

Development Description: Construction of 4 x 8 storey residential flat buildings comprising 295 apartments and 392 at-grade and basement car parking spaces, communal open space areas, landscaping, stormwater drainage works and a pedestrian link.

Property Description: Lot 119 DP 208203 H/N 38 Cudgegong Road, Rouse Hill

1 ADVISORY NOTES

1.1 Terminology

- 1.1.1 Any reference in this document to a 'consent' means '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 applicant is advised that Council will not release the Subdivision Certificate for the approved development until such time as the development has been completed in accordance with all of the conditions of consent relevant to the Subdivision Certificate, to Council's satisfaction.
- 1.2.2 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.3.3 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary activity/development not approved by this consent, including:
 - (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter,
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development,
 - (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
 - (d) the installation of a vehicular footway crossing servicing the development.

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 recognised 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

- 1.5.1 Street tree and tree planting must not impact on public utilities. The applicant shall 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.

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.

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.

2 GENERAL

2.1 Scope of Consent

2.1.1 The development shall be in accordance with the following drawings/details submitted to Council with the Development Application except where amended by other conditions of this consent:

Drawing Reference:	Dated:
Plans prepared by Zhinar Architects:	
DA001 Site Analysis, Issue F	14/07/2017
DA002 Site Plan Overall, Issue E	06/07/2017
DA003 Basement Plans, Issue G	06/11/2017
DA004 Ground Floor Plan Overall, Issue F	14/07/2017
DA005 Streetscape, Elevations & Section, Issue E	06/07/2017
DA006 Roof Plan, Issue B	06/07/2017
DA103 AB – Ground Floor Plan, Issue F	14/07/2017
DA104 AB – Floor Plan Level 1-7 Typical, Issue E	06/07/2017
DA201 CD – Ground Floor Plan, Issue F	14/07/2017
DA202 CD – Floor Plan Level 1-7 Typical, Issue E	06/07/2017
DA301 Elevations – Block A, Issue E	06/07/2017
DA302 Elevations – Block B, Issue E	06/07/2017
DA303 Elevations – Block C, Issue E	06/07/2017
DA304 Elevations – Block D, Issue E	06/07/2017
DA305 Driveway Ramp Section, Issue F	06/11/2017
DA404 Material Schedule, Issue E	06/07/2017

Drawing Reference:	Dated:
Landscape Plans prepared by Paul Scrivener Landscape Architect:	
Sheet 1: Master Plan, Issue E	20/06/2017
Sheet 2: Detail Plan – West, Issue E	20/06/2017
Sheet 3: Planting Plan – West, Issue E	20/06/2017
Sheet 4: Detail Plan - East, Issue E	20/06/2017
Sheet 5: Planting Plan – East, Issue E	20/06/2017
Sheet 6: Landscape Soil Calculations Plan, Issue E	20/06/2017
Sheet 7: Street Tree Masterplan, Issue E	20/06/2017

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

2.2 Services

- 2.2.1 Low voltage electricity and telecommunications services for the approved development shall be 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: Rouse Hill

- 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: Rouse Hill

2.4 Compliance with BASIX Certificate

- 2.4.1 All commitments listed in BASIX Certificate 660251M_02 dated 22 June 2017 shall be complied with.

2.5 Endeavour Energy Requirements

- 2.5.1 Network Capacity/Connection – The Applicant is to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount or indoor/chamber substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8 am – 5.30 pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link: <http://www.endeavourenergy.com.au/>

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively, the applicant should engage a Level 3 Accredited Service Provider (ASP) approved to design distribution network assets, including underground or overhead. The ASP scheme is administered by NSW Trade & Investment and details are available on their website via the following link or telephone 13 77 88:
<http://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>

- 2.5.2 Network Access - It is imperative that the access to the existing electrical infrastructure adjacent and on the site is maintained at all times. To ensure that supply electricity is available to the community, access to the electrical assets may be required at any time.
- 2.5.3 Earthing - The construction of any building or structure (including fencing) that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with AS/NZS 3000:2007 'Electrical installations' to ensure that there is adequate connection to the earth. Inadequate connection to the earth places persons and the electricity network at risk.
- 2.5.4 Electric and Magnetic Fields (EMF) - Endeavour Energy recognises that a causal link between EMF exposure and demonstrated health effects has not been established, even after much scientific investigation throughout the world. There are no state or federal exposure standards for 50/60- hertz (Hz) EMF based on demonstrated health effects. Nor are there any such standards world-wide. Among those international agencies that provide guidelines for acceptable EMF exposure to the general public, the International Commission on Non-Ionizing Radiation Protection established a level of 1000 milligauss (mG). Endeavour Energy recognises that timely additional research is unlikely to prove the safety of power-line EMF to the satisfaction of all.

Endeavour Energy is committed to ensuring that its activities and assets conform to all relevant International and Australian Standards, National Health and Medical Research Council (NH&MRC) Standards, Energy Networks Association (ENA) Standards and NSW legislation. This includes a commitment to a policy of prudent avoidance as endorsed by the ENA with regard to the location of assets and electric and magnetic fields. Refer to the ENA's 'Electric & Magnetic Fields – What We Know, January 2014' which can also be accessed via the ENA's website at <http://www.ena.asn.au/> and provides the following advice:

Localised EMFs may also be encountered in specific situations such as near substations, underground cables, specialised electrical equipment, or at elevated locations near lines. Note that the strengths of EMFs decrease rapidly with distance from the source.

Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances, etc. and having a maximum voltage of 132,000 volt/132 kV, will not exceed the recommended magnetic field public exposure limits.

- 2.5.5 **Vegetation Management** - The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Only low growing shrubs not exceeding 3 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.
- 2.5.6 **Dial before You Dig** - Before commencing any underground activity the applicant is to obtain advice from the Dial before You Dig 1100 service in accordance with the requirements of the Electricity Supply Act 1995 (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.
- 2.5.7 **Demolition** - Demolition work is to be carried out in accordance with Australian Standard AS2601: The demolition of structures (AS 2601). All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected. That is, the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site, e.g. street light columns, power poles, overhead and underground cables, etc.
- 2.5.8 **Public Safety** - Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Refer to Endeavour Energy's public safety training resources, which were developed to help general public/workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:
<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/community/safety/safety+brochures>
- 2.5.9 **Emergency Contact** - In case of an emergency relating to Endeavour Energy's electrical network, Endeavour Energy's Emergencies Telephone is 131 003.
- 2.6 **Engineering Matters**
- 2.6.1 **Design and Works Specification**
- 2.6.1.1 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.

- 2.6.1.2 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.

2.6.2 Other Necessary Approvals

- 2.6.2.1 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)

2.7 Other Matters

- 2.7.1 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.
- 2.7.2 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.

2.8 Other Drainage Matters

- 2.8.1 Each year by the first business day on or after 1 September the registered proprietor/owners corporation is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.
- 2.8.2 The development must at all times maintain the water quality system to achieve the following pollutant removal targets of Part J of DCP 2015 for the entire site in perpetuity including the approved bio-retention plant species:

Required percentage reductions in post development average annual load of pollutants

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	85
Total Phosphorous	65
Total Nitrogen	45
Total Hydrocarbons	90

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

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

3.2 Road Fee

- 3.2.1 The current road inspection fee of \$180.00 (which is subject to periodic review and may vary at time of payment) shall be lodged with Council.

Council will undertake initial and final inspection of civil assets outside the development site. The applicant will held liable for any damage arising from construction activities. Council will undertake reinstatement works and recover the costs from the applicant in accordance with Council's current Goods & Services Pricing Schedule.

- 3.2.2 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: \$145.00

3.3 Blacktown Growth Centres Development Control Plan 2016

- 3.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Growth Centres Development Control Plan 2016.

3.4 RMS Requirement: Construction Traffic Management Plan

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

3.5 Construction Environmental Management Plan

- 3.5.1 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 the Growth Centres Precincts DCP 2016.

3.6 Other Matters

- 3.6.1 The Construction Certificate plans are to show any existing/proposed substations, kiosks, sewer man holes and/or vents affecting any lot/units, including corner lots/units in accordance with the Growth Centres Precincts Plan DCP 2016.
- 3.6.2 The Construction Certificate plans are to show that the construction and layout of the footpath system provides for continuous disabled and pram access movement in terms of crossing points, including to nearby public transport services.
- 3.6.3 All mail boxes are to accord with the requirements of Australia Post with regard to location, access and size. The letterbox system is to be vandal resistant and secure.

3.7 Waste Matters

- 3.7.1 The Construction Certificate plans and documentation must demonstrate that:
 - i. Access for collection vehicles is in accordance with the approved architectural plans and minimum vertical clearances required under the relevant Australian Standards.
 - ii. Vehicles with a height clearance of 4.5 m can access the loading bay area for waste, recycling and bulky waste collection purposes.
 - iii. The waste collection vehicles are capable of entering and exiting the property in a forward direction.
 - iv. The roads and internal driveways and ramps used for waste collection purposes are to be rated for at least 24 tonne trucks.

3.8 Crime Prevention Measures

- 3.8.1 The recommendations provided in the Total Security Management Plan and Crime Prevention Through Environmental Design (CPTED) Recommendations report prepared by National Security Consulting Pty Ltd dated 23 May 2017 are to be included in the Construction Certificate documentation.

3.9 Sydney Trains Requirements

- 3.9.1 The applicant must allow in the design, construction and maintenance of the approved development for the:
 - a. construction of the metro rail viaduct in the vicinity of the approved development; and
 - b. operation of metro railway in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety.
- 3.9.2 Drainage from the development must be adequately managed and disposed of and not allowed to discharge into the rail corridor. Prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Metro Delivery Office of Transport for NSW (TfNSW) a plan showing how stormwater drainage does not discharge to the rail corridor.
- 3.9.3 Prior to the issue of a Construction Certificate the Applicant is to submit to Council an acoustic assessment demonstrating how the design will comply with the Department of Planning and Infrastructure's document titled '*Development Near Rail Corridors and Busy Roads - Interim Guidelines*.'

- 3.9.4 Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the electrolysis risk to the development from stray currents from the Sydney Metro Northwest. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- 3.9.5 Prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Metro Delivery Office of Transport for NSW (TfNSW) a plan showing all crane(s) and other aerial operations for the development and must comply with all TfNSW requirements. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the TfNSW confirming that this condition has been satisfied.
- 3.9.6 Prior to the issue of a Construction Certificate the applicant should consult with Sydney Metro regarding Sydney Metro's activities which directly impact the development site such as the raising of Cudgegong Road, creation of a new access road for the private properties which form the development site, and the potential relocation of existing utilities into an existing easement within the development site.

