



**Land and Environment  
Court**  
of New South Wales

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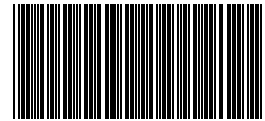
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Your Ref:



D0000SPIPZ

14 February 2017

### NOTICE OF ORDERS MADE

Case number	2016/00305759
Case title	Australian Development Investments Holdings Pty Ltd v Blacktown City Council

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On 14 February 2017 the following orders (and/or directions) were made:

The final orders to give effect to the parties' agreement under s34(3) of the Land and Environment Court Act 1979 are:

- (1) The appeal is upheld.
- (2) Development Application DA15/02765 for the staged construction of buildings comprising residential apartments and ground level business/retail units; basement car parking comprising 1145 car parking spaces; associated landscaping and communal spaces, and civil engineering works including earthworks and stormwater works, over Lot 11 Section J in DP193074, Lot 110 in DP1200460, and Lot 12 in DP1190560, also known as 223 and 225 Grange Avenue, and 999 Richmond Road Marsden Park NSW 2765 is determined by the granting of consent subject to the conditions in Annexure "A".

For the Registrar

## **Annexure ‘A’ Conditions of Consent**

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

- 1.4.1 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.

**1.5 Other Matters**

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

- (a) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development;
- (b) the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required.

- 1.5.2 This development is designed for waste and recycling services to be provided and undertaken by private waste and recycling contractors. The Strata Scheme for this development is responsible for providing all waste and recycling services for its residents, unless at some future time Council's waste services trucks are of a size that will fit within the development waste collection areas.

**1.6 Engineering Matters**

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

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

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

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

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

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

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

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

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

**1.7 Payment of Engineering Fees**

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

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

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

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

**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:

SHEET NO.	SHEET NAME	REVISION	REV. DATE
TP00.00	COVER SHEET	-	19.02.16
TP00.03	SITE PLAN - PROPOSED	-	19.02.16
TP00.04	SITE FACILITIES BASEMENT 1 PLAN	C	06.12.16
TP00.05	SITE FACILITIES GROUND PLAN	C	06.12.16
TP01.01	OVERALL BASEMENT 2	A	06.12.16
TP01.02	OVERALL BASEMENT 1	A	06.12.16
TP01.03	OVERALL GROUND	A	06.12.16
TP01.04	OVERALL GROUND UPPER	A	06.12.16
TP01.05	OVERALL LEVEL 1	A	06.12.16
TP01.06	OVERALL LEVEL 2	A	06.12.16
TP01.07	OVERALL LEVEL 3	A	06.12.16
TP01.08	OVERALL LEVEL 4	A	06.12.16
TP01.09	OVERALL LEVEL 5	A	06.12.16
TP01.10	OVERALL LEVEL 6	A	06.12.16
TP01.11	OVERALL LEVEL 7	A	06.12.16
TP01.12	OVERALL ROOF	A	06.12.16
TP02.09	CONTEXTUAL ELEVATIONS	A	26.09.16

