

Conditions of consent (draft)

Proposed development Integrated Development for demolition works, tree removal and subdivision into 3 Torrens title super lots, construction of public roads, construction of 7 x 5 storey residential flat buildings proposing 315 units being Lot 1 - 93 units; Lot 2 - 129 units and Lot 3 - 93 units); with basement car parking, landscaping, civil works, and temporary onsite stormwater basin.

Property description Lot 67 DP 30186 H/N 50 Tallawong Road, TALLAWONG

1 DEFERRED COMMENCEMENT MATTERS

This is a "Deferred Commencement" consent that is granted subject to a condition under Section 4.16(3) of the Environmental Planning and Assessment Act 1979 ("EP&A Act"). This "Deferred Commencement" consent is not to operate until the Applicant satisfies the Blacktown City Council ("Council") as to the matters set out in Schedule 1. The period within which the Applicant must produce evidence to the Council that is sufficient to enable it to be satisfied as to the matters in Schedule 1 is 24 months from the date this "Deferred Commencement" consent is granted.

All of the requirements listed in Schedule 1 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 "Deferred Commencement" consent will lapse.

If the Applicant produces evidence to the Council within the period specified above that satisfies Council as to the matters set out in Schedule 1 Council will notify the Applicant in writing of this and of the date from which the consent operates. Then the development consent shall become operative from that date subject to compliance with all the conditions set out in Schedule 2.

SCHEDULE 1 – DEFERRED COMMENCEMENT CONDITIONS

1.1 Architectural Plan Amendments - Exterior

1.1.1 This Development Consent is not to operate until such time as amended architectural plans are submitted to Council's City Architect's Office for written approval. These plans are to:

- (a) Improve the streetscape presentation of the residential flat buildings and associated retaining structures, fencing, pathways, ramps and landscaping
- (b) These plans are to demonstrate greater differentiation between the proposed buildings with respect to the external material and colour palettes between the separate buildings across the 3 lots to avoid repetition and monoculture across the precinct.
- (c) Variation in the presentation of the built form is required to overcome the repetition of built form in the development through the addition of architectural features, treatments and colours in relation to the roofs, walls, balconies and other external building features.

- (d) Each lot and/or building should have its own identity or theme to create variance through the precinct.
- (e) An amended materials schedule is to be provided to address the requirements outlined above.
- (f) Plans are to be amended to incorporate screens to some balconies and windows where required where the internal unit separation across corners is 8 m.

1.2 **Architectural Plan Amendments - Interior**

1.2.1 This Development Consent is not to operate until such time as amended plans are submitted to Council's City Architect's Office for written approval. These plans are to:

- (a) Reduce the excess in car parking provided to comply with the ADG/RMS requirement of 357 car parking spaces (cps) across the 7 buildings.
 - i. All visitor parking is to be on level 1 basement, and separated from the residents parking and storage with security measures.
- (b) Basement car parking is to include:
 - For Lot 1 (buildings A and B), a total of 103 cps (86 residential and 18 visitor cps). 1 accessible visitor cps is to be provided, and 10% of the residential cps are to be accessible. Separate to the 103 cps, 2 car wash spaces are to be provided, and 1 electric charging station.
 - For Lot 2 (buildings C, D and E), a total of 151 cps (122 residential and 27 visitor cps). 2 accessible visitor cps are to be provided, and 10% of the residential cps are to be accessible. Separate to the 151 cps, 2 car wash spaces are to be provided, and 1 electric charging station.
 - For Lot 3 (buildings F and G), a total of 103 cps (86 residential and 18 visitor cps). 1 accessible visitor cps is to be provided, and 10% of the residential cps are to be accessible. Separate to the 103 cps, 2 car wash spaces are to be provided, and 1 electric charging station.
- (c) Plans are to be amended for Building A by removing the study from apartments 4.06, 1.07, 2.07, 3.07. The amendment is required to ensure that a window is provided to each habitable room (including any study), whilst maintaining adequate solar access to these apartments. A windowless habitable room is unacceptable under the ADG Objective 4B-1.
- (d) Mail boxes are to be shown on the plans located in the lobby area of each building, perpendicular to the street.
- (e) Basement vents are to be shown on the plans. Basement car park vents must not be visually prominent. All services including substations, pump rooms, mechanical equipment, waste storage rooms and other service rooms must be concealed within service areas located in the basement car parks or out of view from apartments, communal open space and the public domain.
- (f) In all buildings, the proposed rooftop skylights must be replaced with clerestory windows, with a minimum 1 metre height, and not to be overshadowed by other rooftop structures such as walls (reason: solar access and natural ventilation, as the proposed rooftop skylights in all buildings are

ineffective for solar access and natural cross ventilation).

