

**1 DEFERRED COMMENCEMENT MATTERS**

1.1 This development consent is not to operate until such time as:

(a) The applicant is to purchase the Roads and Maritime's owned land that form part of this application, being Lots 34 and 35 DP 1167828.

All matters listed above must be completed within the following nominated period from the date of this consent or this consent shall lapse.

Nominated Period: 60 months.

**2 ADVISORY NOTES**

**2.1 Terminology**

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

2.1.2 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.

**2.2 Scope of Consent**

2.2.1 Separate development consent may be required from Council prior to the use of each individual unit/the approved building(s). The applicant is advised to contact Council's Development Services Unit in this regard.

2.2.2 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.

**2.3 Other Approvals**

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

**2.4 Services**

2.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Energy provider
- (c) Natural Gas Company

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- (d) The relevant local telecommunications carrier

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

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

- 2.4.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at [www.1100.com.au](http://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.
- 2.4.3 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.
- 2.4.4 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.
- 2.5 **Identification Survey**
- 2.5.1 The applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.
- 2.6 **Tree Planting and Service Locations**
- 2.6.1 In order to facilitate street tree planting that does not impact on public utilities, the applicant is advised to liaise with the relevant service authorities regarding the

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location and use of their specific service allocation within the public road reserve.

- 2.6.2 The proposed street tree planting shall be reviewed in relation to the existing / proposed street lighting layout to ensure that the intended tree planting does not interfere with the street light spill. Documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting shall be submitted to Council prior to the issue of a Construction Certificate relating to the approved development.

**2.7 Other Matters**

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

**2.8 Engineering Notes**

- 2.8.1 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.

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- 2.8.2 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.

**2.9 Payment of Engineering Fees**

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

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

A quote will be provided verbally generally within 2 days followed by confirmation in writing.

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

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

A quote will be provided verbally generally within 2 days, followed by confirmation in writing.

**3 GENERAL**

**3.1 Scope of Consent**

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

| Drawing No.                       | Dated   | Council's File Enclosure No. |
|-----------------------------------|---------|------------------------------|
| Site and Roof Plan<br>DA04 B      | 21/4/16 | 52F                          |
| Basement Building A & B<br>DA05 C | 23/8/16 | 52G                          |
| Basement Building C<br>DA06 C     | 23/8/16 | 52H                          |
| Basement Building D & E<br>DA07 C | 23/8/16 | 52I                          |
| Basement Building F<br>DA08 C     | 23/8/16 | 52J                          |
| Level 1 Building A & B<br>DA09 C  | 31/5/16 | 52K                          |

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| Drawing No.                              | Dated    | Council's File Enclosure No. |
|------------------------------------------|----------|------------------------------|
| Level 1 Building C<br>DA10 C             | 31/5/16  | 52L                          |
| Level 1 Building D & E<br>DA11 C         | 31/5/16  | 52M                          |
| Level 1 Building F<br>DA12 D             | 31/5/16  | 52N                          |
| Level 2/3/4 Building A and B<br>DA13 C   | 31/5/16  | 52O                          |
| Level 2/3/4 Building C<br>DA14 C         | 31/5/16  | 52P                          |
| Level 2/3/4 Building D & E<br>DA15 C     | 31/5/16  | 52Q                          |
| Level 2/3/4 Building F<br>DA16 C         | 31/5/16  | 52R                          |
| Section BB CC<br>DA18 D                  | 23/8/16  | 58C                          |
| Section DD EE<br>DA19 C                  | 31/5/16  | 58D                          |
| Section FF GG HH<br>DA20 C               | 31/5/16  | 58E                          |
| Section II JJ KK<br>DA21 C               | 31/5/16  | 58F                          |
| Section LL MM NN<br>DA22 D               | 23/8/16  | 58G                          |
| Elevation East and South<br>DA23 C       | 31/5/16  | 58H                          |
| Elevation West and North<br>DA24 C       | 31/5/16  | 58I                          |
| Finishes Board 1<br>DA32 C               | 31/5/16  | 58J                          |
| Finishes Board 2<br>DA33 C               | 31/5/16  | 58K                          |
| Landscape Plan<br>L/00 to L/08<br>Rev. C | 29/06/16 | 35E                          |

\* Unless modified by any conditions of this consent

- 3.1.2 The proposed subdivision is to be in accordance with the following drawings/details, subject to compliance with any other conditions of this consent:

| Drawing No.                                            | Dated      | Council's file enclosure No. |
|--------------------------------------------------------|------------|------------------------------|
| Proposed Plan of<br>Subdivision<br>12959_SUB_1B Rev. B | 31/08/2016 | 57B                          |

- 3.1.3 This consent grants approval for the development to be constructed in the following

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stages, subject to full compliance with all other conditions of this consent:

- (a) Stage 1 – Residue lot subdivision including road construction
- (b) Stage 2 – Residential Flat Buildings

### 3.2 Services

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

### 3.3 Suburb Name

- 3.3.1 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

### 3.4 Compliance with BASIX Certificate

- 3.4.1 All commitments listed in the BASIX Certificate numbers:

- Building A – 664797M\_02 dated 15 April 2016
- Building B – 664888M\_02 dated 15 April 2016
- Building C – 664934M\_02 dated 15 April 2016
- Building D – 664954M\_02 dated 15 April 2016
- Building E – 664976M\_03 dated 15 April 2016
- Building F – 665337M\_02 dated 15 April 2016

shall be complied with.