TP03.10	CONTEXTUAL SECTIONS 1	-	19.02.16
TP03.11	CONTEXTUAL SECTIONS 2	-	19.02.16
TP04.01	OVERALL SHADOW DIAGRAMS	-	19.02.16
TP04.02	OVERALL SHADOW DIAGRAMS	-	19.02.16
TP04.21	ADAPTABLE APARTMENT LAYOUTS	-	19.02.16
TP04.22	ADAPTABLE APARTMENT LAYOUTS	-	19.02.16
TP04.31	POINT OF VIEW SOLAR STUDY - 0900 - WINTER SOLSTICE	-	06.12.16
TP04.32	POINT OF VIEW SOLAR STUDY - 1000 - WINTER SOLSTICE	-	06.12.16
TP04.33	POINT OF VIEW SOLAR STUDY - 1100 - WINTER SOLSTICE	-	06.12.16
TP04.34	POINT OF VIEW SOLAR STUDY - 1200 - WINTER SOLSTICE	-	06.12.16
TP04.35	POINT OF VIEW SOLAR STUDY - 1242 - WINTER SOLSTICE	-	06.12.16
TP04.36	POINT OF VIEW SOLAR STUDY - 1300 - WINTER SOLSTICE	-	06.12.16
TP04.37	POINT OF VIEW SOLAR STUDY - 1400 - WINTER SOLSTICE	-	06.12.16
TP04.38	POINT OF VIEW SOLAR STUDY - 1500 - WINTER SOLSTICE	-	06.12.16
TP04.41	SOLAR AND CROSS-VENT COMPLIANCE - GROUND PLAN	-	06.12.16
TP04.42	SOLAR AND CROSS-VENT COMPLIANCE - G UPPER PLAN	-	06.12.16
TP04.43	SOLAR AND CROSS-VENT COMPLIANCE - LEVEL 1 PLAN	-	06.12.16
TP04.44	SOLAR AND CROSS-VENT COMPLIANCE - LEVEL 2 PLAN	-	06.12.16
TP04.45	SOLAR AND CROSS-VENT COMPLIANCE - LEVEL 3 PLAN	-	06.12.16
TP04.46	SOLAR AND CROSS-VENT COMPLIANCE - LEVEL 4 PLAN	-	06.12.16
TP04.47	SOLAR AND CROSS-VENT COMPLIANCE - LEVEL 5 PLAN	-	06.12.16
TP04.48	SOLAR AND CROSS-VENT COMPLIANCE - LEVEL 6 PLAN	-	06.12.16
TP04.49	SOLAR AND CROSS-VENT COMPLIANCE - LEVEL 7 PLAN	-	06.12.16
TP04.61	SOLAR COMPLIANCE SCHEDULE	-	06.12.16
TP04.62	CROSS-VENT COMPLIANCE SCHEDULE	-	06.12.16
TP05.01	OVERALL DEVELOPMENT SUMMARY	-	19.02.16
TP06.01	NOTIFICATION PLAN	-	19.02.16
TP06.02	NOTIFICATION ELEVATIONS	-	19.02.16
TP11.01	BUILDINGS A, B & C BASEMENT 2	A	04.07.16
TP11.02	BUILDINGS A, B, & C BASEMENT 1	C	06.12.16
TP11.03	BUILDINGS A, B & C GROUND	C	06.12.16
TP11.04	BUILDINGS A, B & C GROUND UPPER	-	19.02.16
TP11.05	BUILDINGS A, B & C LEVEL 1	A	26.09.16

TP11.06	BUILDINGS A, B & C LEVEL 2	A	26.09.16
TP11.07	BUILDINGS A, B & C LEVEL 3	A	26.09.16
TP11.08	BUILDINGS A, B & C LEVEL 4	A	26.09.16
TP11.09	BUILDINGS A, B & C LEVELS 5-6	A	26.09.16
TP11.10	BUILDINGS A, B & C LEVEL 7	A	26.09.16
TP11.11	BUILDINGS A, B & C ROOF	A	06.12.16
TP12.01	BUILDINGS A,B&C ELEVATIONS	-	19.02.16
TP12.02	BUILDINGS A&B ELEVATIONS	-	19.02.16
TP12.03	BUILDING C ELEVATIONS	-	19.02.16
TP12.04	BUILDINGS A, B & C DETAIL ELEVATIONS	-	19.02.16
TP12.05	BUILDINGS A, B, & C DETAIL ELEVATIONS	-	19.02.16
TP13.01	BUILDINGS AB&C SECTIONS 1	-	19.02.16
TP13.02	BUILDINGS AB&C SECTIONS 2	-	19.02.16
TP21.01	BUILDINGS D & E BASEMENT 2	-	19.02.16
TP21.02	BUILDINGS D & E BASEMENT 1	C	06.12.16
TP21.03	BUILDINGS D & E GROUND	C	06.12.16
TP21.04	BUILDINGS D & E GROUND UPPER	B	06.12.16
TP21.05	BUILDINGS D & E LEVEL 1-2	A	26.09.16
TP21.06	BUILDINGS D & E LEVEL 3-6	A	26.09.16
TP21.07	BUILDINGS D & E LEVEL 7	A	26.09.16
TP21.08	BUILDINGS D & E ROOF	A	06.12.16
TP22.01	BUILDINGS D & E ELEVATIONS	A	26.09.16
TP22.02	BUILDING D ELEVATIONS	-	19.02.16
TP22.03	BUILDING E ELEVATIONS	-	19.02.16
TP22.04	BUILDING D & E ELEVATION DETAILS	A	26.09.16
TP23.01	BUILDINGS D & E SECTIONS	-	19.02.16
TP31.01	BUILDING F BASEMENT 4	-	19.02.16
TP31.02	BUILDING F BASEMENT 3	-	19.02.16
TP31.03	BUILDING F BASEMENT 2	-	19.02.16
TP31.04	BUILDING F BASEMENT 1	-	19.02.16
TP31.05	BUILDING F GROUND	C	06.12.16
TP31.06	BUILDING F GROUND UPPER	-	19.02.16
TP31.07	BUILDING F LEVEL 1	-	19.02.16
TP31.08	BUILDING F LEVEL 2	-	19.02.16
TP31.09	BUILDING F LEVEL 3	-	19.02.16
TP31.10	BUILDING F LEVEL 4	-	19.02.16
TP31.11	BUILDING F LEVEL 5	-	19.02.16
TP31.12	BUILDING F LEVEL 6	-	19.02.16
TP31.13	BUILDING F LEVEL 7	-	19.02.16
TP31.14	BUILDING F ROOF	A	06.12.16
TP32.01	BUILDING F ELEVATIONS 1	-	19.02.16
TP32.02	BUILDING F ELEVATIONS 2	-	19.02.16

