

## Conditions of consent (draft)

<b>Proposed development</b>	Lots 25 and 26 DP 13137 and Lot 22 DP 850117 42, 64 and 66 Junction Road, Schofields.
<b>Property description</b>	Demolition of the existing structures, removal of all trees, subdivision to create 3 development lots (Lots 1, 2 and 3) and 1 lot for new public roads, construction of 8 x 5 storey residential flat buildings in 3 stages comprising 690 apartments and 872 basement car parking spaces, new public roads to be dedicated to Council and associated landscaping and stormwater drainage works.

### **1 ADVISORY NOTES**

#### **1.1 Terminology**

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

#### **1.2 Scope of Consent**

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

#### **1.3 Other Approvals**

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 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.

## 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.

- 1.6.2 No works are permitted upon adjoining properties, including battering, retaining structures works, and removal of trees, without the formal approval of the property owner(s) of the affected adjoining property.

## 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 MUST 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)
- Batter works, retaining walls or drainage works (outside the boundary of the land being developed)

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

## 1.8 Payment of Engineering Fees

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

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

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

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

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

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

## 1.9 Timing of Plan of Subdivision

- 1.9.1 This plan of subdivision is not to be released until Public Road access is provided. This

may require the registration of the adjoining subdivision.

## 1.10 Drainage Matters

- 1.10.1 The number of Stormfilter cartridges nominated within the system appears more than double the number required. Council would consider a Section 4.55 application supported by a MUSIC model to modify the drainage plans to adjust the number of cartridges required. This will reduce the initial capital cost together with the ongoing maintenance costs to the Owners' Corporation.

## 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 Number and Title:	Dated:
<b>Subdivision Plan prepared by J S Duncan:</b>	
Plan of Subdivision	24.06.2016
<b>Plans prepared by Krikis Taylor Architects:</b>	
SK181019_01, Staging Plan, Issue B	March 2019
A001 Location, Site and Demolition Plans, Issue C	October 2017
A040 Section A&B, Issue E	October 2017
A045 Elevations Sheet 1, Issue D	October 2017
A046 Elevations Sheet 2, Issue D	October 2017
A047 Elevations Sheet 3, Issue D	October 2017
A048 Elevations Sheet 4, Issue D	October 2017
A049 Elevations Sheet 5, Issue D	October 2017
A050 Elevations Sheet 6, Issue D	October 2017
A060 Material Board Sheet 1 of 2, Issue E	October 2017
A061 Material Board Sheet 2 of 2, Issue B	October 2017
A070 Sections – Building Façade, Issues A	November 2016
A100 Lot 1 Basement 1 & 2 Floor Plans, Issue C	October 2017
A101 Lot 1 Lower Ground & Ground Floor Plans, Issue C	October 2017
A102 Lot 1 Level 1 & 2 Floor Plans, Issue C	October 2017
A103 Lot 1 Level 3 & 4 Floor Plans, Issue C	October 2017
A104 Lot 1 Roof Plan, Issue C	October 2017
A110 Lot 2 Basement Plan, Issue C	October 2017
A111 Lot 2 Lower Ground Floor Plan, Issue F	November 2017
A112 Lot 2 Ground Floor Plan, Issue D	November 2017

<b>Drawing Number and Title:</b>	<b>Dated:</b>
A113 Lot 2 Level 1 Floor Plan, Issue C	October 2017
A114 Lot 2 Level 2 Floor Plan, Issue C	October 2017
A115 Lot 2 Level 3 Floor Plan, Issue C	October 2017
A116 Lot 2 Level 4 Floor Plan, Issue D	October 2017
A117 Lot 2 Level 5 Floor Plan, Issue D	October 2017
A118 Lot 2 Roof Plan, Issue D	October 2017
A120 Lot 3 Basement Plan, Issue C	October 2017
A121 Lot 3 Lower Ground Floor Plan, Issue F	November 2017
A122 Lot 3 Ground Floor Plan, Issue D	November 2017
A123 Lot 3 Level 1 Floor Plan, Issue D	November 2017
A124 Lot 3 Level 2 Floor Plan, Issue C	October 2017
A125 Lot 3 Level 3 Floor Plan, Issue C	October 2017
A126 Lot 3 Level 4 Floor Plan, Issue C	October 2017
A127 Lot 3 Level 5 Floor Plan, Issue D	October 2017
A128 Lot 3 Roof Plan, Issue D	October 2017
<b>Landscape Plans prepared by Ground Ink Landscape Architects:</b>	
LDA-00 Landscape Cover Sheet, Revision B	October 2017
LDA-01 Landscape Masterplan, Revision B	October 2017
LDA-02 Detailed Landscape Plan – 1, Revision A	October 2017
LDA-03 Detailed Landscape Plan – 2, Revision A	October 2017
LDA-04 Detailed Landscape Plan – 3, Revision A	October 2017
LDA-05 Detailed Landscape Plan – 4, Revision A	October 2017
LDA-06 Detailed Landscape Plan – 5, Revision A	October 2017
LDA-07 Landscape Section – 1, Revision B	October 2017
LDA-08 Landscape Section – 2, Revision B	October 2017
LDA-09 Planting Images, Revision B	October 2017
LDA-10 Lot 1 – Level 4 Landscape Plan, Revision A	October 2017
LDA-11 Lot 2 – Roof Top Landscape Plan, Revision A	October 2017
LDA-12 Lot 3 – Roof Top Landscape Plan, Revision A	October 2017
LDA-13 Street Tree Planting Plan, Revision A	October 2017

- 2.1.2 This consent approves the subdivision of the site to create 3 development lots for the residential flat building developments (Lots 1, 2 and 3) and 1 lot for the new public roads.

## 2.2 Staged Construction

- 2.2.1 The residential flat buildings are permitted to be constructed and occupied in 3 stages, being Stages 1, 2 and 3 as shown on the approved Staging Plan SK181019\_01, Issue B, dated March 2019. 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 each lot.

## 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. No other estate names shall be used in any advertisements or other promotional information:

Suburb: Schofields

## 2.5 **Compliance with BASIX Certificate**

- 2.5.1 All commitments listed in BASIX Certificate numbers 662454M\_04, 662455M\_04 and 662463M\_04 shall be complied with.

## 2.6 **Other Matters**

- 2.6.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the relevant construction works.

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

## 2.7 **Engineering and Drainage Matters**

- 2.7.1 Roads and drainage are to be constructed and dedicated to Council generally in accordance with the concept plans by Craig & Rhodes as shown on the drawing schedule 085-14C-DA-0001 Revision G and dated 27.07.18.

These plans are conceptual only and are not to be used for a Construction Certificate. Any plans for issue of a Construction Certificate must comply with any conditions of this consent, as well as any conditions of future Development Consent for the individual stages. The staging of road construction must be in accordance with the development plan approved by this consent, and NOT as shown on these engineering concept plans. Reconstruction of the existing half road in Junction Road adjacent each stage, as well as construction of any proposed road within the stage, must be completed and dedicated prior to issue of a Construction Certificate for building works.