### 3.5 Engineering Matters

#### 3.5.1 Design and Works Specification

- 3.5.1.1 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

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(e) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)

(f) Blacktown City Council On Site Detention General Guidelines and Checklist

(g) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook THIRD Edition December 1999.

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

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

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

3.5.1.2 The Applicant is required to submit to Council, Bonds and/or Contributions for works associated with the development in conjunction with the civil engineering works required to be constructed as part of this development. Works may include:

- Path Paving construction
- Final Layer Asphaltic Concrete (AC) construction
- Maintenance of the construction works
- Minor outstanding works

These matters will be individually addressed within the consent

3.5.1.3 Prior to release of any bond securities held by Council for civil engineering works, the payment of a bond release inspection fee in accordance with Council's Goods and Services Pricing Schedule must be made.

3.5.1.4 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.

### 3.5.2 Other Necessary Approvals

3.5.2.1 A separate application may 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

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by a Roads Act Approval)

**3.5.3 Subdivision**

- 3.5.3.1 Principal Certifying Authority - Blacktown City Council shall be the Principal Certifying Authority for the proposed subdivision and shall issue the Subdivision Certificate upon compliance with all conditions of this consent.

**3.6 Other Matters**

- 3.6.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 3.6.2 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.

**3.7 Transport for NSW requirements**

- 3.7.1 The applicant must allow in the design, construction and maintenance of the approved development for rail operations in the vicinity of the approved development, especially in relation to noise, vibration, stray currents and electromagnetic fields.

**4 PRIOR TO DEMOLITION WORKS**

**4.1 Safety/Health/Amenity**

- 4.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.
- 4.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 4.1.3 Should the demolition work:
- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
  - (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (c) involve the enclosure of a public place,

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a hoarding or protective barrier shall be erected between the work site and the public place or adjoining land or 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 or adjoining land or 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.

- 4.1.4 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, and
- (b) connected:
  - (i) to a public sewer, or
  - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
  - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

- 4.1.5 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

#### 4.2 Tree Protection

Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage.

#### 4.3 Other Matters

- 4.3.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 2 days prior to the intended work and include the following information:

- date/s, hours and duration of the works.
- contact name and phone number of the applicant
- contact name and phone number of the licensed demolisher
- WorkCover NSW contact number 131050, and email address [contact@workcover.nsw.gov.au](mailto:contact@workcover.nsw.gov.au)

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**5 DURING DEMOLITION WORKS**

**5.1 Safety/Health/Amenity**

- 5.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 5.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 5.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 5.1.4 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.
- 5.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 5.1.6 Any excavation and/or backfilling associated with the demolition 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.
- 5.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2002 (if applicable)
- 5.1.8 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.

**5.2 Nuisance Control**

- 5.2.1 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.

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

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**6.1 DA Plan Consistency**

- 6.1.1 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.

**6.2 Road Deposit/Bond**

- 6.2.1 The following current fee and bond (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:

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

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

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

**6.3 Services/Utilities**

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

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

**6.4 Special Infrastructure Contributions**

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

**More information**

Information about the special infrastructure contribution can be found on the

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Department of Planning and Environment's website:

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

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

- 6.5.1 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](#).

**6.6 Waste management**

- 6.6.1 Roads and driveways for the path of travel of trucks servicing the development must be rated for at least 24 tonne trucks.
- 6.6.2 The development is to be designed so that waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.

**6.7 Street Tree Planting**

- 6.7.1 The applicant must submit a Street Tree Plan detailing the proposed street tree planting and landscaping for the approved subdivision. The Street Tree Plan is to reflect the species palette in our Street Tree Guidelines and must include:
- cross-sections showing dimensions of tree pits
  - species
  - details of root protection barriers
  - soil specifications
  - location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

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

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

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

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

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

**6.8 Transport for NSW**

- 6.8.1 Prior to the issue of a Construction Certificate, the applicant is to engage an acoustics expert to prepare a report on the noise and vibration impacts from future rail operations on the development. The report is to demonstrate how the development will comply with the Department of Planning and Infrastructure's document titled *"Development Near Rail Corridors and Busy Roads – Interim Guidelines"*.