TP32.03	BUILDING F ELEVATION DETAILS	-	19.02.16
TP32.04	BUILDING F ELEVATION DETAILS	-	19.02.16
TP33.01	BUILDING F SECTIONS	-	19.02.16
TP41.01	BUILDINGS G & H BASEMENT 2	-	19.02.16
TP41.02	BUILDINGS G & H BASEMENT 1	C	06.12.16
TP41.03	BUILDINGS G & H GROUND	C	06.12.16
TP41.04	BUILDINGS G & H GROUND UPPER	-	19.02.16
TP41.05	BUILDINGS G & H LEVELS 1-3	-	19.02.16
TP41.06	BUILDINGS G & H LEVEL 4	-	19.02.16
TP41.07	BUILDINGS G & H LEVEL 5	-	19.02.16
TP41.08	BUILDINGS G & H LEVEL 6	-	19.02.16
TP41.09	BUILDINGS G & H LEVEL 7	-	19.02.16
TP41.10	BUILDINGS G & H ROOF	A	06.12.16
TP42.01	BUILDINGS G & H ELEVATIONS	A	26.09.16
TP42.02	BUILDINGS G ELEVATIONS	-	19.02.16
TP42.03	BUILDINGS H ELEVATIONS	-	19.02.16
TP42.04	BUILDINGS G & H ELEVATION DETAILS	-	19.02.16
TP42.05	BUILDINGS G & H ELEVATION DETAILS	-	19.02.16
TP43.01	BUILDINGS G & H SECTIONS	-	19.02.16
TP43.02	BUILDINGS G & H SECTIONS	-	19.02.16

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

## 2.2 Compliance with BASIX Certificate

- 2.2.1 All commitments listed in the BASIX Certificate numbers 683406M, 687817M, 689366M, 700828M\_02, as the individual certificates apply to each stage, shall be complied with.

## 2.3 Engineering Matters

### 2.3.1 Design and Works Specification

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan

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

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

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

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

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

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

## **2.3.2 Other Necessary Approvals**

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

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

## **2.4 Other Matters**

- 2.4.1 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.

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

## **2.5 Other Matters**

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

## **3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)**

### **3.1 Road Deposit/Bond**

- 3.1.1 The following current fee and bond (which is subject to periodic review and may



vary at time of payment) shall be lodged with Council with the first construction certificate:

- (a) Road inspection fee of \$169.00;
- (b) Road maintenance bond of \$6,000.00; 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 last stage 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.

- 3.1.2 For any vehicular crossings of footpaths owned by Council 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.

Vehicular Crossing Application and Inspection Fee: \$270

### 3.2 **Graffiti Management Plan**

- 3.2.1 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.

### 3.3 **Maintenance Plan**

- 3.3.1 A maintenance plan is to be prepared for the development. 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 Construction Certificates.

**3.4 Services/Utilities**

3.4.1 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](http://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..

