

Conditions of consent (draft)

Proposed development	Construction of 4 x 8 storey residential flat buildings containing a total of 239 apartments, with 2 basement levels providing parking for 317 cars, with associated civil and landscaping works
Property description	Proposed Lot 2 in subdivision of Lot 74 DP208203 59 Cudgong Road, Rouse Hill

0 Deferred commencement matters

- 0.1 This Development Consent is not to operate until such time as:
- The temporary on-site detention system of Lot 2 (approved under DA-16-04138 dated 6 March 2017 and Council issued construction certificate CC-17-01460 dated 13 December 2017) is decommissioned.
- Note the proposed basin shall remain until such time that the parent consent for road and drainage works DA-16-04138 dated 6 March 2017 no longer requires this infrastructure and approval is given to this extent by Council's Coordinator Engineering Approvals.
- 0.2 All of the requirements listed in the above condition must be completed within 24 months of the date of this deferred commencement consent. Should these matters not be completed to Council's satisfaction within this time period, this consent will lapse.

1 ADVISORY NOTES

1.1 Terminology

- 1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.
- 1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 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.
- 1.2.2 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

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 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and

- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development.
- (c) the installation of a caravan, temporary structure, stormwater drainage in a public place, amusement device or other activity not being an exempt activity under Council's Local Approvals Policy adopted under the provisions of the Local Government Act 1993,
- (d) the installation of a vehicular footway crossing servicing the development.

1.3.3 If any Aboriginal objects are found during construction, work is to cease immediately. NSW Environment, Energy and Science is to be notified and the site and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of NSW Environment, Energy and Science. No further works are to be undertaken on the site without the written consent of NSW Environment, Energy and Science.

1.4 **Services**

1.4.1 The applicant is advised to consult with:

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

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

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

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

1.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

1.4.3 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

1.4.4 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.

- 1.4.5 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

1.5 **Endeavour Energy**

1.5.1 **Reticulation Policy**

- 1.5.1.1 In order to improve the reliability performance of and to reduce the operating expenditure on the network over the long term the company has adopted the strategy of requiring new lines to be either underground cables or where overhead is permitted, to be predominantly of covered or insulated construction. Notwithstanding this strategy, bare wire overhead construction is appropriate and permitted in some situations as detailed below.

In areas with the potential for significant overhanging foliage, CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown branches and debris than bare conductors. CCT must only be used in treed areas as the probability of a direct lightning strike, bare conductors must generally be used for 11kV and 22kV reticulation.

Non-metallic Screened High Voltage Aerial Bundles Cable (NMSHVABC) must be used in areas which are heavily treed and where it is not practicable to maintain a tree clearing envelope around the conductors.

* a "treed" area is one with a substantial number of trees adjacent to the line, in each span, in these situations CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown.

1.5.2 **Urban Areas**

- 1.5.2.1 Reticulation of new residential subdivisions will be underground. In areas of low bushfire consequence, new lines within existing overhead areas can be overhead, unless underground lines are cost justified or required by either environmental or local council requirements.

Where underground reticulation is required on a feeder that supplies a mixture of industrial, commercial and/or residential loads, the standard of underground construction will apply to all types of load within that development.

Where ducting is used, adequate spare ducts and easements must be provided at the outset to cover the final load requirements of the entire development plan.

Extensions to the existing overhead 11kV/22kV network must generally be underground. Bare wire will be used for conductor replacements and augmentations except in treed areas where CCT or NMSHVABC must be used.

Extensions to the existing overhead LV network and augmentations must either be underground or ABV. Conductor replacements greater than 100m in route length must utilise aerial bundled cable.

1.6 **Identification Survey**

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

1.7 **Engineering Notes**

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

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

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

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

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

- Works in public areas (i.e. road reserve, public reserves)
Engineering works (as nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent) can be included within a Construction Certificate for building works, provided that:
- All Engineering Works are specifically mentioned on the Construction Certificate
- The Certifier holds relevant qualifications to issue a Construction Certificate for the Engineering works. Appropriate accreditation qualifications must be shown on Construction Certificate.