The engineering designs must take into account any future road designs for adjoining development. All road carriageways to be 11.0m wide, with 3.5m wide footways either side within new road reserve, other than footways adjacent to proposed Public Reserve which may be reduced to 1.0m wide. Footways within existing Junction Road road reserves to be 4.86m wide either side.

All works within existing road reserves will require Council Approval under the Roads Act 1993.

## **2.8 Engineering Matters - Design and Works Specification**

2.8.1 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 FORTH Edition December 2005.

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

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

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

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

- Path Paving construction
- Final Layer Asphaltic Concrete (AC) construction
- Maintenance of the construction works
- Removal of temporary infrastructure

These matters will be individually addressed within the consent

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

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

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

Approval.

## 2.9 Engineering Matters - Other Necessary Approvals

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

- Vehicular Crossing
- Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)
- Any works on adjoining land (outside the subject site boundaries)

## 2.10 Engineering Matters - Subdivision

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

## 2.11 Engineering - Other Matters

2.11.1 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.

2.11.2 Any future substation, temporary drainage works or other utility installation required to service the approved subdivision/development shall not be sited on future or existing Council land, including road reservations and/or public reserves.

## 2.12 Other Drainage Matters

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

2.12.2 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Part J of DCP 2015 for the entire site 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

2.12.3 The developer is to maintain the temporary detention basin and it is not to be removed, nor the positive covenants lifted, until the downstream regional Council detention basin is completed.

2.12.4 The developer/owners corporation is to maintain the temporary water quality treatment measures for the external roads and these measures are not to be removed, nor the



positive covenants lifted, until the downstream regional Council water quality basin measures are fully completed.

- 2.12.5 The Temporary OceanGuard Maintenance Security can only be refunded once the Temporary OceanGuards are cleaned, with cleaning dockets provided, and the developer/Owners Corporation takes over maintenance of the Temporary OceanGuards.
- 2.12.6 The Temporary OceanGuard Removal Security can only be refunded and the positive covenant for the maintenance of the OceanGuards in the street pits can only be removed when the downstream regional basin is fully developed with water quality as agreed with Council.
- 2.12.7 The subdivision stage 3 and future development over lot 3 cannot commence until the regional detention basin is constructed and a legal discharge point can be achieved down to the creek within the SP2 land.

### **3 Prior to Construction Certificate (General)**

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

- 3.1.1 A Construction Certificate for each relevant stage of 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 2016**

- 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 Centre Precincts Development Control Plan 2016.

#### **3.3 Construction Traffic Management Plan**

- 3.3.1 Construction Traffic Management Plans (CTMP) 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 for Stage 1, Stage 2 and Stage 3 works.

#### **3.4 Construction Environmental Management Plan**

- 3.4.1 A Construction Environmental Management Plan (CEMP) is to be submitted to Council prior to the issue of any Construction Certificate as required by clause 3.3 Construction Environmental Management of the Growth Centres Precincts DCP 2016.

The CEMP is to state that all construction activities shall be limited to between 7 am to 6 pm, Mondays to Fridays: 7 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

The CEMP is to include measures to ensure minimal disturbance is caused to neighbours, including dust management measures during demolition, earthwork and construction activities.

#### **3.5 Use of Cranes**

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

### **3.6 Street Tree Planting**

- 3.6.1 Prior to the issue of any construction certificate for building works, the Applicant must submit a Street Tree Plan to Council's Project Officer Civil and Open Space Infrastructure for approval for each relevant stage. The plan shall detail the proposed street tree planting and landscaping for this development which is consistent with the approved development application. 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 Council at handover.

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

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

### **3.7 Mail Boxes**

- 3.7.1 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.

### **3.8 Local Police Matters**

- 3.8.1 The recommendations of the Local Police in their correspondence dated 11 December 2017 are to be incorporated into the Construction Certificate documentation with regard to providing secure mail box facilities and all recommendations provided by Harris Crime Prevention Services.

### **3.9 Transport for NSW Matters**

- 3.9.1 The Applicant is to demonstrate that the development complies with the NSW Department of Planning's Development near Rail Corridors and Busy Roads - Interim Guideline.

### **3.10 Waste Matters**

- 3.10.1 The construction certificate documentation for building works for each relevant stage is to demonstrate that waste and recycling collection vehicles are capable of entering and exiting the property in a forward direction, and that the roads and driveways are rated for at least 24 tonne trucks.
- 3.10.2 The Applicant is to submit vertical cross section plans to Council showing the 4.5 m headroom allowance (as per Australian Standards) for the entire path of travel for waste collection vehicles clear of any services, eaves, overhangs, balconies or at the roller door entry point. The location of the cross-section must be indicated on the plans.

These plans are to be approved by Council's Sustainable Resources Project Officer prior to the issue of any construction certificate.

- 3.10.3 Prior to issue of any Construction Certificate for Lot 2, the Applicant shall amend the plans to provide closer access from the waste room in Lot 2 (top right corner near the deep soil zone and bicycle storage) to the bin tug in the aisle. The bin travel distance in this location is not permitted to exceed 10 m for 1,100 litre bulk bins.

### 3.11 Drainage Easement

- 3.11.1 The following nominated drainage easements shall be created prior to the issue of any Construction Certificate for building works (excluding works related to a construction certificate for excavation and basement piling works for Stage 1 in proposed Lot 1). The easements shall have a minimum width of 2.5 metres.
- (a) Easement over the piped water course from each stage to the Temporary On Site Detention Basin.
  - (b) Easement over the Temporary On Site Detention Basin.
  - (c) The creation of easements related to the provision of interallotment drainage.

## 4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

### 4.1 Section 7.11 Contributions

- 4.1.1 The following monetary contributions under Section 7.11 of the *Environmental Planning and Assessment Act 1979* must be paid. The amounts below are at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or a Subdivision Certificate, whichever is earlier, either by Council or any accredited certifier, for each relevant stage.

PLEASE NOTE: Indexed payments for each stage 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.

#### Stage 1

Contribution	Amount	Relevant CP
Stormwater Quantity – Eastern Creek	\$ 1,032,004.00	20
Stormwater Quality – Eastern Creek	\$ 44,036.00	20
Traffic Management	\$ 299,097.00	20
Open Space	\$ 1,672,771.00	20
Community Facilities	\$ 22,595.00	20
E2 Conservation Zone	\$ 72,067.00	20
<b>\$ 3,142,570.00</b>		

#### Stage 2

Contribution	Amount	Relevant CP
Stormwater Quantity – Eastern Creek	\$ 842,493.00	20
Stormwater Quality – Eastern Creek	\$ 35,957.00	20
Traffic Management	\$ 244,173.00	20
Open Space	\$ 3,899,890.00	20
Community Facilities	\$ 52,679.00	20

Contribution	Amount	Relevant CP
E2 Conservation Zone	\$ 168,017.00	20
<b>\$ 5,243,209.00</b>		

### Stage 3

Contribution	Amount	Relevant CP
Stormwater Quantity – Eastern Creek	\$ 845,807.00	20
Stormwater Quality – Eastern Creek	\$ 36,093.00	20
Traffic Management	\$ 245,133.00	20
Open Space	\$ 3,891,661.00	20
Community Facilities	\$ 52,568.00	20
E2 Conservation Zone	\$ 167,663.00	20
<b>\$ 5,238,925.00</b>		

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

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

S.94 CP No. 20 Riverstone and Alex Avenue Precincts.

