

PART 1

1. Deferred Commencement Matters

1.1 Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, this development consent is not to operate until such time as the following requirements are addressed to Council's written satisfaction.

- (a) A 3.0m wide easement for stormwater drainage has been created and registered over the future location of the local road as should in the Indicative layout plan (ILP). The creation is pursuant to Section 88B of the *Conveyancing Act, 1919* and registration with Land Property Information. The easement shall burden Lot 6, DP 193074 and benefit Lot 7, DP 193074.

- (b) Construction of the inter-allotment drainage line and swale required to drain the development to lot 5 DP 193074 containing the SP2 drainage basin and future ILP local road.

NOTE: There shall be no adverse impacts on the all downstream properties. An appropriate level spreader type system shall be provided on the outlets and swale discharge and pre-developed conditions shall be maintained post development.

NOTE: Detailed engineering drawings including longitudinal sections of the inter-allotment drainage lines and swale details are required to be submitted to Council for approval including appropriate calculations.

- (c) The proposed site drainage levels shall be designed to convey runoff from the site to precinct Basin 7A located on lot 5 DP1930774 for the minimum design invert of RL 22.1 AHD.
- (d) Submit a Compliance Certificate by a Registered Surveyor upon the completion of works indicating that all pipes and associated structures lie wholly within any easement.
- (e) Re-vegetation must be applied to disturb areas as soon as practical after completion of the construction of the inter-allotment drainage line.
- (f) Submit a works-as-executed plan signed by a Chartered Professional Engineer or a Registered Surveyor (in both electronic format and hard copy).

NOTE: All engineering Works-As-Executed plans must be prepared on a copy of the original approved engineering plans.

- (g) A site inspection is required prior to commencement of work. A minimum twenty-four (24) hours' notice must be given prior to any required inspection. Council's Development Overseers can be contacted on 9839-6586 between 7am - 8am and 12.30pm - 1.30pm, Monday to Friday, for an inspection.

NOTE: Schedules of mandatory inspections are listed in Council's Works Specification – Civil (current version).

- (h) A minimum of 20% of the units within each residential flat building are to be designed in accordance with the Liveable Housing Design Guidelines incorporating appropriate silver level universal design features to comply

with the requirements of the Apartment Design Guide.

- (i) Reduce the footprint of the basement of the following building by reducing the number of resident car parking spaces:
 - Building A – from 70 spaces to 67 spaces
 - Building B – from 80 spaces to 75 spaces
 - Building C – from 39 spaces to 38 spaces.
- (j) Provide deep soil planting in the deleted car parking spaces/reduced basement building footprint. Large and medium trees species to be planted in the additional deep soil zone and appropriate species to be selected from the Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (as amended)
- (k) Provide an accessible rooftop common open space terrace to Building C with a minimum of 330 sq.m and extend the lift well and stairs to provide access to the roof top common open space.
- (l) The west-facing balconies of Building C are to be amended to comply with the 6 metre side separation requirement of the Apartment Design Guide.
- (m) The basement and driveway of Building C are to be set back a minimum of 1.5 metres from the southern boundary. Landscape screen planting capable of reaching a mature height of 2 metres is to be planted within the setback.
- (n) Provide external vertical louvres to Bedroom 2 of Units A-103, 203 and 303 and Units B-103, 203 and 303 and Bedroom 1 of Units A104, 204 and 304 and Units B-104, 204 and 304.
- (o) Provide solid balustrade to the balcony of Units A-110, 210 and 310 and Units A-111, 211 and 311 and Units B-110, 210 and 310 and Units B-111, 211 and 311.
- (p) Provide solid balustrade to the balcony of Units A-G09, A-G11, A-G13, A-109, 209 and 309, A-110, 210 and 310 and A-112, 212 and 312.
- (q) Provide solid balustrade to the balcony of B-G-13, B-G-14, B-111, 211 and 311 and B-113, 213 and 313.
- (r) Provide full height glass bricks to the corridor servicing Units A-115, 215 and 315 and Units B-115, 215 and 315.
- (s) Provide a BBQ and sink, seats/benches and tables and play area on the ground floor communal open space of Building B.
- (t) Provide seats/benches, tables, soft landscaping on the perimeter planter boxes on the rooftop common open spaces to Buildings A, B and C.
- (u) Provide sliding louvres on balcony railings on the western elevations of all buildings.
- (v) Provide appropriate lighting all common circulation space/corridors to ensure they are well lit at night.
- (w) Provide a minimum of 1 accessible parking space for each of the adaptable units and a minimum of 1 accessible car parking space for the

visitors in each of Buildings A and B.

- (x) Relocate visitor car parking spaces closest to the access ramp/entry of the basement carpark and provide secured entry to the residents' car parking spaces.
- (y) Amend the landscape plan to incorporate the following details:
 - (i) Provision of an accessible rooftop common open space terrace to Building C.
 - (ii) Provision of additional deep soil planting in areas made available by the deletion of additional residential car parking spaces in the basements of all buildings.
 - (iii) Provide a BBQ and sink, seats/benches and tables and play area on the ground floor of Building B communal open space.
 - (iv) Provision of seats/benches, tables, additional planting on the perimeter planter boxes on the rooftop common open space terrace of all buildings.
 - (v) Provide large and medium sized trees for more deep soil zones. Species to be selected from Appendix D Prescribed Trees and Preferred Species of Blacktown City Council Growth Centre Precincts Development Control Plan 2016.

These requirements are to be submitted to Council's Manager Development Assessment for approval.

- 1.2 All of the requirements listed in the above condition must be completed within 5 years of the date of this Deferred Commencement consent. Should these matters not be completed to Council's satisfaction within this time period, this consent will lapse.

PART 2

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 This consent is restricted to the construction of 3 residential flat buildings containing 169 apartments, associated demolition of all existing structures, tree removal, landscaping, construction of new roads and stormwater drainage works.
- 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.

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

- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
- (c) installation of footways and vehicular crossings servicing the development.
- (d) separate Council approval under the Roads Act 1993 for any crane used to construct the development that swings over public air space.