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

1.8 **Payment of Engineering Fees**

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

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

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

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

2 **General**

2.1 **Scope of Consent**

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

Drawing Reference:	Prepared by:	Dated:
Site Plan DA-A101 Issue G	Pens Design Studio	29/11/2019
Basement Plans: DA-A200 Issue G DA-A201 Issue G	Pens Design Studio	29/11/2019

Floor Plans (Ground Floor to Level 7) DA-A202 – DA-A209 Issue G inclusive	Pens Design Studio	29/11/2019
Roof Plan DA-A210 Issue G	Pens Design Studio	29/11/2019
Elevations and Sections Plans DA-A300 – A305 Issue G inclusive	Pens Design Studio	29/11/2019
Façade Details DA-A700 Issue G	Pens Design Studio	29/11/2019
Staging Plan DA-A900 Issue G	Pens Design Studio	29/11/2019
Landscape Plans: LSDA-101 Issue C LSDA-301 Issue E LSDA-301(1) Issue A LSDA-501 Issue B LSDA- 502 Issue A	GreenPlan	04/09/2019 04/09/2019 04/09/2019 31/07/2019 30/03/2018

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

2.2 **Services**

- 2.2.1 Low voltage electricity and telecommunications services for the approved development shall be as per the requirements of the service provider, and reticulated underground.

2.3 **Suburb Name**

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

Suburb: Rouse Hill

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

Suburb: Rouse Hill

2.4 **Engineering Matters**

2.4.1 **Design and Works Specification**

- 2.4.1.1 All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (f) Blacktown City Council On Site Detention General Guidelines and Checklist

- (g) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook Fourth Edition.

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.

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

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

2.4.2 **Other Necessary Approvals**

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

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

2.5 **Endeavour Energy**

2.5.1 **Contact**

- 2.5.1.1 If there are concerns over the proposed works in proximity of the Endeavour Energy's electricity infrastructure to the road verge/roadway, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is Construction.Works@endeavourenergy.com.au.

2.5.2 **Earthing**

- 2.5.2.1 The construction of any building or structure (including fencing, signage etc.) that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with AS/NZS 3000:2007 'Electrical installations' to ensure that there is adequate connection to the earth. Inadequate connection to the earth places persons and the electricity network at risk.

2.5.3 **Dial before You Dig**

- 2.5.3.1 Before commencing any underground activity the applicant is required to obtain advice from the **Dial before You Dig 1100** service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

2.6 **Tree Planting and Service Locations**

- 2.6.1 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.

Tree planting must not interfere with street light spill. The applicant shall provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. Please contact Council's Civil and Park Infrastructure Team for further details. This confirmation must be received before a Construction Certificate can be issued.

2.7 Other Matters

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

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

3 Prior to Construction Certificate (General)

3.1 DA Plan Consistency and Required Amendments

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

3.1.2 BASIX Certificate No. 793512M-02 dated 20 March 2017 shall be revised for consistency with the approved architectural plans and all BASIX commitments shall be shown on the plans to be submitted prior to a Construction Certificate, in accordance with the revised Certificate.

3.1.3 To ensure adequate privacy, the western elevation of the bedroom windows to Units A50, A54, A58, A62, B50, B54, B58, C46, C50, C54, C58 shall either be a highlight window with a minimum 1.6m sill height from the floor level, or a blank wall. The plans submitted for a Construction Certificate shall clearly reflect this provision.

3.2 Relationship with other Approvals

3.2.1 Compliance with the requirements of the following nominated approvals:

(a) Development Consent No. DA-16-04138 dated 6 March 2017 issued by Blacktown City Council

(b) Relevant requirement of any other development consent, Construction Certificate issued under the *Environmental Planning and Assessment Act, 1979*, *The Local Government Act, 1993* or *The Roads Act 1993*.

The construction, completion and dedication of all adjoining roads and associated conditions of consent contained within the above approvals shall be fully complied with in order to obtain release of the Construction Certificate.

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

4 Prior to Construction Certificate (Engineering)

4.1 General

4.1.1 Any Construction Certificate for this proposal is not to be issued until the Subdivision Plan for DA-16-04138 (dated 6 March 2017) has been registered and the associated road and drainage infrastructure has been dedicated to Council as public infrastructure.

4.1.2 All relevant conditions within the 'Prior to Construction Certificate' section of this

consent shall be satisfied before any Construction Certificate can be issued.

- 4.1.3 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.

