

Draft conditions of Consent

Proposed Development:

Development Description: Integrated development application for the construction of 2 x 5 storey residential flat buildings in Proposed Lot 1 approved in DA-17-01489 comprising 212 apartments, 257 basement car parking spaces and associated landscaping and stormwater drainage works.

Property Description: Lot 7 DP 652627
H/N 138 Burdekin Road, SCHOFIELDS

1 ADVISORY NOTES

1.1 Terminology

1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the *Environmental Planning and Assessment Act 1979*.

1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 6.4 of the *Environmental Planning and Assessment Act 1979*.

1.2 Scope of Consent

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

1.3 Other Approvals

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

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

1.3.3 If any aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.

1.3.4 Separate Council approval under the *Roads Act 1993* is required for any crane used to construct this development that swings over public air space.

1.4 Services

1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited

- (b) A recognised energy provider
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

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

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, 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 are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 1.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.
- 1.4.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.4 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.4.5 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

1.5 **Tree Planting and Service Locations (after all other services)**

- 1.5.1 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.

Street tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.

1.6 Identification Survey

- 1.6.1 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.

1.7 Engineering Notes

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

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

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

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

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

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

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

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

- 1.7.2 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.

1.8 Payment of Engineering Fees

- 1.8.1 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.

A quote will be provided verbally followed by confirmation in writing.

- 1.8.2 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.

A quote will be provided verbally followed by confirmation in writing.

2 GENERAL

2.1 Scope of Consent

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

Drawing No.	Dated
Architectural Plans prepared by:	
Cover Page, Issue F	21.03.2018
DA:200 Overall Site Plan, Issue F	21.03.2018
DA:201 Site Plan, Issue F	21.03.2018
DA:202 Basement 2 Plan, Issue F	21.03.2018
DA:203 Basement 1 Plan, Issue F	21.03.2018
DA:204 Ground Floor Plan, Issue F	21.03.2018
DA:205 1st Floor Plan, Issue F	21.03.2018
DA:206 2nd - 3rd Floor Plan, Issue F	21.03.2018
DA:207 4th Floor Plan, Issue F	21.03.2018
DA:208 Roof Plan, Issue F	21.03.2018
DA:301 Elevations 1/2, Issue F	21.03.2018
DA:302 Elevations 2/2, Issue F	21.03.2018
DA:303 Sections 1/3, Issue F	21.03.2018
DA:304 Sections 2/3, Issue F	21.03.2018
DA:305 Sections 3/3, Issue F	21.03.2018
DA:305 Detail Sections, Issue F	21.03.2018
DA:701 Communal Open Space & Deep Soil Calculations, Issue F	21.03.2018
External Materials and Finishes	15.07.2017
Landscape Plans prepared by:	
DA1-2 Landscape Concept Plan, Rev B **	26.05.2017
DA2-2 Landscape Concept Plan, Rev B	26.05.2017

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

** The Landscape Plan is to be amended to accord with the approved architectural plans.

2.2 Services

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

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

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

Suburb: Schofields

2.4 Compliance with BASIX Certificate

2.4.1 All commitments listed in the BASIX Certificate number: 682401M_02 shall be complied with.

2.5 NSW Department of Primary Industries – Water

2.5.1 The development is to adhere to the General Terms of Approval issued by the NSW Department of Primary Industries, Water, dated 15 July 2016 as follows:

Plans, standards and guidelines

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to JRPP-16-03307 and provided by Council:

- (i) Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.

2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

3. The consent holder must prepare or commission the preparation of:

- (i) Vegetation Management Plan
- (ii) Erosion and Sediment Control Plan
- (iii) Soil and Water Management Plan

4. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals.

- (i) Vegetation Management Plans
- (ii) Riparian Corridors
- (iii) Outlet structures

5. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.
7. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.
8. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.
11. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by DPI Water.
14. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.
17. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
18. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.