3.10 Site Contamination, Salinity and Geotechnical Matters

- 3.10.1 The recommendations provided in the *Phase 1 and 2 Contamination, Salinity and Geotechnical Investigation*, prepared by GeoEnviro Consultancy Pty Ltd, reference JC14215A and dated March 2015 shall be implemented. A **Remedial Action Plan** shall be prepared and submitted to Council's Environmental Health Officer for written approval to verify that the remediated site has been made suitable for the residential use and will pose no unacceptable risk to human health or to the environment as all areas contaminated/potentially contaminated must be remediated.
- 3.10.2 Prior to the issue of any Construction Certificate, the approved Remedial Action Plan shall be carried out. Upon completion of remediation an appropriately qualified environmental consultant must prepare a validation report in accordance with:
- i. NSW Environment Protection Authority's *'Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites'* (2011)
 - ii. NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995)
 - iii. National Environment Protection Council *'National Environment Protection (Assessment of Site Contamination) Measure'* (2011)
 - iv. Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (1992)
 - v. NSW Environment Protection Authority's *'Contaminated Sites: Guidelines for NSW Site Auditor Scheme'* (2006)

A Geoscientist or NSW Environment Protection Authority accredited Site Auditor is to review the validation report(s) and submit to Council's Environmental Health Officer a Site Contamination Validation Statement. The Site Contamination Validation Statement shall verify that the investigation, remediation and validation were carried out in accordance with the above guidelines and that the site is suitable for the proposed use.

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

3.11 Acoustic matters

- 3.11.1 The recommendations provided in the DA Acoustic Assessment prepared by Acoustic Logic, reference 20150851.1/1808A/R0/JL, dated 18 August 2015, shall be implemented.
- 3.11.2 A qualified acoustic engineer must certify that the buildings have been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

Internal Space	Time Period	Criteria L_{Aeq} (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)

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.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Section 94 Contributions

- 4.1.1 The following monetary contributions under Section 94 of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: 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 \$10,000.00 are levied a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Contribution Item	Amount	Relevant CP
Stormwater Quantity Second Ponds Creek	\$410,182	22
Stormwater Quality Second Ponds Creek	\$112,205	22
Traffic Management	\$282,525	22
Open Space	\$5,430,559	22
Community Facilities	\$34,331	22
E2 Conservation Zone	\$167,910	22

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

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

Number of intended dwellings/apartments:	295 apartments
Total Developable Area:	1.2249 hectares
Total Stormwater Quality Developable Area:	0.3062 hectares
Additional Population:	563.6 persons

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Customer Information Centre. Alternatively, Contributions Plans may be downloaded from Council's website: S.94 CP No. 22 Area 20 Precinct.

The Section 94 Contribution(s) have been based on the total developable area, total stormwater quality developable area, and/or the additional population nominated. Should the final plan of survey indicate any change in the total developable area and total stormwater quality developable area, or should amendments change the potential additional population, the information for this Section 94 Contribution(s) will be adjusted accordingly.

4.2 Special Infrastructure Contributions

- 4.2.1 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 94EE of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Environment before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

More information

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

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

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

- 4.3.1 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](#).

4.4 **Aesthetics, Streetscape and External Materials**

- 4.4.1 The development approved by Council is to be constructed in accordance with the external finishes shown on the approved Material Schedule. The colour of the brick mortar is to be white.
- 4.4.2 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent and must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.
- 4.4.3 Any bathroom, w.c. or laundry window in the external walls of the buildings fitted with translucent glazing.
- 4.4.4 The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the Building Code of Australia.
- 4.4.5 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.
- 4.4.6 Windows in the residential apartments from the first floor level through to the top floor level are to be fitted with a child safety mechanism to prevent accidental falls out of windows by persons such as children. Details of such safety mechanisms shall be shown on the Construction Certificate plans and provided to the principal certifying authority/principal certifier.

4.5 **Fencing**

- 4.5.1 All fencing details and materials are to be as per the approved plans. All fencing is to be provided at full cost to the developer and is to be constructed on top of any masonry retaining walls.

4.5.2 With regard to the treatment of any front fences or walls at the ground level which is in the vicinity of the public domain/public footway, appropriate measures are to be in place to deter the potential for graffiti on these front fences or walls, such as landscaping which limits access to these front fences or walls, or a varied finish to these front fences/walls and with an anti-graffiti finish. These details are to be shown on the construction certificate plans to the satisfaction of the Certifying Authority.

4.5.3 Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti. All fencing which is visible from the public domain is to be an open style fence and is not permitted to be continuous, closed board, or the like.

4.6 Common Areas and Landscaping

4.6.1 All common areas and landscaping shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate. The minimum pot sizes are to be as per the approved landscape plans. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.

4.6.2 All landscaping, lawn areas, recreation features and furniture, BBQ facilities, pathways, ramps, children's play equipment and shading devices shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate.

The basement deep soil areas which relate to the above tree plantings are to be provided to ensure the viability of these trees.