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

Prepared By	Project No.	Sheet No.	Revision	Dated
C&M Consulting Engineers P/L	PN01513_Lot2&3	100	01	17/01/17
C&M Consulting Engineers P/L	PN01513_Lot2&3	110	01	17/01/17
C&M Consulting Engineers P/L	PN01513_Lot2&3	201	02	19/04/18
C&M Consulting Engineers P/L	PN01513_Lot2&3	202	06	19/04/18
C&M Consulting Engineers P/L	PN01513_Lot2&3	601	02	19/04/18
C&M Consulting Engineers P/L	PN01513_Lot2&3	621	03	19/04/18
C&M Consulting Engineers P/L	PN01513_Lot2&3	622	02	19/04/18
C&M Consulting Engineers P/L	PN01513_Lot2&3	623	02	19/04/18
C&M Consulting Engineers P/L	PN01513_Lot2&3	701	02	19/04/18
C&M Consulting Engineers P/L	PN01513_Lot2&3	702	01	17/01/17

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

- The On-Site Detention System is to be in accordance with Council's DCP Part J - [Water Sensitive Urban Design and Integrated Water Cycle Management](#), Engineering Guide for Development and Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook Fourth Edition.
- Pits shall be constructed where stormwater pipe sections change in direction in accordance with Councils Engineering guide for Development.
- Stormwater pipe sections discharging from the proposed on site detention systems into future kerbside inlet pits shall ensure minimum 1% fall is achieved and that levels are compliant with stormwater pits levels approved under Council approved construction certificate CC-17-01460 dated 13 February 2017.

4.2 Construction Certificate Requirements

- 4.2.1 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:

- Drainage construction
- On-site stormwater detention
- Water quality treatment

4.3 Roads Act Requirements

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

- Kerb inlet pit connections or construction within Council's road reserve.

4.4 Other Engineering Requirements

- 4.4.1 Submit a detailed estimate of costs for the engineering works. If this detailed

estimate is \$25,000 or greater then a long service levy payment is required. Provide proof of this payment to Council.

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

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

4.5 **Drainage**

4.5.1 Drainage from the site shall be connected into Council's existing drainage system. In this regard it is required to connect the drainage pipe into a Council kerb inlet pit.

4.6 **Erosion and Sediment Control**

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

4.7 **Earthworks**

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

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

4.8 **Stormwater Quality Control**

4.8.1 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.

4.8.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 4.55 application.

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

4.8.4 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.

4.9 **Temporary On-Site Detention**

4.9.1 An engineer registered with NER is to demonstrate that no downstream residencies will be affected by the unrestricted 100 year discharge of flows from the development (draining to First Ponds Creek). If this cannot be demonstrated a temporary onsite detention of stormwater will be required. The temporary onsite detention system is to be designed to mitigate all post-developed flows from the site to not exceed pre-developed rural catchment flows (including a 15mm initial loss) for all storm events from the 2 year ARI to the 100 year ARI. This design is to be supported by electronic modelling.

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

4.9.3 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 modification application under section 4.55 of the Environmental Planning and Assessment Act.

- 4.9.4 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.

4.9.5 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

4.10 **Vehicular Crossings**

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

4.11 **Construction Traffic Management Plan**

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

4.12 **Construction Environmental Management Plan**

4.12.1 A Construction Environmental Management Plan is to be submitted to Council prior to the issue of any Construction Certificate as required by clause 3.3 *Construction Environmental Management* of the Growth Centres Precincts DCP 2018.

5 **Prior to Construction Certificate (Environmental health)**

5.1 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act (NSW) 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014).

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

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

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

- a) does not exceed an L_{Aeq} sound pressure level of 5dB (A) above the ambient background noise level when measured

- at the most effected point on or within any residential property boundary or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
- b) cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

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

- 5.4 Recommendations outlined in the *Contamination, Salinity and Geotechnical Assessment Report* prepared by GeoEnviro Consultancy Pty Ltd should be carried out. A Remediation Action Plan for potentially/contaminated areas is to be submitted to Council for approval before any remediation works.

6 Prior to Construction Certificate (Traffic)

6.1 Sight distance

- 6.1.1 Provision for adequate sight distance shall be demonstrated in the plans for Construction Certificate, to be in accordance with Section 3.2.4 AS2890.1 and Figure 3.2 of AS2890.1 which ensure safety of pedestrians on the footpath system and motor vehicles along the approved driveway.

