

## Draft Conditions of Consent – Revised for Panel Meeting 26.7.18

**Proposed Development:** Integrated Development Application for the construction of 16 x 5 storey and 1 x 4 storey residential flat buildings containing 1,381 apartments, 1,735 basement car parking spaces and associated stormwater drainage works and landscaping.

**Property Description:** Lot 121 DP 1203646, H/N 14 Schofields Road SCHOFIELDS

### 1 ADVISORY NOTES

#### 1.1 Terminology

- 1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the *Environmental Planning and Assessment Act 1979*.
- 1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 109C of the *Environmental Planning and Assessment Act 1979*.

#### 1.2 Scope of Consent

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

#### 1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.3.3 Separate Council approval under the Roads Act 1993 is required for any crane used to construct this development that swings over public air space.

#### 1.4 Services

- 1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) A recognised energy provider
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

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

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

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

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

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

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

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

## **1.6 Identification Survey**

- 1.6.1 The applicant is advised to obtain an identification survey from a registered surveyor to

ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.

## 1.7 **Engineering Notes**

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

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

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

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

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

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

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

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

1.7.2 All works requiring approval under the *Roads Act 1993 or Local Government Act 1993* must be approved PRIOR to the issue of a Construction Certificate for the relevant road works.

## 1.8 **Payment of Engineering Fees**

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

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

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

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

## 2 **GENERAL**

## 2.1 Scope of Consent

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

DRAWING REFERENCE	DATE
<b>Plans prepared by Krikis Tayler Architects</b>	
DA000 Title Sheet, Location, Drawing List, issue C	14 November 2016
DA001 Overall Site & Master Plan, issue G	21 August 2017
DA003 Sections, issue D	18 August 2017
DA004 Elevations 1, issue D	18 August 2017
DA005 Elevations 2, issue D	18 August 2017
DA006 Elevations 3, issue D	18 August 2017
DA110 Lot 1 Building A Basement 1 & 2 Plans, issue D	18 August 2017
DA111 Lower Ground Floor Plan and Ground Floor Plan, issue F	21 August 2017
DA112 Lot 1 Building A Level 1 & Level 2 Floor Plan, issue G	21 August 2017
DA113 Lot 1 Building A Level 3 & Roof Plan, issue E	18 August 2017
DA210 Lot 2 Buildings B & C Basement 2 Plan – RL29.00, issue G	11 September 2017
DA211 Lot 2 Buildings B & C Basement 1 Plan – RL32.00, issue F	27 July 2017
DA212 Lot 2 Buildings B & C Lower Ground Floor Plan – RL35.00, issue H	21 August 2017
DA213 Lot 2 Buildings B & C Ground Floor Plan – RL38.00, issue G	21 August 2017
DA214 Lot 2 Buildings B & C Level 1 Floor Plan – RL41.00, issue E	19 July 2017
DA215 Lot 2 Buildings B & C Level 2 Floor Plan – RL44.00, issue E	19 July 2017
DA216 Lot 2 Buildings B & C Level 3 Floor Plan – RL47.00, issue F	19 July 2017
DA217 Lot 2 Buildings B & C Level 4 Floor Plan – RL50.00, issue E	19 July 2017
DA218 Lot 2 Buildings B & C Roof Plan – RL53.00, issue D	19 July 2017
DA310 Lot 3 Buildings D, E, F, G & H Basement 2 Plan – RL30.00, issue F	27 July 2017
DA311 Lot 3 Buildings D, E, F, G & H Basement 1 Plan – RL33.00, issue H	21 August 2017
DA312 Lot 3 Buildings D, E, F, G & H Lower Ground Floor Plan – RL36.00, issue G	21 August 2017
DA313 Lot 3 Buildings D, E, F, G & H Ground Floor Plan – RL39.00, issue F	21 August 2017
DA314 Lot 3 Buildings D, E, F, G & H Level 1 Floor Plan – RL42.00, issue D	19 July 2017
DA315 Lot 3 Buildings D, E, F, G & H Level 2 Floor Plan – RL45.00, issue D	19 July 2017
DA316 Lot 3 Buildings D, E, F, G & H Level 3 Floor Plan – RL48.00, issue E	19 July 2017
DA317 Lot 3 Buildings D, E, F, G & H Level 4 Floor Plan – RL51.00, issue D	19 July 2017
DA318 Lot 3 Buildings D, E, F, G & H Roof Plan – RL54.00, issue D	19 July 2017

DRAWING REFERENCE	DATE
DA410 Lot 4 Buildings J, K, L & M Basement 2 Plan – RL29.00, issue F	27 July 2017
DA411 Lot 4 Buildings J, K, L & M Basement 1 Plan – RL32.00, issue H	21 August 2017
DA412 Lot 4 Buildings J, K, L & M Lower Ground Floor Plan – RL35.00, issue H	21 August 2017
DA413 Lot 4 Buildings J, K, L & M Ground Floor Plan – RL38.00, issue G	21 August 2017
DA414 Lot 4 Buildings J, K, L & M Level 1 Floor Plan – RL41.00, issue E	19 July 2017
DA415 Lot 4 Buildings J, K, L & M Level 2 Floor Plan – RL44.00, issue E	19 July 2017
DA416 Lot 4 Buildings J, K, L & M Level 3 Floor Plan – RL47.00, issue E	19 July 2017
DA417 Lot 4 Buildings J, K, L & M Level 4 Floor Plan – RL50.00, issue D	19 July 2017
DA418 Lot 4 Buildings J, K, L & M Roof Plan – RL53.00, issue D	19 July 2017
DA510 Lot 5 Buildings N Basement 1 & 2 Plans – RL28.50 & RL31.50, issue G	21 August 2017
DA511 Lot 5 Buildings N Lower Ground & Ground Floor Plans – RL34.50 & RL37.50, issue F	21 August 2017
DA512 Lot 5 Buildings N Typical (Level 1 & 2) & Level 3 Floor Plans – RL40.50, RL43.50 & RL46.50, issue E	21 August 2017
DA513 Lot 5 Buildings N Level 4 Floor Plan & Roof Plan – RL49.50 & RL52.50, issue E	21 August 2017
DA610 Lot 6 Buildings P, Q, R, & S Basement 2 Plan – RL27.50, issue F	27 July 2017
DA611 Lot 6 Buildings P, Q, R, & S Basement 1 Plan – RL30.50, issue H	21 August 2017
DA612 Lot 6 Buildings P, Q, R, & S Lower Ground Floor Plan – RL33.50, issue G	21 August 2017
DA613 Lot 6 Buildings P, Q, R, & S Ground Floor Plan – RL36.50, issue G	21 August 2017
DA614 Lot 6 Buildings P, Q, R, & S Level 1 Floor Plan – RL39.50, issue E	19 July 2017
DA615 Lot 6 Buildings P, Q, R, & S Level 2 Floor Plan – RL42.50, issue E	19 July 2017
DA616 Lot 6 Buildings P, Q, R, & S Level 3 Floor Plan – RL45.50, issue F	19 July 2017
DA617 Lot 6 Buildings P, Q, R, & S Level 4 Floor Plan – RL48.50, issue F	19 July 2017
DA618 Lot 6 Buildings P, Q, R, & S Roof Plan – RL51.50, issue D	19 July 2017
A801 Material Board, issue E	August 2017
Building S – Typical Plan, Reference SK171114-01	16 November 2017
<b>Landscape Plans prepared by iScape Landscape Architecture</b>	
162.17(16)/514'A' Lot 1 Landscape Plan, Revision A	28 August 2017
162.17(16)/515'A' Lot 2 DA Landscape Plan, Revision A	28 August 2017
162.17(16)/516'A' Lot 3 Landscape Plan, Revision A	28 August 2017
162.17(16)/517'A' Lot 4 Landscape Plan, Revision A	28 August 2017
162.17(16)/518'A' Lot 5 Landscape Plan, Revision A	12 September 2017
162.17(16)/519'A' Lot 6 DA Landscape Plan, Revision A	28 August 2017
162.17(16)/520 DA Materials Palette 1	August 2017
162.17(16)/521 DA Materials Palette 2	August 2017

DRAWING REFERENCE	DATE
162.17(16)/434 Lot 3 Planter Plan	September 2017
162.17(16)/435 Lot 4 Planter Plan	September 2017

\* Subject to any conditions of this consent.