The Section 7.11 contribution(s) have been based on the total developable area, net developable area and additional population below. Should the final plan of survey indicate any change in the total developable area, the Section 7.11 contribution(s) will be adjusted accordingly.

Stage 1 net developable area is 1.5569 hectares, stormwater quality developable area is 0.3892 hectares and additional population is 223.6 persons.

Stage 2 net developable area is 1.271 hectares, stormwater quality developable area is 0.3178 hectares and additional population is 521.3 persons.

Stage 3 net developable area is 1.276 hectares, stormwater quality developable area is 0.3190 hectares and additional population is 520.2 persons.

## 4.2 Special Infrastructure Contributions

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

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

<https://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding/Special-Infrastructure-Contributions-SIC>

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

- 4.3.1 No construction certification for building works shall be issued unless all design verifications have been provided in accordance with Clause 143A of the *Environmental*

*Planning and Assessment Regulation 2000*. A certifying authority must not issue a construction certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of [State Environmental Planning Policy No 65—Design Quality of Residential Flat Development](#).

#### **4.4 Necessary Plan Changes**

- 4.4.1 The plans are to be amended to ensure visual privacy screening measures are installed on the apartments at the south-eastern corner of Building B, and on the eastern side of Building C, D and E which are directed towards residential properties to the east of Junction Road. The visual privacy protection measures are to comprise translucent or masonry balcony balustrades, a sill height of at least 1.4 m to bedroom windows, at least 1 privacy screen to each balcony and the planting of evergreen trees within the street setback area to Junction Road.

#### **4.5 Aesthetics, Streetscape and External Materials**

- 4.5.1 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20% and must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.
- 4.5.2 Any bathroom, wc or laundry window in the external walls of the buildings fitted with translucent glazing.
- 4.5.3 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the Material Board Plans approved with the application. Building materials and finishes are to be finished with an anti-graffiti coating. Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans. Materials and finishes including the external walls of the development are to comply with the requirements of the Environmental Planning and Assessment Amendment (Identification of Buildings with Combustible Cladding) Regulation 2018 and State Environmental Planning Policy Amendment (Exempt Development – Cladding and Decorative Work) 2018 which commenced on 22 October 2018.
- 4.5.4 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.
- 4.5.5 Windows in the residential apartments from the first floor level through to the top floor level are to be fitted with a child safety mechanism to prevent accidental falls out of windows by persons such as children. Details of such safety mechanisms shall be shown on the Construction Certificate plans and provided to the principal certifying authority/principal certifier.

#### **4.6 Fencing**

- 4.6.1 All fencing details and materials are to be as per the approved plans. All fencing is to be provided at full cost to the developer and is to be constructed on top of any masonry retaining walls.
- 4.6.2 With regard to the treatment of any front fences or walls at the ground level which is in the vicinity of the public domain/public footway, appropriate measures are to be in place to deter the potential for graffiti on these front fences or walls, such as landscaping which limits access to these front fences or walls, or a varied finish to

these front fences/walls and with an anti-graffiti finish. These details are to be shown on the construction certificate plans to the satisfaction of the Certifying Authority.

- 4.6.3 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.

#### **4.7 Common Areas and Landscaping**

- 4.7.1 All common areas and landscaping shall be of high quality and detailed on the landscaping design plans as part of the Construction Certificate. The minimum pot sizes are to be 45 L for medium sized plants and 100 L 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.
- 4.7.2 Detailed landscaping design plans are to be prepared which demonstrate at least 50 % of the trees and vegetation are native species which complement the remnant native vegetation.
- 4.7.3 All landscaping, lawn areas, recreation features and furniture, exercise equipment, BBQ facilities, pathways, ramps and safety fencing/measures shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate.
- 4.7.4 The basement deep soil areas which relate to the above tree plantings are to be provided to ensure the viability of these trees.

#### **4.8 Access/Parking**

- 4.8.1 With regard to Lot 1: 154 basement car parking spaces are required to be provided on site, being 129 resident spaces and 25 visitor car parking spaces.
- 4.8.2 With regard to Lot 2: 359 basement car parking spaces are required to be provided on site, being 298 resident spaces and 61 visitor car parking spaces.
- 4.8.3 With regard to Lot 3: 359 basement car parking spaces are required to be provided on site, being 298 resident spaces and 61 visitor car parking spaces.
- 4.8.4 The internal driveway, resident and visitor car parking spaces are to be designed in accordance with Australian Standard 2890.1, including internal clear dimensions of car parking spaces.
- 4.8.5 Provision for adequate sight distance is to be provided for both pedestrian and vehicular movement at the proposed driveway in accordance with Section 3.2.4 AS 2890.1 and Figure 3.2 of AS 2890.1 to ensure safety of pedestrians on the footpath system and motor vehicles along the new driveways.
- 4.8.6 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.
- 4.8.7 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network.
- 4.8.8 A minimum of 231 bicycle parking spaces and 10 motorbike spaces are to be provided throughout the development.
- 4.8.9 All internal roads and other paved areas shall be designed to provide continuous

surface drainage flow paths to approved points of discharge.

#### **4.9 Adaptable Housing Units**

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

#### **4.10 Floor to Ceiling Heights**

- 4.10.1 All residential habitable rooms are to have a minimum floor to ceiling height of 2.7 m. Service bulkheads shall not be greater than 500 mm wide and shall not project more than 200 mm below the ceiling. A minimum 2.5 m floor to ceiling height is to be provided below bulkheads in habitable rooms. Service bulkheads are not to be positioned in areas that conflict with occupant circulation in the apartment, i.e. across doorways or open living areas.

#### **4.11 Services, Plant and Equipment**

- 4.11.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the streetscape presentation, apartments and communal open space areas with regard to visual, acoustic and odour impacts.
- 4.11.2 The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.
- 4.11.3 Written evidence is to be provided to Council from an appropriately qualified acoustic consultant stating that all plant and equipment have been selected to meet the project noise criteria.
- 4.11.4 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.

### **5 Prior to Construction Certificate (Building)**

#### **5.1 Building Code of Australia Compliance**

- 5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) Complying with the deemed to satisfy provisions, or
  - (b) Formulating an alternative solution which:
    - (i) complies with the performance requirements, or
    - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
    - (iii) A combination of (a) and (b).

#### **5.2 Site Works and Drainage**

- 5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the 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.
- 5.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:
- (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.
- 5.2.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.
- 5.2.4 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.

### 5.3 Fire Services

- 5.3.1 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.
- 5.3.2 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.

### 5.4 BASIX Certificate Compliance

- 5.4.1 The plans and specifications must indicate compliance with the commitments listed in BASIX Certificates 662454M\_04, 662455M\_04 and 662463M\_04.

## 6 Prior to Construction Certificate (Environmental Health)

### 6.1 Environmental Management

- 6.1.1 The recommendations provided in the Preliminary Site Investigation, prepared by TRACE Environmental, dated July 2015, shall be implemented.
- 6.1.2 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with:
- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (1997)



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

6.1.3 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.