- (g) Airconditioning units are to be shown on the plans. External walls are to be free of plumbing and fixtures, wall mounted air conditioning, and service conduits/wiring. Air conditioning units must be located in basements, or fully integrated into the building design.
- (h) Plans are to be amended to increase the amount of daylight and natural ventilation that is provided to all the internal common circulation areas of all buildings.
- (i) The plans approved by Council's City Architect's Office are to be demonstrated on the Construction Certificate documentation.

1.3 **Landscape Plan Amendments**

1.3.1 This Development Consent is not to operate until such time as amended architectural plans are submitted to and approved by Council's City Architect's Office. These plans are to:

- (a) Address the interface between the development along its Tallawong Road frontage with the Sydney Metro maintenance and stabling yard facility opposite, as the proposed landscaping is insufficient to provide suitable immediate screen effect for residents on the Tallawong Road frontage, and will not provide adequate screening for residents between the development and Tallawong Road and the Sydney Metro maintenance and stabling yard facility.
- (b) An amended landscape plan should provide a landscaped buffer of 6 m depth with additional mature-sized trees and shrubs to create a dense vegetative screen. A sufficient number of medium/large trees are to be provided around the perimeter and internally on the site. This is to ensure that the streetscape contribution of the development is suitable to the locality, provides an attractive neighbourhood identity, and enhances streetscape amenity.
- (c) All deep soil areas are to be vegetated with appropriate large trees. Vegetation planted on the site must be species selected from the Prescribed Trees and Preferred Species list at Appendix D of the Blacktown City Council Growth Centres Precincts Development Control Plan 2010.
- (d) The plant maintenance plan is to be amended to include reference to rainwater collection and reuse which is to be provided in the plant irrigation system for the site.
- (e) The roof top communal open space areas of each building are to be provided with shade structures, which are to be shown on the amended landscape plan.
- (f) Perimeter fencing: any front fencing located within the building setback on all 4 road frontages of the proposed residential flat buildings is to be visually permeable with a maximum 1 metre height.
- (g) The amended landscape plans are to show children play areas, including childproof fencing with secure gates.
- (h) The layout, landscaping and street plantings are to make use of a planting palate including native species, which allow for movement, cover, foraging and other opportunities to native fauna species known or likely to occur in and on

the subject site and the adjacent reserve.

- (i) Amended landscape plans are to include suitable landscape embellishment between the 3 driveways and ground floor windows and balconies to screen and provide privacy, and embellishment to bedroom windows which face onto open space areas which are to be provided with protective planting.
- (j) The plans approved by Council's City Architect's Office are to be demonstrated on the Construction Certificate documentation.

1.4 **Accessibility Report and Certification**

1.4.1 The amended architectural and landscape plans are to be accompanied by an Access report from an accredited access consultant which certifies that:

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

1.5 **Plan Amendments – Plan Dimensions and Community Room**

1.5.1 Amended architectural plans are to be provided to address the following:

- (a) To ensure that the depth measurement of all balconies have clear dimensions that are measured from the building face to the inside face of the balustrade, in order for the dimensions to clearly meet the requirements of Objective 4E of the Apartment Design Guide.
- (b) Internal dimensions of all apartments are to be clearly shown on the amended architectural plans.
- (c) Plans for the Typical Adaptable and Livable Apartments, with Typical Dimension Layout are to be provided. At least 10% of apartments must be adaptable, and at least 20% of apartments must meet the Livable Housing Guidelines – silver level universal design features, to meet Australian Standards. All adaptable apartments are to be provided with an accessible parking space in the building basement.
- (d) The community room in each building (marked as 'communal room' on the plans). This room is to be of a suitable size to also cater for body corporate meetings. This room should allow for flexible use, with power and data connection available, to be able to be used as a hot desk area for residents. The community rooms are at no time to be alienated for the sole use by the strata corporation.
- (e) The plans approved by Council's City Architect's Office are to be reflected in the final Building Construction Certificate documentation.

1.6 **Engineering Requirements**

1.6.1 This Development Consent is not to operate until such time as:

- i. The applicant is to provide additional detail to demonstrate the full extent of the stormwater tail out works extending from proposed headwall denoted H/W beyond pit No. 14-01 within the downstream property Lot 30 in DP 30186.

- ii. Any stormwater tail out configuration proposing to discharge road stormwater within a downstream private property must demonstrate there is a safe and legal conveyance of stormwater flows. No downstream property is to be negatively impacted by stormwater conveyance from the subject site. Note: this is likely to require the downstream property owner's consent and an easement to drain water and/or overland flow.
- iii. Note: Where significant changes are required to be made to the engineering plans, a modification to the consent is to be submitted to update the relevant plans.