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

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

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
- (d) The relevant local telecommunications carrier

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

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

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

2.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number

(02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

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

2.5 **Tree Planting and Service Locations (After all other services)**

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

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

2.6 **Identification Survey**

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

2.7 **Engineering Notes**

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

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

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

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

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

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

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

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

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

2.8 **Payment of Engineering Fees**

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

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

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

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

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:

Title	Drawing No.	Prepared by	Date
Plan Showing Proposed Subdivision of Lot 7 Section J in	8235	H Ramsay & Co	4/10/17

DP 193074 No. 215 Grange Avenue, Marsden Park			
Site Analysis 1/3	150723 UA101 Issue G	Design Cubicle	26.07.17
Site Analysis 2/3	150723 UA102 Issue G	Design Cubicle	26.07.17
Site Analysis 3/3	150717 UA103 Issue G	Design Cubicle	26.07.17
Site Plan	150723 DA : 200 Issue G	Design Cubicle	26.07.17
Basement 2 Plan	150723 DA : 201 Issue G	Design Cubicle	26.07.17
Basement 1 Plan	150723 DA : 202 Issue G	Design Cubicle	26.07.17
Ground Floor Plan	150723 DA : 203 Issue G	Design Cubicle	26.07.17
Typical Floor Plan First to Third	150723 DA : 204 Issue G	Design Cubicle	26.07.17
Fourth Floor Plan F	150723 DA : 205 Issue G	Design Cubicle	26.07.17
Roof Plan	150723 DA : 206 Issue G	Design Cubicle	26.07.17
Basement 2 Plan Building A - Stage 1	150723 DA : 211 Issue G	Design Cubicle	26.07.17
Basement 1 Plan Building A – Stage 1	150723 DA : 212 Issue G	Design Cubicle	26.07.17
Ground Floor Plan Building A – Stage 1	150723 DA : 213 Issue G	Design Cubicle	26.07.17
Typical Floor Plan First to Third Building A – Stage 1	150723 DA : 214 Issue G	Design Cubicle	26.07.17
Fourth Floor Plan Building A – Stage 1	150723 DA : 215 Issue G	Design Cubicle	26.07.17
Roof Plan Building A – Stage 1	150723 DA : 216 Issue G	Design Cubicle	26.07.17
Elevations Building A – Stage 1	150723 DA : 217 Issue G	Design Cubicle	26.07.17
Sections Building A – Stage 1 and Fence Details	150723 DA : 218 Issue G	Design Cubicle	26.07.17
Head Clearance Plan & Sections	150723 DA : 219 Issue G	Design Cubicle	26.07.17
Basement 2 Plan Building B – Stage 2	150723 DA : 221 Issue G	Design Cubicle	26.07.17
Basement 1 Plan Building B – Stage 2	150723 DA : 222 Issue G	Design Cubicle	26.07.17
Ground Floor Plan Building B – Stage 2	150723 DA : 223 Issue G	Design Cubicle	26.07.17
Typical Floor Plan First to Third Building B – Stage 2	150723 DA : 224 Issue G	Design Cubicle	26.07.17
Fourth Floor Plan Building B – Stage 2	150723 DA : 225 Issue G	Design Cubicle	26.07.17
Roof Plan Building B – Stage 2	150723 DA : 226 Issue G	Design Cubicle	26.07.17
Elevations Building B – Stage 2	150723 DA : 227 Issue G	Design Cubicle	26.07.17
Sections 1-1 & 2-2 Building B – Stage 2	150723 DA : 228 Issue G	Design Cubicle	26.07.17
Head Clearance Plan & Sections	150723 DA : 229 Issue G	Design Cubicle	26.07.17

Basement & Ground Floor Building C- Stage 3	150723 DA : 231 Issue G	Design Cubicle	26.07.17
Typical & Roof Plan Building C- Stage 3	150723 DA : 232 Issue G	Design Cubicle	26.07.17
Elevations/Sections Building C – Stage 3	150723 DA : 233 Issue G	Design Cubicle	26.07.17
Head Clearance Plan & Section	150723 DA : 234 Issue G	Design Cubicle	26.07.17
Shadow Diagrams 1/3	150723 DA : 271 Issue G	Design Cubicle	26.07.17
Shadow Diagrams 2/3	150723 DA : 272 Issue G	Design Cubicle	26.07.17
Shadow Diagrams 3/3	150723 DA : 273 Issue G	Design Cubicle	26.07.17
Erosion, Sediment & Demolition Control Plan	150723 DA : 281 Issue G	Design Cubicle	26.07.17
Solar Access & Cross Ventilation Schedule	150723 DA : 300 Issue G	Design Cubicle	26.07.17
Pedestrian Movement Plan	150723 DA : 400 Issue G	Design Cubicle	26.07.17
Pedestrian Movement Plan	150723 DA : 401 Issue GF	Design Cubicle	26.07.17
External materials and finishes	Block A, Block B and Block C	Design Cubicle	undated

3.1.2 This consent grants approval for the following, subject to full compliance with all other conditions of this consent:

- (a) 33 x 1 bedroom units
- (b) 129 x 2 bedroom units
- (c) 7 x 3 bedroom units.

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: Marsden Park

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

Suburb: Marsden Park

3.4 Compliance with BASIX Certificate

- 3.4.1 All commitments listed in BASIX Certificate 728324M dated 18 May 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
- (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

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

- Vehicular Crossing
- Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)
- Any crane used to construct the development that swings over public air space.

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

- 3.6.3 The section of Grange Avenue fronting the proposed development is proposed to be included as a Section 94 road in Blacktown City Council's Contributions Plan No. 21 – Marsden Park. It may be possible to carry out these road works as part of a 'Works-in-Kind' agreement with Council upon adoption of the Contribution Plan. This matter will need to be the subject of further discussion with Council officers.

3.7 Imported "Waste Derived" Fill Material

- 3.7.1 The only waste derived fill material that may be received at the development site is:

- (a) virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*),
- (b) any other waste-derived material the subject of a resource recovery exception under cl.51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

3.8 Aboriginal Archaeology

- 3.8.1 In the event of unexpected Aboriginal objects, sites or places (or potential Aboriginal objects, site or places) are discovered during construction, all works in the vicinity should cease and Design Cubicle Pty Ltd should determine the subsequent course of action in consultation with a heritage professional and/or

the Office of Environment and Heritage (OEH) as appropriate. A process of consultation with Aboriginal community representatives would also be required.

3.8.2 In the event of Aboriginal objects are later identified within the proposed activity area, a more detailed investigation involving a formal process of Aboriginal community consultation and the preparation of an Aboriginal Cultural Heritage Assessment Report (ACHAR) is required. The detailed reports are to be submitted with an application for an Aboriginal Heritage Impact Permit (AHIP).

3.8.3 If human skeletal material less than 100 years old is discovered, the *Coroners Act 2009* requires that all works should cease and the NSW Police and the NSW Coroner's Office should be contacted. Traditional Aboriginal burials (older than 100 years) are protected under the *National Parks and Wildlife Act 1974* and must not be disturbed.

An appropriately skilled archaeologist or physical anthropologist must be contacted to inspect the find, interpret the age and nature of skeletal remains and recommend an appropriate course of action.

Should the skeletal material prove to be archaeological Aboriginal remains, notification of OEH and the Local Aboriginal Land Council will be required. Notification should also be made to the Commonwealth Minister for the Environment, under the provisions of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

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,

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**

- 4.2.1 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

5 **DURING DEMOLITION WORKS**

5.1 **Work Method**

- 5.1.1 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable SafeWork NSW Authority requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2002 (if applicable).
- 5.1.2 Demolition work must be carried out by a contractor with an appropriate and current demolition license issued by SafeWork NSW. A license for asbestos removal is required if asbestos is being removed.
- 5.1.3 Any asbestos materials are to be removed with the approval of WorkCover and in accordance with Environment Protection Authority (EPA) and Occupational Health and Safety Standards.