## 2.2 **Staging**

2.2.1 The development is permitted to be constructed and occupied in 6 stages, being the buildings relevant to Lots 1 to 6 inclusive. All street trees, landscaping, public domain elements, services and infrastructure, etc., are required to be completed prior to the issue of the final Occupation Certificate of the final lot under construction.

## 2.3 **Services**

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

## 2.4 **Suburb Name**

2.4.1 The land the subject of this consent is known to be located in the following suburb. This suburb name shall be used for all correspondence and property transactions:

Suburb: Schofields

2.4.2 Any advertising of land sales in association with the approved development shall clearly indicate that the development is located in the following suburb:

Suburb: Schofields

## 2.5 **Compliance with BASIX Certificates**

2.5.1 All commitments listed in BASIX Certificate numbers 774648M, 774649M, 774650M, 774651M, 774652M and 783938M shall be complied with.

## 2.6 **NSW Department of Primary Industries – Water – General Terms of Approval**

2.6.1 The development is to be in accordance with NSW Department of Primary Industries – Water General Terms of Approval dated 27 February 2017 and as follows:

### **Plans, standards and guidelines**

1 - These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to SPP-16-04467 and provided by Council:

(i) Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid.

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

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

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

- (ii) Erosion and Sediment Control Plan
- (ii) Soil and Water Management Plan.

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

- (i) Riparian Corridors
- (ii) Outlet structures.

5 - The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.

### **Rehabilitation and maintenance**

6 - The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.

7- The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.

### **Reporting requirements**

8 - The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.

### **Access-ways**

11 - The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by DPI Water.

### **Disposal**

14 - The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.

### **Drainage and Stormwater**

15 - The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.

16 - The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.

### **Erosion control**

17 - The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and

structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

### **Excavation**

18 - The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.

### **Groundwater**

28 - Temporary dewatering of an amount above 3 ML may require a water licence to be obtained from DPI Water before construction commences.

Please note that the proposal must not incorporate provision for the permanent or semipermanent pumping of groundwater seepage from below-ground areas. A fully tanked structure must be used.

## **2.7 NSW Rural Fire Service Requirements**

2.7.1 The development shall be in accordance with the NSW Bush Fire Service requirements in their correspondence dated 24 October 2017 issued under Section 79BA of the *Environmental Planning and Assessment Act 1979* as follows:

1) Asset Protection Zones - At the commencement of building works, and in perpetuity, Asset Protection Zones (APZ) shall be provided as shown on 'Schedule 1 - Bushfire Protection Measures' in the Bushfire Protection Assessment prepared by Travers Bushfire & Ecology (Ref. A17028, dated September 2017). The APZs shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Suitably worded instruments shall be created on the land pursuant to section 88 of the 'Conveyancing Act 1919' which require the provision of temporary APZs shown on the plan. These may be removed when the land is developed and the bush fire hazard is removed. Blacktown City Council shall be nominated as the prescribed authority for variation or removal of the instruments.

2) Water and Utilities - The provision of water, electricity and gas shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

3) Access - Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006' except for the provision of turning heads for Roads 4 and 5 which should comply with the requirements set out in section 3.4 of the Bushfire Protection Assessment prepared by Travers Bushfire & Ecology (Ref. A17028, dated September 2017).

4) Design and Construction - New construction shall comply with Sections 3 and 7 (BAL 29), Sections 3 and 6 (BAL 19) and Sections 3 and 5 (BAL 12.5) of Australian Standard AS3959 2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006' as set out in 'Schedule 1 Bushfire Protection Measures' in the Bushfire Protection Assessment prepared by Travers Bushfire & Ecology (Ref. A17028, dated September 2017). Where a building extends across multiple BALs, the building shall be constructed to the highest BAL except for elevations which will be shielded from the bush fire hazard as set out in Section 3.5 of AS3959 2009.

Balconies shown in Figure 2.2 of the Bushfire Protection Assessment prepared by Travers Bushfire & Ecology (Ref. A17028, dated September 2017) shall be constructed to comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

## 2.8 **Other Matters**

- 2.8.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 2.8.2 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.
- 2.8.3 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of the Department of Environment and Climate Change (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

## 2.9 **Endeavour Energy – Requirements**

- 2.9.1 The requirements of Endeavour Energy provided in their correspondence dated 22 March 2017 is to be adhered to including network capacity / connection, network access, safety clearances, earthing, noise, electric and magnetic fields, vegetation management, storm water drainage obtaining Dial Before you Dig advice, demolition and public safety.

## 2.10 **Engineering Matters**

### 2.10.1 **Design and Works Specification**

2.10.1.1 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.

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

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

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

2.10.1.2 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.

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

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

## 2.10.2 Other Necessary Approvals

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

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

## 2.10.3 Subdivision

2.10.3.1 Principal Certifying Authority - Blacktown City Council shall be the Principal Certifying Authority for the proposed subdivision and shall issue the Subdivision Certificate.

## 2.11 Drainage Matters

2.11.1 The development must at all times maintain the water quality system for each lot to achieve the following minimum pollutant removal targets of Part J of DCP 2015 for the development area in perpetuity:

*Required percentage reductions in post development average annual load of pollutants*

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

2.11.2 Each year by the first business day on or after 1 September the registered proprietor/owners corporation for each lot is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices and rainwater tank in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed is to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.

2.11.3 The temporary protection measures for the bioretention area are not to be removed, nor the filter area of the basin planted out, until a minimum of 90% of the upstream catchment draining to the basin is fully developed including landscaping as agreed with Council. Once 90% of the upstream catchment is developed as determined by the developer or where notified by Council, the bioretention basins must be completed within six (6) months.

2.11.4 The Bioretention Construction Bond is not to be released until:

- Practical completion of the bioretention basin. Practical Completion is defined as removal of any temporary protection measures, installation of the filter media and planting out of the basin; and
- A Geotechnical Engineer has undertaken insitu Saturated Hydraulic Conductivity Testing of the bioretention system in accordance with Practise Note 1 of the FAWB guidelines. Test points are to be spatially distributed. Where the hydraulic conductivity of the soil differs from the rate specified in MUSIC of 100 mm/hr (tolerance -0% to + 400%), remediation works will be required over the whole filter area to restore the conductivity and the test repeated in different locations until the hydraulic conductivity is achieved. A Geotechnical Engineer is to then certify that in accordance with Practise Note 1 of the FAWB guidelines, the Saturated Hydraulic Conductivity is within tolerance to the rate specified in MUSIC for the bioretention system; and
- After the hydraulic conductivity has been certified by the Geotechnical Engineer, a Horticulturalist that has relevant tertiary qualifications and technical knowledge with a minimum of five (5) years demonstrated experience is to certify that the planting within the bioretention area including bank areas, is of the same quality in type and quantity as per the construction certificate approved landscape plans, that any plants lost have been replaced, the area is free of rubbish and that any areas of scour or disrepair have been restored.

2.11.5 The Gross Pollutant Traps and the regional bioretention systems are to be maintained by the developer until 2 years after being transferred to Council.

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

#### **3.1 DA Plan Consistency**

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

#### **3.2 Blacktown Growth Centres Development Control Plan 2018**

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

#### **3.3 Section 7.11 Contributions**

3.3.1 The following monetary contributions under Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at the BASE date of June 2015. They WILL BE INDEXED from the base date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) either by Council or any accredited certifier, whichever occurs first.

**PLEASE NOTE:** Payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted. However, payments by credit card or EFTPOS over \$10,000.00 are levied

a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Contribution Item	Base Amount	Relevant C.P.
Stormwater Quantity Eastern Creek	\$ 3,900,832.00	20
Stormwater Quality Eastern Creek	\$ 166,464.00	20
Traffic Management	\$ 1,130,545.00	20
Open Space	\$ 17,998,150.00	20
Community Facilities	\$ 243,115.00	20
E2 Conservation Zone	\$ 775,407.00	20

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

The Section 7.11 Contribution(s) have been based on the total developable area, stormwater quality development area and/or the additional population nominated below. Should the final plan of survey indicate any change in the total developable area, stormwater quality development area or potential additional population, the information for this Section 7.11 Contribution(s) will be adjusted accordingly for each relevant stage.