7 Prior to Construction Certificate (Waste)

- 7.1 The applicant must complete the WasteLocate form to ensure correct disposal of any asbestos identified onsite.
- 7.2 The applicant must ensure that roads and driveways etc are rated suitable for 24 tonne trucks.
- 7.3 The applicant must ensure the approved bin collection points for all bins for the whole site are shown on the stamp approved plans with each bin indicated.
- 7.4 Access for collection vehicles must be designed in accordance with the dimensions indicated on the approved architectural plans, CAD files and vertical clearances (as per Australian Standards), showing adequate truck entry and exit and in all manoeuvring areas.
- 7.5 The applicant must provide an additional 3m clearance to the rear of the truck for bin rotation and servicing in Building A. The loading bays must be able to accommodate the entire truck length plus the 3m rear clearance to prevent obstruction in the driveway area. Currently, it appears that the truck is still only 1m off the wall to the rear of the loading bay which is insufficient for bin servicing and rotation (see Drawing DA-A200 Revision G). The loading bay in Building C now appears satisfactory.

8 Prior to Construction Certificate (NSW Police)

- 8.1 The applicant shall submit the CPTED report to the Principal Certifying Authority and demonstrate the recommended actions as indicated in the plans to be submitted for a Construction Certificate.

9 Prior to Construction Certificate (Planning)

9.1 Section 7.11 Contributions under Section 7.17 Directions

- 9.1.1 Contributions under Section 7.11 of the Environmental Planning & Assessment Act 1979 must be paid.

Under the Section 7.17 Direction issued by the Minister for Planning on 4 March 2011, Council must not impose a condition of development consent under Sections

7.11 (1) or 7.11 (3) or the Act requiring the payment of a monetary contribution exceeding \$45,000 for each dwelling authorised by the development consent, or in the case of a development consent that authorises the subdivision of land into residential lots, exceeding \$45,000 for each residential lot authorised to be created by the development consent. The Section 7.11 contributions payable below have been assessed in accordance with this Direction:

No. of intended dwellings: 239

Contribution: \$10,755,000

Payment of this amount must be made prior to the issue of a Construction Certificate.

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

Notes In complying with the Minister's Section 7.17 Direction, the applicant is advised that Council may not be in a position to provide all of the facilities listed in the applicable contributions plan due to the potential shortfall of contributions to be received as a result of the \$45,000 per dwelling/lot limit.

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

Contribution Item	Amount Indexed to date	Relevant C.P.
Stormwater Quantity Second Ponds Creek	\$ 302,259	22
Stormwater Quality Second Ponds Creek	\$ 55,044	22
Traffic Management	\$ 1,718,449	22
Open Space	\$ 9,1597,205	22
Community Facilities	\$ 318,551	22
Combined Precinct Facilities	\$ 189,020	22
Total Contributions Amount:	\$ 11,780,528	22

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

Developable Area: 0.7785 hectares

Additional Population: 460.9 persons

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

S.7.11 CP No. 22 Rouse Hill

9.2 **Special Infrastructure Contributions**

9.2.1 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 7.23 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, Industry and Environment before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