1.7 **Traffic Requirements**

- 1.7.1 The applicant is to obtain written concurrence from Council's Coordinator Traffic Management for the proposed road configuration and associated line marking and traffic signage arrangement for the transition of road No. 2 to road No. 3.
- i. Note: details of the proposed configuration are shown on engineering plans prepared by Mepstead and Associates plan reference No. 5605, drawing No. DA115-01 and DA115-02, sheets 27 and 28 of 30, revision F and dated 06/08/2020 and held within Council file SPP-17-00017.
 - ii. Note: According to the indicative layout plan road pattern, there appears to be no future intended adjoining half width road on adjoining lot 76 in DP 208203 zoned E2 and containing ENV.
 - iii. Note: Where significant changes are required to be made to the engineering plans a modification to the consent is to be submitted to update the relevant plans.
- 1.7.2 An off road shared pathway is to be provided in accordance with Council's requirements along the Tallawong road frontage of the development in accordance with Blacktown City Council Growth Centre Precincts Development control Plan 2010, Schedule 8 Riverstone East Precinct, Figure 4-3 Bicycle and Pedestrian Network, to the satisfaction of Council's Traffic section.

1.8 **Drainage Requirements**

- 1.8.1 Provide a copy of a written agreement made with the property owner of 58 Tallawong Road (Lot 66 DP 3018) to enable construction of the junction pit A12 and the connecting pipeline from A11 to A13 in the property.
- 1.8.2 Amended drainage plans Series 5605 dated 06/08/2020 from Mepstead and Associates are to be provided to address the following to the satisfaction of the Manager Asset Design:
- i. Indicate the lot numbers clearly on the drawings.
 - ii. For lot 1 while the detention basin is operating show a series of sections through the basement and extending into the detention basin to show how this will be configured with levels and how will the basement be protected from filling with water.
 - iii. On drawing no. DA102-02(F), name the pit across Road 1 upstream of pit 9/01 as '8/01'.
 - iv. The design of pipeline from pit 8/01 is to be provided on drawing nos. DA102-02(F) and DA105-02 (F) as part of drainage works for this development.

- v. On drawing no. DA102-02(F), increase the pipe sizes from stub pipe (8/01-9/01) up to pit 14-01 on Tallawong Road to convey 10% AEP (10 year ARI) external catchment flows from the south eastern side. Refer approved drainage plans for the adjacent upstream properties Lots 69 & 68 DP 30186, 34-42 Tallawong Road by BG&E (File no. SPP-17-00017) to size the pipeline from pit 8/01 to pit 14-01.
- vi. On Road 1, provide stub pipes for pits F1 and G/1 extending the stub pipes provided for the other half width road in the adjacent development of Lots 69 & 68 DP 30186, 34-42 Tallawong Road.
- vii. Delete pipes G1-F1 and F1-B1 shown on Road 1 as a pipeline on the other half of the road is proposed for the adjacent upstream development. Increase the pit capacities of pits B1 and B1A to capture the street flows.
- viii. To direct 1% AEP (100 year ARI) flows to the OSD basin, provide additional kerb inlet pits on Road 2 to capture the 1% AEP site flows in excess of the 5% AEP (20 year ARI) internal drainage system capacity. Alternatively lower the basin 1% AEP (100 year ARI) water level such that with reverse cross-fall the 1% AEP gutter flows can flow direct to the basin.
- ix. For the Road 2 Longsection on drawing DA104-01(F) delete the trapped low point at ch 127.37 and crest at Ch 99.118 and provide a continual fall for Road 2 down to near the tangent point with Tallawong Road.
- x. Remove the crest shown for Road 2 – Line A2 at pit A9 on drawing no. DA105-01 (F).
- xi. Amend the detention basin layout on drawings DA102-02(F) and DA108-01(F) to address the following:
 - a. Lower the 1% AEP water level in the OSD basin to be lower than the surface level of pit A10, currently at RL 51.396.
 - b. Amend the levels and configuration in the basin to achieve the required storage by either lowering the base of the detention basin, or deleting one or more of the batters and providing vertical walls, or a combination of both.
 - c. Where a retaining wall is provided around the perimeter of the new basin, show the top and base levels of the retaining wall at each corner of the OSD basin. Provide typical design details of the retaining wall.
 - d. Provide an emergency overflow pit set to the top of basin level say 'RL 51.30' maximum. This is the design top 100 year ARI water level (TWL).
 - e. Provide a 750 mm pipe from this pit to pit A11.
 - f. Provide a large enough emergency overflow pit to accept sufficient flow to fill the 750 mm pipe (minimum 1200 x 1200).
 - g. Provide a minimum 450 mm pipe from 100 year orifice control pit with 1.5 year weir level. Provide a 1200 x 1200 mm control pit. Note that the level currently shown on Section B on DA108-01(F) does not match the spreadsheet results for the 1.5 year weir level.
 - h. Provide surcharge style grates for both the 1.5 year control pit and the emergency overflow pit.