Number of intended dwellings/apartments:	1,381 apartments
Total Developable Area:	6.2598 hectares
Stormwater Quality Developable Area:	1.5650 hectares
Additional Population:	2,559.1 persons

Payments must be made prior to the issue of a Construction Certificate for each relevant lot. These contributions are permitted to be paid in stages according to the following parameters:

Lot	Area (hectares)	Stormwater Quality Area (hectares)	Buildings	Number of apartments and mix (1/2/3 bed)	Additional Population (persons)
1	0.29470	0.0737	A	42 10/27/5	76.8
2	1.01500	0.2538	B & C	215 44/137/34	404.9
3	1.33600	0.3340	D, E, F, G & H	314 48/239/27	584.6
4	1.04500	0.2613	J, K, L & M	252 48/180/24	464.4
5	0.53310	0.1333	N	122 30/90/2	212.4
6	2.03600	0.5090	P, Q, R & S	436 84/294/58	816.0

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Stormwater Quality Developable Area:	1.5650 hectares
Additional Population:	2,559.1 persons

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

S.7.11 CP No. 20 Riverstone and Alex Avenue Precincts.

### **3.4 Special Infrastructure Contributions**

3.4.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.17 or its equivalent of the Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Environment before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

#### **More information**

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

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

### **3.5 Necessary Plan Amendments**

3.5.1 The following plan amendments shall be included on or addressed by any Construction Certificate relating to the approved development:

(a) The floorplan layout of Building S is to be amended to reflect the 'Building S – Typical' Plan, Reference SK171114-01 prepared by Krikis Tayler Architects submitted 16 November 2017, to provide 2 separate cores to ensure that the maximum number of apartments sharing a circulation core and corridor is 12 on a single level in accordance with Part F of the Apartment Design Guide.

(b) With regard to the Basement 1 Plan for Lot 1 Building A, Drawing No. DA110, Issue D, dated 18 August 2017, amended plans are required to be submitted which demonstrate that an 11 metre long heavy rigid vehicle can access the loading bay. The amended plans are to include swept turning paths which demonstrate that the trucks entire path of travel is clear of obstructions (the waste truck is not currently capable of clearing the eastern wall when manoeuvring). This amended plan, including an AutoCAD file in DWG format and 1:1 scale for the trucks entire travel path, must be submitted and approved by Council's Sustainable Resources Project Officer prior to the issue of any Construction Certificate for Building A.

### **3.6 Construction Traffic Management Plan**

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

### **3.7 Construction Environmental Management Plan**

3.7.1 A Construction Environmental Management Plan is to be submitted to Council prior to the issue of any Construction Certificate as required by clause 3.3 *Construction*

**3.8 Aboriginal Heritage Matters**

3.8.1 The Aboriginal Heritage Impact Permit (AHIP) issued under section 90C(4) of the *National Parks and Wildlife Act 1974* dated 11 September 2014 shall be adhered to

Copies of the aboriginal assessments and AHIP are to be submitted to Council prior to the issue of any construction certificate. The AHIP is to be accompanied by an extensive search site record for the area covered by the AHIP in spread sheet and map format.

**3.9 Street Tree Planting**

3.9.1 The applicant must submit a Street Tree Plan detailing the proposed street tree planting and landscaping for this development which is consistent with the approved subdivision development application (DA-13-01712 as modified in MOD-17-00045). The Street Tree Plan is to reflect the species palette in Council's Street Tree Guidelines and must include:

- cross-sections showing dimensions of tree pits
- species
- details of root protection barriers
- soil specifications
- location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

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

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

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

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

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

**3.10 Waste Matters**

3.10.1 The Construction Certificate plans and documentation must demonstrate that:

- Written verification is to be submitted for the approval of Council's Sustainable Resources Project Officer demonstrating that the entire path of travel for waste trucks for each building achieves a minimum 4.5 metre headroom clearance (as required by the Australian Standards). The paths of travel are to be shown on section plans clear of eaves, overhangs, balconies, services and at the roller door entry point and incorporated into the Construction Certificate documentation.
- The waste collection vehicles are capable of entering and exiting the property in a forward direction.
- The roads and internal driveways and ramps used for waste collection purposes are to be rated for at least 24 tonne trucks.

**3.11 Access and Parking**

3.11.1 1,735 basement car parking spaces are required to be provided on site, being 1,456

resident spaces, 279 visitor car parking spaces and 18 service/loading bays. All car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Residential Flat Building (excluding width of pillar): 2.4m x 5.4m  
Residential Flat Building (adjacent to solid wall): 2.7m x 5.4m  
Disabled Car Space: 4.8m x 5.4m (including shared zone)

- 3.11.2 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network.
- 3.11.3 A minimum of 462 bicycle parking spaces and 28 motorbike spaces are to be provided within the basement levels.
- 3.11.4 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.
- 3.11.5 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009 and AS1428.1 - 2009.
- 3.11.6 At least 1 car wash bay is to be provided for each car parking area. Each car wash bay is to be capable of being appropriately accessed and must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate car washing and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water.

### **3.12 Aesthetics/Landscaping**

- 3.12.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.
- 3.12.2 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.
- 3.12.3 The development approved by Council is to be constructed in accordance with the external finishes shown on the approved Material Board.
- 3.12.4 The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the Building Code of Australia.
- 3.12.5 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.
- 3.12.6 Windows in the residential apartments from the first floor level through to the top floor level are to be fitted with a child safety mechanism to prevent accidental falls out of windows by persons such as children. Details of such safety mechanisms shall be shown on the Construction Certificate plans and provided to the principal certifying authority/principal certifier.

### **3.13 Fencing**

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

retaining walls.

- 3.13.2 With regard to the treatment of any front fences or walls at the ground level which is in the vicinity of the public domain / public footway, appropriate measures are to be in place to deter the potential for graffiti on these front fences or walls, such as landscaping which limits access to these front fences or walls, or a varied finish to these front fences / walls and with an anti-graffiti finish. These details are to be shown on the construction certificate plans to the satisfaction of the Certifying Authority.
- 3.13.3 Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti. All fencing which is visible from the public domain is not permitted to be continuous, closed board, or the like.

### **3.14 Common Areas and Landscaping**

- 3.14.1 All common areas and landscaping shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate. The minimum pot sizes are to be 45 litres for medium sized plants and 100 litres for trees. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.
- 3.14.2 Indigenous species from the area are encouraged for all landscape plantings however, non-native species may be planted to external courtyard areas to achieve seasonal climate management.
- 3.14.3 All landscaping, lawn areas, recreation features and furniture, bbq facilities, children's play areas, pathways, ramps and fencing shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate.
- 3.14.4 The basement deep soil areas which relate to the above tree plantings are to be provided to ensure the viability of these trees.

### **3.15 Adaptable Housing Units**

- 3.15.1 A minimum of 10% of the units within the development are to be designed in accordance with the Australian Adaptable Housing Code (AS 4299-1995) which includes 'pre-adaptation' design details to ensure visitability is achieved. A schedule shall be maintained, updated with each construction certificate to ensure a total of 10 % of the total units are provided as adaptable units.

### **3.16 Floor to Ceiling Heights**

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

### **3.17 Utilities, Services, Plant and Equipment**

- 3.17.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the streetscape presentation, apartments and communal open space areas with regard to visual, acoustic and odour impacts.
- 3.17.2 The garbage and recycling storage areas 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.

- 3.17.3 Written evidence is to be provided to Council from an appropriately qualified acoustic consultant stating that all plant and equipment have been selected to meet the project noise criteria.
- 3.17.4 A 'Notification of Arrangement' Certificate is to be obtained from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.