Groundwater

28. The consent holder must ensure that any construction below ground level does not result in the need for permanent dewatering, other than in accordance with the license conditions approved by DPI Water.

2.6 RMS Matters

- 2.6.1 All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Burdekin Road boundary.
- 2.6.2 Roads and Maritime does not support access from Burdekin Road and all access from the proposed development site should be via the local road network.

2.7 NSW Local Police Matters

- 2.7.1 The Construction Certificate documentation is required to include the relevant safety and security measures identified by the Applicant in the NSW Police Crime Prevention through Environmental Design Checklist submitted with this Development Application. The following recommendations are also to be included:
 - i. NSW Police strongly recommends that mail box facilities should be built into the front glass sections of a lockable unit foyer. This only allows residents with key pad access into their foyer to access their lockable mail box facility. If this is not possible, the mailbox facilities need to be situated in an area where natural surveillance exists and CCTV installed at a location with adequate security lighting. Each letterbox needs to be fitted with a separate, appropriate lock set and residents need to be reminded to keep them locked.
 - ii. NSW Police highly recommend the use of 'over the bonnet' metal fully enclosed and lockable storage containers.
 - iii. Details of the Body Corporate are to be forwarded to police upon occupancy.

- iv. A Security Management Plan should be developed and adhered to during construction stage. This will assist with on-site building theft during and after hours.
- v. A copy of the Emergency Evacuation Plan for the development is to be submitted to the Police.

2.8 Engineering Matters

2.8.1 Design and Works Specification

2.8.1.1 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

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.

2.8.1.2 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.

2.8.2 Other Necessary Approvals

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

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

2.9 Other Matters

2.9.1 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.

2.9.2 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.

- 2.9.3 All new and replacement boundary fencing associated with this development is to be at full cost to the parties acting on this consent.

3 PRIOR TO DEVELOPMENT WORKS

3.1 Safety/Health/Amenity

- 3.1.1 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.

- 3.1.2 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.

- 3.1.3 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.

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

- 3.1.5 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 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.

- 3.1.6 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.
- 3.1.7 Should any 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), 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 work commences, be given notice of such intention and particulars of the excavation or supporting work.

3.2 **Notification to Council**

- 3.2.1 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.

3.3 **Home Building Act**

- 3.3.1 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.

3.4 **Sydney Water Authorisation**

- 3.4.1 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 Tap In, 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 further information please refer to the "Developing Your Land" section of the website: www.sydneywater.com.au, or telephone 1300 082 746 for assistance.

3.5 **Crane Use**

- 3.5.1 Separate Council approval under the *Roads Act 1993* is required for any crane used to construct this development that swings over public air space.

4 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

4.1 **DA Plan Consistency**

- 4.1.1 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.

A Construction Certificate shall not be issued until such time a Subdivision Certificate has been issued for parent subdivision approved under DA-17-01489 including but not limited to the road and drainage works.

4.2 **Relationship with other Approvals**

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

- (a) Development Consent No. DA-17-01489 issued by Blacktown City Council.
- (b) Relevant requirement of any other development consent, Construction Certificate issued under the *Environmental Planning and Assessment Act 1979*, *The Local Government Act 1993* or the *Roads Act 1993*.

The road construction and public dedication as required by the abovementioned approvals shall be completed prior to any construction certificate being issued.

4.3 **Road Fee**

- 4.3.1 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.

Vehicular Crossing Application and Inspection Fee: \$158.00

4.4 **Blacktown Growth Centres Development Control Plan 2018**

- 4.4.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Growth Centre Precincts Development Control Plan 2018.

4.5 **Street Tree Planting**

- 4.5.1 The applicant must submit a Street Tree Plan detailing the proposed street tree planting and landscaping for the subdivision and residential flat building development. The following are suitable street tree species:

- The suitable species for Road 3 in the North South direction is *Angophora costata*.
- The suitable species for Road 3 in the East West direction is *Fraxinus pennsylvanica* 'Urbanite'.