4.7 Access and Parking

4.7.1 392 car parking spaces are required to be provided on site, being 47 at-grade visitor spaces at the western portion of the site accessed via the private access driveway (with access restricted by a boom gate) and 345 basement car parking spaces (comprising 333 resident spaces and 12 visitor car parking spaces).

4.7.2 The layout of the car parking areas are to be designed in accordance with Australian Standard 2890.1 and AS 2890.2 in terms of access driveways, grades, turn paths and circulation aisles, sight distance requirements, aisle widths, aisle lengths, parking bay dimensions, loading area, disabled car spaces (including a shared zone), etc.

4.7.3 A minimum of 98 bicycle parking spaces are to be provided at the ground level and within the basement levels.

4.7.4 Adequate sight distance is required to be provided for both pedestrian and vehicular movement at the pedestrian link, private access driveway to the western car parking area and two driveways to the Basement 1 Level to ensure safety of pedestrians on the footpath system and motor vehicles along the new driveways.

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

4.8 Adaptable Housing Units

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

4.9 Floor to Ceiling Heights

- 4.9.1 All residential habitable rooms are to have a minimum floor to ceiling height of 2.7 m.

4.10 Services, Plant and Equipment

- 4.10.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the streetscape presentation, apartments and communal open space areas with regard to visual, acoustic and odour impacts.
- 4.10.2 The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.
- 4.10.3 Written evidence is to be provided to Council from an appropriately qualified acoustic consultant stating that all plant and equipment have been selected to meet the project noise criteria.

4.11 Pedestrian Link

- 4.11.1 The Construction Certificate documentation is to include details for the construction of the pedestrian link which connects Herman Crescent (Road 1) to Cudgegong Road, including specifications regarding landscaping, removable safety bollard(s), hand rails, fencing and directional signage. The documentation is also to demonstrate that the pedestrian link will benefit from appropriate safety lighting. This documentation is to be approved as suitable for future dedication by Council's Manager, Recreation Planning and Design.

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 State and Environmental Planning Policy (Sydney Region Growth Centres) 2006, together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 5.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:
- Be in accordance with Australian Standard 3500.3, and
 - Provide for drainage discharge to an existing Council drainage system, and
 - Ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.
- 5.2.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.

5.3 BASIX Certificate Compliance

- 5.3.1 The plans and specifications must indicate compliance with the commitments listed in BASIX Certificate 660251M_02 dated 22 June 2017.

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 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.
- 6.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No.	No. of Sheets	Revision	Dated
C & M Consulting Engineers	PN01195	01195_A_100 to 01195_A_701	8	03	06/07/17
Zhinar Architects	8330	SP06	1	C	09/11/17

The following items are required to be addressed on the Construction Certificate plans:

- Provide bio-retention basin wall detailed section at the property boundary clearly indicating the wall is located wholly within the property boundary.

- ii. Drawing no. 01195_A_201 (03) is to be amended to include building envelope and Finished Floor Levels to show that drainage system design freeboard is in accordance with Council Engineering Guide for Development has been achieved.
- iii. Provide a minimum 150mm kerb or raised planter bed along the northern boundary for the length from Cudgegong Road to Road No.1 boundary to direct surface flows to the grated inlet pits. Provide gaps for any paths with a trench grate or pit.
- iv. On drawing no. 01195_A_621 (03), delete the concrete flow dispersion wall.
- v. Provide details of the 1200mmx600mm Raingarden Sediment Pits reorientated with the larger dimension extending into the basin shown as scour protection at each of the piped outlets to the bio-retention basin. The pits are to include a minimum 400 mm deep silt trap to protect the filter material from clogging. The concrete top of pit is to be set to the filter media level with a surcharge style grate over or surrounded by railings.
- vi. On drawing no. 01195_A_621 (03), rearrange the subsoil lines by relocating the minimum 150mm subsoil collection pipe to the eastern edge. Provide a 45 degree connection to the collector pipe for each of subsoil pipes. Provide a flushing point for the collector pipe. Set the spacing for the subsoil pipes to 3m.
- vii. The subsoil drains within the bio-retention gravel bed are to be un-socked slotted PVC laid at minimum 0.5% grade with a minimum 50 mm gravel cover over the subsoil. This indicates that at the northern end the gravel level will be up to 300mm thick. Amend bio-retention filtration profile accordingly. On Section B1 amend the thickness of the profile to reflect the new increased thickness.
- viii. Indicate size of the Enviropods on the plan as '200 micron'.
- ix. Due to the height of the northern retaining wall and the area of extensive shade, on drawing no. 01195_A_621 (03) Bio-retention Basin – Plan, delete the filter area and all subsoil pipes for a distance of 2.58m from the northern boundary extending up to the splay and replace with concrete at a minimum grade of 1% to the outlet near pit 1/D. Raise invert level of pipe to suit. This area is to be connected to provide a flow spreader and additional storage. Extend the concrete along the full length of the splay for a minimum width of 1.5 m.
- x. Provide a minimum of 170 sqm of filter area clear of pits concrete, steps, flow spreaders and scour protection. This will require the basin to be extended further south and/or a directly connected in separate basin provided near the southern boundary.
- xi. Provide either open form steps into the basin or the steps to be cut into the retaining wall external to the basin.
- xii. On drawing no. 01195_A_621 (03) at Section B1 raise the overflow weir level to 48.05m AHD (ie 450mm Extended Detention Depth) and increase the discharge control pit size to 1200mmx1200mm.
- xiii. Internal drainage system is to be designed to safely convey 20 year ARI storm flows.
- xiv. Provide Floodway Warning Signs for the bio-retention system in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.
- xv. The bio-retention filter area is to be watered using only rainwater. Provide a minimum 10m³ rainwater tank collecting a minimum of 500sqm of roof area allowing for a minimum of 1kL/year/sqm for the filter area. Where additional landscape areas are to be watered, increase the tank size and possibly the collected roof area. Show the location of the rainwater tank and area of roof collected.