The applicant must incorporate in the design and construction of 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.

- 6.8.2 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. The applicant must incorporate in the design and construction of 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.
- 6.8.3 Prior to the issue of a Construction Certificate, the applicant is to submit to the Deputy Program Director, Metro Product and Integration, Sydney Metro Program Delivery Office of Transport for NSW (TfNSW) a plan showing all craneage 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 conditions has been satisfied.
- 6.8.4 Copies of any certificates, drawings or approvals given to or issued by Transport for NSW must be provided to Blacktown City Council for its records.
- 6.8.5 Drainage from the development must be adequately managed and disposed of and not allowed to discharge into the rail corridor.

**6.9 Acoustic measures**

- 6.9.1 The recommended acoustical treatments detailed in the Road and Rail Noise Assessment prepared by Acoustics and Air (Ref No. 15210-1 Version B) dated April 2016 are to be detailed on the Construction Certificate Plans.

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

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

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

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

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

## 6.10 Other Matters

- 6.10.1 A Construction Traffic Management Plan (CTMP) must be prepared for the development by a suitably qualified person prior to the release of the Construction Certificate. The CTMP must detail construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control methods.
- 6.10.2 A dilapidation report shall be carried out for any of the potentially affected existing buildings surrounding the proposed development. A copy of the report shall be submitted to Council prior to construction commencing.
- 6.10.3 A construction certificate for the residential flat buildings is not to be released until Council's Co-ordinator Engineering Approvals is satisfied that the roads approved as part of this development have been constructed to an appropriate level.

## 6.11 Crime Prevention

- 6.11.1 The crime prevention measures identified within the CPTED Report prepared by Greg Dowling dated June 2016 are to be shown on the construction certificate drawings.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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## 7 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

### 7.1 Section 94 Contributions

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

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

| Contribution Item    | Base Amount | Relevant C.P. |
|----------------------|-------------|---------------|
| Stormwater Quantity  | \$1,132,810 | CP22          |
| Stormwater Quality   | \$309,871   | CP22          |
| Traffic Management   | \$780,256   | CP22          |
| Open Space           | \$8,665,914 | CP22          |
| Community Facilities | \$54,785    | CP22          |
| E2 Conservation zone | \$267,946   | CP22          |

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

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

S.94 CP No. 22 – Area 20 Precinct

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

Developable Area: 3.4717 hectares

Additional Population: 923 persons

### 7.2 Site Contamination

- 7.2.1 Prior to the release of any construction certificate, the site must be validated as suitable for residential purposes by a suitably qualified site contamination

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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Per \_\_\_\_\_  
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consultant. If required, a Remediation Action Plan (RAP) is to be prepared for the site in accordance with Environment Protection Authority's Guidelines and relevant Australian Standards.

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

7.2.2 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with;

- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (1997)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995).
- Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (1992).
- National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.

### 7.3 Salinity

7.3.1 The recommendations of the salinity management plan prepared by a suitably qualified salinity consultant are to be shown on the construction certificate plans.

### 7.4 Fencing

7.4.1 Details of fencing enclosing the ground floor terraces/private open space are to be submitted to Council for separate approval. In this regard, fencing enclosing ground floor private open space is to have a height of 1.5 m high and is to be constructed of masonry up to 1 m, with 500 mm of horizontal powder coated infill slats to enclose ground floor terrace areas. There is to be no colorbond fencing (or similar) directly adjoining a public road.

7.4.2 All retaining walls are to be of masonry construction.

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

7.4.4 Fencing adjoining public roads is to be finished with an anti-graffiti coating.

### 7.5 Access/Parking

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

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

7.5.3 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.

7.5.4 A minimum of 670 car parking spaces are to be provided on site, being 538 resident car parking spaces and 132 visitor car parking spaces.

All car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

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

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

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

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

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

## 7.6 Building Materials and Finishes

7.6.1 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours submitted as part of the approved colours and finishes schedule. Building materials and finishes are to be finished with an anti-graffiti coating. The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent, must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.

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

## 7.7 Communal Open Space & Landscaping

7.7.1 All landscaping, recreation features and furniture, bbq facilities, children's play

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equipment and clothes drying facilities shall be of a high quality and detailed on the approved landscaping design plans.

**7.8 Adaptable Housing Units**

- 7.8.1 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.

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

**8.1 Hazardous Materials and Waste**

- 8.1.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the NSW WorkCover Authority under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2002 – Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be lodged with Council.

- 8.1.2 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling.

**8.2 Building Code of Australia Compliance**

- 8.2.1 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).

**8.3 Site Works and Drainage**

- 8.3.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system,

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shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.

8.3.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:

- (a) be in accordance with Australian Standard 3500.3, and
- (b) provide for drainage discharge to an existing Council drainage system, and
- (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.

8.3.3 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.