### 3.18 **NSW Local Police – Requirements**

- 3.18.1 Prior to the issue of a Construction Certificate, a detailed report shall be prepared by a suitably qualified security consultant which addresses the following security and/or crime prevention measures:
  - a. The mail box facilities must be located inside the building foyer or secure mailboxes are to be fixed along the facade wall of the foyer of each block (i.e. similar to PO boxes where the mailbox is orientated outwards and is opened from inside the foyer) or as specifically agreed with Australia Post.
  - b. The location and number of CCTV cameras, which shall be installed around the site is required. CCTV cameras must be provided within all communal areas/playgrounds, car park facilities, stairways, lifts, foyers, and entry/exit points, loading bays, the waste room and over mailbox facilities.
  - c. The application of permanent graffiti resistant coating on all materials along the ground level of the building around the perimeter of the site.
  - d. Building identification (street number, block number) which shall be provided near the entry of the building and visible from the street to facilitate easy identification of the site for emergency services.
  - e. Palisade fencing around the site where appropriate, will prevent unauthorised access. All access points into the site and to common areas shall be secured through the use of gates, roller doors or similar and fitted with a security mechanism (i.e. swipe card keys, etc., to restrict access to authorised persons only).
  - f. NSW Police strongly recommend that each vehicle garage facility space to be separated by steel welded mesh fencing, floor to ceiling and annotated on the plans. Each individual roller shutter door is to be a 'tilta' door with the security bolt locks in place. The contents inside each vehicle garage facility will not be visible from outside.
  - g. Basement car park facilities should be well lit, the ceiling is to be light in colour (preferably painted white) and have CCTV coverage.
  - h. Each vehicle garage facility must have a lockable 'tilta' roller shutter security door, in a well-lit area with CCTV coverage.
  - i. A central security panel lift door must be installed at the entrance of the basement parking level.
  - j. Suitable security measures are to be installed to ensure visitors cannot access resident parking areas / spaces, such as the installation of security steel welded mesh fencing from floor to ceiling which separating visitors' parking from residents' parking, and/or CCTV.
  - k. A security plan is to be provided showing the location, type and number of CCTV systems per block. The areas that should include building foyers, mailbox facilities, building entry and exit points, basement car park including bike storage area, lifts common, areas and waste rooms.

The recommendations of this report shall be included in the Construction Certificate plans and documentation for each lot/building.

### 3.19 Transport for NSW Requirements for the Northwest Transport Corridor

3.19.1 Prior to the issuing of any Construction Certificate for works on Lot 6, the Applicant shall contact Transport for NSW (TfNSW) and obtain their design requirements in relation to the protection of the proposed Northwest Transport Corridor. TfNSW will require the submittal of detailed engineering design documentation for its review and endorsement. This may include requirements such as those outlined in Interim Guidelines for Development near Rail Corridors and Busy Roads 2008 (<http://www.planning.nsw.gov.au/~/media/Files/DPE/Manuals-andguides/development-near-rail-corridors-and-busy-roads-interim-guideline-2008.ashx>) and in drawings 482749-SMNW-0040\_1 and 482749-SMNW-0041\_1.

The Principal Certifying Authority is not to issue a Construction Certificate until it has received written confirmation from TfNSW regarding its endorsement of any engineering details.

3.19.2 No modifications may be made to the approved design of Lot 6 without the consent of TfNSW.

3.19.3 TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

### 3.20 Other Matters

3.20.1 The Construction Certificate plans are to show any existing/proposed substations, kiosks, sewer man holes and/or vents affecting any lot / units, including corner lots / units in accordance with the Growth Centre Precincts Plan DCP 2018.

3.20.2 All mail boxes are to accord with the requirements of Australia Post with regard to location, access and size. The letterbox system is to be vandal resistant and secure.

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

## 4 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

### 4.1 Building Code of Australia Compliance

4.1.1 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).

### 4.2 Site Works and Drainage

4.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled

ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.

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

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

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

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

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

Such details shall accompany the Construction Certificate.

#### **4.3 Fire Services**

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

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

#### **4.4 BASIX Certificate Compliance**

4.4.1 The plans and specifications must indicate compliance with the commitments listed in BASIX Certificate Numbers: 774648M, 774649M, 774650M, 774651M, 774652M and 783938M.

### **5 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)**

#### **5.1 Environmental Management**

5.1.1 The recommendations provided in the Preliminary and Detailed Site Investigation, 14 Schofields Road Schofields, NSW, prepared by TRACE environmental Pty Ltd, report no. 1.07.03, dated 27 May 2015 shall be implemented, particularly in regard to Section 10.2 of the report. Upon completion of inspections/assessments an appropriately qualified environmental consultant shall prepare a validation report.

5.1.2 The recommendations provided in the Geotechnical Investigation, Lot 121, Schofields Rd, Schofields, NSW, prepared by Asset Geotechnical Engineering Pty Ltd, report no.

2918-R1, dated 30 May 2015 shall be implemented, particularly in regard to Sections 5 and 6 of the report including the salinity recommendations. Upon completion of inspections / assessments an appropriately qualified environmental consultant shall prepare a validation report and submit a copy to Council.

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

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

A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use.

5.1.4 In accordance with section 68 of the Local Government Act 1993 an 'Application for Approval to Install, Construct or Alter a Septic Tank or Sewage Management System' shall be submitted to Council for consideration. Approval must be obtained prior to construction work commencing

5.1.5 The recommendations provided in the DA Acoustic Assessment prepared by Acoustic Logic and dated 23 November 2017 shall be implemented.

5.1.6 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)

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

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

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

## 6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

### 6.1 General

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

6.1.2 All fees for Construction, *Roads Act 1993* and *Local Government Act 1993* approvals must be paid to Council prior to the issue of any of the above certificates or approvals. All fees for Compliance Certificates must be paid to Council prior to the relevant construction certificate works commencing.

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

Prepared By	Project No.	Sheet No.	Revision	Dated
ACE P/L	ACE160400.CIV.DA	000 to 506 (57 sheets)	C	30/01/18

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

- i. Comply with BCC Engineering Guide for Developments with regards to minimum roads and drainage grades, widths, cross-falls, etc.
- ii. Meet the requirements under Councils DCP Part J 2015.
- iii. Drawing No. 402 of Job Number ACE160400.CIV.DA rev C dated 30.01.18, the minimum invert level for the outlet pipe of the Gross Pollutant Trap (GPT) at pit 15/2 shall be RL 27.8m AHD.
- iv. On drawing D704(D) for Stormfilter Chamber Zone 2.2 provide a baffle 250 mm upstream of the weir and extending from the top of tank to a minimum of 400 mm below weir level. Provide an additional opening 450 x 450 downstream of the baffle to allow for maintenance.
- v. On drawing D704(D) for Stormfilter Chamber Zone increase the weir wall to be 122 x 1200.
- vi. Amended Stormwater plans shall also address the following:
  - a. Basement design that ensures a minimum 0.5% slope to all surface inlet pits.
  - b. The minimum storage and dual alternating pump requirements for the basement garage is to satisfy AS/NZS 3500.3:2015 – Plumbing and Drainage Part 3: Stormwater Drainage.
  - c. Detail Confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks and all Stormfilter chambers in accordance with Council's Engineering Guide for Development 2005.
  - d. Provide galvanised or equivalent step irons or ladders for all entry points to the Stormfilter Chambers and Rainwater Tanks to comply with Council's Engineering Guide for Development 2005.
  - e. Each rainwater tank is to have a 1200 x 1200 access point above the rainwater tank pumps. Provide one additional 900 x 900 access point in each rainwater tank.
  - f. Each rainwater tank is to be increased in size from 20 kL to 25 kL below the overflow level. Provide section, levels and dimensions for each tank.
  - g. Direct the following minimum roof areas to the rainwater tanks. Where there are multiple tanks within a lot design the drainage system so that the roof areas draining to each tank are similar.
    - Lot 1 – 710 m<sup>2</sup>
    - Lot 2 – 3,770 m<sup>2</sup>
    - Lot 3 – 4,880 m<sup>2</sup>
    - Lot 4 – 3,720 m<sup>2</sup>

Lot 5 – 1,950 m<sup>2</sup>  
 Lot 6 – 7,560 m<sup>2</sup>

h. Where the rainwater tanks are adjacent to the Stormfilter chamber set the rainwater overflow level a minimum of 100 mm above the Stormfilter weir. Reduce the diameter of the overflow pipes where required to achieve this and increase the number of pipes to ensure sufficient capacity. Provide non-return flaps.

i. Provide hydraulic grade line (HGL) levels for each street pit where the Stormfilter chamber is discharging to. Raise the Stormfilter tanks as required to ensure the Stormfilter false floor level is at or above the 3 month HGL in the street pit.

j. For lot 1 increase the number of 690 mm Stormfilter cartridges from 5 to 6.

k. Provide a minimum slope of 1% in the base of the Stormfilter overflow chamber from the furthest underdrain invert to the invert of the outlet pipe in lots 3, 4 and 6.