- i. Number all the pits in the basin.
- j. Grade the basin bed to minimum 1% towards the 1.5 year orifice control pit.
- k. Provide sufficient dimensions to demonstrate that the required storage volumes can be achieved.
- l. Relocate the access ramp closer to pit A10 and ensure no part of the access is lower than the TWL. Set the ramp with a maximum grade of 1V:5H down to the base.
- m. On drawing no. DA108-01 (F) Section B, indicate the RLs of centre of 1.5 year and 100 year orifices and the orifice plates on an enlarged scale. Show a minimum 100 mm sump to control pits to allow installation of the orifice plates.
- n. Show orifice plate and trash screen detail for each orifice plate separately.
- o. Provide Maximesh Rh3030 for the 1.5 year orifice (<150 mm) with a minimum area of 50 times the orifice area and Wedlok F40/203 for 100 year orifice (>150mm) with a minimum area of 20 times the orifice area at the Section.
- p. Amend the weir levels and orifice sizes to meet the amended OSD Deemed to comply spreadsheet as detailed below.
- xii. Revise the OSD Deemed to comply spreadsheet version 1.9 with the following amendments.
 - a. Set the new (lowered) average basin level for “RL of Bottom of OSD Storage Area”.
 - b. Set the “RL of Top of OSD Storage Area” to nominally 0.1 m above the Emergency Overflow Weir level. Adjust this level as required to reach the required Emergency Overflow Weir level.
 - c. Set the “Length of Emergency Overflow Weir (m)” as minimum 4.8 m, or larger if pit so nominated.
- xiii. Provide 200 micron OceanGuards (Ocean Protect) to the external road pits for temporary water quality treatment of external road flows. Clearly indicate those on plan.
- xiv. Relocate the Stormfilter tanks in Lot 1 and Lot 3 to the western corner of the lots to better direct the site flows under gravity through the internal drainage system to the Stormfilter tanks.
- xv. The site flows and the overflow from the rainwater tank are to be directed to the Stormfilter tanks and the treated and the overflows from the Stormfilter tanks are to be directed to the street pits.
- xvi. Delete pipes P5-A9, L7-A8 and L5-A7 to direct the site flows to the Stormfilter tanks.
- xvii. Amend drawing no. DA102-02(F) to indicate rainwater tank with size for each building and the overflow pipe connection from each rainwater tank to the Stormfilter tank for each lot.

- xiii. Provide a swale with frequent surface inlet pits along the frontage of Tallawong Road and Road 1 and southwest of Building B to direct site flows to the Stormfilter tank. Set the inlet pits a minimum of 150 mm below the boundary level to ensure all the surface flows are captured.
- xix. Provide a swale with frequent surface inlet pits along the frontage of Road 1 and southwest of Buildings C & E to direct the surface flows from Lot 2 to the Stormfilter tank. Set the inlet pits a minimum of 150 mm below the boundary level to ensure all the surface flows are captured.
- xx. Provide a swale with frequent surface inlet pits along the frontage of Road 1 and southwest of Buildings F & G to direct the surface flows from Lot 3 to the Stormfilter tank. Set the inlet pits a minimum of 150 mm below the boundary level to ensure all the surface flows are captured.
- xxi. Concrete footpaths are proposed along the lot boundaries between the lots. Demonstrate how the site flows along the boundaries between Lots 1 & 2 and Lots 2 & 3 and the flows in podiums are directed to the surface inlet pits provided within each respective lot.
- xxii. Amend the design levels of the piped drainage system of the basement to ensure a minimum 0.5% slope towards all surface inlet pits.
- xxiii. Provide the following rainwater tank sizes; 18 kL for Lots 1 and 3 and 26 kL for Lot 2.
- xxiv. Provide a drainage layout to show how all the roofwater from each lot is independently directed to the rainwater tanks.
- xxv. Show the pipe connection carrying basement flows from the basement to the Stormfilter tank for each lot using different line types or notations.
- xxvi. Clearly indicate the pits containing OceanGuards on the drawings. Indicate the size of OceanGuards as '200 micron'.
- xxvii. Delete the current arrangement for OceanGuards in various individual pits. OceanGuards treating only surface flows require a minimum clear depth of 550 mm below the grate to any inlet or outlet pipe obvert. OceanGuards treating surface flows and upstream pipe flows require a minimum clear depth of 500 mm from the invert of the upstream pipes to be treated, to the obvert of the outlet pipe. Where these pits are treating upstream pipe flows the inverts of all pipes in and out of the pit are to be shown. The long sections of internal drainage pipelines on drawing no. DA-105-02 (F) show that the depth below grates for most of the surface inlet pits is under 550mm. Consequently, the OceanGuards will not be able to fitted to all the surface inlet pits and the water quality targets will not be achieved.
- xxviii. In lieu of OceanGuards in individual pits, provide an OceanGuard chamber with multiple OceanGuards upstream of each Stormfilter tank equally distributing the site flows (including roof water) through the OceanGuards. The OceanGuard chamber will consist of a central channel set as a minimum to the width of the inlet pipe diameter to equally distribute the flows. Contact Ocean Protect for design assistance if required. Provide 4 OceanGuards for Lots 1 and 3 and 6 OceanGuards for Lot 2.
- xxix. For each OceanGuard chamber, show details on plan and section with levels