6.1.4 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)

6.1.5 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.

## 7 Prior to Construction Certificate (Engineering)

### 7.1 General

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

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

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

Prepared By	Project No.	Drawing No.	No of Sheets	Revision	Dated
Craig & Rhodes	085-14	085-14C-DA-0001 to 085-14C-DA-0541	19	G	27.07.18

Australian Consulting Engineers	181230	000-406	34	E	27/03/2019
Australian Consulting Engineers	181230	407-410	4	A	29/03/2019

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

- i. Craig and Rhodes drainage plans Revision G dated 27.07.18 are to be amended to be consistent with drainage plans prepared by Australian Consulting Engineers Revision E and A dated 27/03/2019 and 29/03/2019 respectively.
- ii. Amended drainage plans from Craig and Rhodes are required to delete the pipe from 1/7A to 1/9 as downstream pipe flows will be directed along the other side of the street. Allow for these flows to rejoin at pit 1/12.
- iii. Amended drainage plans from Australian Consulting Engineers are to be provided to address the following;
  - a. At subdivision stage 1, provide a swale/mound on future Lots 2 and 3 diagonally from the north-eastern corner of Lot 2 to the temporary OSD basin to direct the 100 year flows in to the OSD basin. In addition provide a swale/mound over part of future road 4 to direct the 100 year flows in excess of pipe system capacity to the OSD basin.
  - b. At subdivision stage 2, provide a swale/mound on Lot 3 from the eastern corner of Lot 3 and temporary end of new road 2 to the temporary OSD basin to direct the 100 year flows from roads 2 and 4 to the OSD basin. Confirm levels to ensure that the swale levels to grade to the 100 year storage without bypass. Lower base level as required and connect to pit 4/C as shown on ACE drawing Job 150120 as necessary to achieve this. Re-evaluate OSD basin floor level so that the invert of the basin is lower than the invert of the external pit 1/5.
  - c. Provide a sedimentation basin in the base of the detention basin for the duration of the temporary storage.
  - d. In stage 1 provide an OceanGuard on the drawings at the driveway entrance of the small residue lot to match the MUSIC model.
  - e. Provide a revised pipeline design at the discharge point from the detention basin across New Road 3. Amend the Line Y as shown on ACE drawing Job 150120 for 30-32 Advance Street with invert at 1/Y to 29.15 and invert at 3/C to 29.01 as shown on drawing 061 (J). Direct the discharge pipe from the temporary basin to pit 1/Y.
  - f. Review the design of Road 3 as the levels of this design does not match the development to the south-west at 30-32 Advance Street. This design is to match that development as the DA at 30-32 Advance Street is already approved.
  - g. Provide Council OSD spreadsheets for the temporary detention storage for both stage 1 based on a catchment area of 17,800 m<sup>2</sup> and for stage 2 based on a catchment area of 35,600 m<sup>2</sup> in accordance with Councils OSD Deemed to Comply Spreadsheet Version 1.9 or later.
  - h. For stage 1, provide the temporary OSD with minimum detention storage of 534 m<sup>3</sup> below the 1.5 year ARI weir with a 1.5 year discharge of 71.2 l/s and a total of 809 m<sup>3</sup> below the 100 year ARI emergency overflow weir with a 100 year discharge of 338.2 l/s. Ensure the 100 year water level is a minimum of 300 mm below the lowest grate level in new Road 1 and check future swale levels at road 2 for stage 2.
  - i. For stage 2, provide the temporary OSD with minimum detention storage of 1,068 m<sup>3</sup> below the 1.5 year ARI weir with a 1.5 year discharge of 142.4 l/s and a total of 1,619 m<sup>3</sup> below the 100 year ARI emergency overflow weir with a 100 year discharge of 676.4 l/s.

- j. Provide details of the 1.5 year and 100 year orifice control pits of the OSD basin for stage 1 and stage 2 based on WSUD drawings A(BS)175M. Provide plan and section through control pits and basin with RLs for each stage. The size of 1.5 year and 100 year orifice control pits to be a minimum 1200mmx1200mm for depths over 1.2 m.
- k. The orifice within the Discharge Control Pit is to be protected by a suitable screen. Provide Maximesh Rh3030 for orifice diameters 150 mm or less with a minimum area of 50 times the orifice area and Weldlok F40/203 for orifices 150 mm diameter or more with a minimum area of 20 times the orifice area.
- l. Provide Floodway Warning Signs for the temporary detention basin in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.
- m. Any reference to "Stormwater 360" within the plans is to be renamed "Ocean Protect" and any reference to "Enviropod" is to be renamed "OceanGuard".
- n. Provide a first flush or pre-treatment system for all entries to the rainwater tanks.
- o. Provide galvanised or equivalent step irons or ladders for all entry points to the tanks.
- p. For drawing 105(E) the rainwater pipe size from the roof is too small for rainwater tank 1. Increase the pipe size into the tank to 225 mm.
- q. For each stage verify that the Stormfilter false floor is above the 1 year ARI level in the adjacent street pit.
- r. Reconfigure Stormfilter chambers so that the maximum storage area behind the Stormfilter weir for Stormfilter chambers SFC 1 to 15 m<sup>2</sup>, SFC 2 to 5.2 m<sup>2</sup>, and SFC 6 to 24 m<sup>2</sup>. Amend details on drawing numbers 105 (E), 107 (E) and 108 (E).
- s. For drawing 107(E) provide an additional access point to the Stormfilter chamber and show the 225 mm pipe entry to the rainwater tank.
- t. For drawing 108(E) reduce the number of Stormfilter cartridges to seven within the Stormfilter chamber and show the 225 mm pipe entry to the rainwater tank.
- u. For drawing 206 (E) provide an additional access point to the Stormfilter chamber, reposition the 300 mm pipe entry to be parallel to the baffle and show the two x 150 mm pipe entries to the rainwater tank. Relocate the access point in the rainwater tank to a wall located above the pump sump.
- v. For drawing 207 (E) provide an additional access point to the Stormfilter chamber, reposition the 300 mm pipe entry to be parallel to the baffle and show the one x 150 mm and one x 225 mm pipe entries to the rainwater tank. Provide 4 x 150 mm overflow to the Stormfilter chamber.
- w. For drawing 303 (E) at Pit 3 – LG01 raise the invert to 30.3 and fit the OceanGuard at RL 30.95. Preferably redirect the 150 mm vertical drop pipe connecting to Pit 3 – LG01 to the Ground Level and provide a gravity solution or provide a charge line with a clean out line direct to the Stormfilter chamber. Redirect all other pipes above the OceanGuard. Provide 2 x 150 mm outlet pipes to the Stormfilter chamber in lieu of the 1 x 225 mm. Provide details.
- x. For drawing 303 (E) at Pit 1/8 set invert to 29.15. Note based on drawing 401 (E) this pit should be 1/7A. Review the surface level as this is substantially lower than the surface level shown as Pit 1/Y of 32.546 as shown on ACE drawing Job 150120 Drawing C063 (J).
- y. For drawing 307 (E) at "SFC Plan View" amend the "100mm PVC PIPE. INCOMING IL @ 29.54" to "2 X 150mm PVC PIPE. INCOMING IL @ 30.2". Show the inflow pipes into the rainwater tank.
- z. For drawing 307 (E) at "SFC Plan View" amend the invert of the 375mm pipe to 29.90 with 50mm fall along the overflow chamber. Provide an additional access grate to the Stormfilter chamber.