xvi. A quote can be provided for the cost of assessing the amended drainage plans.

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:

- Road and drainage construction
- Water quality treatment
- Earthworks
- Path Paving (within a subdivision)

6.3 Local Government Act Requirements

6.3.1 Under *Section 68 of the Local Government Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Any works within a Council Reserve
- Any works on adjoining land (outside the subject site boundaries)
- Inter-allotment drainage on adjoining land

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

6.4 Roads Act Requirements

6.4.1 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:

- Any works within Council's road reserve
- Kerb inlet pit connections or construction
- Vehicular crossings
- Path Paving

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

6.5 Other Engineering Requirements

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

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

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

6.5.4 All street name poles, light poles and bus shelters shall be black powder coated in accordance with Blacktown City Council's Engineering Guide for Development. Ensure this is noted on the construction plans.

6.5.5 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

6.6 Roads

- 6.6.1 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.

6.7 Drainage

- 6.7.1 Drainage from the site must be connected into Council's existing drainage system and generally in accordance with the submitted Concept Stormwater Plans prepared by C & M Consulting, Project No. PN01195, Drawing No.'s 01195_A_100 to 01195_A_701, 8 Sheets, Revision 03 and Dated 06/07/17.
- 6.7.2 Any overland or stormwater flows up to the 1% A.E.P. (100 year Average Recurrence Interval) event must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

6.8 Erosion and Sediment Control

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

6.9 Earthworks

- 6.9.1 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 6.9.2 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.

6.10 Stormwater Quality Control

- 6.10.1 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.
- 6.10.2 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.
- 6.10.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
- 6.10.4 Bio-retention basins to be designed in accordance with 'Stormwater Biofiltration Systems. Adoption Guidelines. Planning, design and implementation. Version 1 June 2009. Facility for Advancing Water Bio-filtration', as a lined, standard biofiltration system.

6.11 Vehicular Crossings

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

- 6.11.2 The construction of path paving is to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2010.

Proposed locations and widths are to be approved by Blacktown City Council's Co-ordinator Engineering Approvals. Cycleways/ shared pathways are to include line marking and signposting in accordance with the requirements of Austroads 'Guide to Road Design' Part 6A and the Roads and Maritime Services NSW Bicycle Guidelines November 2003.

- 6.11.3 Construct shared user paths in accordance with Part 6A (Pedestrians and Cyclist Paths) of Austroads 'Guide to Road Design' and the RMS NSW Bicycle Guidelines – November 2003, as follows:

Street Name	Overall Width (m)	Cycle-way Width (m)	Length (m)
Pedestrian Link	5.2	2.5	56

- 6.11.4 Submit structural design certification to certify that the structures associated with the Pedestrian Link stairs have been designed to withstand all loads likely to be imposed on them during their lifetime.

6.12 Other Drainage Matters

- 6.12.1 Provide details for permanent interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.
- 6.12.2 Revised Landscape plans are required that include appropriate species for the bio-retention system in accordance with the BCC Handbook Part 5 – Vegetation Selection Guide for the 500mm deep filter media. Planting within the filter area should incorporate several growth forms, including shrubs and tufted plants and be densely planted (tufted plants at a minimum of 10 plants per sqm) to ensure plant roots occupy all parts of the media. Groundcover species must not be used. To ensure diversity and disease resistance a minimum of 6 different species is required planted as a matrix. All plants within the filter area are to be planted from tubestock or virotube and not pots
- 6.12.3 An experienced hydraulic engineer is to prepare and certify a detailed Landscape Watering Plan for landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:
- A first flush or pre-treatment system (at min. 0.2 litres/sqm of roof area going to the tank)
 - A pump with isolation valves and a warning light to indicate pump failure
 - A mains water direct tank top up with air gap for landscape watering
 - Flow meters on the mains water tank top-up line and the pump outflow line, to determine actual non-potable usage
 - A timer and control box for landscape watering, allowing for seasonal variations
 - Ensuring all the rainwater reuse pipes are coloured purple
 - An inline filter and preferably an automatic backwash inline filter

viii. Fitting rainwater warning signs to all external taps using rainwater.

- 6.12.4 Due to the cut and/or fill exceeding 1.5 m, a desktop Groundwater Assessment Report is required for the site in accordance with Section 4.6 of DCP 2015 Part J. Where there is the potential for interaction with groundwater, a Groundwater Management Plan must be prepared by a Geotechnical Engineer registered with NER.