## 6.2 Construction Certificate Requirements

**6.2.1** Prior to release of any construction certificate for all lots to which this approval relates, subdivision certificate relating to MOD-17-00045 to DA-13-01712 must be approved and all proposed lots referred to within this approval are to be registered.

6.2.2 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)

## 6.3 Local Government Act Requirements

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

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

## 6.4 Roads Act Requirements

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

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

## 6.5 Other Engineering Requirements

- 6.5.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater then a long service levy payment is required. Provide proof of this payment to Council.
- 6.5.2 Any ancillary works undertaken shall be at no cost to Council.
- 6.5.3 Submit written permission from the affected property owner for any works proposed on adjoining land.
- 6.5.4 Submit written evidence from the Roads and Maritime Services indicating compliance with all necessary requirements.
- 6.5.5 All street name poles, light poles and bus shelters shall be black powder coated in accordance with Blacktown City Council's Engineering Guide for Development. Ensure this is noted on the construction plans.
- 6.5.6 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

## 6.6 Roads

- 6.6.1 Submit a 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.
- 6.6.2 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.
- 6.6.3 Any approved design drawings must show a 5m x 5m splay for residential allotments at each street intersection.
- 6.6.4 Splays are to be adjusted to meet site specific intersection designs in accordance with Council's Engineering Guide for Development.
- 6.6.5 Proposed new roads shall be designed and constructed as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S. A)
Rd 1	18	350	3.5,11.3.5	$5 \times 10^5$
Rd 2	18	190	3.5,11.3.5	$5 \times 10^5$
Rd 3	18	95	3.5,11.3.5	$5 \times 10^5$
Rd 4	18	315	3.5,11.3.5	$5 \times 10^5$
Rd 5	16	65	3.5,9.3.5	$5 \times 10^5$
Rd 6	16	45	3.5,9.3.5	$5 \times 10^5$
Pelican Rd	20 & variable	370	See notes	$5 \times 10^6$

## NOTES

1. No through Roads shall have "Turning Heads" at the end of the road.
2. Pelican Road is a Section 7.11 item and it is possible to reduce the monetary Section 7.11 contribution(s) on this consent by carrying out Section 7.11 works as part of a 'Works-in-Kind' agreement with Council, subject to the following:
  - a. the Section 7.11 works must be listed in a Section 7.11 Contributions Plan
  - b. Council must have agreed to the Works in Kind (WIK)

- c. the Section 7.11 works cannot commence before the WIK agreement is executed by all parties
- d. the WIK agreement is in accordance with Council's WIK Policy
- e. the reduction of Section 7.11 contributions is not available until works have been satisfactorily completed in accordance with the WIK agreement.

A written application to enter into a WIK agreement must be provided to Council's Coordinator Contributions or an Officer acting in that position. Council's Section 7.11 Finance Committee will consider all applications on merit and advise the applicant in writing if the agreement is endorsed. Council reserves the right to approve or reject any WIK application.

Council will not reduce the monetary Section 7.11 contribution(s) on this consent unless these conditions are complied with.

6.6.6 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.

## 6.7 **Drainage**

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

6.7.2 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.

6.7.3 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.

6.7.4 The existing depression/watercourse through the site must be piped and/or channelled to contain stormwater discharges up to the 1% A.E.P. (100 year Average Recurrence Interval) event.

6.7.5 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.

6.7.6 Where the internal driveway cannot be drained to an internal pit a grated trench drain shall be provided at the property boundary.

## 6.8 **Erosion and Sediment Control**

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

## 6.9 **Earthworks**

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

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

6.9.3 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.

## 6.10 **Stormwater Quality Control**

6.10.1 Provide a stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management. In this regard, provide a Bioretention Construction Estimate for the removal and disposal of the temporary protection measures for the bioretention areas, replacement with the transition layer and filter media, the cost of undertaking hydraulic conductivity testing on the filter media in the basin, planting of appropriate species and certification of all the bioretention planting. The following is to be satisfied:

1. Provide details for permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process **for each lot**. 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 tanks 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.
2. An experienced chartered hydraulic engineer registered on NER is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses on the site including landscape watering and that all Sydney Water requirements have been satisfied **for each lot**. Where a lot has multiple rainwater tanks the plan is to balance the demand for each tank. The plan is to show the rainwater pipe and tank arrangement including:
  - i) a first flush or pre-treatment system (typically 0.2 litres / m<sup>2</sup> of roof area going to the tank),
  - ii) a pump with isolation valves and a warning light to indicate pump failure;
  - iii) a mains water direct tank top up with air gap for landscape watering,
  - iv) **flow meters** on the mains water tank top-up line and the pump outflow line, to determine actual non-potable usage;
  - v) a timer and control box for landscape watering, allowing for seasonal variations;
  - vi) ensuring all the non-potable reuse pipes are coloured purple;
  - vii) an inline filter and preferably an inline automatic backwash filter.
  - viii) providing an individual tap in each private courtyard or front yard space as well as for the communal spaces;
  - ix) fitting rainwater warning signs to all external taps using rainwater.
3. An experienced irrigation specialist is to prepare and certify a detailed Landscape Watering Plan for non-potable landscape watering **for each lot** to address the following.
  - i) a timer and control box for landscape watering, allowing for seasonal variations;
  - ii) ensuring all the non-potable reuse pipes are coloured purple;
  - iii) an inline filter and preferably an inline automatic backwash filter.
  - iv) providing an individual tap in each private courtyard or front yard space as well as for the communal spaces;

- v) detailing where spray irrigation and/or subsoil drip irrigation is to be used;
- vi) Achieving the following total average annual usage rates;
  - Lot 1 – 320 kL/yr
  - Lot 2 – 1,053 kL/yr
  - Lot 3 – 1,408 kL/yr
  - Lot 4 – 992 kL/yr
  - Lot 5 – 560 kL/yr
  - Lot 6 – 2,026 kL/yr
- vii) Where a lot has multiple rainwater tanks the plan is to balance the demand for each tank.

- 6.10.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 4.55 application.
- 6.10.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
- 6.10.4 Bio-retention basins to be designed in accordance with “Stormwater Biofiltration Systems. Adoption Guidelines. Planning, design and implementation. Version 1 June 2009. Facility for Advancing Water Bio-filtration”, as a lined, standard biofiltration system.

## 6.11 **Temporary On-Site Detention**

- 6.11.1 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. In this regard, the Temporary On-site Detention (OSD) is to be provided for the whole site in accordance with the *Blacktown City Council Water Sensitive Urban Design (WSUD) Standard Drawings* Plan No. A(BS)175M. A maximum by-pass of 15% is permissible and a minimum flood storage of 455m<sup>3</sup>/ha below the emergency weir and 300m<sup>3</sup>/ha below the 1.5yr ARI weir must be attained in accordance with Sheet 20 of Plan No. A(BS)175M. The following is to be satisfied:
  - A. The basin characteristics are to be in accordance with Council’s OSD Deemed To Comply Tool Developer’s Edition Spreadsheet Ver. 1.9 or later.
  - B. Provide details for temporary protection measures for the bioretention basins. Install the liner, subsoil lines and gravel layer. Over the gravel place a non-woven geotextile and 150 mm of coarse sand with washed turf or spray-grass on top.
  - C. The drainage pits and pipelines within the proposed public roads are to comply with the requirements of the Council’s Engineering Guide for Development 2005 including a minimum 375 mm pipe size. Pits with opposing pipe flows are prohibited and lateral pipes should join at an angle between 30 to 60 degrees.
  - D. Provide on-site detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.
  - E. Provide Floodway Warning Signs for the above ground detention areas in accordance with Plan A(BS)114S from Council’s Engineering Guide for Development 2005.
- 6.11.2 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 4.55 application.
- 6.11.3 Submit the following certificates which are to be prepared by a registered engineer (NER):
  - Site Specific Stormwater Management Plan
  - Site Specific Flood Protection Plan
  - Site Specific Stormwater Management Plan (for the proposed development)
  - Site Specific Flood Protection Plan (for the proposed development)

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

6.11.4 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

## 6.12 **Vehicular Crossings**

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

## 6.13 **Footpaths**

6.13.1 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 2018.