More information

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

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

9.3 Aesthetics

- 9.3.1 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent and must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.
- 9.3.2 Any bathroom, w.c. or laundry window in the external walls of the buildings shall be fitted with translucent glazing.
- 9.3.3 The development approved by Council is to be constructed in accordance with the approved external colour schedules and colour schemes. Each of the buildings shall be constructed of materials and finishes so as to be distinguishable from one another, to the satisfaction of the Principal Certifying Authority.
- 9.3.4 The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the Building Code of Australia.
- 9.3.5 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.
- 9.3.6 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. Appropriate sight lines are to be provided for vehicles using the mail box waiting bay for safety purposes.
- 9.3.7 The Construction Certificate plans are to show that the location of signage or lighting for the private road/driveway areas is to be designed and located so as not to obstruct access for any vehicles.
- 9.3.8 The basement car park vents shall be appropriately treated and not be visually prominent in the street. Details shall be provided to the satisfaction of the Principal Certifying Authority prior to a Construction Certificate.
- 9.3.9 The walls, floors and ceilings of the corridors and foyer areas of Buildings A, B, C and D on Levels 1 to 7 must be waterproofed as they are external surfaces always open to the weather. Any light fittings and electrical services must be installed in a manner that satisfies the standard for external conditions. The floors of these corridors and foyers are to be constructed so that an adequate threshold is provided at the entrance of the apartments and the lifts that open on to the corridor and foyer area to prevent stormwater entering the apartments and the lift well. The floor surface must be slip resistant when wet or affected by storm debris. The drawings must illustrate how the corridors will be drained when rainwater enters the corridor.
- 9.3.10 At least 20% of units must meet Liveable Housing Guidelines silver level universal design features to meet Australian Standards. Compliance with the Access provisions of the Building Code of Australia, the Access To Premises Standard, State Environmental Planning Policy No 65 - Part 4Q requirements and AS4299-Adaptable Housing requirements is to be verified at Construction Certificate stage by a suitably qualified access consultant.
- 9.3.11 Prior to issue of a Construction Certificate, an Access Report to be submitted to Council from an accredited Access Consultant certifying:

- that the accessible parking spaces meet Australian Standards.
- that the adaptable dwellings are designed in accordance with AS 4299-19595 and are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).
- the universal accessibility of the site in accordance with the Building Code of Australia.

9.3.12 All deep soil areas are to be vegetated with appropriate trees and shrubs.

Landscape planting on site is to consist of appropriate species selected from the Prescribed Trees and Preferred Species list at Appendix D of the Blacktown City Council Growth Centres Precincts Development Control Plan 2018, and capable to be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

9.3.13 Child proof fencing and gates shall be provided around the children's play area.

9.3.14 All new construction must comply with its corresponding bush fire attack level as shown on Building Code and Bushfire Hazard Solutions Pty Ltd bush fire assessment report image, Image 07: Construction Overlay, dated 7 December 2016.

9.3.15 New roads are to comply with the carriageways detailed on the General Arrangement Plans prepared by C & M Consulting Engineers; sheets 1- 2, rev P2, dated 23/10/15.

18.16 New internal roads shall comply with the requirements (other than carriageways which are addressed above) for public roads as detailed within section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.

9.4 **Fencing**

9.4.1 Front fences (including any masonry retaining wall above the natural ground level) shall be visually permeable at a maximum 1 m in height from the natural ground level with landscaping, including medium/large trees to be provided around the perimeter of the site.

9.4.2 Fencing around ground level private open space and balcony areas shall be of open style for the part above 1 metre in height and no more than 1.5 metres high.

9.4.3 Any proposed fence/side boundary fence/landscape element on either side next to the proposed driveways must not exceed 900mm in height for a length of 2.5 metres from the property boundary within the property and 2 metres along the property boundary (see Figure 3.3 AS2890.1) to ensure safety of pedestrians on footpath.

9.4.4 All other 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. The selected fencing material / design must also minimise / eliminate the potential for graffiti attacks.

9.4.5 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.

9.5 **Access and Parking**

9.5.1 A total of 317 car parking spaces is required to be provided within the site, being 269 resident spaces (including 24 disabled car parking spaces) and 48 visitor car parking spaces, and all are to be designed having minimum internal clear dimensions in accordance with the Growth Centres Precincts DCP 2018.

9.5.2 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network. Provision for 80 bicycle spaces is required to be provided within the

site.

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

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

9.6 **Services**

9.6.1 A "Notification of Arrangement" Certificate from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.

9.7 **Salinity Management**

9.7.1 The applicant is to prepare a salinity management plan in the event of encountering potentially saline soil during construction. The measures recommended in the plan are to be implemented during construction accordingly.

10 **Prior to Construction Certificate (Building)**

10.1 **Building Code of Australia Compliance**

10.1.1 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).

10.2 **Site Works and Drainage**

10.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under an environmental planning instrument), 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.

10.2.2 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.

10.2.3 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.

- 10.2.4 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.

10.3 **Fire Services**

- 10.3.1 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.
- 10.3.2 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.

11 **Prior to Development Works**

11.1 **Compliance Certificate Fee**

- 11.1.1 All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.