7 PRIOR TO DEVELOPMENT WORKS

7.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

- (a) The name, address and telephone number of the principal certifying authority for the work, and
- (b) The name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
- (c) Stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

- (a) Building work carried out inside an existing building, or
- (b) Building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

- 7.1.3 Should the development work:

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

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

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

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

- 7.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 7.1.5 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.
- 7.1.6 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.
- 7.1.7 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.

7.2 Notification to Council

- 7.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.
- 7.2.2 At least five (5) full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$20,000,000.

7.3 Adjoining Owners

- 7.3.1 Written permission from the respective owner(s) must be obtained to:
 - (a) Discharge stormwater onto adjoining owner's land.
 - (b) Carry out works on adjoining land.
 - (c) Drain the site across land owned by others.

A copy of such written permission shall be lodged with Council.

7.4 Sydney Water Authorisation

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

OR

The approved plans are to be submitted to a Sydney Water 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.

7.5 Protection of Fauna

- 7.5.1 It is the responsibility of the developer to ensure that the removal of hollow-bearing trees or trees containing nests is conducted with due regard to any fauna present. In the event that fauna is evident an ecologist shall be engaged on-site to undertake appropriate relocation any fauna.

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 40 mm or larger aggregate placed 150 mm 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 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.
- 8.2 **Building Code of Australia Compliance**
- 8.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 8.3 **Surveys**
- 8.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.
- 8.4 **Nuisance Control**
- 8.4.1 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 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.
- 8.5 **Stormwater Drainage**
- 8.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:
- (a) The floor level being a minimum 225 mm above the adjoining finished ground level, and/or
 - (b) Being drained to an effective drainage system.
- 8.6 **Waste Control**
- 8.6.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works. This includes the sorting and storage of waste and recyclable building materials on site for collection and disposal by the nominated waste/recycling contractor to the nominated disposal site.
- 8.7 **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.

9 DURING CONSTRUCTION (GENERAL)

9.1 Contamination Matters

- 9.1.1 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.
- 9.1.2 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.

9.2 European Heritage

- 9.2.1 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.

9.3 Aboriginal Heritage

- 9.3.1 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. The NSW Office of Environment & Heritage is to be notified and the site and objects must be assessed by a suitably qualified Aboriginal Heritage Consultant on accordance with the requirements of the NSW Office of Environment & Heritage.

9.4 Construction Traffic Management Plan

- 9.4.1 The Construction Traffic Management Plan submitted to Council is to be adhered to at all times.

9.5 Street Trees – Bonds, Services and Charges

- 9.5.1 The Applicant is to undertake the planting and maintenance of street trees 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 \$330 per tree and \$136 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.

The street tree bond amount will be applied following review and approval of the revised street tree plan. In accordance with Council's Good and Services Pricing Schedule, further assessment of the plans and future site inspection shall be levied by Council's Development Services Unit against the Developer for this purpose at a 2 hour period for a rate of \$195/hr + GST.

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 Soil Erosion and Sediment Control Measures

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

- 10.3.2 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.

- 10.3.3 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.

10.4 Filling of Land and Compaction Requirements

- 10.4.1 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.
- 10.4.2 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.
- 10.4.3 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.

10.5 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979

- 10.5.1 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.

10.6 Inspection of Engineering Works - Roads Act 1993

- 10.6.1 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 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).

10.7 Public Safety

- 10.7.1 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.

10.8 Site Security

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

10.9 Traffic Control

- 10.9.1 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.

10.10 Powder Coated Furniture

- 10.10.1 Where the conditions of this consent permit the installation of powder coated furniture (i.e. street lighting poles, bus shelters, rubbish bins, seats or any other items of street furniture), a certificate from the manufacturers shall be provided to Council confirming that the nominated powder coated items have been prepared and coated in accordance with Australian Standard AS/NZ 4506-2005 (service condition category 3). This certificate must be no more than 3 months old and shall be provided to Council prior to the installation of the relevant items of the street furniture. Any items of street furniture not so certified shall be removed and replaced at no cost to Council with items appropriately certified.

10.11 Other Drainage Matters

- 10.11.1 Provide certification prior to placement of the liner for the bioretention that the minimum filter area has been achieved excluding all pits and scour protection and that the base is free of rocks and debris.

- 10.11.2 Provide certification prior to placement, that the bioretention filter media ex-bin has:

- i. A minimum hydraulic conductivity as defined by ASTM F1815-11 of 250 mm/hr (actual, not predicted)
- ii. A maximum hydraulic conductivity as defined by ASTM F1815-11 of 700 mm/hr (actual, not predicted)
- iii. An Orthophosphate content < 40 mg/kg
- iv. A Total Nitrogen content < 900 mg/kg
- v. Is not hydrophobic.

- 10.11.3 Provide certification prior to placement in the bioretention basin, that the transition layer material ex-bin:

- i. Is a clean, washed well-graded coarse sand or coarse sand blend containing little or no fines (< 2%), and
- ii. Satisfies the bridging criteria $D_{15} \text{ (transition layer)} \leq 4 \times D_{85} \text{ (filter media)}$ where: D_{15} is the 15th percentile particle size in the transition layer material (i.e., 15% of the sand is smaller than D_{15} mm), and

D85 is the 85th percentile particle size in the filter media;

- iii. Satisfies the hydraulic conductivity criteria $D_{15}(\text{transition layer}) \geq D_{15}(\text{filter media}) \times 3$.

