way of an approved stormwater pollution control device).

6.18.1.21 Any drainage currently entering the site is to be collected and conveyed in an approved manner to the nearest appropriate point of discharge.

6.18.1.22 The proposed levels shall be consistent with the road and Lot levels proposed under DA-14-1110 and DA-14-1112 and with Council's regional road and drainage design.

6.8.2 Vehicular Crossings

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

Nominated Widths: 6 metres

NOTE: Please ensure the proposed driveway maintains a minimum 1 metre clearance to the existing kerb and gutter and lintel.

6.8.3 Finished Boundary Levels

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

6.8.4 Stormwater Quality Control

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

Nominated Plan: Prepared by C&M Consulting Engineers, Project No. 01043_12B, Sheets 100-701, Revision 02, dated 13/01/16.

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

6.9 Other matters

- 6.9.1 The construction and dedication of all adjoining roads associated with the “original Subdivision development Application DA-14-1110 and DA-14-1112 and associated construction certificate, including the creation/provision of temporary roads, drainage, pathways, concrete path paving and any other ancillary work necessary to make this construction effective.

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 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.

7.3 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 Compliance Certificate Fee

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

7.6 Use of Crane

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

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 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.

8.4 **Nuisance Control**

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

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 Site Cut and Fill levels

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

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

8.9 Salinity and Aggressive Soil Management

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

8.10 Site Contamination

8.10.1 Should any contaminated material be unearthed during the construction works, all works

are to cease immediately and a suitably qualified environmental site contamination consultant is to investigate and report on the findings. Any recommended remediation and validation works are to be undertaken pursuant to Council's Contamination Lands Policy.

8.11 Waste Management Plan

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

8.12 European Heritage

- 8.12.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the *Heritage Act 1977*. Relevant works shall not recommence until written authorisation from the Heritage Council is issued.

8.13 Aboriginal Heritage

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

8.14 Other Matters

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

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

- 8.14.2 The acoustic measures identified to satisfy conditions 4.9 of this consent are to 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 Integral Energy that all necessary ducts have been provided under the proposed crossing.

9.3 Boundary Levels

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

9.4 Tree Protection

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

9.5 Maintenance of Soil Erosion Measures

- 9.5.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.
- 9.5.2 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.
- 9.5.3 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

9.6 Inspections of Works

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

(i) Soil Erosion and Sediment Control

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

(ii) Traffic Control

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

(iii) Construction of Drainage works

- (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
- (f) Concrete pit tops
- (g) Connection to existing system
- (h) Tailout works
- (i) Final Inspection

(iv) 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

(v) Stormwater Quality Control

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

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

- (a) All road drainage

(vii) 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.

- 9.6.2 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).

9.7 **Public Safety**

- 9.7.1 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.

9.8 **Site Security**

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

10 **PRIOR TO OCCUPATION CERTIFICATE**

10.1 **Road Damage**

- 10.1.1 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.

10.2 **Compliance with Conditions**

- 10.2.1 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.
- 10.2.2 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.

10.3 **Service Authorities**

- 10.3.1 The following documentary evidence shall accompany any Construction Certificate:

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

10.4 Temporary Facilities Removal

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

10.5 Fee Payment

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

10.6 Engineering Matters

10.6.1 Surveys/Certificates/Works As Executed plans

- 14.14.1.1 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.
- 14.14.1.7 A Certificate from a Registered Engineer (NPER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 14.14.1.10 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 14.14.1.13 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

10.6.2 Easements/Restrictions/Positive Covenants

- 10.6.2.1 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.
- 10.6.2.2 Restrictions and positive covenants must be registered with Land and Property Information over the Stormwater Quality Control devices and outlet works.
- 10.6.2.3 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.

10.6.3 Inspections

- 10.6.3.1 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.

10.6.4 Relationship with other Approvals

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

A. Development Consent No. 14-1110 dated 22/04/2015 issued by Blacktown City Council

B. Development Consent No. 14-1112 dated 24/04/2015 issued by Blacktown City Council

C. Relevant requirements of any other development consent, Construction Certificate issued under the Environmental Planning and Assessment Act, 1979 or Building Approval issued under The Local Government Act, 1993.

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

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

10.7 Landscaping

- 10.7.1 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 10.7.2 All landscaping, recreation features and furniture, bbq facilities, children's play equipment and clothes drying facilities shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.
- 10.7.3 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.
- 10.7.4 Vandal proof and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.
- 10.7.5 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 10.7.6 All power boards should be housed within a locked cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.
- 10.7.7 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves and/or drainage reserves. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.

10.8 Car parking

- 10.8.1 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 10.8.2 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.

10.8.3 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

10.8.4 Visitor spaces, car wash bay and the loading zone are to be suitably line-marked and signposted to identify their intended purpose.