The Street Tree Plan is to 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
- No timber or steel edging is permitted
- Install root directors to manufacturer's specifications to protect assets, structures and/or underground services
- Tree trunk to be a minimum 750 mm from street kerb and guttering
- All imported soil to achieve the requirements of AS4419 – Soils for landscaping All tree planting holes are a minimum 1.5 times diameter and twice the depth of the root ball All mulch is to be free of deleterious material such as rock, soil, weeds and sticks. Acceptable mulch – Forest litter or pine bark mulch
- All soft edges (mulch, turf, grassed) to be finished to appropriate falls and flush with adjacent surface treatment
- Kikuyu is not accepted. Identify the use of Soft leafed Buffalo as preferred turf.
- Turf to consist of 25 mm depth of dense, well rooted, vigorous grass growth with minimum 15 mm on an average 100 mm depth of top soil
- Staking is required specified as- drive 2 x 38 x 38 x 1,800 mm hardwood stake 600 mm into the ground. Secure the stem of the tree firmly with 2 x hessian ties fitted to the stem separately in opposite directions

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 Council 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.

The Applicant is to undertake the planting and maintenance of street tree/s to Council's satisfaction at no cost to Council (making any necessary Applications with Council or obtaining any necessary clearances from relevant Service Authorities), the Applicant is, subject to any alternative arrangements satisfactory to the Council, to lodge a tree bond of \$340 per tree and \$138 Inspection fee with Council to ensure the health and vigour of the tree/s. The bond shall be returned 12 months after the completion of the development (i.e. issue of final Occupation/Subdivision Certificate) if the trees are in a state of good health and vigour to Council's satisfaction.

In accordance with Council's Good and Services Pricing Schedule further assessment of plans and future site inspection(s) shall be levied by DSU against the Developer for this purpose at a rate 2 hours at \$200 per hour plus GST.

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

4.5.2 A Maintenance Plan for the street trees is to be submitted to Council's Project Officer Civil and Open Space and must contain the following:

- Following prescribed maintenance period, Council will inspect all street trees and provide the applicant with a list of defects which will need to be addressed prior to the acceptance of handover
- The developer must provide to Council in writing 1 month notice, at minimum, for practical completion inspection and 2 month notice for end of maintenance inspection.

- Mechanical line trimmers (whipper snippers) not be used within 300 mm of out edge of tree trunks
- No grass to overgrow edges where it adjoins hard paved surfaces or kerbs and guttering
- No grass or weeds within mulched area in or around tree
- Stolen trees to be replaced within one week. Repeated removal of trees within the same location shall immediately be reported to Council
- All garden beds to be re-mulched to maintain a depth of 75 mm and level finish with adjacent surfaces
- Mulch not to come into contact with the trunks of trees
- No visible signs of wilting of leaves or stems, with all plants to be fully turgid at all times
- No sign of over watering such as constantly wet soil, brown leaf margins, stem rot or brown spots on foliage
- No obvious signs of weed infestation in grass areas, pavements or mass planting beds
- Chemical not to be applied in extreme temperatures or wind conditions
- Removal of all suckers from base of trees
- Formative pruning of trees to allow effective canopy development and to retain natural or desired shape of the tree
- All damaged dead or diseased wood to be pruned to the nearest lateral shoot or active bud with a clean neat cut
- Performance of planting will be indicated by new growth with visible sign of new leaves; plants to possess a level of 'greenness' characteristic with the particular species; Strong floral habit and colour appropriate to the season and species; Absence of dead or damaged foliage, flowers or branches.

4.6 **Construction Traffic Management Plan**

- 4.6.1 A Construction Traffic Management Plan detailing construction vehicle routes, parking, number of trucks, hours of access, access arrangements, road safety and traffic control is to be submitted to Council prior to the issue of any Construction Certificate.

4.7 **Construction Environmental Management Plan**

- 4.7.1 A Construction Environmental Management Plan is to be submitted to Council prior to the issue of any Construction Certificate as required by Clause 3.3 *Construction Environmental Management* of Council's Growth Centre Precincts DCP 2018.