Note: If any asbestos material is found on site, asbestos disposal dockets shall be lodged with Council at the completion of the demolition and prior to commencement of the construction of the development to verify that all asbestos materials have been disposed of in accordance with EPA and WorkCover requirements.

5.1.4 All persons responsible for the demolition works shall be accredited by SafeWork and disposal dockets shall be submitted to Council.

5.1.5 All demolition works are to comply with safety requirements of Australian Standard 2601.

5.2 Signs on Demolition Sites

5.2.1 A sign must be erected in a prominent position on any work site on which the demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited, and
- (b) showing 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.

5.3 Protection of Neighbouring Buildings

5.3.1 The demolisher has an obligation to ensure that the adjoining buildings and properties are not damaged.

5.4 Site Safety

5.4.1 The demolition site shall at all times be secured against public access.

5.5 Protection of Public Places

5.5.1 If the work involved in the demolition of a building:

- (a) is 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,

a hoarding or protective barrier must be erected between the work site and the public place. Such hoarding or barrier must be designed and erected in accordance with Council's *Local Approvals Policy*.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

5.6 Building Materials and Waste

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

5.6.2 Suitable and effective builder's refuse and waste storage facilities are to be provided on the development site for the duration of demolition works.

5.6.3 No material is to be stockpiled within public view.

5.7 Disconnection of Services

- 5.7.1 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.

5.8 Soil Erosion and Sedimentation Control

- 5.8.1 Soil erosion and sediment control measure shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and be installed prior to the commencement of any demolition works. Infringement Notices, incurring a monetary penalty, may be issued by Council where measures are not provided or maintained.

- 5.8.2 All required soil erosion and sediment control measures are to be maintained during the entire demolition period until disturbed areas are restored by turfing, paving or revegetation.

- 5.8.3 To minimise any dust nuisance, all haulage roads, demolition areas and stockpiles are to be regularly watered.

5.9 Traffic Management Plan during demolition/excavation

- 5.9.1 During the course of demolition (including excavation of the basement) on the site, the following conditions shall be complied with at all times:-
- (a) All truck movements should be by truck or by "truck and dog trailer" not exceeding a length of 19m. No B-Doubles will be permitted to transport fill material on Blacktown City Council roads.
 - (b) All truck movements in the Blacktown LGA must be on designated heavy vehicle roads, as listed in the RMS's road register (see the RMS's website for regular updates) and as agreed to by Council.
 - (c) All entry and egress to the site shall be made via the site off Grange Avenue and all truck operators are to minimise noise levels when driving through residential areas/school zones to minimise the impact on the amenity of the area.

5.10 Safety/Health/Amenity

- 5.10.1 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.
- 5.10.2 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.
- 5.10.3 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.
- 5.10.4 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 5.10.5 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.

- 5.10.6 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)
- 5.10.7 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.

5.11 **Nuisance Control**

- 5.11.1 Any noise generated during demolition and construction 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.
- 5.11.2 The waste material sorting, storing 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 the demolition works.

5.12 **Tree Protection**

- 5.12.1 The measures required to effectively protect trees on the land shall be maintained throughout the demolition works.

6 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

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 **Blacktown City Council Growth Centres Development Control Plan 2016**

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

6.3 **Road Deposit/Bond**

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

a) Road inspection fee of \$180.00

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

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

(a) Vehicular Crossing Application and Inspection Fee: \$145.00

NOTE: This amount is valid until 30th June 2018 after which time it will be reviewed in accordance with Council's Goods and Services Pricing Schedule.

NOTE: Council may grant a reduction in the above fee dependent upon the timing of the placement of the footpath crossings.

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

6.4.1 A construction certificate must not 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](#).

6.5 **Hazardous Materials and Waste**

6.5.1 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.

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

6.6 **Acoustic Privacy**

6.6.1 All glazed windows and doors and façade of the residential development are required to achieve the minimum Rw rating as outlined in Table 6-1 In-principle Glazing Recommendations of Proposed Residential Development 215 Grange Avenue, Marsden Park NSW Road Traffic Noise Acoustical Assessment (Report Number R150561R1) dated 14 April 2016 prepared by Rodney Stevens Acoustics. This is to be verified for the Construction Certificate Plans.

6.7 **Revised Landscape Plan**

6.7.1 A revised landscape plan is to be submitted to Blacktown City Council for approval. The revised landscape plan shall incorporate the following details:

(a) Amended street tree species

- The required species for Grange Avenue is *Angophora floribunda* – Rough Barked Apple.

- The required species for proposed Road No.1 is *Melaleuca linariifolia* – Snow in Summer
- The required species for proposed Road No.2 is *Nyssa sylvatica* – Black Tupelo
- The required species for proposed Road No.3 is *Fraxinus pennsylvanica* 'Urbanite'- Urbanite Green Ash.

(b) Street planting detail and specifications

Incorporate the following design measures and specifications to aid in the successful delivery of street trees, provide safe public spaces, protect against assets from damage and provide for a healthy environment for the tree.

- No timber or steel edging is permissible
- Install root directors to manufacturer's specifications to protect assets, structures and/or underground services.
- Tree trunk to be a minimum 750mm from street kerb and guttering
- All imported soil to achieve the requirements of AS4419 – Soils for landscaping All tree planting holes are a minimum 1.5 times diameter and twice the depth of the root ball All mulch is to be free of deleterious material such as rock, soil, weeds and sticks. Acceptable mulch – Forest litter or pine bark mulch
- All soft edges (mulch, turf, grassed) to be finished to appropriate falls and flush with adjacent surface treatment.
- Kikuyu is not accepted. Identify the use of Soft leafed Buffalo as preferred turf
- Turf to consist of 25mm depth of dense , well rooted, vigorous grass growth with minimum 15mm on an average 100mm depth of top soil
- Staking is required specified as- drive 2x38x38x1800 mm hardwood stake 600mm into the ground. Secure the stem of the tree firmly with 2 x hessian ties fitted to the stem separately in opposite directions.

(c) Maintenance and performance

The maintenance plan for the street trees must contain the following information:

- Following prescribed maintenance period, Council will inspect all street trees and provide the applicant with a list of defects which will need to be addressed prior to the acceptance of handover'
- The developer must provide to Council in writing one (1) month notice, at minimum, for practical completion inspection and two (2) month notice for end of maintenance inspection.
- Mechanical line trimmers (whipper snippers) not be used within 300mm of out edge of tree trunks
- No grass to overgrow edges where it adjoins hard paved surfaces or kerbs and guttering
- No grass or weeds within mulched area in or around tree

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

6.8 Waste

- 6.8.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 6.8.2 Access for collection vehicles is to be built in accordance with the dimensions indicated on the approved architectural plans, CAD files and vertical cross-section plans (demonstrating compliance with Australian Standards for headroom allowances) showing adequate truck entry and exit and in all manoeuvring areas.
- 6.8.3 Applicant is to ensure roads and driveways etc are rated for the proposed 6.4m long small rigid vehicle.