3.4.2 A final written clearance shall be obtained from Sydney Water Corporation, Endeavour Energy 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.

**3.5 Other Matters**

3.5.1 Prior to the issue of any Construction Certificate, details of any retaining walls to be constructed on site as part of the development shall be submitted to Council for approval. Please note that Council requires the construction of masonry retaining walls (i.e. no timber walls) on property boundaries where such structures are proposed to be constructed.

3.5.2 Retaining wall(s) and/or other effective methods to retain excavated or filled ground (other than those sites works which may be Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be constructed and/or provided in accordance with the plans attached to the Construction Certificate.

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* apply to the whole development. Contributions proportionate to each stage of the development, based on the number of dwellings in the building in each stage, must be paid prior to the relevant construction certificate for each stage. 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 relevant indexed amount must be made prior to the issue of each Construction Certificate (for building works) for each stage of the development.

**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 Date	Base Amount	Relevant C.P			
(i) Open Space 2016	\$14,236,754	21	1	June	
(ii) Community Facilities 2016	\$182,863	21	1	June	
(iii) Combined Precinct Facilities 2016					
E2 Conservation Zone	\$452,733	21	1	June	
Aquatic Facility	\$297,889	21	1	June	
(iv) Traffic Management 2016	\$564,066	21	1	June	
(v) Stormwater Quantity 2016					
Bells Creek	\$1,980,119	21	1	June	
Marsden Creek	\$309,138	21	1	June	
(vi) Stormwater Quality 2016					
Bells Creek	\$294,711	21	1	June	
Marsden Creek	\$45,885	21	1	June	

The contributions will be indexed according to the Australian Bureau of Statistics Implicit Price Deflator for Gross Fixed Capital Expenditure (Private Dwellings) and the Consumer Price Index (Sydney Dwellings).

Copies of the following relevant Contributions Plan may be inspection/purchased from Council's Development Services Unit:

S.94 CP No.21 – Marsden Park Precinct and Marsden Park Industrial Precinct

The Section 94 Contributions have been based on the total potential additional population and developable area nominated below. Should amendments change the potential additional population, the Section 94 Contributions will be adjusted accordingly.

Additional Population: 1474.7 persons  
Developable Area: 3.4944 hectares

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

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

**4.3 Aesthetics**

4.3.1 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the external material and finishes schedule submitted with the application. 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.

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

**4.4 Access and Parking**

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

4.4.2 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.1.

4.4.3 Parking spaces are to comply with Australian Standard 2890.1 as follows:

Residential Flat Building (excluding width of pillar): 2.4m x 5.4m  
Residential Flat Building (adjacent to solid wall): 2.7m x 5.4m  
Disabled Car Space: 2.4m x 5.4m with shared space of 2.4m x 5.4m

Suitable bicycle parking must also be provided as indicated on the approved plans.

**4.5 Adaptability of Units**

4.5.1 Not less than 10% of the residential units are required to be designed for persons with a disability in accordance with Australian Standard 1428.1.

**4.6 Reflectivity**

- 4.6.1 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.

**4.7 Fencing**

- 4.7.1 Fencing enclosing the ground floor private open space is to be revised to provide a height of 1.5 m high, 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. Details of the revised fencing is to be submitted to Council for separate approval prior to the release of a construction certificate.
- 4.7.2 All fencing is to be provided at full cost to the developer and if a retaining wall is on the boundary then any boundary fencing is to be constructed on top of the retaining wall. 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.

**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 relevant 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) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.

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

5.2.4 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:

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

Such details shall accompany the Construction Certificate.

## 6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

### 6.1 General

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

6.1.2 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.		Revision	Dated
Wood & Grieve Engineers Ltd	28505-SYD-	C-1001	3	24/02/2016
		C-1101	3	24/02/2016
		C-1181	3	24/02/2016
		C-1201	4	24/02/2016
		C-1202	4	24/02/2016
		C-1203	4	24/02/2016
		C-1204	4	24/02/2016
		C-1205	4	24/02/2016
		C-1206	5	07/02/2017
		C-1207	4	24/02/2016
		C-1208	5	07/02/2017
		C-1211	4	24/02/2016
		C-1212	4	24/02/2016
		C-1213	4	24/02/2016
		C-1214	4	24/02/2016
		C-1215	4	24/02/2016
		C-1216	5	07/02/2017
		C-1217	4	24/02/2016
		C-1218	6	07/02/2017
		C-1225	3	24/02/2016
		C-1231	4	24/02/2016
		C-1241	2	24/02/2016
		C-1242	2	24/02/2016
		C-1251	3	24/02/2016
		C-1252	3	24/02/2016