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

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

Such details shall accompany the Construction Certificate.

#### 8.4 Fire Services

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

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

#### 8.5 Internal Works

8.5.1 A separate application for development consent shall be lodged with Council for any proposed fit out of a commercial and industrial building (which includes any fixed internal partition wall/display/storage racking/machinery /equipment and the like) that was not approved by this Notice of Determination. This condition does not apply to work or development that is Exempt Development or Complying Development under the Blacktown Local Environmental Plan.

#### 8.6 BASIX Certificate Compliance

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Numbers:

- Building A – 664797M\_02 dated 15 April 2016
- Building B – 664888M\_02 dated 15 April 2016
- Building C – 664934M\_02 dated 15 April 2016
- Building D – 664954M\_02 dated 15 April 2016
- Building E – 664976M\_03 dated 15 April 2016
- Building F – 665337M\_02 dated 15 April 2016

## 9 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

### 9.1 General

- 9.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.
- 9.1.2 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.
- 9.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

| Prepared By           | Project No. | Drawing No.                                          | Sheets | Revision | Dated    |
|-----------------------|-------------|------------------------------------------------------|--------|----------|----------|
| Demlakian Engineering | 215081      | C100-C133 (as per drawing schedule cover sheet C100) | 34     | P2       | 14.04.16 |

The submitted concept Engineering Plans are considered sufficient to issue consent however the following items are required to be addressed on the Construction Certificate plans:

- i. Proposed pit 1/3 is not to be located within the road pavement
- ii. The subdivision plan and associated building plans are to reflect a 5 metre x 5 metre splay corner on each corner. This may require adjustments to the build product.

### 9.2 Construction Certificate Requirements

- 9.2.1 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:

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Per \_\_\_\_\_  
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- Road and drainage construction
- Temporary On-site stormwater detention
- Water quality treatment
- Earthworks
- Inter-allotment drainage (created within the subject lot)
- Path Paving (within a subdivision)

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

### 9.3 Roads Act Requirements

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

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

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

### 9.4 Other Engineering Requirements

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

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

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

9.4.4 Submit written evidence from the Roads and Maritime Services indicating compliance with all necessary requirements.

9.4.5 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.

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

### 9.5 Roads

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 9.5.1 Submit a pavement report prepared and designed by a professional civil engineer with soil tests carried out by a registered NATA soils laboratory. The pavement design shall withstand the traffic loadings listed in this consent.
- 9.5.2 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.
- 9.5.3 Any approved design drawings must show a 5m x 5m splay for residential allotments at each street intersection.
- 9.5.4 Splays are to be adjusted to meet site specific intersection designs in accordance with Council's Engineering Guide for Development.
- 9.5.5 Proposed new roads shall be designed and constructed as follows:

| Name                           | Width (m) | Length (m) | Formation (m) | Traffic Loading N(E.S.A) |
|--------------------------------|-----------|------------|---------------|--------------------------|
| Road 1 CH73-CH217              | 18        | 144        | 3.5-11.0-3.5  | $5 \times 10^5$          |
| Road 1 CH217-CH425 (half road) | 9         | 208        | 5.5-3.5       | $5 \times 10^5$          |
| Road 1 CH425-CH574             | 18        | 149        | 3.5-11-3.5    | $5 \times 10^5$          |
| Road 2 (half road)             | 9         | 205        | 3.5-5.5       | $5 \times 10^5$          |

Note: 150mm integral kerb and gutter shall be provided

## 9.6 Drainage

- 9.6.1 Drainage from the site must be connected into Council's existing drainage system.

## 9.7 Erosion and Sediment Control

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

## 9.8 Earthworks

- 9.8.1 Proposed lots must be filled so that the ground levels behind the building are a minimum of 500mm above the designed 100-year average recurrence interval flood level.

The lots and roads may require additional filling to be compatible with either existing or future adjacent development.

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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NOTE: Roads are to be constructed so that the lowest point of any road is at or above the 1% A.E.P. flood level.

9.8.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.

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

#### 9.9 Stormwater Quality Control

9.9.1 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.

9.9.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 96 application.

The submitted concept Engineering Plans are considered sufficient to issue consent however the following items are required to be addressed on the Construction Certificate plans:

- i. Provide a catchment plan for the MUSIC model indicating what areas drain to which device and clearly indicating any bypass
- ii. Enviropod pit inserts to be indicated for all pit in Ground Floor Pit Schedule
- iii. Access points to the Stormfilter Chamber to be minimum 900 mm x 900 mm
- iv. Provide access points upstream of the weir
- v. The 600 mm overflow from the rainwater tank must be directed to the detention tank and not to the control pit
- vi. Allow for 10% loss in rainwater tank size volume in MUSIC model
- vii. Provide pre and post MUSIC models to demonstrate the Stream Erosion Index is less than 3.5

9.9.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

#### 9.10 Temporary On-Site Detention

9.10.1 Provide a temporary on-site detention system in accordance with Council's Engineering Guide for Development. This design shall limit the post-developed flows to the pre-developed flows for the 2 to 100 year ARI storm events.