7 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

7.1 Acoustic Privacy/Alternative Ventilation Methods

- 7.1.1 To achieve the following internal noise levels:
- (a) Bedroom – 35dB(A) between 10:00 pm and 7:00am
 - (b) Any other habitable room (excluding garage, kitchen, bathroom or hallway) – 40dB(A) at any time

alternative ventilation methods are required to meet the ventilation requirements of the Building Code of Australia and Australian Standards AS 1668.2:2002 and

design input is to be sought from a suitably qualified mechanical services consultant.

7.2 **Section 94 Contributions under Section 94E Directions**

7.2.1 Contributions under Section 94 of the Environmental Planning & Assessment Act 1979 must be paid.

Under the Section 94E Direction issued by the Minister for Planning on 4 March 2011, Council must not impose a condition of development consent under Sections 94 (1) or 94 (3) or the Act requiring the payment of a monetary contribution exceeding \$30,000 for each dwelling authorised by the development consent, or in the case of a development consent that authorises the subdivision of land into residential lots, exceeding \$30,000 for each residential lot authorised to be created by the development consent. The Section 94 contributions payable below have been assessed in accordance with this Direction:

Stage 1 - Subdivision

The amounts below are the INDEXED contributions as at the date of this consent which, if not for the Ministerial Direction, would have applied to this consent. These amounts have been supplied for your information.

Contribution Item	Amount	Relevant C.P
Stormwater Quantity	\$229,293.00	21
Stormwater Quality	\$8,534.00	21
Traffic Management	\$57,921.00	21
Open Space	\$0	21
Community Facilities	\$0	21
E2 Conservation Zone	\$0	21
Aquatic Facility	\$0	21
Total Contributions	\$295,748.00	

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

Developable Area: 0.3483ha

Additional Population: 0

Stage 2 – Building A

No. of intended dwellings: 66 x \$30,000 = \$1,980,000

The amounts below are the INDEXED contributions as at the date of this consent which, if not for the Ministerial Direction, would have applied to this consent. These amounts have been supplied for your information.

Contribution Item	Amount	Relevant C.P
Stormwater Quantity	\$187,160.00	21
Stormwater Quality	\$6,966.00	21
Traffic Management	\$47,278.00	21
Open Space	\$1,185,441.00	21
Community Facilities	\$15,226.00	21
E2 Conservation Zone	\$37,697.00	21
Aquatic Facility	\$24,804.00	21
Total Contributions	\$1,504,572.00	

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

Developable Area: 0.2843ha

Additional Population: 119.3 persons

Stage 3 – Building B

No. of intended dwellings: 72 x \$30,000 = \$2,160,000

The amounts below are the INDEXED contributions as at the date of this consent which, if not for the Ministerial Direction, would have applied to this consent. These amounts have been supplied for your information.

Contribution Item	Amount	Relevant C.P
Stormwater Quantity	\$196,048.00	21
Stormwater Quality	\$7,300.00	21
Traffic Management	\$49,523.00	21
Open Space	\$1,259,966.00	21
Community Facilities	\$16,184.00	21
E2 Conservation Zone	\$40,067.00	21
Aquatic Facility	\$26,363.00	21
Total Contributions	\$1,595,451.00	

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

Developable Area: 0.2978ha

Additional Population: 126.8 persons

Stage 4 – Building C

No. of intended dwellings: 31 x \$30,000 = \$930,000

The amounts below are the INDEXED contributions as at the date of this consent which, if not for the Ministerial Direction, would have applied to this consent. These amounts have been supplied for your information.

Contribution Item	Amount	Relevant C.P
Stormwater Quantity	\$107,043.00	21
Stormwater Quality	\$3,988.00	21
Traffic Management	\$27,040.00	21
Open Space	\$571,357.00	21
Community Facilities	\$7,339.00	21
E2 Conservation Zone	\$18,169.00	21
Aquatic Facility	\$11,955.00	21
Total Contributions	\$746,891.00	

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

Developable Area: 0.1626ha

Additional Population: 57.5 persons

Payment of this amount must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) whichever occurs first.

PLEASE NOTE: Payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted. However, payments by credit card or EFTPOS over \$10,000.00 are levied a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Notes In complying with the Minister's Section 94E Direction, the applicant is advised that Council may not be in a position to provide all of the facilities listed in the applicable contributions plan due to the potential shortfall of contributions to be received as a result of the \$30,000 per dwelling/lot limit.

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

S.94 CP No. 21 – Marsden Park

7.3 **Special Infrastructure Contributions**

7.3.1 A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative). Evidence of payment shall be submitted to Council prior to the issue of any subdivision certificate.

More information

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

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

Please contact the Department of Planning regarding arrangements for the making of a payment

7.3.2 Any Compliance Certificate issued for the payment of Section 94 Contributions shall be accompanied by a letter from Council acknowledging that the correct Section 94 Contributions have been paid for that particular development or stage of development.

7.4 **Aesthetics/Landscaping**

7.4.1 Any bathroom, w.c. or laundry window in the external wall of the buildings shall be fitted with translucent glazing.

7.4.2 The approved development is to be constructed as follows:

- (a) In accordance with the schedule of materials, finishes and colours prepared by Design Cubicle, the approved finishes include glazing, rendered and painted finishes, hebel feature wall, aluminium windows and door frames, pergolas and balustrades, alucobond cladding and external cladding. The finishes must also be durable, graffiti resistant, easily cleanable and fire resistant to National Construction Code standards.
- (b) Building services are to be integrated into the overall building façade of all

buildings. The external walls of the building are to be free of plumbing and fixtures, service conduits/wiring and other building services.

- (c) The reflectivity index of glass used in the external facades of the building is not to exceed 20 percent, must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. "Anti-glare" glazing is to be used to minimise any glare affect.

All details are to be provided as part of the Construction Certificate.

7.5 Access/Parking

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

- 7.5.2 A minimum of 216 car parking spaces are required to be provided on site, being 180 residential spaces and 36 visitor car parking spaces. All car parking spaces are to be designed to provide 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

Accessible Car Space: 3.2m x 5.4m

- 7.5.3 All internal driveways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

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

- 7.5.5 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.

- 7.5.6 A roller shutter and card-key system should be installed segregating the visitor spaces and residential parking spaces. An additional roller door is to be installed at the entry/exit point of the basement car park. All details are to be shown on the Construction Certificate plans.

7.6 Liveable/Adaptable Units

- 7.6.1 10% of the units are to be designed as Adaptable units in accordance with the Australian Adaptable Housing Code (AS4299-1995) which includes "pre-adaptation" design details to ensure visitability is achieved.

7.7 Construction Environmental Management Plan

- 7.7.1 Prior to the release of a Construction Certificate, an appropriately qualified person is to prepare a comprehensive Environmental Management Plan (EMP). The final, approved EMP shall be submitted to Council for its records.