**6.2 Construction Certificate Requirements**

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

- Temporary on-site stormwater detention
- Water quality treatment
- Earthworks
- Drainage construction

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

**6.3 Roads Act Requirements**

6.3.1 In the case that the development of the surrounding roads precedes this development and the surrounding roads are dedicated public roads at the time of construction, an approval for engineering work is required for the connection of the internal site drainage into Council's existing stormwater system under *Section 138 of the Roads Act 1993*. These works include but are not limited to the following:

- Kerb inlet pit connections or construction
- Vehicle crossing

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

**6.4 Other Engineering Requirements**

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

6.4.2 Submit written permission from the affected property owner for any works proposed on adjoining land.

**6.5 Drainage**

6.5.1 Provide inter-allotment drainage lines for lots that do not drain directly to a public road. The design shall include pipeline long-sections and identify location and levels of services.

6.5.2 In the event that foundations are located adjacent to easements, they shall not place a loading on the pipe within the easement.

6.5.3 Any overland or stormwater flows must be intercepted at the property boundary, and shall be conveyed through site and discharged in a satisfactory manner.

**6.6 Erosion and Sediment Control**

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

**6.7 Earthworks**

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

**6.8 Stormwater Quality Control**

- 6.8.1 Provide a stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 6.8.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 96 application.
- 6.8.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
- 6.8.4 The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the temporary on-site detention design shall require a section 96 application.
- 6.8.5 Submit the following certificates which are to be prepared by a registered engineer (NER):
- Certification 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.
  - Certification that the temporary on-site detention system will perform to meet the temporary on-site detention requirements.
- 6.8.6 The following documents shall be submitted to accompany the temporary on-site detention design:
- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
  - OSD detailed design submission and calculation summary sheet
  - A maintenance schedule that is signed and dated by the designer

**6.9 Vehicular Crossings**

- 6.9.1 Construction of industrial vehicular crossings to Council's standard A(BS)103S in accordance with engineering plans nominated within this consent and for each proposed lot.

**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.**

**7.2 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 Sydney Water Authorisation**

- 7.3.1** 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](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.

#### **7.4 Construction Details**

- 7.4.1 Structural details of the nominated building component(s), prepared and/or certified by a professional engineer or other appropriately qualified person, shall be lodged with Council prior to commencing or erecting that portion of the approved development.

##### Nominated Component

- (a) Footing piers
- (b) Footing system
- (c) Floor slab
- (d) Structural concrete
- (e) Wall frame bracing
- (f) Roof trusses
- (g) Structural steelwork
- (h) Retaining walls

#### **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 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 8.1.6 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 8.1.7 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 8.1.8 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
  - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 8.1.9 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.
- 8.2 **Building Code of Australia Compliance**
- 8.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 8.3 **Surveys**
- 8.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.
- 8.3.2 A registered surveyor's report indicating that the required minimum Australian Height Datum floor level has been achieved, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.
- 8.4 **Nuisance Control**
- 8.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 8.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

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

**8.5 Stormwater Drainage**

- 8.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by being drained to an effective drainage system.

**8.6 Waste Control**

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

**8.7 Construction Inspections**

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

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

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

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

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

**8.8 Vehicular Crossings**

- 8.8.1 Any vehicular crossing of the footway shall be at least 1m clear of any stormwater gully pit and clear of any other utility surface infrastructure.

**8.9 Asbestos Removal**

- 8.9.1 Prior to disposal of any asbestos the applicant must complete the WasteLocate form to ensure correct disposal of any asbestos identified onsite.

**9 DURING CONSTRUCTION (ENGINEERING)**

**9.1 Notification of Works**

- 9.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent.

**9.2 Insurances**

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

**9.3 Service Authority Approvals**

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

**9.4 Boundary Levels**

- 9.4.1 Any construction at the property boundary, including but not limited to fences, retaining walls and driveways shall not be carried out until boundary alignment levels have been fixed.