- aa. For drawing 307 (E) at "Section Through RWT & SFC (Lot 3)" set the base of the Stormfilter tank to RL 29.95, false floor to RL 30.10, weir level to RL 30.64 and overflow chamber to RL 29.90 to RL 29.95
- bb. Increase the size of rainwater tank 6 to 35 KL. Amend drawing numbers 303 (E) and 308 (E).
- cc. For drawing 308 (E) show the entries to the rainwater tank. Relocate the access point in the rainwater tank to a wall located above the pump sump.
- dd. Provide metal mosquito proof mesh welded under the access grate(s) into the Stormfilter Chambers.
- ee. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the Stormfilter chambers and rainwater Tanks in accordance with Council's Engineering Guide for Development 2005.
- ff. 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.
- gg. Provide a basement design that ensures a minimum 0.5% slope to all surface inlet pits.
- hh. For drawing 401(E) delete the pipe from 1/7A to 1/9 as downstream pipe flows will be piped along the other side of the street Allow for these flows to rejoin at pit 1/12.
- ii. Amend drawing 406 (E) based on amendment s through this consent.
- jj. For stage 1 drawing 407 (A), provide the temporary OSD with minimum detention storage of 534 m3 below the 1.5 year ARI weir with a 1.5 year discharge of 71.2 l/s and a total of 809 m3 below the 100 year ARI emergency overflow weir with a 100 year discharge of 338.2 l/s. Provide a swale/mound on future Lots 2 and 3 diagonally from the north-eastern corner of Lot 2 to the temporary OSD basin to direct the 100 year flows in to the OSD basin. In addition provide a swale/mound over part of future road 4 to direct the 100 year flows in excess of pipe system capacity to the OSD basin.
- kk. For stage 1 drawing 407 (A) amend the pipe longsection to provide for an invert of 29.15 at Pit 1/Y.
- ll. For stage 1 drawing 408 (A) the basin invert at 31.00 is much too high. Consider pit 1/5 has an invert of 30.529. Similarly the TWL of 32.70 appears too high relative to the surface level of the street pits.
- mm. For stage 2 drawing 407 (A) provide a swale/mound on Lot 3 from the eastern corner of Lot 3 and temporary end of new road 2 to the temporary OSD basin to direct the 100 year flows from roads 2 and 4 to the OSD basin. Confirm levels to ensure that the swale levels to grade to the top of the 100 year storage. Provide the temporary OSD with minimum detention storage of 1,068 m3 below the 1.5 year ARI weir with a 1.5 year discharge of 142.4 l/s and a total of 1,619 m3 below the 100 year ARI emergency overflow weir with a 100 year discharge of 676.4 l/s.
- nn. For stage 2 drawing 407 (A) show the different weir level and orifice size to replace that in stage 1.

## 7.2 Construction Certificate Requirements

7.2.1 Under the *Environmental Planning and Assessment Act 1979* a Construction Certificate for engineering work is required. These works include but are not limited to the following:

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

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

### **7.3 Local Government Act Requirements**

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

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

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

### **7.4 Roads Act Requirements**

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

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

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

### **7.5 Other Engineering Requirements**

7.5.1 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.

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

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

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

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

7.5.6 Written confirmation from Council's Manager Asset Design must be obtained prior to issue of Construction Certificate to decommission and fill any part of the temporary detention basin located on proposed Lot 3. The written consent must confirm that the temporary on-site detention basin is no longer required and that a direct stormwater connection to the S7.11 regional basin is available.

### **7.6 Roads**

7.6.1 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.

7.6.2 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.

7.6.3 Any approved design drawings must show a 5m x 5m splay for residential allotments at each street intersection.

7.6.4 Proposed new roads shall be designed and constructed as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Road No. 1	18	193	3.5-11.0-3.5	$5 \times 10^5$
Road No. 2 (half road)	18	193	3.5-11.0-3.5	$5 \times 10^5$
Road No. 3 (half road)	18	185	3.5-11.0-3.5	$5 \times 10^5$
Road No. 4	18	154	3.5-11.0-3.5	$5 \times 10^5$

7.6.5 Construct half width road Junction Road with a minimum 5.5 metres width of pavement for the full road frontage of the development. These construction works include drainage, kerb and gutter, footway turfing, service adjustments and any other ancillary work necessary to make this construction effective.

Note: Upon inspection of the existing pavement Council may reduce the extent of works required to be constructed to satisfy this condition.

7.6.6 Existing roads shall be designed and re-constructed as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Junction Road	20.7	210	4.86-11.0-4.86	$1 \times 10^6$

7.6.7 Staging of road construction will be permitted where suitable traffic circulation or temporary turning areas in dead end roads are evident in accordance with Council's Engineering Guide for Development.

## 7.7 Drainage

7.7.1 Drainage from the site must be connected into Council's existing drainage system and generally in accordance with the submitted concept Road & Drainage Civil Works plan prepared by Craig & Rhodes as shown on the drawing schedule 085-14C-DA-0001 Revision G and dated 27.07.18 and amended to be consistent with internal site Stormwater Concept plans prepared by Australian Consulting Engineers as shown on the drawing schedule Project No. 181230 Drawing no. 000 Revision E and Dated 27/03/2019.

7.7.2 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.

## 7.8 Special inter-allotment drainage requirements under the Local Government Act

7.8.1 The following items must be satisfied under the *Local Government Act 1993* prior to issuing of any Construction Certificate. A Local Government Act approval can only be granted by Council and requires a separate application and payment of fees.

- a) Evidence of the creation and registration of a minimum 1.0 metre wide and variable easement for stormwater drainage to cover the full extent of batter and tail out works in adjoining lots(s).
- b) Construction of the inter-allotment drainage line required to drain the development.

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

- c) Submit a Compliance Certificate by a Registered Surveyor upon the completion of works indicating that all pipes and associated structures lie wholly within any easement.
- d) Re-vegetation must be applied to disturb areas as soon as practical after completion of the construction of the inter-allotment drainage line.
- e) Submit a works-as-executed plan signed by a Chartered Professional Engineer or a Registered Surveyor (in both electronic format and hard copy).

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

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

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

## 7.9 Erosion and Sediment Control

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

## 7.10 Earthworks

- 7.10.1 Proposed lots must be filled so that the ground levels behind the building setback are a minimum of 500mm above the designed 100-year average recurrence interval flood level.
- 7.10.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 7.10.3 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.
- 7.10.4 Retaining walls shall be a maximum single height of 1.2m (600mm cut + 600mm fill). Where a retaining wall is proposed that is more than 1.2m in height, a terraced solution shall be provided. Terraces should not exceed 900mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.

## 7.11 Temporary Stormwater Quality Control

7.11.1 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.

7.11.2 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 water quality treatment design shall require a section 96 application.

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

7.11.4 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.