11.2 **Safety / Health / Amenity**

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

Each toilet provided shall be:

- (a) a standard flushing toilet, or
 - (b) a temporary on-site toilet which is regularly maintained and the waste disposed to an approved sewerage management facility.
- 11.2.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
- (a) the name, address and telephone number of the principal certifying authority for the work, and
 - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

- (a) building work carried out inside an existing building, or
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 11.2.3 Should the development work:
- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involve the enclosure of a public place,
- a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

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

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

- 11.2.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 11.2.5 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.
- 11.2.6 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 11.2.7 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.

11.3 **Notification to Council**

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

11.4 **Adjoining Owners**

- 11.4.1 Written permission from the respective owner(s) must be obtained to:

- (a) discharge stormwater onto adjoining owner's land.
- (b) carry out works on adjoining land.
- (c) drain the site across land owned by others.

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

11.5 **Sydney Water Authorisation**

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

OR

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

11.6 Construction Details

- 11.6.1 Structural details of the nominated building component(s), prepared and/or certified by a professional engineer or other appropriately qualified person, shall be lodged with Council prior to commencing or erecting that portion of the approved development.

Nominated Component

- (a) Footing piers
- (b) Footing system
- (c) Floor slab
- (d) Structural concrete
- (e) Wall frame bracing
- (f) Roof trusses
- (g) Structural steelwork
- (h) Retaining walls

12 During Construction (Building)

12.1 Safety/Health/Amenity

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

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

- (i) the name, address and telephone number of the principal certifying authority for the work, and
- (ii) 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
- (iii) stating that unauthorised entry to the work site is prohibited.

- 12.1.3 Should the development work:

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

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

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

- 12.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.

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

- 12.1.6 Any excavation and/or backfilling associated with the ongoing development works

shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

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

12.2 Building Code of Australia Compliance

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

12.3 Surveys

- 12.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.
- 12.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

12.4 Nuisance Control

- 12.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 12.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

12.5 Stormwater Drainage

- 12.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:
- (a) the floor level being a minimum 225mm above the adjoining finished ground level, and/or
 - (b) being drained to an effective drainage system.

12.6 Waste Control

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

12.7 Construction Inspections

- 12.7.1 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.

13 During Construction (Environmental Health)

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

13.1.1 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).

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

14 During Construction (Heritage)

14.1 European Heritage

14.1.1 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.

14.2 Aboriginal Heritage

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

15 During Construction (Engineering)

15.1 Notification of Works

- 15.1.1 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.

15.2 Insurances

- 15.2.1 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.

15.3 Service Authority Approvals

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

15.4 Boundary Levels

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

15.5 Tree Protection and Preservation

- 15.5.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 15.5.2 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.

15.6 Soil Erosion and Sediment Control Measures

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

15.7 Filling of Land and Compaction Requirements

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

- 15.7.2 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 15.7.3 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 15.8 **Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**
- 15.8.1 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.
- 15.9 **Inspection of Engineering Works - Roads Act 1993**
- 15.9.1 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).
- 15.10 **Public Safety**
- 15.10.1 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.
- 15.11 **Site Security**
- 15.11.1 Chain wire gates and security fencing must be provided around the site in order to prevent unauthorised access and dumping of rubbish.
- 15.12 **Traffic Control**
- 15.12.1 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.
- 15.12.2 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.
- 15.12.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 15.12.4 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.

- 15.12.5 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.

16 During construction (Rural fire Service)

- 16.1 A minimum 1.8 metres high radiant heat shield made of non-combustible materials shall be constructed along the southern property boundary adjacent to the Asset Protection Zones. All posts and rails shall be constructed of steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.

18 Prior to Occupation Certificate

18.1 Road Damage

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

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

18.2 Compliance with Conditions

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

- 18.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Sections 6.9 and 6.10 of the Environmental Planning & Assessment Act 1979.

18.3 Fire Safety Certificate

- 18.3.1 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).

18.4 Fee Payment

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

18.5 Temporary Facilities Removal

- 18.5.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 18.5.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 18.5.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.