Proposed locations and widths are to be approved by Blacktown City Council's Co-ordinator Engineering Approvals.

## 6.14 **Section 7.11 and Regional Infrastructure Works Matters**

6.14.1 No permanent or temporary works are to be undertaken on land shown in the *SEPP Native Vegetation Maps* and denoted as existing native vegetation area (ENV).

6.14.2 The minimum invert level for the outlet pipe of GPT E6.3 is to be set at RL 27.8m AHD.

6.14.3 Prior to the issue of a Construction Certificate and or Roads Act Approval for the proposed road works supporting the development, with respect to the design and construction of the proposed S7.11 drainage (i.e. Contribution Plan No.21, items E6.1, E6.2 and E6.3 respectively), the applicant is to prepare and submit to Council's Asset Design Services Team for its concurrence and approval in writing , all investigation and concept design requirements as set out in Sections 3.1 (Pre DA Stage- Data Collection and review) and 3.2 (DA Stage - Concept Design Verification, Optimisation & Risk Management), respectively, of Council's document *Guidelines for the Investigation and Design of Section 94 Stormwater Works and Blacktown City Council, Water Sensitive Urban Design Standard Drawings A(BS)175M*.

6.14.4 Prior to the execution of a Works in Kind agreement to construct the Section 7.11 works, the final design of the basin is to be submitted to Council's Design Review Panel for approval. The design is to be submitted to Council's City Architect, for concept approval.

## 7 **PRIOR TO DEVELOPMENT WORKS**

### 7.1 **Safety/Health/Amenity**

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

Each toilet provided shall be:

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

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

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

This condition does not apply to:

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

7.1.3 Should the development work:

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

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

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

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

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

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

7.1.6 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.

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

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

## 7.2 **Notification to Council**

7.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

## 7.3 **Home Building Act**

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

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

## 7.4 **Sydney Water Authorisation**

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

OR

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

7.4.2 Written verification of the capacity of the water, trunk water and wastewater assets and services to service this site and the adjoining sites to the east, which rely on wastewater assets located within this site, is to be submitted to Council.

## 7.5 **Protection of Fauna**

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

## 7.6 NSW Local Police – Requirements

7.6.1 The Applicant / person acting on this consent is to conduct a site inspection with the NSW Local Police prior to works commencing.

## 8 DURING CONSTRUCTION (BUILDING)

### 8.1 Safety/Health/Amenity

8.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

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

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

8.1.3 Should the development work:

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

the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

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

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

8.1.5 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.

8.1.6 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.

8.1.7 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.

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

## **8.2 Building Code of Australia Compliance**

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

## **8.3 Surveys**

8.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.

8.3.2 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.

## **8.4 Nuisance Control**

8.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

8.4.2 All construction activities shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 7.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

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

## **8.5 Stormwater Drainage**

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

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

## **8.6 Waste Control**

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

## **8.7 Construction Inspections**

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

(where applicable):

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

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

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

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

## **9 DURING CONSTRUCTION (GENERAL)**

### **9.1 Environmental Health**

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

### **9.2 Street Trees – Bonds, Services and Charges**

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

The street tree bond amount will be applied following review and approval of the revised street tree plan. In accordance with Council's Good and Services Pricing Schedule, further assessment of the plans and future site inspection shall be levied by Council's Development Services Unit against the Developer for this purpose at a 2 hour period for a rate of \$188 per hour + GST.

### **9.3 European Heritage**

9.3.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the *Heritage Act 1977*. Relevant works shall not recommence until written authorisation from the Heritage Council is issued.

### **9.4 Aboriginal Heritage**

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

## 9.5 **Tree Protection Measures**

- 9.5.1 All works are to be undertaken in accordance with the recommendations of the Tree Report and Arboricultural Development Impact Assessment prepared by Birds Tree Consultancy dated 8 December 2015.

## 9.6 **Construction Traffic Management Plan**

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

## 9.7 **NSW Local Police – Requirements**

- 9.7.1 The site is to be appropriately secured to prevent unauthorised access throughout the length of the construction works.
- 9.7.2 Security patrols and CCTV surveillance systems are to be temporarily installed during this phase.
- 9.7.3 Construction periods are to reflect the hours of proposed works.
- 9.7.4 The Traffic Management Plan is to be adhered to during construction.

# **10 DURING CONSTRUCTION (ENGINEERING)**

## 10.1 **Notification of Works**

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

## 10.2 **Insurances**

- 10.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council's Engineering Approvals Team. This shall be submitted prior to commencement of engineering works required by this consent that are carried out on Council controlled

lands such as roads, drainage reserves and parks. This includes Public Liability Insurance with a minimum of \$20,000,000.00 Indemnity and Workers Compensation.

#### **10.3 Service Authority Approvals**

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

#### **10.4 Boundary Levels**

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

#### **10.5 Tree Protection and Preservation**

- 10.5.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 10.5.2 Prior to commencement of engineering works that may disturb existing vegetation/trees, the site shall be inspected to identify and appropriately mark out any trees to be retained as well as determine areas that are to be left undisturbed. Proposed roads must be set-out onsite prior to this inspection. Note: Inspection must be carried out by Council's representative or an appropriately accredited private certifier. The applicant's representative must be present during this inspection.
- 10.5.3 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.
- 10.5.4 Council must be notified a minimum of 24 hours prior to the removal of any branches from existing trees which are to be retained. Subject to Council's direction, this work must be generally undertaken by a qualified Arborist.

#### **10.6 Soil Erosion and Sediment Control Measures**

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

#### **10.7 Filling of Land and Compaction Requirements**

- 10.7.1 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.

10.7.2 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.

10.7.3 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.

10.7.4 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.

10.7.5 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.

10.7.6 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.

10.7.7 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.

10.7.8 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.

## 10.8 **Filling in Contaminated Land**

10.8.1 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.

10.8.2 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.

10.8.3 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.

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

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

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

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

10.10.1 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. Councils 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).

**10.11    Public Safety**

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

**10.12    Site Security**

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

**10.13    Traffic Control**

10.13.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.

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

#### **10.14 Powder Coated Furniture**

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

#### **10.15 Drainage Matters**

- 10.15.1 The thirty-nine (39) 200 micron Enviropods and one hundred and thirty one (131) 690 mm high Stormfilter cartridges supplied by Stormwater 360 are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

### **11 PRIOR TO RELEASE OF SUBDIVISION LINEN PLANS (ENGINEERING)**

#### **11.1 Drainage Matters**

- 11.1.1 Provide a Restriction to User and Positive Covenant over the On-Site Detention System over Bioretention/Detention Basins 1 and 2 in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.
- 11.1.2 Provide a Restriction to User and Positive Covenant over the Stormwater Quality Improvement Devices Bioretention/Detention Basins 1 and 2 in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate.
- 11.1.2 Pay to Council a Bioretention Construction Bond equal to 150% of the Bioretention Construction Estimate.

11.1.4 Provide written evidence of arrangements for the future owner/strata to enter into a minimum four (4) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the gross pollutant trap, coarse sediment forebays and the bioretention system. Forward a copy of these details to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au). This is to be reflects in a section 88B Instrument.

11.1.5 A Civil Engineer registered with NER, is to certify that for Bioretention/Detention Basins 1 and 2:

- all the requirements of the approved drainage plan have been undertaken;
- the minimum temporary detention storages have been achieved below the 1.5 year and emergency overflow weir;
- the orifice sizes for the temporary on-site detention basins matches the approved construction certificate plans;
- all the signage and warning notices have been installed;
- The bioretention basin is enclosed with a minimum 1mm HDPE or equivalent liner;
- The bioretention subsoil lines are un-socked slotted PVC laid at minimum 0.5% with a minimum 50 mm gravel cover;
- The temporary bioretention protection measures have been installed such that a minimum future filter area of 355 m<sup>2</sup> can be achieved for basin 1 and 95 m<sup>2</sup> for Basin 2 clear of all pits and scour protection
- The any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
- a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

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

## 11.2 Engineering Matters: Easements/Restrictions/Positive Covenants

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

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

11.2.2 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 for Bioretention/Detention Basins 1 and 2. The covenant shall include the submission of an annual report on water treatment by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate.