4.8 **Waste Matters**

- 4.8.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 4.8.2 Access for collection vehicles is to be constructed in accordance with the dimensions indicated on the approved architectural plans and vertical cross-section plans (demonstrating 3.5 m headroom allowance as per Australian Standards for the trucks entire travel path) showing adequate truck entry and exit and in all manoeuvring areas.
- 4.8.3 The certifier is to ensure roads, ramps, driveways are rated to be suitable with the approved 6.4 m long, small rigid vehicle.
- 4.8.4 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.

4.9 Environmental Health Matters

- 4.9.1 The recommendations provided in the Geotechnical Report at 138 Burdekin Road, Schofields (Report No.: GTE711) prepared by Ground Technologies dated 3 March 2016, shall be implemented.
- 4.9.2 The Recommendations provided in Traffic Noise and NCC Assessment (R150414R1) by Rodney Stevens Acoustics shall be implemented. An additional acoustic report is required to be undertaken with regard to the selection and installation of any mechanical ventilation plant, and the recommendations are to be included in the Construction Certificate plans and documentation.
- 4.9.3 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} (period)
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7 am – 10 pm)	40 dB(A)
	Night (10 pm – 7 am)	35 dB(A)

- 4.9.4 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 10 pm and 7 am.

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

5 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

5.1 Section 7.11 Contributions

- 5.1.1 The following monetary contributions pursuant to Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at the base date of the contributions plan. They WILL BE INDEXED from the base date 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. However, payments by credit card or EFTPOS over \$10,000 are levied a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Contribution Item	Base Amounts	Relevant C.P	Base Date
Stormwater Quantity – Eastern Creek	\$558,909	20	June 2015
Stormwater Quality – Eastern Creek	\$23,848	20	June 2015
Traffic Management	\$161,984	20	June 2015
Open Space	\$2,608,540	20	June 2015
Community Facilities	\$35,236	20	June 2015
E2 Conservation zone	\$112,383	20	June 2015
Total	\$3,502,649		

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

Section 7.11 Contributions Plan No. 20 – Riverstone and Alex Avenue Precincts.

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

Total Developable Area: 0.8969 hectares
Stormwater Quality Developable area: 0.2242 hectares
Number of dwellings: 212 dwellings
Additional Population: 370.9 persons

The Section 7.11 contribution(s) have been based on the total developable area, developable area to be levied for stormwater quality and the potential additional population nominated above. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

5.2 Special Infrastructure Contributions

- 5.2.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the *Environmental Planning and Assessment Act 1979* under Section 7.23 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>

5.3 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the Apartment Design Guide

- 5.3.1 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](#).

5.4 **Privacy Screening for Apartments B21 and B22**

5.4.1 The Bedroom 2 windows of Apartments B21 and B22 are to be treated with visual privacy screens for the lower half of these windows to ensure that direct lines of sight are avoided from these bedrooms to habitable rooms to the north.

5.5 **Aesthetics, Materials and Landscaping**

5.5.1 The development is to be constructed in accordance with the approved materials, finishes and colours submitted as part of the approved External Materials and Finishes Schedule.

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

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

5.5.4 The Landscape Plan is to be amended to accord with the approved architectural plans. 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.

5.5.5 Service conduits which are located on the external facade of the building, and which are visible from the public domain, are not permitted to be exposed, and are to be appropriately screened from view so as to blend in and integrate with the overall presentation of the building.

5.5.6 Basement carpark vents not to be visually prominent.

5.5.7 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.

5.6 **Access/Parking**

5.6.1 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.

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

5.6.3 A minimum of 257 car parking spaces including 214 residential parking spaces and 43 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): 2.5 m x 5.4 m
- Residential Flat Building (adjacent to solid wall): 2.7 m x 5.4 m
- Disabled Car Spaces: 4.8 m x 5.4 m (including shared zone)

72 bicycle parking spaces are to be provided on site.