#### 7.12 **Temporary On-Site Detention**

7.12.1 A temporary on-site detention system shall be provided for the whole site within the Stage 1 works in accordance with Council's Engineering Guide for Development. This design is to be provided for the site in accordance with the Blacktown City Council Water Sensitive Urban Design (WSUD) Standard Drawings Plan No. A(BS)175M. The on-site detention system is to be designed using the Blacktown City Council – On-site Detention Deemed to Comply Tool. (Excel spreadsheet available upon request).

7.12.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the temporary on-site detention design shall require a section 96 application.

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

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

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

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

#### 7.13 **Vehicular Crossings**

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

#### 7.14 **Footpaths**

7.14.1 Construct path paving as follows:



Street Name	Side	Paving Width	Length
Road No. 1	Both sides	1.5	213
Road No. 2	North	1.5	213
Road No. 3	East	1.5	185
Road No. 4	Both sides	1.5	165

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

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

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

Street Name	Side	Cycle-way Width	Length
Junction Road	West	2.5	Full site frontage

## 7.15 Other Drainage Engineering Requirements

- 7.15.1 For each lot and stage provide details for permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater 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.

- 7.15.2 For each Stage an experienced chartered hydraulic engineer is to prepare and certify a detailed Landscape Watering Plan for non-potable water uses (landscape watering) on the site and that all Sydney Water requirements have been satisfied. 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;
- vi. how the system is designed to automatically achieve a minimum average usage rate of 0.4 kL/yr/m<sup>2</sup> for landscape beds (including increasing the frequency of watering by a minimum 50% above average for the hotter months and reducing for the cooler months.
- vii. ensuring all the non-potable reuse pipes are coloured purple;
- viii. an inline filter and preferably an inline automatic backwash filter.
- ix. fitting rainwater warning signs to all external taps using rainwater.

- 7.15.3 Provide a Temporary OceanGuard Removal Estimate from Ocean Protect for the full

removal of the temporary OceanGuards and frames from the street pits surrounding the development for Stages 1, 2 and 3.

7.15.4 Provide a Temporary OceanGuard Maintenance Estimate from Ocean Protect for the repair and maintenance of the temporary OceanGuards in the street pits surrounding the development at maximum 4 monthly intervals for a minimum of 4 years for Stage 1, 2 and 3.

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

## **8 Prior to Development Works**

### **8.1 Safety/Health/Amenity**

8.1.1 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.

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.

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.

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) 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.

8.1.4 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.

- 8.1.5 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.
- 8.1.6 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.
- 8.1.7 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.
- 8.1.8 Separate Council approval under the *Roads Act 1993* is required for any crane used to construct this development that swings over public air space.

## 8.2 Notification to Council

- 8.2.1 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.

## 8.3 Home Building Act

- 8.3.1 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.

## 8.4 Sydney Water Authorisation

- 8.4.1 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.

Note: The Applicant is responsible for the servicing needs of the development as required by Sydney Water, which may include a 200 mm watermain along Junction Road connecting to the existing 600 mm main in Schofields Road extending to proposed new road 1. All watermain within the development are to be sized as per WSA Code requirements based on the number of floors. A wastewater lead-in will be required from the existing 450 mm carrier 500 m west of the site, adjacent to Railway Terrace. This lead-in must be sized to service the entire natural catchment.

## **9 During Construction (Building)**

### **9.1 Safety/Health/Amenity**

- 9.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 9.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the *Environmental Planning and Assessment Regulations 2000* indicating:
- (a) the name, address and telephone number of the principal certifying authority for the work, and
  - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- 9.1.3 Should the development work:
- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) involves the enclosure of a public place,
- the required hoarding, awning or protective barrier shall be maintained between the land and the public place.
- The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.
- 9.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 9.1.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 9.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

- 9.1.7 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
  - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.

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

## 9.2 **Building Code of Australia Compliance**

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

## 9.3 **Surveys**

- 9.3.1 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.

- 9.3.2 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.

## 9.4 **Nuisance Control**

- 9.4.1 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*.
- 9.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

## 9.5 **Stormwater Drainage**

- 9.5.1 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.

## 9.6 **Waste Control**

- 9.6.1 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.

## 9.7 **Construction Inspections**

- 9.7.1 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.

## **10 During Construction (General)**

### **10.1 Natural Areas Matters – Flora and Fauna**

- 10.1.1 Clearing works on the site must adequately manage any weeds under the *Biodiversity Act 2015* and implement adequate sediment and erosion control practices. Any retained vegetation must be protected during construction.
- 10.1.2 Clearing of all trees and vegetation must be supervised by a suitably qualified ecologist who should advise on best practice clearing protocols for the management and removal of any hollow-bearing trees.

### **10.2 Environmental Health Matters**

- 10.2.1 The recommendations provided in the *Noise Intrusion Assessment*, prepared by Day Design Pty Ltd, report no. 5784-2.1R shall be implemented.
- 10.2.2 Any asbestos material is to be handled and treated in accordance with the WorkCover document “*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*” dated March 2008.
- 10.2.3 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, a Remediation Action Plan (RAP) is to be submitted to Council’s Manager Development Assessment for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.
- 10.2.4 A Construction Environment Management Plan should be in place and must include specific advice on how water treatment and dewatering will be undertaken in accordance with the Blue Book, as well as demonstrating the discharged water complies with ANZECC water quality guidelines.

- 10.2.5 When basins are required to be pumped out, the necessary dosing must occur within 24 hours of the conclusion of each storm event and the basin must be drained within 36 to 48 hours if gypsum is used.
- 10.2.6 Councils Environmental Health Section must be notified prior to 4pm on the business day prior to any controlled discharge from any temporary drainage basin outside of standard business hours (9am to 5pm, Monday to Friday), or, 1 hour prior to any controlled discharge from any temporary drainage basin during standard business hours.
- 10.2.7 Any water discharging from the premises is to be sampled at 30 minute intervals from the discharge point for the entire period that water is leaving the site.
- 10.2.8 If any sample is recorded above the parameters in the plan, the discharge will need to cease immediately and Council's Environmental Health Section must be notified by telephone at the time of detection and followed up in writing.
- 10.2.9 If no adverse results are identified that require immediate notification the results must still be submitted to Council's Environmental Health Section at the completion of the required controlled discharges.
- 10.3 **Aboriginal Heritage Matters**
- 10.3.1 If during any works within the subject site Aboriginal objects are found, works are to stop. The Office of Environment and Heritage (OEH) is to be notified and the site and objects to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH.
- 10.4 **European Heritage**
- 10.4.1 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.
- 10.5 **Local Police Matters**
- 10.5.1 The recommendations of the Local Police in their correspondence dated 11 December 2017 are to be implemented during works with regard to providing a secure site.
- 10.6 **Construction Traffic Management Plan**
- 10.6.1 The Construction Traffic Management Plan submitted to Council is to be adhered to at all times.
- 10.7 **Hours of Construction**
- 10.7.1 All construction activities shall be limited to between 7 am to 6 pm, Mondays to Fridays: 7 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 11 **DURING CONSTRUCTION (ENGINEERING)**
- 11.1 **Notification of Works**

- 11.1.1 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.
- 11.1.2 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.