11.2.3 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Government - Land and Property Information over any overland flow-path.

11.2.4 The creation of any easement related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development.

11.2.5 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.

## **12 PRIOR TO OCCUPATION CERTIFICATE**

### **12.1 Compliance with Conditions**

12.1.1 An Occupation Certificate for the relevant stage 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.

12.1.2 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*.

### **12.2 Fire Safety Certificate**

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

### **12.3 Fee Payment**

12.3.1 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.

### **12.4 Acoustic Certification**

12.4.1 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.

### **12.5 Waste Matters**

12.5.1 The development is to be completed in accordance with the waste requirements of **Condition 3.10**.

12.5.2 The loading bays are to be appropriately identified by line marking, signage and the installation of remote controlled parking locks.

12.5.3 The bulky waste storage areas are to be appropriately signposted.

12.5.4 Physical treatment of the loading bay shall be installed (e.g. removable bollards) to maintain the bin collection area.

12.5.5 A Strata Management Agreement (or similar) must exist which:

- Indicates 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.
- Indicates 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.
- Includes the method of communication to new tenants and residents regarding the

- iv. waste management services and collection system for the development.

12.5.6 The Owners Corporation / Strata Manager will be responsible for ensuring that clear access is provided to the waste collection vehicles entering the property.

**12.6 Street Tree Planting**

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

**12.7 Services / Utilities**

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

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

**12.8 Salinity**

12.8.1 A report from a geotechnical engineer is to be submitted to Council certifying the site classification for the reactivity of the lots in the subdivision after identification of the soil characteristics in accordance with the provisions of AS 2870, 'Residential Slabs and Footings.'

**12.9 Other Matters**

12.9.1 All landscaping, recreation features and furniture, bbq facilities, children's play equipment and lighting shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.

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

12.9.3 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.

- 12.9.4 Vandal proof and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.
- 12.9.5 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 12.9.6 All power boards should be housed within a locked cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.
- 12.9.7 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 12.9.8 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 12.9.9 Head room clearance at the basement ramp must comply with requirements of AS2890.1 (Section 5.3) for a Disabled Vehicle, and meet AS2890.1 – Appendix C for the disabled parking space and access to the lift.
- 12.9.10 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

#### **12.10 [State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development](#)**

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

#### **12.11 [Adaptable Housing Units](#)**

- 12.11.1 Certification from a qualified Access Consultant confirming that the Adaptable Housing Units are capable of being modified when required by the occupants in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) is to be submitted to Council.

#### **12.12 [NSW Local Police Matters](#)**

- 12.12.1 A security plan is to be submitted to the Riverstone Police Station and Council which shows the location, type and number of CCTV systems per block. The areas that should include building foyer, mailbox facility, building entry and exit points, basement car park including bike storage area, lifts common, areas and waste rooms
- 12.12.2 Back-of-room facilities / a steel strong room is to be accessed via a secured locking system. No public access is to be available to this area. This room could be where the Building Site Manager operates from and is also the CCTV Systems Storage room.
- 12.12.3 Installation of all required CCTV around the site. Cameras shall monitor common areas/playgrounds, car park facilities, stairways, lifts, foyers, and entry/exit points,

loading bays, the waste room and mailbox facilities. Appropriate signage shall be installed at the site to notify occupants and visitors that CCTV cameras are present.

- 12.12.4 All lighting details shown on the submitted lighting plan shall be installed at the site. This includes lighting around all entry/exit points to the building, along all footpaths within the site, car-parking areas and to the street number to facilitate identification of the site/building.
- 12.12.5 The building/site shall be provided with maps, directional signage, building identification (i.e. street number, block number) which must be installed near the entry of the building and visible from the street to facilitate easy identification of the site for emergency services.
- 12.12.6 All materials used along the ground level of the building around the perimeter of the site shall have permanent graffiti resistant coating applied.
- 12.12.7 NSW Police strongly recommend that all fencing should be installed around the site where appropriate, preventing unauthorised access. Access points into the site and common areas shall be secured through the use of gates, roller doors or similar and fitted with a security mechanism (i.e. swipe card, keys, etc.) to restrict access to authorised persons only.
- 12.12.8 The latch/locking mechanism for the gates inside the development, should not be within the arm reach of any person externally.
- 12.12.9 Mailbox facilities must be located either along the façade wall of the foyer (i.e. similar to PO boxes where the mailbox is orientated outwards and is opened from inside the foyer), located inside the building foyer, in the basement, or as required by Australia Post. Where mailboxes are located internally within the foyer, the applicant is required to purchase and install a key safe (preferably cylindrical) from Australia Post. This key safe shall be located near the building intercom or other suitable location near the entry. To purchase a key safe contact Australia Post:
  - Australia Post (Nepean Delivery Facility) – (02) 4729 8600
  - Australia Post (Seven Hills Delivery Facility) – (02) 9674 4027
- 12.12.10 Where sites have multiple buildings, a site plan shall be provided near each building entry. This plan shall show the location and name/number of each building on-site to orientate people.
- 12.12.11 All ground floor units shall be fitted with motion sensor lighting.
- 12.12.12 Patio bolt locks (or similar) installed to any sliding door and any open able window along the ground level.

### **12.13 Graffiti Management Plan**

- 12.13.1 A 'Graffiti Management Plan' is to be submitted for the separate approval of Council. The Plan is to address the following issues:
  - (a) Methods to minimise the potential for graffiti;
  - (b) Management/notification procedures for the 'early' removal of graffiti no later than 48 hours after detection. Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s;
  - (c) Annual review of any 'management agreement' for the removal of graffiti to ensure the property is maintained at its optimum level; and
  - (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

## 12.14 Total Maintenance Plan

12.14.1 A 'total' maintenance plan is to be prepared for the site and it to ensure:

- (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, pathways, through site links, soft and hard landscaping, children's play equipment, fencing, mail boxes, lighting, bulky waste storage and loading areas, feature entry signage, parking signage and services are regularly inspected and maintained at optimum levels at all times.
- (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted "junk mail" is to be collected on a regular basis and disposed of as necessary.
- (c) The development is managed by a Site / Strata / Building Manager.

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

## 12.15 Engineering Matters

### 12.15.1 Surveys/Certificates/Works As Executed plans

- 12.15.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 12.15.1.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Council.
- 12.15.1.3 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.
- 12.15.1.4 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.
- 12.15.1.5 A Certificate from a Registered Engineer (NER) must be lodged with Council to certify that:
  - a. all the requirements of the approved drainage plan have been undertaken;
  - b. all the signage and warning notices have been installed;
  - c. the interpretative water quality sign has been correctly installed for each lot;
  - d. the following minimum roof areas are directed to the following minimum rainwater tank sizes achieved below the overflow level.

Lot 1 – 710 m<sup>2</sup> draining to 1 x 25 kL tank

Lot 2 – 3,770 m<sup>2</sup> draining to 2 x 25 kL tanks

Lot 3 – 4,880 m<sup>2</sup> draining to 5 x 25 kL tanks

Lot 4 – 3,720 m<sup>2</sup> draining to 4 x 25 kL tanks

Lot 5 – 1,950 m<sup>2</sup> draining to 1 x 25 kL tanks

Lot 6 – 7,560 m<sup>2</sup> draining to 4 x 25 kL tanks

- e. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
- f. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

12.15.1.6 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.

12.15.1.7 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. In this regard, the Engineer is to certify for Bioretention/Detention Basins 1 and 2 that:

- a. all the requirements of the approved drainage plan have been undertaken;
- b. the minimum temporary detention storages have been achieved below the 1.5 year and emergency overflow weir;
- c. the orifice sizes for the temporary on-site detention basins matches the approved construction certificate plans;
- d. all the signage and warning notices have been installed;
- e. The bioretention basin is enclosed with a minimum 1mm HDPE or equivalent liner;
- f. The bioretention subsoil lines are un-soaked slotted PVC laid at minimum 0.5% with a minimum 50 mm gravel cover;
- g. The temporary bioretention protection measures have been installed such that a minimum future filter area of 355 m<sup>2</sup> can be achieved for basin 1 and 95 m<sup>2</sup> for Basin 2 clear of all pits and scour protection
- h. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
- i. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council

12.15.1.8 Written evidence is to be obtained from the Roads and Maritime Services (RMS) indicating compliance with its requirements including the payment of any necessary works supervision fees.