The operational measures at a minimum should include the following:

- (a) Proposed schedule of works
- (b) Proposed hours of work
- (c) Noise and vibration controls

- location of noise sensitive receivers nearest to the site
- the predicted level of noise likely to affect the nearest noise sensitive receivers
- list plant and equipment to be used on site including the level of sound mitigation to be undertaken in each case
- traffic noise associated with the bulk earthworks
- statement outlining whether or not predicted noise levels will comply with the noise criteria outlined in the NSW Industrial Noise Policy
- where resultant site noise levels are likely to exceed the noise criteria, a proposal is to be submitted outlining the duration and frequency of respite periods afforded to the occupiers of neighbouring property
- community complaints response and management procedure outlining the course of action to be undertaken following receipt of a complaint concerning offensive noise

(d) Erosion and Sedimentation Control Strategy

(e) Dust control strategy noting that any stockpiled soil is to be stored on plastic sheeting in an area that is securely bunded with a silt fence and hay bales to prevent surface-water run-off. Plastic sheeting must be placed over the stockpile to minimise wind-blown dust.

(f) Truck route for the delivery of plant and equipment.

(g) Truck and staff parking area, site office and amenity facilities.

7.8 NSW Police Requirements.

7.8.1 The construction certificate plans are to demonstrate compliance with the submitted 'Crime Prevention through Environmental Design' checklist with Council's reference D17/89330 on Council's file DA-16-03716. This includes the provision of CCTV, appropriate street numbering, signage, sensor/security lighting, key locked letterboxes, secure residential parking and security doors.

7.8.2 Mail box facilities should be built into the front glass sections of a lockable unit in the foyer. This allows residents with key pad access into their foyer to access their lockable mail box facility. Each letterbox needs to be fitted with a separate, appropriate lock set and residents need to be reminded to keep them locked.

7.8.3 Graffiti resistant materials/paint is to be utilised in the design of the masonry fence line.

7.9 Temporary Battering

7.9.1 Temporary battering is to be provided on the eastern property boundary to facilitate road construction and to avoid encroachment into neighbouring property.

7.10 Services/Utilities

7.10.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service

authority for electrical services, including the provision of street lighting, to the development.

- (b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

8 Prior to Construction Certificate (Building)

8.1 Building Code of Australia Compliance

8.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by :

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which :
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).

8.2 Fire Services

8.2.1 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.

8.2.2 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.

8.3 BASIX Certificate Compliance

8.3.1 The plans and specifications must indicate compliance with the commitments listed in BASIX Certificate 728324M dated 18 May 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	Drawing No.	Sheet No.	Revision	Dated
C and M Consulting	01542	100	05	14/11/2016
C and M Consulting	01542	110	01	13/05/2016
C and M Consulting	01542	201	05	14/11/2016
C and M Consulting	01542	211	02	23/08/2016
C and M Consulting	01542	212	02	23/08/2016
C and M Consulting	01542	213	04	14/11/2016
C and M Consulting	01542	231	01	20/05/2016
C and M Consulting	01542	301	01	20/05/2016
C and M Consulting	01542	302	01	23/08/2016
C and M Consulting	01542	401	03	11/10/2016
C and M Consulting	01542	601	03	24/08/2016
C and M Consulting	01542	602	01	20/05/2016
C and M Consulting	01542	603	01	23/08/2016
C and M Consulting	01542	621	03	14/11/2016
C and M Consulting	01542	622	03	14/11/2016
C and M Consulting	01542	623	03	14/11/2016
C and M Consulting	01542	624	01	23/08/2016
C and M Consulting	01542	701	03	24/08/2016
C and M Consulting	01542	702	01	20/05/2016

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

A. On Drawing No: 01542_201 rev 05.

- i. To capture external flows are drained, a swale is to be provided on the western boundary of site towards the southern boundary of site to capture external catchment flows up to the 1 in 100yr ARI.
- ii. Use Manning's equation to determine swale dimensions. A Manning's n value of 0.05 should be applied for grasses swales.
- iii. Incorporate levels for swale on top and bottom of swale.

- iv. Produce a typical cross-section of swale showing dimension of swale as well as Top Water Level for the 1 in 100yr ARI. Allow for a 100mm freeboard from the bank of swale to TWL.
- B. On Drawing No: 01542_211 rev 02.
 - i. Amend the downpipes currently directed to the pump pit to show they are forwarded separately to the rainwater tank.
- C. On Drawing No: 01542_302 rev 01.
 - i. Amend “Longitudinal Section Along Building A Driveway”. Based on the *DRAINS Trunk Drainage* model the crest level at the driveway is less than 300mm above the 1 in 100yr ARI flow level in the roadway. The crest level at Ch 11.544 is to be amended to RL 26.85 and must be a minimum of 300mm above the 1 in 100yr ARI flow level in the roadway.
 - ii. Amend “Longitudinal Section Along Building B Driveway”. Based on the *DRAINS Trunk Drainage* model the crest level at the driveway is less than 300mm above the 1 in 100yr ARI flow level in the roadway. The crest level at Ch 11.544 is to be amended to RL 25.90 and must be a minimum of 300mm above the 1 in 100yr ARI flow level in the roadway.
 - iii. Amend “Longitudinal Section Along Building C Driveway”. Based on the *DRAINS Trunk Drainage* model the crest level at the driveway is less than 300mm above the 1 in 100yr ARI flow level in the roadway. The crest level at Ch 9.002 is to be amended to RL 25.55 and must be a minimum of 300mm above the 1 in 100yr ARI flow level in the roadway.
- D. On Drawing No: 01542_621, 01542_622 and 01542_623
 - i. Amend “Orifice Adjustment” calculations. The calculations are to be based on results from the 2yr ARI flow analysis in DRAINS. Assume a discharge of 1.1l/s for each 460mm cartridge. Refer to DRAINS comments.
 - ii. Provide additional calculations for any orifice used to limit 20yr ARI flows to post-development levels.
 - iii. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the stormfilter chamber, detention tank and rainwater tank in accordance with Council's Engineering Guide for Development 2005.
 - iv. Provide energy dissipaters on all entries to the stormfilter tank.
- E. Revise the DRAINS modelling as follows and include in any submissions for construction certificate.
 - i. Provide separate post-development DRAINS models to analyse the 2yr, 20yr and 100yr ARI storm events.
 - ii. Post development flows for the 2yr ARI are to be limited to the pre-development level of 0.045m³/s for the whole site. This includes any road by-pass.