**9.5 Tree Protection and Preservation**

- 9.5.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 9.5.2 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.

**9.6 Soil Erosion and Sediment Control Measures**

- 9.6.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 9.6.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.
- 9.6.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

**9.7 Earthworks**

- 9.7.1 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 9.7.2 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.
- 9.7.3 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 9.7.4 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.

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

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

Where Council is appointed as the Principal Certifying Authority for the development, only compliance certificates issued by accredited certifiers will be accepted. All compliance certificate(s) must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction Certificate.

**9.9 Inspection of Engineering Works - Roads Act 1993**

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

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

**9.10 Public Safety**

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

**9.11 Site Security**

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

**9.12 Traffic Control**

- 9.12.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.
- 9.12.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.
- 9.12.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 9.12.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified RMS accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2002.
- 9.12.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 – 2002 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

**10 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)**

**10.1 Material Generated on Site**

- 10.1.1 Any material generated on site for the purpose of applying to land as engineering fill or for use in earthworks must fulfil the criteria under either of:
- i. Virgin Excavated Natural Material (VENM) - as defined under NSW EPA (2014) Waste Classification Guidelines Part 1: Classifying Waste; or
  - ii. Excavated Natural Material (ENM) as defined under the: The Excavated Natural Material Order 2014: Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014.

**10.2 Site Contamination**

- 10.2.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during the demolition, excavation and construction works, all works are to cease immediately and a suitably qualified environmental site contamination consultant is to investigate and report on the findings. Any recommended remediation and validation works are to be undertaken pursuant to Council's Contamination Lands Policy. The environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.

10.2.2 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:

- a) The applicant is to ensure that 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.
- b) 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.
- c) Any filling shall be undertaken in accordance with the fill protocol approved by Council's Manager, Development Assessment.

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

**10.3 Waste Management Plan**

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

**11 PRIOR TO OCCUPATION CERTIFICATE**

**11.1 Road Damage**

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

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

**11.2 Compliance with Conditions**

11.2.1 An Occupation Certificate for each building or stage of the development shall not be issued until such time as all conditions of this consent, as they apply to that building or stage, other than "Operational" conditions, have been satisfied.

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

**11.3 Service Authorities**

11.3.1 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](http://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..

#### **11.4 Temporary Facilities Removal**

- 11.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 11.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 11.4.3 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.
- 11.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 11.4.5 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.

#### **11.5 Fire Safety Certificate**

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

**11.6 Landscaping**

- 11.6.1 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 11.6.2 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.
- 11.6.3 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 11.6.4 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 11.6.5 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.
- 11.6.6 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. 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.

**11.7 Fee Payment**

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

**11.8 Adaptable Housing Units**

- 11.8.1 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.

**11.9 Waste**

- 11.9.1 The Strata Management Agreement for the site must include a section on the provision of waste and recycling services and should include:-
- Requirement for the appointment of a building manager / caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan.
  - Responsibility for on-going maintenance of the garbage collection system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times.
  - While ever the development is serviced by a private waste and recycling contractor, residents are unable to access Council's household clean-up service, or garbage and recycling service.
  - That no bins are to be located or placed in the approved collection points outside the schedule collection time for that area.
  - The method of communication to new tenants and residents regarding the

waste management services and collection system for the complex.

- 11.9.2 At the time of approval Council's waste trucks do not fit within the buildings' waste collection areas. For this reason arrangements are to be made for a private contractor to service the development. The private contractor is to be engaged prior to the release of any occupation certificate.
- 11.9.3 Contact details of the private contractor engaged to be used to provide the collection services will need to be provided to Council once the development is operational. Note: Since a private contractor will be engaged to service the development, residents will not be able to access Council's household clean up service, or garbage/recycling service.
- 11.9.4 A positive covenant shall be created under Section 88B of the Conveyancing Act 1919 providing that:
  - (a) Waste and recycling services for this development are to be provided and undertaken by private waste and recycling contractors (not Blacktown City Council). Residents therefore cannot access Council's household clean up service or waste/recycling service. The Strata Scheme for this development is responsible for providing all waste and recycling services for its residents.
- 11.9.5 Appropriate signage is to be provided in the waste bin storage areas to advise where waste and recycling materials are to be placed and what are appropriate materials for recycling.
- 11.9.6 Access for waste collection vehicles is to be built in accordance with the dimensions and specifications indicated on the vertical cross-section plans and drawings showing adequate truck entry and exit and in all manoeuvring areas.