9.10.2 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 temporary on-site detention design shall require a section 96 application.

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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Per \_\_\_\_\_  
Blacktown City Council

9.10.3 Submit the following certificates which are to be prepared by a registered engineer (NER):

- Certification that the structures associated with the temporary on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- Certification that the temporary on-site detention system will perform to meet the temporary on-site detention requirements.

9.10.4 The following documents shall be submitted to accompany the temporary on-site detention design:

- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
- OSD detailed design submission and calculation summary sheet
- A maintenance schedule that is signed and dated by the designer

#### 9.11 Vehicular Crossings

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

#### 9.12 Footpaths

9.12.1 Construct path paving as follows:

| Street Name                       | Side  | Paving Width (m) | Length        |
|-----------------------------------|-------|------------------|---------------|
| Road 1 CH73-CH217                 | North | 1.2              | Full frontage |
| Road 1 CH217-CH425<br>(half road) | East  | 1.2              | Full frontage |
| Road 1 CH425-CH574                | South | 1.2              | Full frontage |
| Road 2                            | West  | 1.2              | Full frontage |

### 10 PRIOR TO DEVELOPMENT WORKS

#### 10.1 Safety/Health/Amenity

10.1.1 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

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Per \_\_\_\_\_  
Blacktown City Council

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

10.1.2 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.

10.1.3 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.

10.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

10.1.5 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.

10.1.6 A single vehicle/plant access to the land shall be provided to minimise ground

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Per \_\_\_\_\_  
Blacktown City Council

disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.

10.1.7 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.

10.1.8 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

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

## 10.2 Notification to Council

10.2.1 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.

10.2.2 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.

## 10.3 Home Building Act

10.3.1 The construction of *residential building work* within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

(a) in the case of work for which a principal contractor is required to be appointed:

- (i) the name and licence number of the principal contractor, and
- (ii) the NSW Home Building Compensation Fund "Statement of Cover" under Part 6 of that Act,

These conditions are imposed for the following reasons:

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GENERAL MANAGER

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Blacktown City Council

(b) in the case of work to be done by an owner-builder:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under Part 3 of the Act, the number of the owner-builder permit.

#### **10.4 Sydney Water Authorisation**

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

OR

The approved plans are to be submitted to a Sydney Water Customer Centre or Quick Check Agent, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For Quick Check Agent details, please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.

#### **10.5 Roads and Traffic Authority**

- 10.5.1 Written evidence shall be obtained from the Roads & Traffic Authority indicating compliance with its requirements, including the payment of any necessary works supervision fees. A copy of such approval shall be lodged with Council.

#### **10.6 Adjoining Owners**

- 10.6.1 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.

#### **10.7 Use of Crane**

- 10.7.1 Any crane used in the construction of this development to swing over public air spaces must have approval under the Roads Act 1993 and Local Government Act 1993 from Council's Manager, Civil and Open Space Maintenance.

- 10.7.2 The crane used must be provided with a light in accordance with the requirements of

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Per \_\_\_\_\_  
Blacktown City Council

the Civil Aviation Authority (CASA) requirement. This may require a separate approval from CASA.

## 10.8 Roads and Maritime Services

- 10.8.1 Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph.: 8849 2114.

- 10.8.2 The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124

Telephone: 8849 2114

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the road is/are given at least seven (7) days' notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- 10.8.3 A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Garfield Road East during construction activities.

## 11 DURING CONSTRUCTION (BUILDING)

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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Per \_\_\_\_\_  
Blacktown City Council

**11.1 Safety/Health/Amenity**

11.1.1 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.

11.1.2 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.

11.1.3 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.

11.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.

11.1.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.

11.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

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Per \_\_\_\_\_  
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11.1.7 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

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

11.1.8 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.

## 11.2 Building Code of Australia Compliance

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

## 11.3 Surveys

11.3.1 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.

11.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

## 11.4 Nuisance Control

11.4.1 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.

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

## 11.5 Stormwater Drainage

11.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:

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

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## 11.6 Waste Control

- 11.6.1 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.

## 11.7 Construction Inspections

- 11.7.1 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.

## 11.8 Salinity and Aggressive Soil Management

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

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Per \_\_\_\_\_  
Blacktown City Council

on title for building construction measures to mitigate the effects of aggressive soils and salinity.

**11.9 Site Contamination**

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

**11.10 Waste Management Plan**

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

**11.11 European Heritage**

- 11.11.1 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.