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

- 5.6.5 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.
- 5.6.6 A roller shutter and card-key system is to be installed at the entry/exit points of the basement carpark.
- 5.6.7 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.

5.7 **Adaptable Housing Units**

- 5.7.1 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.

5.8 **Floor to Ceiling Heights**

- 5.8.1 All residential habitable rooms are to have a minimum floor to ceiling height of 2.7 m. Service bulkheads are not to intrude into habitable spaces.

5.9 **Salinity**

- 5.9.1 The recommendations provided in the Salinity Investigation report prepared by Ground Technologies, reference GTE711 and dated 3 March 2016 shall be implemented.

5.10 **Services/Utilities**

- 5.10.1 The following documentary evidence shall accompany any Construction Certificate:
 - (a) 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 removal of any power poles and any provision of street lighting, to the development.
 - (b) 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.

6 **PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)**

6.1 **Building Code of Australia Compliance**

- 6.1.1 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).

6.2 **Site Works and Drainage**

- 6.2.1 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.
- 6.2.2 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.
- 6.2.3 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.
- 6.2.4 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.

6.3 **Fire Services**

- 6.3.1 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.
- 6.3.2 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.

6.4 **BASIX Certificate Compliance**

- 6.4.1 The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 682401M_02.

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

7.1 **General**

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

7.1.2 All fees for Construction, *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. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.

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

Prepared By	Project No.	Drawing No.	Revision	Dated
C&M Consulting Engineers	01529	01529_100	02	05/06/2017
C&M Consulting Engineers	01529	01529_203	02	05/06/2017
C&M Consulting Engineers	01529	01529_601	02	05/06/2017
C&M Consulting Engineers	01529	01529_621	02	05/06/2017
C&M Consulting Engineers	01529	01529_701	02	05/06/2017

The following item is required to be addressed on the Construction Certificate:

- i. Temporary OSD may be reduced/removed if parent subdivision Development Application (DA-17-01489) has adequately catered for temporary OSD inclusive of built product approved under this development. Certifier must be satisfied this has been addressed.

7.1.4 No Construction Certificate under this consent can be issued until proposed lot to which this consent applies is registered in accordance with DA-17-01489.

7.2 Construction Certificate Requirements

7.2.1 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

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

7.3 Roads Act Requirements

7.3.1 Under *Section 138 of the Roads Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Kerb inlet pit connections or construction
- Vehicular crossings

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

7.4 Other Engineering Requirements

7.4.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater then a long service levy payment is required. Provide proof of this payment to Council.

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

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

7.5 **Roads**

- 7.5.1 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer.

7.6 **Drainage**

- 7.6.1 Drainage from the site must be connected into Council's existing drainage system.
- 7.6.2 Where the internal driveway cannot be drained to an internal pit a grated trench drain shall be provided at the property boundary.

7.7 **Erosion and Sediment Control**

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

7.8 **Stormwater Quality Control**

- 7.8.1 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. A NER (Civil) Engineer is to provide certification that proposed stormwater treatment is in accordance with DCP Part J.
- 7.8.2 The engineering drawings referred to 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 modification application.
- 7.8.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

7.9 **Temporary On-Site Detention**

- 7.9.1 Provide a temporary on-site detention system in accordance with Council's Engineering Guide for Development. This design is to be provided for the site in accordance with the Blacktown City Council Water Sensitive Urban Design (WSUD) Standard Drawings Plan No. A(BS)175M. The on-site detention system is to be designed using the Blacktown City Council – On-site Detention Deemed to Comply Tool. (Excel spreadsheet available upon request).

Note: If Temporary OSD under DA-17-01489 is adequately sized to cater for built product under this consent and satisfies the above condition, no further temporary OSD is required.

- 7.9.2 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 temporary on-site detention design shall require a modification application.
- 7.9.3 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.