- 18.5.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 18.5.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.
- 18.6 **Additional Inspections**
- 18.6.1 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.
- 18.7 **Services / Utilities**
- 18.7.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of any Occupation Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, 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.
 - (b) A "Notification of Arrangement" Certificate from energy provider, or any other recognised energy provider, stating that arrangements have been made with the servicing authority for electrical services, including the provision of street lighting, to the development.
 - (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.
- 18.8 **Environmental Health Matters**
- 18.8.1 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.
- 18.9 **Waste Matters**
- 18.9.1 Should Council provide a waste service to this site, the elected strata manager must sign our 'Onsite Waste Collection Agreement Form' (attached) before collections can occur onsite.
- 18.9.2 The applicant must update the waste management plan to include that the access to the loading bay needs to be coordinated with the building manager.

- 18.9.3 A Community Management Agreement/Strata Management Agreement must exist which:
- clearly outlines that no bins are to be located or placed in the approved collection points outside the scheduled collection time for that area. Bins must be placed out for collection no earlier than 12 hours before the collection day for that area. The bins must be withdrawn from the kerbside to its corresponding lot on the day of collection.
 - clearly states that unwanted bulky waste such as lounges, mattresses and fridges must only be placed out for collection the night before the scheduled collection date provided by Council if we are servicing the site. Collection of these items must be in accordance with our Resource (waste) Management Services Charter. Please call Council to book in a collection date.
 - clearly outlines a responsibility of residents to manage their bins and bulky waste onsite in accordance with the approved waste management plan.
 - clearly outlines the responsibility for maintenance of the waste collection points and ensure they are clear and unobstructed prior to collection times.
 - clearly outlines the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.
 - includes the updated (and approved) waste management plan as required through a consent condition for this development application.
 - clearly outlines the travel path to take bins from the storage area to the designated collection points.
- 18.10 **Other Matters**
- 18.10.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 18.10.2 All common areas and private driveways and pathways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.
- 18.10.3 All fencing and retaining walls shall be completed in accordance with the approved plans and with the details submitted as part of the Construction Certificate. All fencing / retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material / design must also minimise / eliminate the potential for graffiti attacks. Where possible, foliage should be grown on / over fencing adjacent to public areas to minimise the potential for graffiti.
- 18.10.4 Vandal proof and security lighting, and appropriate security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.
- 18.10.5 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 18.10.6 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 18.10.7 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

- 18.10.8 The turning bay areas at the end of the internal aisles within the development are to be signposted as 'Turning Bays' and 'No Parking'.
- 18.10.9 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves and also not on drainage zoned land.
- 18.10.10 All privacy screening measures / devices detailed on the approved plans are to be installed.
- 18.10.11 Electrical reticulation is to be underground.
- 18.10.12 A master TV antenna is to be installed within the roof.
- 18.11 **Graffiti Management Plan**
- 18.11.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council. The Plan is to address the following issues:
- (a) Methods to minimise the potential for graffiti;
 - (b) Management/notification procedures for the "early" removal of graffiti;
 - (c) Annual review of any "management agreement" for the removal of graffiti to ensure the property is maintained at its optimum level; and
 - (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.
- 18.12 **Total Maintenance Plan**
- 18.12.1 A "total" maintenance plan is to be prepared for the site. The plan is to ensure the following:
- (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, through site links, soft and hard landscaping, 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.
- 18.13 **Acoustic Verification**
- 18.13.1 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.
- 18.14 **Rural Fire Service**
- 18.14.1 Until such time that the northern, southern and western neighbouring properties are developed and the balance of the perimeter roads constructed the northern, southern and western perimeter roads shall be used as one-way roads only.
- 18.14.2 Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

18.15 Temporary Facilities Removal

- 18.15.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 18.15.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 18.15.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 18.15.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 18.15.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

18.16 Engineering Matters

18.16.1 Surveys/Certificates/Works As Executed plans

- 18.16.1.1 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.
- 18.16.1.2 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 18.16.1.3 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.
- 18.16.1.4 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

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

18.17 Easements/Restrictions/Positive Covenants

- 18.17.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
 - (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
 - (b) The standard format for easements and restrictions as accepted by NSW Land Registry Services.
- 18.17.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the Stormwater Quality Control devices/system and outlet works.