**11.12 Aboriginal Heritage**

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

**11.13 Dewatering of Excavation**

- 11.13.1 The principal certifying authority must be satisfied that any water from excavations to be discharged to Council's stormwater system meets the following criteria:
- (a) It must not contain a concentration of suspended sediment exceeding 50 mg/L.
  - (b) It must have a pH of between 6.5-8.

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Per \_\_\_\_\_  
Blacktown City Council

- (c) It must comply with the ANZECC Guidelines for Marine and Freshwater Quality, for Protection of Aquatic Ecosystems (95% protection level).

Water testing must be carried out by a suitably qualified practising environmental scientist, to ensure compliance with the above criteria and results provided to the principal certifying authority or Council upon request.

#### 11.14 Dewatering Operations

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

#### 11.15 Other Matters

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

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

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

## 12 DURING CONSTRUCTION (ENGINEERING)

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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## 12.1 Notification of Works

- 12.1.1 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 five (5) business days prior to commencement of engineering works.
- 12.1.2 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.

## 12.2 Insurances

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

## 12.3 Service Authority Approvals

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

## 12.4 Soil Erosion and Sediment Control Measures

- 12.4.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 12.4.2 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.
- 12.4.3 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

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Per \_\_\_\_\_  
Blacktown City Council

specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

## 12.5 Filling of Land and Compaction Requirements

12.5.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.

12.5.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version).

- a) Submission of compaction certificates for fill within road reserves.
- b) Submission of compaction certificates for road sub-grade.
- c) Submission of compaction certificates for road pavement materials (sub-base and base courses).
- d) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)

Note: Council's Works Specification (Civil) requires road pavement and pipe bedding materials be sourced from approved suppliers. A listing of these materials and approved stockpile numbers can be found on Council's webpage.

The above documentation shall be submitted at the prior to Subdivision and/or Occupation certificate stage as required by this consent.

12.5.3 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.

12.5.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.

12.5.5 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.

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Per \_\_\_\_\_  
Blacktown City Council

- 12.5.6 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.
- 12.5.7 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.
- 12.5.8 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.

**12.6 Filling in Contaminated Land**

- 12.6.1 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.
- 12.6.2 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.
- 12.6.3 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.

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

- 12.7.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under *Part 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.

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

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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Kerry Robinson  
GENERAL MANAGER

Per \_\_\_\_\_  
Blacktown City Council

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

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

## 12.9 Public Safety

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

## 12.10 Site Security

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

## 12.11 Traffic Control

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

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Kerry Robinson  
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Per \_\_\_\_\_  
Blacktown City Council

*Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

**12.12 Powder Coated Furniture**

- 12.12.1 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.

**13 PRIOR TO OCCUPATION CERTIFICATE**

**13.1 Consolidation of Lots**

- 13.1.1 The lots shall be consolidated into one title which shall be registered with the Land and Property Information.

**13.2 Road Damage**

- 13.2.1 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.

**13.3 Compliance with Conditions**

- 13.3.1 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.

- 13.3.2 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.

**13.4 Service Authorities**

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

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Kerry Robinson  
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Per \_\_\_\_\_  
Blacktown City Council

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

- 13.4.2 A final written clearance shall be obtained from Sydney Water Corporation, Energy provider and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.

### 13.5 Temporary Facilities Removal

- 13.5.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 13.5.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 13.5.3 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.
- 13.5.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 13.5.5 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.

### 13.6 Fire Safety Certificate

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

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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**13.7 Fee Payment**

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

**13.8 Engineering Matters**

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

- 13.8.1.1 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.
- 13.8.1.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Council.
- 13.8.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 13.8.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 13.8.1.5 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.
- 13.8.1.6 Written evidence is to be obtained from the Roads and Maritime Services (RMS) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 13.8.1.7 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):
- a) Compaction certificates for fill within road reserves.
  - b) Compaction certificates for road sub-grade.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- c) Compaction certificates for road pavement materials (sub-base and base courses).
- d) Two (2) contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)

13.8.1.8 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.

#### 13.8.2 Easements/Restrictions/Positive Covenants

13.8.2.1 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.

13.8.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the on-site detention storage areas and outlet works.

13.8.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the Stormwater Quality Control devices/system and outlet works.

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

#### 13.8.3 Bonds/Securities/Payments in Lieu of Works

13.8.3.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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- 13.8.3.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.

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

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

- 13.8.3.3 Concrete path paving must not be placed until about 75% of the lots have been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Pricing Schedule. The security will be released upon satisfactory completion of the works.

- 13.8.3.4 Where Council's has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request.

#### 13.8.4 Inspections

- 13.8.4.1 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.

#### 13.8.5 CCTV Inspection of Stormwater Drainage Structures

- 13.8.5.1 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.

#### 13.9 Landscaping

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

- 13.9.2 All landscaping, recreation features and furniture, bbq facilities, children's play

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equipment and clothes drying facilities shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.