7.9.4 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

7.10 Vehicular Crossings

7.10.1 Construct a commercial and industrial vehicular crossing to Council's standard A(BS)103S.

8 DURING CONSTRUCTION (GENERAL)

8.1 Environmental Health Matters

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

8.2 Site Contamination

8.2.1 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.

8.3 European Heritage

8.3.1 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.

8.4 Aboriginal Heritage

8.4.1 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.

8.5 Acoustic Matters

8.5.1 The acoustic measures identified to satisfy **Conditions 4.9.2, 4.9.3 and 4.9.4** of this consent are to be implemented during construction.

8.6 Fencing

8.6.1 A 1.8 metre high solid feature fence, at least in the form of brick piers with lapped and capped infill timber panels or colour-bond infill panels, shall be provided along the northern boundary adjoining Lot 5 DP 26987, H/N 271 Railway Terrace, Schofields.

- 8.6.2 Fencing and privacy screening/fencing to the ground level private open space areas is to be consistent with the External Materials and Finishes Schedule and approved plans and photomontages submitted with this Development Application.
- 8.6.3 All retaining walls are to be of masonry construction. Where these walls are to be visible from a public place or road they are to be finished in a decorative appearance and not plain blockwork.
- 8.6.4 All fencing is to be erected on top of any retaining walls, at full cost to the development.

9 DURING CONSTRUCTION (BUILDING)

9.1 Safety/Health/Amenity

- 9.1.1 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.
- 9.1.2 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.
- 9.1.3 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.
- 9.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 9.1.5 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 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 9.1.6 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.
- 9.1.7 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

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

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

9.2 **Building Code of Australia Compliance**

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

9.3 **Nuisance Control**

9.3.1 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.

9.3.2 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

9.4 **Stormwater Drainage**

9.4.1 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 225 mm above the adjoining finished ground level, and/or
- (b) being drained to an effective drainage system.

9.5 **Waste Control**

9.5.1 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.

9.6 **Construction Inspections**

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

- (a) After excavation for, and prior to placement of, any footings; and
- (b) Prior to pouring any in-situ reinforced concrete building element; and
- (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and

- (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
- (e) Prior to covering any stormwater drainage connections; and
- (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

10 DURING CONSTRUCTION (ENGINEERING)

10.1 Notification of Works

- 10.1.1 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. This must be submitted a minimum 5 business days prior to commencement of engineering works.
- 10.1.2 A notification of works flyer (letter drop) is to be provided to all residential housing, businesses and organisations adjacent to any engineering works approved by this consent. This is for works undertaken on Council controlled lands such as roads, drainage reserves and parks. The notification of works flyer must contain details of the proposed works, locality map of works, contact details and the anticipated time period. A signed copy of the notice is to be provided to Council’s Engineering Approvals Team and is to show the date of the letter drop as well as highlight the area that received the notification.

10.2 Insurances

- 10.2.1 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 Indemnity and Workers Compensation.

10.3 Service Authority Approvals

- 10.3.1 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.

10.4 Boundary Levels

- 10.4.1 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.

10.5 **Soil Erosion and Sediment Control Measures**

- 10.5.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 10.5.2 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.
- 10.5.3 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.

10.6 **Filling of Land and Compaction Requirements**

- 10.6.1 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 windblown dust.
- 10.6.2 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.
- 10.6.3 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.

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

- 10.7.1 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 6 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.

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

- 10.8.1 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 24 hours' notice. Council's Development Overseers may be contacted on 02 9839 6586 between 7 am – 8 am and 12.30 pm - 1.30 pm, 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).

10.9 **Public Safety**

10.9.1 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.

10.10 **Site Security**

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

10.11 **Traffic Control**

10.11.1 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.

10.11.2 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.

10.11.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.

10.11.4 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.

10.11.5 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.

11 **PRIOR TO OCCUPATION CERTIFICATE**

11.1 **Compliance with Conditions**

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

11.1.2 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 6.8 of the *Environmental Planning & Assessment Act 1979*.