- iii. Post development flows for the 20yr ARI are to be limited to the pre-development level of 0.41m³/s for the whole site. This includes any road by-pass.
- iv. Post development flows for the 100yr ARI are to be limited to the pre-development level of 0.55m³/s for the whole site. This includes any road by-pass.
- v. The actual orifice size for each tank must have consideration for the design flow through the orifice in DRAINS and is to be reduced by the Stormfilter underdrain by-pass flows for the 2yr ARI storm event. This is to be done by assuming a flow of 1.1l/s for each of the 460mm stormfilter cartridges in the on-site detention tank.
- vi. The actual orifice size for each tank must have consideration for the design flow through the orifice in DRAINS and is to be reduced by the Stormfilter underdrain by-pass flows at the 100year TWL for the 100yr ARI storm event.
- vii. The On-site detention tanks are to be amended based on revised DRAINS modelling.

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:

- Road and drainage construction
- 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 **Local Government Act Requirements**

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

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

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

9.4 **Roads Act Requirements**

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

- Any works within Council's road reserve
- 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.

9.5 **Other Engineering Requirements**

- 9.5.1 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.
- 9.5.2 Any ancillary works undertaken shall be at no cost to Council.
- 9.5.3 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.
- 9.5.4 Details are to be provided for permanent interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.
- 9.5.5 Provide as part of the Non Potable Water Supply and Irrigation Plan, landscape watering details by an experienced irrigation specialist showing the layout of automatic backwash filters, flow meters, timers, taps and pipes and spray irrigation. The system is to be designed to automatically achieve an average usage rate of 320kL/year for Building A, 330kL/year for Building B and 150kL/year for Building C (excluding turf areas) as nominated in MUSIC allowing for seasonal variations All rainwater reuse pipes are to be coloured purple. Rainwater warning signs are to be fitted to all external taps where rainwater is used as a source.

9.6 **Roads**

- 9.6.1 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.
- 9.6.2 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.
- 9.6.3 Any approved design drawings must show a 5m x 5m splay for residential allotments at each street intersection.
- 9.6.4 Proposed new roads shall be designed and constructed as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Road No.1(half road construction)	18	315.938	3.5-11-3.5	5 x 10 ⁵
Road No.2	18	60.351	3.5-11-3.5	5 x 10 ⁵

Road No.3	18	60.351	3.5-11-3.5	5 x 10 ⁵
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- 9.6.5 A road safety audit shall be completed and submitted to the certifier. The recommendations of the audit shall be adopted on any construction certificate plans.
- 9.6.6 Construct the road shoulder for the full road frontage of the development. These construction works may include drainage, footway turfing, service adjustments and any other ancillary work necessary to make this construction effective.
- 9.6.7 Staging of road construction will be permitted where suitable traffic circulation or temporary turning areas in dead end roads are evident in accordance with Council's Engineering Guide for Development.
- 9.7 Drainage**
- 9.7.1 Provide inter-allotment drainage lines for lots that do not drain directly to a public road. The design shall include pipeline long-sections and identify location and levels of services.
- 9.7.2 The proposed site drainage levels shall be designed to convey runoff from the site to precinct basin 7A located on lot 5 DP1930774 for the minimum design invert of RL 22.1 AHD.
- 9.7.2.1 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue).
- 9.7.2.2 A 3.0m wide easement for stormwater drainage to be created and registered over the future location of the local road as should in the Indicative layout plan(ILP). The creation is pursuant to Section 88B of the *Conveyancing Act, 1919* and registration with Land Property Information. The easement shall burden Lot 6, DP 193074 and benefit Lot 7, DP 193074
- 9.7.3 Construction of the inter-allotment drainage line and swale are required to drain the development to Lot 5 DP 193074 containing the SP2 drainage basin and future ILP local road.
- NOTE: There shall be no adverse impacts on downstream properties. An appropriate level spreader type system shall be provided on the outlets and swale discharge and pre-developed conditions shall be maintained post development.
- NOTE: Detailed engineering drawings including longitudinal sections of the inter-allotment drainage lines and swale details are required to be submitted to Council for approval including appropriate calculations
- 9.7.4 Foundations adjacent to easements shall not place a loading on the pipe within the easement. Foundations shall be located at:
- (a) the depth of the invert of the existing pipeline, and/or
 - (b) the depth of the invert of the proposed pipeline.
- All developments shall be kept clear of drainage easements. The surface levels within the easement are not to be changed.

- 9.7.5 Pier and beam style construction shall be used adjacent to easements to the depth of the invert of the proposed or existing pipeline. A Registered Engineer (NER) shall certify that this condition has been satisfied.
- 9.7.6 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.
- 9.7.7 Provide a roof water outlet to kerb for each proposed lot that drains to the street.

9.8 **Erosion and Sediment Control**

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

9.9 **Earthworks**

- 9.9.1 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.
- 9.9.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 9.9.3 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.
- 9.9.4 Retaining walls shall be a maximum single height of 1.2m (600mm cut + 600mm fill). Where a retaining wall is proposed that is more than 1.2m in height, a terraced solution shall be provided. Terraces should not exceed 900mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.

9.10 **Stormwater Quality Control**

- 9.10.1 Provide a stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 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 water quality treatment design shall require a section 96 application.
- 9.10.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
- 9.10.4 Bio-retention basins to be designed in accordance with "Stormwater Biofiltration Systems. Adoption Guidelines. Planning, design and implementation. Version 1 June 2009. Facility for Advancing Water Bio-filtration", as a lined, standard biofiltration system.

9.11 **Temporary On-Site Detention**

- 9.11.1 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.

9.11.2 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.

9.11.3 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.

9.11.4 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

9.12 **Vehicular Crossings**

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

9.13 **Footpaths**

9.13.1 Construct path paving as follows:

Street Name	Side	Paving Width	Length
All roads	Both sides	1.5m	Full length

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

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

10 **Prior to Construction Certificate (Environmental Health)**

10.1 **Acoustic Certification - Buildings**

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

Internal Space	Time Period	Criteria
		L_{Aeq} (period)
Living Areas	Any time	40 dB(A)

Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 dB(A)

10.2 **Acoustic Certification – Plant and Machinery**

10.2.1 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.

10.3 **Asbestos**

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

10.4 **Garbage and Recycling Storage Area**

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

11 **PRIOR TO DEVELOPMENT WORKS**

11.1 **Use of Crane**

11.1.1 Any crane used in the construction of this development must have approval under the Roads Act 1993 from Council to swing over public air spaces.

11.1.2 The crane used must be provided with a light in accordance with the requirements of the Civil Aviation Authority (CASA) requirement. This may require a separate approval from CASA.

11.2 **Tree retention**

11.2.1 The two street trees in Grange Avenue, nominated for retention in the applicant’s Preliminary Tree Inspection Report prepared by Treehaven Environscapes dated 26 May 2016, shall be effectively protected against damage for the duration of construction works.

11.3 **Safety/Health/Amenity**

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

Each toilet provided shall be:

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

11.3.2 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.

11.3.3 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.

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

11.3.5 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.

11.3.6 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger aggregate

placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.

11.3.7 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.

11.3.8 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.

11.4 **Notification to Council**

11.4.1 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.

11.4.2 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 \$10,000,000.

11.5 **Adjoining Owners**

11.5.1 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.