## **11.2 Insurances**

- 11.2.1 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.

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

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

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

- 11.4.1 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.
- 11.4.2 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.

- 11.4.3 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.
- 11.4.4 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.
- 11.4.5 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.
- 11.4.6 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.
- 11.4.7 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.
- 11.4.8 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.
- 11.5 **Filling in Contaminated Land**
  - 11.5.1 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.
  - 11.5.2 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.
  - 11.5.3 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.

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

- 11.6.1 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.

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

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

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

**11.8 Public Safety**

- 11.8.1 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.

**11.9 Site Security**

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

**11.10 Traffic Control**

- 11.10.1 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.
- 11.10.2 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.
- 11.10.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 11.10.4 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.

- 11.10.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 – 2002 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

#### 11.11 Powder Coated Furniture

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

#### 11.12 Other Drainage Matters

- 11.12.1 The twenty six 200 micron OceanGuards and the 460mm high Stormfilter cartridges of numbers twenty for SFC 1, seven for SFC 2, twenty five for SFC 3, thirty for SFC 4, twenty two for SFC 5 and forty for SFC 6 supplied by Ocean Protect are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.
- 11.12.2 The 200 micron OceanGuard in the residual lot is not to be reduced in size nor replaced with an alternate manufacturer's product.

### 12 PRIOR TO SUBDIVISION CERTIFICATE

#### 12.1 Site Access

- 12.1.1 All lots shall have access from a dedicated public road. In this regard, all proposed roads shall be dedicated as public road free of cost to Council.

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

#### 12.2 Road Damage

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

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

#### 12.3 Easements/Restrictions

- 12.3.1 In the event that subdivision precedes construction of buildings on any of the lots, Council will require the lodgement of a Section 88B Instrument to ensure that development proceeds in accordance with this consent. The restriction should contain a provision that it may not be extinguished or altered except with the consent of the Council of the City of Blacktown.

#### 12.4 **Security**

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

#### 12.5 **Asset Management**

- 12.5.1 An amount of \$880.00 per light pole is to be paid to Council for the ongoing maintenance of each black powder coated light pole to be installed in this subdivision and is to be paid prior to the release of the Subdivision Certificate. This rate is adjusted annually and the actual amount charged will be in accordance with Council's adopted fees and charges at the time of payment.

The number of light poles within the subdivision is to be included with the Subdivision Certificate application together with a copy of the approved street lighting plan. Any enquiries regarding this fee are to be directed to the Civil Maintenance Section of the City Assets Directorate.

#### 12.6 **Consent Compliance**

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

#### 12.7 **Additional Inspections**

- 12.7.1 Any additional Council inspection services provided beyond the scope of any Compliance Certificate or inspection package and required to verify full compliance with the terms of this consent, will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule and shall be paid to Council.

#### 12.8 **Fee Payment**

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

#### 12.9 **Engineering Matters**

##### 12.9.1 **Surveys/Certificates/Works As Executed plans**

- 12.9.1.1 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.
- 12.9.1.2 The Work-as-Executed (WAE) must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta

River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Council.

- 12.9.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 12.9.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 12.9.1.5 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 12.9.1.6 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):
- a) Compaction certificates for fill within road reserves.
  - b) Compaction certificates for road sub-grade.
  - c) Compaction certificates for road pavement materials (sub-base and base courses).
  - d) Two (2) contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
  - e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)
- 12.9.1.7 A Chartered Civil Engineer registered with NER, is to certify that:
- i. all the requirements of the approved drainage plan have been undertaken;
  - ii. For stage 1 the minimum detention storage of 534 m<sup>3</sup> has been provided below the 1.5 year ARI weir and a total of 809 m<sup>3</sup> has been provided below the 100 year ARI emergency overflow weir;
  - iii. For stage 2 the minimum detention storage of 1,068 m<sup>3</sup> has been provided below the 1.5 year ARI weir and a total of 1,619 m<sup>3</sup> has been provided below the 100 year ARI emergency overflow weir;
  - iv. the orifice size matches the approved construction certificate plans;
  - v. For the detention basin at stage 1 the 1.5 year ARI orifice discharge does not exceed 71.2 l/s and the 100 year ARI orifice discharge does not exceed 338.2 l/s.
  - vi. For the detention basin at stage 2 the 1.5 year ARI orifice discharge does not exceed 142.4 l/s and the 100 year ARI orifice discharge does not exceed 676.4 l/s.
  - vii. all the signage and warning notices have been installed;
  - viii. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
  - ix. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.
- 12.9.1.8 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

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

## **12.9.2 Easements/Restrictions/Positive Covenants**

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

(a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).

(b) The standard format for easements and restrictions as accepted by the Lands Title Office.

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

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

12.9.2.4 Provide a Positive Covenant for the Temporary OceanGuards in the Street Pits generally in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include cleaning at maximum 4 monthly intervals and the submission of an annual report on water treatment by the first business day on or after 1 September each year. The Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate and include a sunset clause releasing the covenant once the regional water quality facility is provided. The covenant is to be staged such that all the OceanGuards installed in Stage 1 are covenanted to Lot 1 and all the OceanGuards installed in Stage 2 are covenanted to Lot 2.

12.9.2.5 Provide a Restriction to User and Positive Covenant over the residue lot for the On-Site Detention System for Stage 1 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.

12.9.2.6 Provide a Restriction to User and Positive Covenant over Lot 3 for the On-Site Detention System for Stages 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.

12.9.2.7 Provide a Restriction to User and Positive Covenant over residual lot/Lot 3 that Stage 3 works cannot be commenced until the downstream regional Council detention basin is completed in accordance with the requirements of Council's Engineering Guide for Development 2005 and a legal discharge point can be achieved down to the creek within the SP2 land. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.

- 12.9.2.8 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.
- 12.9.3 **Dedications**
- 12.9.3.1 Dedication at no cost to Council of 5m x 5m splay corners on allotments at each street intersection.
- 12.9.4 **Bonds/Securities/Payments in Lieu of Works**
- 12.9.4.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.
- 12.9.4.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.
- (a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)
- (b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.
- This maintenance period may be extended in the following situations to allow for the completion of i) necessary maintenance and or ii) all outstanding minor works.
- 12.9.4.3 Concrete path paving must not be placed until about 75% of the lots have been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Services Pricing Schedule. The Security will be released upon satisfactory completion of the works.
- 12.9.4.4 Where Council's has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request
- 12.9.5 **Inspections**
- 12.9.5.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.
- 12.9.6 **Inspection of Work**
- 12.9.6.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV on completion of the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of a DVD of the inspection, a hard copy printout of the SEWRAT (or equivalent) report and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.
- 12.10 **Section 7.11 Contributions**

- 12.10.1 The following monetary contributions under Section 7.11 of the *Environmental Planning and Assessment Act 1979* must be paid. The amounts below are at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) either by Council or any accredited certifier, for each relevant stage, or prior to the issue of a Subdivision Certificate.

PLEASE NOTE: Indexed payments for each stage 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.