- 13.9.3 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.
- 13.9.4 Vandal proof and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.
- 13.9.5 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 13.9.6 All power boards should be housed within a locked cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.
- 13.9.7 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 13.9.8 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 13.9.9 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 13.9.10 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.
- 13.9.11 Common open space areas are to be suitably lit with bollard lighting or similar, in accordance with relevant Australian Standards.
- 13.10 **Sight Distance**
- 13.10.1 Prior to the issue of an Occupation Certificate and after all front fencing is constructed, a suitably qualified Traffic Consultant is to verify that the as-built driveways comply with the sight distance requirements in the relevant Australian Standard particularly for vehicles and trucks exiting both of the driveways to

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Allawah Street in relation to pedestrians. If compliance is not met then adjustments to the fencing and retaining walls will be required to achieve compliance.

**13.11 Adaptable Housing Units**

- 13.11.1 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.

**13.12 Total Maintenance Plan**

- 13.12.1 A "total" maintenance plan is to be prepared for the site. The plan is to ensure the following:

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

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

**13.13 Waste matters**

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

- 13.13.2 Prior to the release of an Occupation Certificate, the strata manager is to sign the 'Agreement for Onsite Waste Collection' form and submit it to Council for their records.

- 13.13.3 Any future Strata Management Agreement should indicate:

- o requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan.

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- responsibility for maintenance of the waste system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times.
- the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.

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

#### 13.14 Graffiti Management Plan

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

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

#### 13.15 Transport for NSW requirements

13.15.1 Prior to the issue of an Occupation Certificate, the applicant is to provide Transport for NSW with as-built drawings, reports and other information related to the design, construction and maintenance of the approved development to allow Transport for NSW to fully understand the interaction between the approved development and the North West Rail Link and to receive written confirmation from Transport for NSW that the information satisfies Transport for NSW's requirements.

#### 13.16 Other matters

13.16.1 Air conditioning units are to be located on balconies, below balustrade level.

13.16.2 Provision is to be made for communal outdoor clothes drying areas. In this regard, the area is to be suitable screened from public view.

13.16.3 All fencing, landscaping, clotheslines, hot water systems, TV antennae, mailboxes, driveways and the common open space area are to be completed in accordance with the approved plans and conditions of this consent to Council's satisfaction prior to the release of the Occupation Certificate.

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- 13.16.4 A post-construction dilapidation report shall be carried out for any of the potentially affected existing buildings surrounding the proposed development. A copy of the report shall be submitted to Council prior to issue of Occupation Certificate.

#### **13.17 Street Tree Planting**

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

The number of trees should equal the number lots/dwellings with street frontage. However, corner lots require 1 tree for the primary frontage and 2 trees on the side frontage. In the case of medium and high density residential developments. Trees will be planted at a minimum spacing of 8 metres.

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

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

The applicant must obtain clearances from relevant service authorities.

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

The applicant will also be required to pay a \$132 inspection fee. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification

#### **13.18 Acoustic validation**

- 13.18.1 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.

### **14 PRIOR TO SUBDIVISION CERTIFICATE**

#### **14.1 Road access**

- 14.1.1 All lots shall have access from a dedicated public road. In this regard, all proposed

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roads shall be dedicated as public road free of cost to Council.

NOTE: Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on a future public road. Any proposal to locate a proposed substation or other utility installation on a future public road shall be negotiated with and fully endorsed by the relevant Council Directorates.

#### **14.2 Road Damage**

- 14.2.1 The cost of repairing any damage caused to Council's assets in the vicinity of the subject site as a result of the development works 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.

#### **14.3 Service Authority Approvals**

- 14.3.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Subdivision Certificate:

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

#### **14.4 Security**

- 14.4.1 An acceptable security (bond) guaranteeing the future completion of the road sealing works shall be lodged with Council. The bond amount is to be calculated at the asphaltic contribution rate current at the time and is to be accompanied by Council's standard Deed of Agreements for Bonds.

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**14.5 Asset Management**

- 14.5.1 An amount of is to be paid to Council for the ongoing maintenance of the black powder coated light poles, street name poles and bus shelters proposed in this subdivision. This amount is based on a fee of \$41 per lot proposed in the subdivision and is to be paid prior to the release of the Linen Plan. This amount is valid only until 30 June 2017, upon which this amount will be updated in accordance with Council's adopted fee structure at the time. Any enquiries regarding this fee are to be directed to the Maintenance Section of the City Assets Directorate.

The manufacturer of the light poles/street name poles/bus shelters is to provide written certification that all structures have been black powder coated to the satisfaction of Council's Development Services Engineers prior to installation.

**14.6 Consent Compliance**

- 14.6.1 A Subdivision Certificate shall not be issued until all relevant conditions of this consent have been satisfied.