12.15.1.9 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 all road pavement materials.
- d) Contour lot fill diagram 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)

12.15.1.10 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.

Certification by Stormwater 360 to be provided for the following:

- a. Lot 1. Stormwater 360 is to certify for the installation of the five (5) 200 micron Enviropods and six (6) 690mm high Stormfilter cartridges that:
  - i. They are installed in accordance with the Stormwater 360 standard operational guidelines and production drawings;

- ii. A minimum of five (5) 200 micron Enviropods have been installed;
- iii. The Stormfilter tank for Lot 1 includes a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 690 mm cartridges;
- iv. The Stormfilter weir length is a minimum of 0.95 m;
- v. The Stormfilters have a minimum flow rate of 9.6 l/s at standard weir height;
- vi. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and
- vii. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.

b. Lot 2. Stormwater 360 is to certify for the installation of the four (4) 200 micron Enviropods and twenty (20) 690mm high Stormfilter cartridges that:

- i. They are installed in accordance with the Stormwater 360 standard operational guidelines and production drawings;
- ii. A minimum of five (4) 200 micron Enviropods have been installed plus a minimum additional Enviropod for the podium (Zone 2.2);
- iii. The Stormfilter tank for Lot 2 includes a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 690 mm cartridges;
- iv. The Stormfilter weir length is a minimum of 2.82 m and a minimum weir length of 0.5 m for the podium (Zone 2.2);
- v. The Stormfilters have a minimum flow rate of 32 l/s at standard weir height plus a minimum flow rate of 8 l/s at standard weir height for the podium;
- vi. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and
- vii. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.

c. Lot 3. Stormwater 360 is to certify for the installation of the eight (8) 200 micron Enviropods and twenty-five (25) 690mm high Stormfilter cartridges that:

- i. They are installed in accordance with the Stormwater 360 standard operational guidelines and production drawings;
- ii. A minimum of eight (8) 200 micron Enviropods have been installed;
- iii. The Stormfilter tank for Lot 3 includes a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 690 mm cartridges;
- iv. The Stormfilter weir length is a minimum of 4.23 m;
- v. The Stormfilters have a minimum flow rate of 40 l/s at standard weir height;
- vi. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and
- vii. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.

d. Lot 4. Stormwater 360 is to certify for the installation of the minimum seven (7) 200 micron Enviropods and twenty (20) 690mm high Stormfilter cartridges that:

- i. They are installed in accordance with the Stormwater 360 standard operational guidelines and production drawings;
- ii. A minimum of seven (7) 200 micron Enviropods have been installed;
- iii. The Stormfilter tank for Lot 4 includes a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 690 mm cartridges;
- iv. The Stormfilter weir length is a minimum of 3.4 m;
- v. The Stormfilters have a minimum flow rate of 32 l/s at standard weir height;
- vi. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and

- vii. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.
  - e. Lot 5. Stormwater 360 is to certify for the installation of the four (4) 200 micron Enviropods and fifteen (15) 690mm high Stormfilter cartridges that:
    - i. They are installed in accordance with the Stormwater 360 standard operational guidelines and production drawings;
    - ii. A minimum of four (4) 200 micron Enviropods have been installed;
    - iii. The Stormfilter tank for Lot 5 includes a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 690 mm cartridges;
    - iv. The Stormfilter weir length is a minimum of 2.4 m;
    - v. The Stormfilters have a minimum flow rate of 24 l/s at standard weir height;
    - vi. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and
    - vii. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.
- f. Lot 6. Stormwater 360 is to certify for the installation of the ten (10) 200 micron Enviropods and forty (40) 690mm high Stormfilter cartridges that:
  - i. They are installed in accordance with the Stormwater 360 standard operational guidelines and production drawings;
  - ii. A minimum of ten (10) 200 micron Enviropods have been installed;
  - iii. The Stormfilter tank for Lot 6 includes a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 690 mm cartridges;
  - iv. The Stormfilter weir length is a minimum of 6.47 m;
  - v. The Stormfilters have a minimum flow rate of 64 l/s at standard weir height;
  - vi. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and
  - vii. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.

#### **12.15.2 Bonds/Securities/Payments in Lieu of Works**

- 12.15.2.1 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.
- 12.15.2.2 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. This period commences at the date of handover of the development and release of the maintenance period may be extended to allow for the completion of necessary maintenance and all outstanding minor works.
- 12.15.2.3 Concrete path paving must not be placed 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 Councils Goods and Pricing Schedule. The security will be released upon satisfactory completion of the works.
- 12.15.2.4 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.

### 12.15.3 Inspections

- 12.15.3.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.
- 12.15.3.2 A plumber, licensed with NSW Fair Trading, or experienced hydraulic engineer registered with NER, is to certify that all the non-potable landscape water uses are being supplied by rainwater and that all the requirements of the detailed Non-Potable Water Reuse Plan have been installed and are working correctly. Provide a copy of the certification and a signed, works-as-executed Non-Potable Water Reuse Plan to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) .
- 12.15.3.3 An experienced irrigation specialist is to certify that all the requirements of the detailed Landscape Watering Plan have been installed as per the approved plan and are working correctly. Provide a signed, works-as-executed Landscape Watering Plan to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) .
- 12.15.3.4 Provide written evidence that the registered owner/owner's corporation has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the 200 micron Enviropod pit inserts and the Stormfilter Chambers. The contract must use Stormwater 360 for the maintenance of the Stormfilter cartridges. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au).

### 12.15.5 CCTV Inspection of Stormwater Drainage Structures

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

## 13 OPERATIONAL

### 13.1 Specific Uses

- 13.1.1 The approved development shall comply with the requirements of the following definition contained within State Environmental Planning Policy (Sydney Region Growth Centres) 2006:

**'residential flat building'** means 'a building containing 3 or more dwellings, but does not include an attached dwelling, a manor home or multi dwelling housing.'

- 13.1.2 The development shall not be used or converted for use for any purpose other than that:
  - (a) Granted consent by Council's Notice of Determination, or
  - (b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.
- 13.1.3 The use of the approved development shall, at all times, be conducted in a manner

consistent with the terms and conditions of this consent.

13.1.4 The hours of operation and noise levels from the ground level communal outdoor areas are to be appropriately managed to ensure that the occupiers of the buildings are not adversely affected by noise, in particular not prior to 8am and not after 10pm daily.

### **13.2 Access / Parking**

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

### **13.3 Waste Management and Collection**

13.3.1 All waste and recycling collection areas and activities, including bulky waste storage and collection activities are to be appropriately managed wholly within the development site at all times and are the responsibility of the strata management (or similar) of the site.

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

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

13.3.4 Should general, recycling and bulky waste collection be undertaken by Council, the Strata Manager is to sign Council's 'Agreement for Onsite Waste Collection' form.

### **13.4 Landscaping**

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

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

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

### **13.5 Lighting and Security**

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

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

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

### **13.6 Emergency Procedures**

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

### **13.7 Graffiti Removal**

13.7.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed no later than 48 hours after detection. The approved Graffiti Management Plan is to be adhered to at all times.

### **13.8 Total Maintenance Plan**

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

### **13.9 Environmental Management**

13.9.1 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

13.9.2 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

13.9.3 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.

13.9.4 A post commissioning report produced by an independent organisation that is eligible for membership with the Association of Australian Acoustic Consultants within 3 – 6 months of the multi storey development operating to validate the findings of DA Noise Impact Assessment shall be submitted

13.9.5 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.

13.9.6 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.

### **13.10 NSW Local Police Matters**

13.10.1 All security measures required by this consent shall be appropriately maintained and in good working order.

13.10.2 Contact details for the Body Corporate and Building Manager must be forward to the NSW Police once the Body Corporate is formed and in the event of any changes to these contact details.

13.10.3 A Security Management Plan and Evacuation Plan for this development is to be forwarded to Riverstone Police Station.