11.6 **Tree Protection**

11.6.1 Any tree not approved for removal or more than 3m from the building perimeter is to be effectively protected against damage.

11.7 **Home Building Act**

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

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

- (i) the name and licence number of the principal contractor, and
 - (ii) the NSW Home Building Compensation Fund "Statement of Cover" under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under Part 3 of the Act, the number of the owner-builder permit.

11.8 **Sydney Water Authorisation**

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

OR

The approved plans are to be submitted to a Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For further information please refer to the "Developing Your Land" section of the website: www.sydneywater.com.au, or telephone 1300 082 746 for assistance.

12 **During Construction (Building)**

12.1 **Safety/Health/Amenity**

- 12.1.1 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.
- 12.1.2 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.
- 12.1.3 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.

- 12.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 12.1.5 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.
- 12.1.6 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.
- 12.1.7 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.
- 12.1.8 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.

12.2 **Building Code of Australia Compliance**

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

12.3 **Surveys**

- 12.3.1 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.
- 12.3.2 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.

12.4 **Nuisance Control**

- 12.4.1 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.
- 12.4.2 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.

12.5 **Stormwater Drainage**

12.5.1 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.

12.6 **Waste Control**

12.6.1 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.

12.7 **Tree Protection**

12.7.1 The measures required to effectively protect trees on the land shall be maintained throughout the development works.

12.8 **Construction Inspections**

12.8.1 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.

12.9 **Aboriginal Archaeology**

12.9.1 Should any archaeological material be uncovered during construction activities on any location within the approved development, then all works are to cease immediately and representatives of the Office of Environment & Heritage (OEH) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

12.10 **Waste Management**

- 12.10.1 The measures outlined in the submitted Waste Management Plan, must be implemented during the demolition and construction phases of the development. 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.

Note: The developer is to retain receipts from the waste/recycling disposal contractor or some form of evidence of compliance with the Waste Management Plan. This information is to be submitted to Council prior to issue of any Occupation Certificate.

12.11 **Asbestos**

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

12.12 **Fire resistance of external wall materials**

- 12.12.1 The materials for use on the external walls of this development shall achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the National Construction Code.

12.13 **Site Contamination**

- 12.13.1 Should any contaminated materials be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, a Remedial Action Plan (RAP) is to be submitted to Council's Manager Development Services for consideration and all potentially contaminated materials is to be tested, removed or undergo remediation.

A suitably qualified environmental consultant is to be on site for regular monitoring of the approved site works. In the event remediation works are required to be undertaken, it must be done in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 as amended (2013(NEPM)).

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

- (a) The applicant is to ensure that the site has been satisfactorily secured to prevent any unauthorised dumping of illegal fill/waste or building materials (i.e. non-VENM soils) from entering the development site.
- (b) Appropriate dust suppression measures are to be incorporated into the site works process, to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
- (c) Any filling shall be undertaken in accordance with the fill protocol approved by Council's Manager Development Assessment.

Should Council receive any complaints regarding non-compliance with any of the above matter 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.

13 DURING CONSTRUCTION (ENGINEERING)

13.1 Notification of Works

- 13.1.1 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.
- 13.1.2 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.

13.2 Insurances

- 13.2.1 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.

13.3 Service Authority Approvals

- 13.3.1 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.

13.4 Boundary Levels

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

13.5 Soil Erosion and Sediment Control Measures

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

13.6 **Filling of Land and Compaction Requirements**

- 13.6.1 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.
- 13.6.2 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.
- 13.6.3 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.
- 13.6.4 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.
- 13.6.5 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.
- 13.6.6 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.
- 13.6.7 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.

- 13.6.8 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.

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

- 13.7.1 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.

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

- 13.8.1 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).

13.9 **Public Safety**

- 13.9.1 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.

13.10 **Site Security**

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

13.11 **Powder Coated Furniture**

- 13.11.1 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.

14 PRIOR TO OCCUPATION CERTIFICATE

14.1 Compliance with Conditions

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

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

14.2 Site Contamination

14.2.1 A final site contamination Validation Report confirming the suitability of the site for residential use, based on NEPM 2013 standards, for the proposed development, is to be endorsed by Council prior to the release of the Occupation Certificate. The Validation Report shall be prepared by a consultant engaged under the terms of Council's Contaminated Lands Policy.

14.3 General

14.3.1 A report from a geotechnical engineer is to be submitted to Council certifying the site classification for the reactivity of residential flat buildings after identification of the soil characteristics in accordance with the provisions of AS 2870, "Residential Slabs and Footings".

14.4 Street Tree Bonds and Services and Charges

If the Applicant wishes to undertake the planting and maintenance of street tree/s to Council's satisfaction at no cost to Council (making any necessary Applications with Council or obtaining any necessary clearances from relevant Service Authorities), the Applicant is, subject to any alternative arrangements satisfactory to the Council, to lodge a tree bond of \$320.00 per tree and \$132.00 Inspection fee with Council to ensure the health and vigour of the tree/s. The bond shall be returned 12 months after the completion of the development (i.e. issue of final Occupation/Subdivision Certificate) if the trees are in a state of good health and vigour to Council's satisfaction.

Tree Bond

43 trees @ \$320.00 per tree = \$31760 (refundable)

Furthermore, in accordance with Council's Goods and Services Schedule further assessment of plans and future site inspection shall be levied by DSU against the developer for this purpose at a rate of \$188/hr + GST

Investigation of submitted plans

Parks and Tree Maintenance Assessment = 2 hours @ \$188/hr = \$376.00

14.5 Acoustic Certification

14.5.1 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.

14.6 **Waste**

14.6.1 The Strata Management Agreement should indicate:

- (a) requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan.
- (b) responsibility for maintenance of the waste system (including any bin movement aides) and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times.
- (c) the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.

14.6.2 As the development will be serviced by private waste and recycling contractors, residents are unable to access Council's household clean up service, or garbage and recycling service. These must be provided by the Owners Corporation. A Section 88E is to be listed on the title to this effect.

14.7 **Total Maintenance Plan**

14.7.1 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.

14.8 **Graffiti Management Plan**

14.8.1 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.

14.9 Service Authorities

14.9.1 The following documentary evidence shall accompany any Construction Certificate:

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

14.9.2 A final written clearance shall be obtained from Sydney Water Corporation, the energy provider and telecommunication carriers if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc.) has not previously been issued.

14.10 Temporary Facilities Removal

14.10.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.

14.10.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.

14.10.3 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.

14.10.4 Any temporary builder's sign or other site information sign shall be removed from the land.

14.10.5 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.

14.11 Fire Safety Certificate

14.11.1 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).

14.12 Fire Safety

14.12.1 Smoke alarm/s complying with the provisions of the Environmental Planning and

Assessment Amendment (smoke alarms) Regulation 2006.