- 10.11.4 The coarse sand transition layer and 5-7 mm gravel drainage layer are all to be provided as washed prior to placement.
- 10.11.5 No fertiliser or additional nutrient material is to be provided to the bio-retention basin filter area during planting of the tube stock, or at any time.
- 10.11.6 The final filter media in the bio-retention area is not to be installed or bio-retention plants installed until all the building works, retaining walls, driveways and other landscaping have been completed.
- 10.11.7 The 200 micron Enviropods supplied by Stormwater 360 as detailed on the approved drainage plan are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.
- 10.11.8 The retaining walls adjacent to the bioretention basin are to be designed and certified by a Structural Engineer registered with NER to extend below the zone of influence allowing for future excavation of the bioretention basin to below the base of the gravel layer and be self-supporting (allowing for overturning and sliding), where the basin media including the gravel is removed and replaced for maintenance.

11 PRIOR TO OCCUPATION CERTIFICATE

11.1 Road Damage

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

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

11.2 Compliance with Conditions

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

11.3 Temporary Facilities Removal

- 11.3.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 11.3.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.

- 11.3.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 11.3.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 11.3.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

11.4 **Fee Payment**

- 11.4.1 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.

11.5 **Engineering Matters**

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

- 11.5.1.1 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.
- 11.5.1.2 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.
- 11.5.1.3 Submit structural certification to certify that the structures associated with the Pedestrian Link stairs have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 11.5.1.4 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.

11.5.2 Easements/Restrictions/Positive Covenants

11.5.2.1 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.

11.5.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Registry Services over the Stormwater Quality Control devices/system and outlet works.

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

11.5.3 Bonds/Securities/Payments in Lieu of Works

11.5.3.1 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least 12 months.

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

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

11.5.4 Inspections

11.5.4.1 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.

11.5.5 Relationship with other Approvals

11.5.5.1 Compliance with the requirements of the following nominated approvals:

- (a) Development Consent No. DA-15-01552 dated 25 January 2017 issued by Blacktown City Council (as modified).
- (b) Relevant requirement of any other development consent, Section 94 modification and/or Construction Certificate issued under the *Environmental Planning and Assessment Act, 1979*, *The Local Government Act, 1993* or *The Roads Act 1993*.

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

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

11.5.6 CCTV Inspection of Stormwater Drainage Structures

- 11.5.6.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV on completion of the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of a DVD of the inspection, a hard copy printout of the SEWRAT (or equivalent) report and a certified CCTV statement in accordance with Section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

11.6 Other Drainage Matters

- 11.6.1 A Civil Engineer registered with NER, is to certify that:
- i. All the requirements of the approved drainage plan have been undertaken;
 - ii. The bioretention subsoil lines are un-socked slotted PVC drains grade at 0.5% with a minimum 50 mm gravel cover;
 - iii. All the layers of the bio-retention have been correctly placed and surrounded by minimum 1.5 mm HDPE liner or approved equivalent;
 - iv. There is no geotextile between the layers of the bio-retention basin;
 - v. The bio-retention systems have been installed with a minimum filter area 170 sqm clear of pits, steps, flow spreaders and scour protection;
 - vi. The 200 micron Enviropods have been installed to the grated inlet pits shown on the plan in accordance with the manufacturer's directions;
 - vii. The rainwater tank is a minimum of 10 m³;
 - viii. All the signage and warning notices have been installed including the interpretive sign;
 - ix. A copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.
- 11.6.2 Provide maintenance schedule requirements for each of the Stormwater Quality Improvement Devices. For bio-retention system these are to include the temporary bio-retention system and ultimate bio-retention system replacement. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, signature and date on it.
- 11.6.3 Provide a maintenance plan for the pump systems to ensure effective ongoing operation of the pumps including replacement as required.

- 11.6.4 A Restriction to User and Positive Covenant is to be provided over the Stormwater Quality Improvement Devices in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment and water usage by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with Land & Property Information prior to the final occupation certificate.
- 11.6.5 Written evidence is to be provided that the registered owner/lessee has entered into a minimum 5 year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor(s) for the maintenance of Enviropods, raingarden sediment pits and bioretention basin. A copy of the signed and endorsed contract(s) and maintenance contractor(s) details are to be forwarded to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.
- 11.6.6 A Geotechnical Engineer is to undertake in-situ Saturated Hydraulic Conductivity Testing of the bio-retention system in accordance with Practice Note 1 of the FAWB guidelines. For bio-retention systems with a filter area less than 50 sqm, *in situ* hydraulic conductivity testing should be conducted at three points. For systems with a filter area greater than 50 sqm, an extra test point should be added for every additional 100 sqm or part thereof. Points are to be spatially distributed. Where the hydraulic conductivity of the soil differs from the rate specified in MUSIC of 100 mm/hr (tolerance -0% to +400%), remediation works will be required over the filter area to restore the conductivity and the test repeated until the hydraulic conductivity is achieved. A Geotechnical Engineer is to then certify that in accordance with Practice Note 1 of the FAWB guidelines, the Saturated Hydraulic Conductivity is within tolerance to the rate specified in MUSIC for the bio-retention system.
- 11.6.7 After the hydraulic conductivity has been certified by the Geotechnical Engineer, a horticulturalist that has relevant tertiary qualifications and technical knowledge with a minimum of 5 years demonstrated experience is to certify that the planting within the bio-retention area including bank areas, is of the same quality in type and quantity as per the construction certificate approved landscape plans, that any plants lost have been replaced and that any areas of scour or disrepair have been restored.
- 11.6.8 An experienced irrigation specialist is to certify that all the requirements of the detailed Landscape Watering Plan have been installed as per the approved plan and are working correctly. Provide a signed, works-as-executed Landscape Watering Plan to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.
- 11.6.9 Where the Groundwater Assessment Report indicated the requirement for a Groundwater Management Plan, then a Geotechnical Engineer registered with NER, is to certify that all the requirements of the Groundwater Management Plan have been undertaken and that there is no adverse impact due to groundwater.