11.1.3 A Subdivision Certificate shall not be issued until all conditions of this consent, other than "operational" conditions, have been satisfied.

11.2 Fire Safety Certificate

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

11.3 Service Authorities

11.3.1 The following documentary evidence shall accompany any Occupation Certificate:

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

11.5.1 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

- 11.5.2 All landscaping, recreation features and furniture, BBQ facilities and children's play equipment in the common open space areas shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.
- 11.5.3 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.
- 11.5.4 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.
- 11.5.5 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.
- 11.5.6 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.

11.6 Access and Car Parking

- 11.6.1 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 11.6.2 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 11.6.3 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 11.6.4 Visitor spaces and the loading zone are to be suitably line-marked and signposted to identify their intended purpose.

11.7 Adaptable Housing Units

- 11.7.1 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.

11.8 Total Maintenance Plan

- 11.8.1 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, pathways, landscaping, the communal open space areas, children's play equipment, 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.

11.9 Graffiti Management Plan

11.9.1 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.

11.10 Emergency Evacuation Plan

11.10.1 A 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. carpark 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 to Council 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.

11.11 Waste Matters

11.11.1 Prior to the release of any Occupation Certificate, written evidence is to be submitted to Council which verifies a private contractor has been engaged to service the development for waste and recycling collections and bulky waste collection.

11.11.2 Appropriate provisions are to be included in any future Strata Management Agreement (or similar) for the ongoing management of waste, recyclables and bulky waste collection for the development including:

- (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) include the updated (and approved) waste management plan as submitted with the development 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, recycled and bulky waste materials in accordance with this Condition.

11.12 Street Tree Planting

11.12.1 Any tree planting (and maintenance) along the frontage of the development site to improve the amenity of the streetscape must be approved by Council's Civil and Open Space Infrastructure Section.

The applicant will be required to pay a bond of \$340 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 \$138 inspection fee. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification

11.13 **Acoustic matters**

11.13.1 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 **Conditions 4.9.2, 4.9.3 and 4.9.4** of this consent.

11.14 **Fee Payment**

11.14.1 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.

11.15 **Engineering Matters**

11.15.1 **Surveys/Certificates/Works As Executed plans**

11.15.1.1 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.

11.15.1.2 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.

11.15.1.3 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) and/or Stormwater Treatment Measures have been constructed to withstand all loads likely to be imposed on them during their lifetime.

11.15.1.4 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.

11.15.1.5 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.

11.15.2 Easements/Restrictions/Positive Covenants

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

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

11.15.2.2 Restrictions 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.

11.15.2.3 Restrictions 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.

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

11.15.3 Inspections

11.15.3.1 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.

12 OPERATIONAL (PLANNING)

12.1 Use of Premises

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

12.1.2 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.

12.1.3 The communal ground level areas are only permitted to be occupied by residents and their guests from 8 am – 10 pm daily.

12.2 Access/Parking

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

12.2.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.

12.2.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

12.3 **General**

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

12.3.2 No goods, materials or trade wastes are to be stored at any time outside the building or on the internal vehicular driveway and car parking areas, communal open space areas, landscaped areas or footpaths, other than in approved garbage receptacles.

12.3.3 The area of the site referred to as 'Lot 2' which is zoned SP2 Infrastructure (Drainage) and its existing structures (Veterinary Hospital and dwelling house) shall be kept in a neat and tidy manner at all times.

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

12.3.5 Regular maintenance and up-keep of the site must be undertaken to the site to ensure that sightlines for motorists and pedestrians are kept free from obstructions.

12.3.6 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 11.9** of this consent. All graffiti must be removed no later than 48 hours after detection.

12.3.7 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.

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

12.3.9 Vandal proof and security lighting, CCTV and security measures endorsed by this consent shall be met and maintained at all times.

12.3.10 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).

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 The waste entry driveway including area outside the loading dock is 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 (or similar) are responsible for enforcing this requirement.

12.4.3 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 10 pm and 7 am.

12.5 Environmental Management

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