#### **11.10 Engineering Matters**

##### **11.10.1 Surveys/Certificates/Works As Executed plans**

- 11.10.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 11.10.1.2 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 11.10.1.3 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 11.10.1.4 A Certificate from a Registered Engineer (NER) 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.

- 11.10.1.5 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 11.10.1.6 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 11.10.1.7 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

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

**11.10.2 Easements/Restrictions/Positive Covenants**

- 11.10.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
  - (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
  - (b) The standard format for easements and restrictions as accepted by the Lands Title Office.
- 11.10.2.2 Restrictions, easements and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the on-site detention storage areas and outlet works.
- 11.10.2.3 Restrictions, easements and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the Stormwater Quality Control devices/system and outlet works.
- 11.10.2.4 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue).
- 11.10.2.5 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

**11.10.3 Inspections**

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

**11.10.4 Relationship with other Approvals**

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

Development Consent No. DA-15-02765 dated 10/11/2016

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

**11.11 Landscaping/Aesthetics**

- 11.11.1 All visitor car parking, provision of external and internal fencing, common open space embellishment and development landscaping shall be completed to the satisfaction of Council or the private certifier prior the issue of the relevant Occupation Certificate whichever occurs first.

**12 OPERATIONAL (PLANNING)**

**12.1 Storage**

- 12.1.1 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.

**12.2 Landscaping**

- 12.2.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner. Landscaping at the side of the driveway is not to obstruct the viewing of pedestrians by cars and vehicles exiting the driveway. Such landscaping is to not obstruct compliance with AS 2890.1 at all times.
- 12.2.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.
- 12.2.3 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.

**12.3 Lighting and Security**

- 12.3.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 12.3.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 12.3.3 The maintenance of all external lighting is to be managed by way of an annual service agreement to ensure the security of the building and persons within are not compromised from dark or uncontrolled public areas.

**12.4 Waste**

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

- 12.4.2 Waste and recycling services for this development are to be provided and undertaken by private waste and recycling contractors (not Blacktown City Council).
- 12.4.3 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.
- 12.4.4 Waste and recycling collections, and household clean ups undertaken by private contractor are to be provided by the Owners Corporation.
- 12.4.5 Undercroft/basement access for collection vehicles is to be built in accordance with the dimensions indicated on the vertical cross-section plans showing adequate truck entry and exit and in all manoeuvring areas.
- 12.4.6 The applicant is to ensure roads, ramps, driveways etc are rated suitable for the proposed waste vehicles.
- 12.4.7 The Strata Management Agreement should indicate:
- requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan.
  - responsibility for maintenance of the waste system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times.
  - the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.
  - responsibility for the on-going maintenance and management of any bin movement aides (such as bin tractors, trailers, bin hoists etc) as proposed in this application.
- 12.4.8 A positive covenant under Section 88B of the Conveyancing Act shall be included on the title of the land that the development is to be serviced by private contractors in perpetuity as truck access does not accommodate Council's heavy rigid vehicles.
- 12.5 **Emergency Procedures**
- 12.5.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed throughout the development for both public and staff information at all times to the satisfaction of Council.
- 12.6 **Clothes Drying**
- 12.6.1 The hanging/drying of clothes on balconies (where visible from a public place) is prohibited. A clause is to be included in the Plan of Strata Management prohibiting the drying of clothes on balconies (where visible from a public place)..
- 12.7 **Graffiti Removal**
- 12.7.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed no later than 48 hours after detection.
- 12.8 **Access/Parking**

- 12.8.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 12.8.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 12.8.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

**12.9 Crime Prevention Through Environmental Design**

- 12.9.1 The requirements of NSW Police Force with regard to Crime Prevention Through Environmental Design shall be met and maintained at all times.

**13 OPERATIONAL (ENVIRONMENTAL HEALTH)**

- 13.1 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.
- 13.2 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.
- 13.3 In accordance with the requirements of Part 5.7 *Protection of the Environment Operations Act 1997*, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.