14.13 External finishes

- 14.13.1 The approved development is to be constructed in accordance with the schedule of materials, finishes and colours prepared by Design Cubicle received by Council on 21 October 2016 (Council's Reference C16/49897 on Council's electronic file No. DA-16-03716). The finishes must also be durable, graffiti and fire resistant and easily cleanable.
- 14.13.2 All windows at Level 1 and above, are to be fitted with a child safety mechanism to prevent accidental falls out of the windows. The mechanisms are to be in accordance with the details submitted as part of the Construction Certificate.

14.14 Letterboxes

- 14.14.1 The letterboxes are to comply with the details submitted as part of the Construction Certificate and must comply with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 14.14.2 The street number must be displayed prominently at the front of the building to comply with Local Government Act, 1973 Section 124, Order 8. The street number is to be visible at night.

14.15 Fencing

- 14.15.1 Details of decorative courtyard fencing shall be provided delineating ground floor private open space from the common open space. The courtyard fencing shall not exceed 1.5m in height and is to be constructed of masonry up to 1m with 500mm of horizontal powder coated infill slats to enclose the ground floor private open space. There is to be no colorbond fencing directly adjoining a public road.

14.16 Power Boards

- 14.16.1 All power boards must be housed within a cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.

14.17 Security/Surveillance

- 14.17.1 The development is to comply with the submitted 'Crime Prevention through Environmental Design' checklist saved with Council's reference D16/119369 on Council's electronic file No. DA-16-03716 and the details submitted as part of the Construction Certificate. The development is to provide CCTV, appropriate street numbering, signage, key locked letterboxes, secure residential parking and security doors.
- 14.17.2 To prevent accidental falls, death or injury, barrier fencing is to be installed on the rooftop area. Details of the barrier fencing are to be submitted as part of the Construction Certificate. The barrier fencing is to be constructed in a way to prevent it from being used as a natural ladder, and is to be provided in clear glass, so that it does not add to the overall bulk and scale of the buildings.

14.18 Lighting

- 14.18.1 Vandal proof and security lighting is to be provided in accordance with the approved Construction Certificate plans to provide for the safety and convenience of occupants and visitors at night. The car parking areas must also be provided with sufficient lighting to enhance the safety of users.

- 14.18.2 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and visitors at night.

14.19 Landscaping/Car Parking

- 14.19.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 14.19.2 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.
- 14.19.3 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability for residents and their visitors.
- 14.19.4 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 14.19.5 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
- 14.19.6 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose. In this regard, the following car parking provision is to be provided on site:

	Building A	Building B	Building C
Resident car parking spaces	67 (including 1 accessible parking space for each of the adaptable units)	75 (including 1 accessible parking space for each of the adaptable units)	38 (including 1 accessible parking space for each of the adaptable units)
Visitor car parking spaces	14 (including a minimum of 1 accessible parking space)	15 (including a minimum of 1 accessible parking space)	7 (including a minimum of 1 accessible parking space)
Bicycle parking	32	44	19

- 14.19.7 A roller shutter and card-key system is to be installed at the segregation points between the visitor and residential parking areas, and at the entry/exit points of the basement car parks.
- 14.19.8 Bicycle racks are to be provided on site in accordance with the Apartment Design Guide (ADG).
- 14.19.9 The ceiling of each basement car park level is to be painted white to enhance lighting illumination.
- 14.19.10 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that the basement ventilation system has been installed and is operating in accordance with Australian Standard 1668.2:2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*. Any associated car park vents should be minimised and located at a low level where possible.

14.20 Clothes Drying

- 14.20.1 Clothes drying is to be conducted in the mechanical dryers. The drying of clothes on balconies (where visible from a public place) is prohibited. If the development is to be strata subdivided, 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).

14.21 Fee Payment

- 14.21.1 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.

14.22 Engineering Matters
14.22.1 Surveys/Certificates/Works As Executed plans

- 14.22.1.1 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.
- 14.22.1.2 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the temporary On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 14.22.1.3 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the temporary On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 14.22.1.4 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 14.22.1.5 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.
- 14.22.1.6 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)

- 14.22.1.7 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

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

14.22.2 Easements/Restrictions/Positive Covenants

- 14.22.2.1 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 NSW Land and Property Information.
- 14.22.2.2 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.
- 14.22.2.3 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.
- 14.22.2.4 Each of the proposed lots serviced by the existing inter-allotment drainage easements shall have this burden and benefit created pursuant to Section 88B of the Conveyancing Act 1919.
- 14.22.2.5 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

14.22.3 Inspections

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

14.23 Road Damage

- 14.23.1 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.

14.24 Engineering Matters

14.24.1 Submission of Compliance Certificates and Inspection Reports

- 14.24.1.1 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.

14.24.2 Dedications

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

14.24.3 Bonds/Securities/Payments in Lieu of Works

- 14.24.3.1 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.

- 14.24.3.2 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.

- 14.24.3.3 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 Services Pricing Schedule. The Security will be released upon satisfactory completion of the works.

- 14.24.3.4 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

In this regard, an incomplete works bond will be required for temporary water quality and on site detention (OSD) until such time that the regional basins and facilities are built. Alternately, the permanent water quality and OSD facilities are built and OC is issued under this consent.

14.24.4 Inspection of Work

- 14.24.4.1 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.

15 OPERATIONAL (PLANNING)

15.1 Fire Resistance of external wall materials

- 15.1.1 Prior to the issue of any Occupation Certificates, the principal certifying authority is to be satisfied that the materials for the external walls achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the National Construction Code.

15.2 Graffiti Removal

- 15.2.1 Removal of any graffiti, visible from any public road or space, is the responsibility of the property owner(s). All graffiti must be removed within 48 hours of detection.

15.3 Access/Parking

- 15.3.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 15.3.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 15.3.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 15.3.4 All vehicles, including waste and recycling collection vehicles, must, at all times, enter or exit the site in a forward direction.

15.4 General

- 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 Intruder alarm installed on the development site shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

15.5 Noise & Nuisance

- 15.5.1 Emission of sound from the development site shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
- 15.5.2 The use of the land is not to interfere with the amenity of the surrounding residential areas.
- 15.5.3 Any nuisance associated with the use of any aerial or transmitting or receiving equipment associated with the development shall be addressed to the Spectrum Management Agency.

15.6 Landscaping

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

- 15.6.2 To minimise anti-social behaviour and criminal offences and sense of crime, sightlines must be kept free from obstruction and the site is to be regularly maintained and clear of malicious damage, rubbish, broken bottles.
- 15.6.3 Management of vegetation, gardens, planter boxes, communal areas, including rooftop communal open space, BBQ facilities, children's play equipment etc. is to be incorporated within the future strata management plan.
- 15.7 **Final Inspection**
 - 15.7.1 A final inspection is required to ascertain compliance with the condition of approval prior to the release of the road damage deposit.
- 16 **Operational (Environmental Health)**
 - 16.1 **Pollution/Waste**
 - 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.
 - 16.1.4 To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10pm and 7am.
 - 16.1.5 All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.