10.9 **Adaptable Housing Units**

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

10.10 **Total Maintenance Plan**

10.10.1 A “total” maintenance plan is to be prepared for the site. The plan is to ensure the following:

- (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, landscaping, the communal open space areas, gymnasium, security systems, mail boxes, lighting, loading areas and services are regularly inspected and maintained at optimum levels at all times.
- (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted “junk mail” is to be collected on a regular basis and disposed of as necessary.
- (c) The proposed development is always under the control of a fulltime Building Manager.

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

10.11 **Emergency Evacuation Plan**

10.12.1A detailed Emergency Evacuation and Management Plan is to be prepared in conjunction with a specialist consultant in accordance with Australian Standard “Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces”. As part of the Emergency Plan, an “audio” system is to be installed at strategic locations (e.g. car park entry/exits, lift door access, select public areas) to ensure the safety of residents and the public in the event of an emergency.

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

10.12 **Waste matters**

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

- 10.12.2 Prior to the release of an occupation certificate, evidence that a private contractor has been engaged for waste and recycling collections as well as household clean-ups is to be submitted to Council.
- 10.12.3 Appropriate provisions are to be included in any future Strata Management Plan for the ongoing management of waste and recyclables on the property during the operations of the development. The following provisions must also be adopted:
- a. requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan.
 - b. responsibility for maintenance of the waste system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times.
 - c. the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.
 - d. responsibility for the on-going maintenance and management of any bin movement aides (such as bin trolleys and tractors) as proposed in this application.

If the development is to be strata subdivided, a clause is to be included in the Plan of Strata Management to incorporate the requirements of this condition to address the ongoing management of waste and recycled materials in accordance with this Condition.

- 10.12.4 Appropriate signage and painting of loading dock area to ensure no parking must be provided in the garbage and recycling bin storage areas to advise where waste and recycling materials are to be placed, and what are appropriate materials for recycling.

10.13 **Street tree planting**

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

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

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

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

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

The applicant must obtain clearances from relevant service authorities.

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

The applicant will also be required to pay a \$132 inspection fee. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements

deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification

10.14 **Graffiti Management Plan**

10.14.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council. The Plan is to address the following issues:

- (a) Methods to minimise the potential for graffiti;
- (b) Management/notification procedures for the "early" removal of graffiti;
- (c) Annual review of any "management agreement" for the removal of graffiti to ensure the property is maintained at its optimum level; and
- (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

10.15 **Acoustic matters**

10.15.1 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by condition 4.9 of this consent.

11 **OPERATIONAL (PLANNING)**

11.1 **Use of Premises**

11.1.1 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.

11.1.2 The communal ground level and rooftop areas are only permitted to be occupied by residents and their guests from 8am-8pm daily.

11.1.3 A minimum of 10% of the units of the approved residential flat building are to be designed in accordance with the Australian Adaptable Housing Code AS 4299-1995 which includes 'pre-adaptable' design details to ensure visitability is achieved.

11.2 **Storage**

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

11.3 **Landscaping**

11.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner. The landscaping in the planter areas either side of the two driveways off Allawah Street are to be kept trimmed to a low height that will not obstruct the viewing of pedestrians by cars and vehicles exiting the

two driveways. Such landscaping is to not obstruct compliance with AS 2890.1 at all times.

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

11.3.3 The management of vegetation, gardens, planter boxes, communal areas and other similar areas is to be incorporated within the future strata management plan once the development is occupied.

11.4 **Lighting and Security**

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

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

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

11.5 **Waste**

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

11.5.2 The entire waste entry driveway including area outside the loading dock are to be kept unobstructed and free of any vehicle parking and any other obstructions so it is always freely available for use by the waste delivery trucks. The Strata Management are responsible for enforcing this requirement.

11.6 **Emergency Procedures**

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

11.7 **Clothes Drying**

11.7.1 The hanging/drying of clothes on balconies (where visible from a public place) is prohibited. A clause is to be included in the future Plan of Strata Management prohibiting the drying of clothes on balconies (where visible from a public place)..

11.8 **Graffiti Removal**

11.8.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s and to be undertaken in accordance with the Graffiti Management Plan endorsed to satisfy condition 10.13.1 of this consent. All graffiti must be removed no later than 48 hours after detection.

11.9 **Access/Parking**

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

- 11.9.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 11.9.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 11.10 **Crime Prevention Through Environmental Design**
- 11.10.1 Vandal proof and security lighting, CCTV and security measures endorsed by this consent shall be met and maintained at all times.
- 12 **OPERATIONAL (ENVIRONMENTAL HEALTH)**
- 12.1 **Environmental Management**
- 12.1.1 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.
- 12.1.2 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.
- 12.1.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out any approved activity where material harm to the environment is caused or threatened.
- 12.1.4 To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10pm and 7am.
- 12.1.5 All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the on-site waste collection area immediately prior to pick-up and returned to the storage area as soon as possible after pick-up.