- 18.17.3 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Land Registry Services over the overland flow-path.
- 18.17.4 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.
- 18.18 **Inspections**
- 18.18.1 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.
- 18.19 **Relationship with other Approvals**
- 18.19.1 Compliance with the requirements of the following nominated approvals:
- a) Development Consent No. DA-16-04138 dated 6 March 2017 issued by Blacktown City Council
 - b) Construction Certificate No: CC-17-01460 dated 13 December 2017 issued by Blacktown City Council.
 - c) Relevant requirement of any other development consent, Construction Certificate issued under the *Environmental Planning and Assessment Act, 1979*, *The Local Government Act, 1993* or *The Roads Act 1993*.
- The conditions contained within the above approvals shall be fully complied with, including the registration of subdivision of DA-15-02309 with NSW Land Registry Services, prior to the release of the Occupation Certificate.
- The authorised person issuing the Occupation Certificate shall ascertain whether any Compliance Certificate(s) for the developments, are required to be issued in relation to any element, component or system incorporate in the development. A copy of each required Compliance certificate shall be lodged with Council.
- 18.20 **CCTV Inspection of Stormwater Drainage Structures**
- 18.20.1 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.
- 18.21 **Additional Inspections**
- 18.21.1 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.
- 18.22 **Street tree planting**
- 18.22.1 Any tree planting (and maintenance) along the frontage of the development site to improve the amenity of the streetscape must be in accordance with the approved subdivision DA-16-04138 before an Occupation Certificate is issued.
- 18.23 **NSW Police Matters**
- 18.23.1 The following security and crime prevention measures are installed and operating satisfactorily:

- Installation of all required CCTV around the site. Cameras shall monitor car park facilities, stairways, lifts, foyers, entry/exit points, loading bays, the waste room and mailbox facilities.
- Appropriate signage shall be installed at the site to notify occupants and visitors that CCTV cameras are present.
- All lighting details shown on the submitted lighting plan shall be installed at the site. This includes lighting around all entry/exit points to the building, along all footpaths within the site, car parking areas and to the street number to facilitate identification of the site/building.
- It should also be noted that the latch/locking mechanism for the gates inside the development, should not be within the arm reach of any person externally.
- The building shall clearly indicate building names, block number and unit numbers to facilitate easy identification of the site for emergency services and visitors.
- All materials used along the ground level of the building around the perimeter of the site shall have permanent graffiti resistant coating applied.

19 Operational

19.1 Use of Premises

19.1.1 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.

19.1.2 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.

19.2 Access / Parking

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

19.2.2 Entry gates into the apartment buildings shall be formalised by way of legible street numbers and/or building numbers and/or unit numbers which shall be fixed at the entry gates for visitor information.

19.3 Landscaping

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

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

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

19.4 Storage

19.4.1 No goods, materials, or trade waste shall be stored, displayed for sale or manufactured at any time outside the buildings on either the internal driveway / road, car parking areas, landscaping or footpaths, other than the approved garbage areas.

19.5 Lighting and Security

- 19.5.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 19.5.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 19.5.3 The maintenance of all external lighting is to be managed by way of an annual service agreement to ensure the security of the building and persons within are not compromised from dark or uncontrolled public areas.

19.6 Graffiti Removal

- 19.6.1 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.

19.7 Environmental Management

- 19.7.1 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 19.7.2 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 19.7.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 19.7.4 To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10pm and 7am.
- 19.7.5 All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.
- 19.7.6 A post commissioning report produced by an independent organisation that is an acoustical consultant / engineer with qualifications and experience sufficient for Member Grade of the Australian Acoustical Society within 3 – 6 months of the development operating to validate the findings of *Road and Rail Noise Impact Assessment – 59 Cudgegong Road, Rouse Hill, prepared by Rodney Stevens Acoustics Pty Ltd, report no. 160489R1, dated 22 September 2015*

19.8 Waste Matters

- 19.8.1 The Owners Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.
- 19.8.2 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 19.8.3 A building manager must be engaged in perpetuity and for the life of the development to:
- manage bins and bulky waste onsite
 - clean bins and the waste room(s)

- arrange clear access to the waste loading bay on collection day (ie, remove lockable bollards or open roller doors and boom gates etc), which are in place to protect the truck turning areas on private property from being parked out.

19.9 **Rural Fire Service**

19.9.1 The entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

19.10 **NSW Police matters**

19.10.1 All security measures required by this consent to be installed are required to be appropriately maintained and in good working order.

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

19.10.3 Security management plan and evacuation plan to be forwarded to Riverstone Police Station.