11.7 Services/Utilities

- 11.7.1 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.
- 11.7.2 A 'Notification of Arrangement' Certificate from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.
- 11.7.3 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.

11.8 Waste Matters

- 11.8.1 The development is to be completed in accordance with the waste requirements of **Condition 3.7.1**.
- 11.8.2 The submission of an updated and final Waste Management Plan which accurately reflects the number of apartments and final waste management and collection processes to Council's Sustainable Resources Projects Officer.
- 11.8.3 A Strata Management Statement or Section 88B on the title must be created which clearly outlines:
- The requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the final approved waste management plan
 - The responsibility for maintenance of the waste system (including any bin movement aides) 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
 - Includes a copy of the amended and approved waste management plan as submitted with this development application.
- 11.8.4 The Owners Corporation/Strata Manager will be responsible for ensuring that clear access is provided to the waste collection vehicles entering the property.

11.9 Street Tree Planting

- 11.9.1 Prior to the issue of the final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to the satisfaction of Council's Project Officer Civil and Open Space Infrastructure.

11.10 Pedestrian Link

- 11.10.1 Prior to the issue of any Occupation Certificate, the pedestrian link which connects Herman Crescent (Road 1) to Cudgegong Road is to be constructed including installation of landscaping, removable safety bollard(s), hand rails, fencing and directional signage. The pedestrian link is to benefit from appropriate safety lighting and is to be dedicated to Blacktown City Council.

11.11 Other Matters

- 11.11.1 All landscaping, recreation features and furniture, BBQ facilities and lighting shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.
- 11.11.2 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.
- 11.11.3 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.
- 11.11.4 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.
- 11.11.5 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.
- 11.11.6 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 11.11.7 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 11.11.8 All required on-site 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.
- 11.11.9 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves and also not on drainage zoned land.

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

- 11.12.1 No occupation certification must be issued unless all design verifications have been provided in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000. A certifying authority must not issue an occupation certificate for the residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of [State Environmental Planning Policy No 65—Design Quality of Residential Flat Development](#).

11.13 **Adaptable Housing Units**

- 11.13.1 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.

11.14 **Safety and Security Measures**

- 11.14.1 Contact details for the building manager/caretaker and Strata Manager/Body Corporate are to be forwarded to NSW Local Police, Quakers Hill Local Area Command.
- 11.14.2 A copy of Evacuation Plan for the development is to be forwarded to the NSW Local Police, Quakers Hill Local Area Command.

11.15 **Graffiti Management Plan**

- 11.15.1 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 no later than 48 hours after detection. Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s
 - (c) Annual review of any 'management agreement' for the removal of graffiti to ensure the property is maintained at its optimum level
 - (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

11.16 **Total Maintenance Plan**

- 11.16.1 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, through site links, soft and hard landscaping, safety fencing for private open space areas, security systems, mail boxes, lighting, bulky waste storage and loading areas, feature entry signage, parking signage 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 development is managed by a Site/Strata/Building Manager.

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

11.17 Acoustic Verification

11.17.1 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 this consent.

12 OPERATIONAL (PLANNING)

12.1 Use of the Approved Development

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.

12.2 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 Vehicular access to the ground level visitor car parking area at the western portion of the site is permitted to be restricted by a boom gate, or similar, to be appropriately maintained at all times to ensure that efficient access is provided at all times.

12.3 Storage

12.3.1 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.

12.4 Landscaping

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

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

12.4.3 The management of vegetation, gardens, planter boxes, communal areas, fences, outdoor furniture, BBQ areas, children's play areas, lighting and other similar areas is to be incorporated within the future strata management plan once the development is occupied.

12.5 Waste Management and Collection

- 12.5.1 All waste and recycling collection areas and activities, including bulk waste storage and collection activities are to be appropriately managed wholly within the development site at all times and are the responsibility of the strata management (or similar) of the site.
- 12.5.2 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.

12.6 Lighting and Security

- 12.6.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 12.6.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 12.6.3 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.

12.7 Emergency Procedures

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

12.8 Graffiti Removal

- 12.8.1 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. The approved Graffiti Management Plan is to be adhered to at all times.

12.9 Total Maintenance Plan

- 12.9.1 The approved Total Maintenance Plan must be adhered to at all times.

12.10 Environmental Management

- 12.10.1 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.
- 12.10.2 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.
- 12.10.3 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.
- 12.10.4 All waste and recycling bins must be stored wholly within the approved waste storage area.