#### Stage 1

Contribution	Amount	Relevant CP
Stormwater Quantity – Eastern Creek	\$ 1,032,004.00	20
Stormwater Quality – Eastern Creek	\$ 44,036.00	20
Traffic Management	\$ 299,097.00	20
Open Space	\$ 1,672,771.00	20
Community Facilities	\$ 22,595.00	20
E2 Conservation Zone	\$ 72,067.00	20
<b>\$ 3,142,570.00</b>		

#### Stage 2

Contribution	Amount	Relevant CP
Stormwater Quantity – Eastern Creek	\$ 842,493.00	20
Stormwater Quality – Eastern Creek	\$ 35,957.00	20
Traffic Management	\$ 244,173.00	20
Open Space	\$ 3,899,890.00	20
Community Facilities	\$ 52,679.00	20
E2 Conservation Zone	\$ 168,017.00	20
<b>\$ 5,243,209.00</b>		

#### Stage 3

Contribution	Amount	Relevant CP
Stormwater Quantity – Eastern Creek	\$ 845,807.00	20
Stormwater Quality – Eastern Creek	\$ 36,093.00	20
Traffic Management	\$ 245,133.00	20
Open Space	\$ 3,891,661.00	20
Community Facilities	\$ 52,568.00	20
E2 Conservation Zone	\$ 167,663.00	20
<b>\$ 5,238,925.00</b>		

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

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



S.94 CP No. 20 Riverstone and Alex Avenue Precincts.

The Section 7.11 contribution(s) have been based on the total developable area, net developable area and additional population below. Should the final plan of survey indicate any change in the total developable area, the Section 7.11 contribution(s) will be adjusted accordingly.

Stage 1 net developable area is 1.5569 hectares, stormwater quality developable area is 0.3892 hectares and additional population is 223.6 persons.

Stage 2 net developable area is 1.271 hectares, stormwater quality developable area is 0.3178 hectares and additional population is 521.3 persons.

Stage 3 net developable area is 1.276 hectares, stormwater quality developable area is 0.3190 hectares and additional population is 520.2 persons.

## **12.11 Special Infrastructure Contributions**

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

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

<https://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding/Special-Infrastructure-Contributions-SIC>

## **12.12 Contamination and Remediation**

- 12.12.1 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).

## **13 PRIOR TO OCCUPATION CERTIFICATE**

### **13.1 Compliance with Conditions**

- 13.1.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 13.1.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.8 of the *Environmental Planning and Assessment Act 1979*.

### **13.2 Fire Safety Certificate**

- 13.2.1 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).

### 13.3 **Fee Payment**

- 13.3.1 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.

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

- 13.4.1 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 the satisfaction of Council's Project Officer Civil and Open Space Infrastructure.

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.

### 13.5 **Services / Utilities**

- 13.5.1 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.
- 13.5.2 A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.
- 13.5.3 If required, the applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.

### 13.6 **Waste Matters**

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

- 13.6.2 A Strata Management Statement (or similar) must exist for each relevant stage which clearly outlines:
- i. The requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan.
  - ii. The responsibility for maintenance of the waste system (including any bin movement aides) and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times.
  - iii. The method of communication to new tenants and residents regarding the waste management services and collection system for the complex.
  - iv. Includes a copy of the amended and approved waste management plan as submitted with this development application.
- 13.6.3 Should general, recycling and bulky waste collection be undertaken by Council, the Strata Manager is to sign the 'Agreement for Onsite Waste Collection' form.
- 13.6.4 The Owners Corporation / Strata Manager will be responsible for ensuring that clear access is provided to the waste collection vehicles entering the property.
- 13.7 Other Matters**
- 13.7.1 All landscaping, recreation features and furniture, children's play equipment, bbq facilities and lighting shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate for each relevant stage. 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.
- 13.7.2 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 13.7.3 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate for each relevant stage. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.
- 13.7.4 All power boards should be housed within a locked cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.
- 13.7.5 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 13.7.6 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 13.7.7 Head room clearance at the basement ramp must comply with requirements of AS2890.1 (Section 5.3) for a Disabled Vehicle, and meet AS 2890.1 – Appendix C for the disabled parking space and access to the lift.
- 13.7.8 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 13.8 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**

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

### 13.9 **Adaptable Housing Units**

- 13.9.1 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 for each relevant stage.

### 13.10 **Graffiti Management Plan**

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

### 13.11 **Total Maintenance Plan**

- 13.11.1 A 'total' maintenance plan is to be prepared for the site. The plan is to ensure the following:
- (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, pathways, children's play equipment, soft and hard landscaping, safety fencing for rooftop communal and private open space areas, security systems, mail boxes, lighting, bulky waste storage and loading areas, feature entry signage, parking signage and services are regularly inspected and maintained at optimum levels at all times.
  - (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted 'junk mail' is to be collected on a regular basis and disposed of as necessary.
  - (c) The development is managed by a Site / Strata / Building Manager.
- A copy of the Plan is to be submitted to Council for separate approval prior to the release of any Occupation Certificate.

## 14 **OPERATIONAL**

### 14.1 **Specific Uses**

- 14.1.1 The development shall not be used or converted for use for any purpose other than that:
- (a) Granted consent by Council's Notice of Determination, or
  - (b) Which is 'Exempt Development' under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning

instrument.

- 14.1.2 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 14.1.3 The hours of operation and noise levels from the common outdoor areas are to be appropriately managed to ensure that the occupiers of the buildings are not adversely affected by noise and vibrations, in particular not prior to 8am and not after 10pm daily.
- 14.1.4 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.

#### **14.2 Access/Parking**

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

#### **14.3 Landscaping**

- 14.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 14.3.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.
- 14.3.3 The management of gardens, planter boxes, communal areas including the ground level and rooftop areas, the turfed ground level communal open space area to the west of Building A, shade structures, fences, children's play equipment, BBQ area, lighting and other similar areas are to be incorporated within the future strata management plan once the development is occupied.

#### **14.4 Waste Management and Collection**

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

#### **14.5 Clothes Drying**

- 14.5.1 The hanging/drying of clothes on balconies (where visible from a public place) is prohibited. If the development is to be strata subdivided, a clause is to be included in the Strata Management Statement (or similar) prohibiting the drying of clothes on balconies (where visible from a public place).

#### **14.6 Lighting and Security**

- 14.6.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity

of adjoining land.

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

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

#### 14.7 **Emergency Procedures**

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

#### 14.8 **Graffiti Removal**

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

#### 14.9 **Total Maintenance Plan**

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

#### 14.10 **Local Police Matters**

14.10.1 The security measures recommended by the Local Police in their correspondence dated 11 December 2017 are to be appropriately maintained.

### 15 **OPERATIONAL (ENVIRONMENTAL HEALTH)**

#### 15.1 **Environmental Management**

15.1.1 The recommendations provided in the *Noise Intrusion Assessment*, prepared by Day Design Pty Ltd, report no. 5784-2.1R shall be implemented.

15.1.2 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.

15.1.3 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 centre operating to validate the Acoustic reports findings.

15.1.4 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*.

15.1.5 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*.

- 15.1.6 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.
- 15.1.7 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.
- 15.1.8 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.