**14.7 Additional Inspections**

- 14.7.1 Any additional Council inspection services provided beyond the scope of any Compliance Certificate or inspection package and required 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 and shall be paid to Council.

**14.8 Fee Payment**

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

**14.9 Site Contamination**

- 14.9.1 A final site contamination Validation Report confirming the suitability of the site for the proposed development is to be endorsed by Council prior to the release of the final plan of subdivision. The Validation Report shall be prepared by a consultant engaged under the terms of Council's Contaminated Lands Policy.

**14.10 Roads and Maritime Services**

- 14.10.1 The applicant shall contact the Roads and Maritime Services regarding arrangements for the acquisition of that portion of the site required for arterial road widening. Written evidence of such arrangements having been made is to be submitted with, or prior to, the Subdivision Certificate application.

**14.11 Engineering Matters**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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**14.11.1 Surveys/Certificates/Works As Executed plans**

- 14.11.1.1 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.
- 14.11.1.2 The Work-as-Executed (WAE) must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Council.
- 14.11.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 14.11.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 14.11.1.5 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.
- 14.11.1.6 Written evidence is to be obtained from the Roads and Maritime Services (RMS) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 14.11.1.7 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):
- a) Compaction certificates for fill within road reserves.
  - b) Compaction certificates for road sub-grade.
  - c) Compaction certificates for road pavement materials (sub-base and base courses).
  - d) Two (2) contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
  - e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier).

These conditions are imposed for the following reasons:

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- 14.11.1.8 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.

**14.11.2 Easements/Restrictions/Positive Covenants**

- 14.11.2.1 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.

- 14.11.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information (LPI) over the on-site detention storage areas and outlet works. Documentary evidence of this LPI lodgement shall be submitted to Council.

- 14.11.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the Stormwater Quality Control devices/system and outlet works. Documentary evidence of this LPI lodgement shall be submitted to Council.

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

**14.11.3 Dedications**

- 14.11.3.1 Dedication at no cost to Council of 5m x 5m splay corners on allotments at each street intersection.

- 14.11.3.2 The final plan of subdivision will not be released unless written evidence from the Roads and Maritime Services (RMS) has been obtained indicating that satisfactory arrangements have been made by the applicant/developer for the payment of a contribution towards the cost of the arterial road network.

**14.11.4 Bonds/Securities/Payments in Lieu of Works**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.  
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14.11.4.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.

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

(a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)

(b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

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

14.11.4.3 Concrete path paving must not be placed until about 75% of the lots have been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Services Pricing Schedule. The Security will be released upon satisfactory completion of the works.

14.11.4.4 Where Council's has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request

#### 14.11.5 Inspections

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

#### 14.11.6 Inspection of Work

14.11.6.1 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.

### 14.12 Final Plans

These conditions are imposed for the following reasons:

(a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.

(b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.

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- 14.12.1 The submission of a final plan of subdivision, together with 7 exact copies and the appropriate fee. The final plan of subdivision will not be released until all conditions of this determination have been complied with.
- 14.12.2 Where any permanent control marks are placed in accordance with the Survey Practice Regulation 1990 in the preparation of the plan, 2 copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision.

#### **14.13 Street Tree Planting**

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

The number of trees should equal the number lots/dwellings with street frontage. However, corner lots require 1 tree for the primary frontage and 2 trees on the side frontage. In the case of medium and high density residential developments. Trees will be planted at a minimum spacing of 8 metres.

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

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

The applicant must obtain clearances from relevant service authorities.

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

The applicant will also be required to pay a \$132 inspection fee. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification

### **15 OPERATIONAL (PLANNING)**

#### **15.1 Use of Premises**

- 15.1.1 The development shall not be used or converted for use for any purpose other than that:

(a) Granted consent by Council's Notice of Determination, or

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

Kerry Robinson  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council

- (b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

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

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

**15.2 Storage**

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

**15.3 Landscaping**

15.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner. The landscaping in the planter areas either side of the two driveways off Allawah Street are to be kept trimmed to a low height that will not obstruct the viewing of pedestrians by cars and vehicles exiting the two driveways. Such landscaping is to not obstruct compliance with AS 2890.1 at all times.

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

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

**15.4 Lighting and Security**

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

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

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

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**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council

**15.5 Waste Management**

- 15.5.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 15.5.2 All waste generated on site must be disposed of in accordance with the approved Waste Management Plan.
- 15.5.3 The Owners Corporation will be responsible for ensuring that clear access is provided to Council collection trucks entering the property.

**15.6 Emergency Procedures**

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

**15.7 Clothes Drying**

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

**15.8 Graffiti Removal**

- 15.8.1 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.

**15.9 Access/Parking**

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

**15.10 Crime Prevention Through Environmental Design**

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

**16 OPERATIONAL (ENVIRONMENTAL HEALTH)**

**16.1 Environmental matters**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council

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

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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