for each lot. Set the bottom of the OceanGuard bag at or above the Stormfilter weir level, unless otherwise agreed with Council.

- xxx. Show the depth to invert values on long sections for all the pipelines on drawing nos. DA-105-01 (F) and DA-105-02 (F).
- xxxi. Replace all the circular precast Stormfilter tanks with square or rectangular tanks as this configuration does not meet the minimum weir length requirement. For the 690 cartridges the minimum length of the Stormfilter weir (L) is to be increased to provide a maximum velocity of 0.4 m/s under the baffle during peak flow (i.e. $L > Q_{20} / (0.4 \times 0.25)$, or $L > 10 \times Q_{20}$ in m, where Q_{20} is in m^3/s). Provide calculations.
- xxxii. Amend specifications of all the Stormfilters shown on drawing no. DA116-01 (F) accordingly.
- xxxiii. On drawing no. DA116-01 (F) Stormfilter tank plan, show 10 cartridges for Lot 1 Stormfilter tank, 13 cartridges for Lot 2 Stormfilter tank and 10 cartridges for Lot 3 Stormfilter tank. Increase the area of Stormfilter to 8.2 m² upstream of the Stormfilter weir.
- xxxiv. Set the false floor level of each of the Stormfilter chambers higher than the 1EY HGL level in the immediate downstream pit where the treated flows are directed to.
- xxxv. On drawing no. DA116-01 (F), Set the weir level of Stormfilter tanks 770mm above the top of the false floor level.
- xxxvi. Set the invert level of the inlet pipes to the Stormfilter tanks a minimum of 100mm above the false floor level of Stormfilter tanks.
- xxxvii. On drawing no. DA116-01 (F), delete reference to 'Inlet invert minimum 500mm.....' at Section A-A for all the Stormfilter tanks.
- xxxviii. On drawing no. DA116-01 (F), show the sealed impermeable baffle extending from 400 mm below the top of the weir to the tank soffit for the 690 mm Stormfilter cartridge on the Sections of Stormfilter tanks.
- xxxix. Delete the diversion splitter pit arrangement used upstream of the Stormfilter chambers as shown on drawing DA116-02 (F). Direct the full flow to the Stormfilter chamber.
- xv. Provide a plan showing the arrangement of the temporary detention basin at time of subdivision release including all associated drainage works and fitting of the filter baskets in the street pits.
- xvi. Provide a plan showing the decommissioning of the detention basin and removal of the temporary pipe connections and access track.

1.8.3 The Applicant is to pay to Council a fee of \$2,484.00 incl GST (12 hrs Goods and Services Item 5.2.7) for the Manager Asset Design team to assess the deferred drainage details. Where payment is made after 30 June 2021 payments will increase in accordance with the Goods and Services Schedule. Send a copy of the receipt to floodadvice@blacktown.nsw.gov.au. Where the submission is unsatisfactory an additional fee is required for each revision.

1.8.4 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 "Deferred Commencement" consent will lapse.

- 1.8.5 If the satisfaction of any of the above deferred commencement conditions results in changes to the operational conditions in this consent, the Applicant must lodge a modification application, seeking consent to facilitate these changes.

SCHEDULE 2

2 ADVISORY NOTES

2.1 Terminology

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

2.2 Scope of Consent

- 2.2.1 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.
- 2.2.2 Should it be intended to subdivide the approved development into strata title allotments, Council will require the lodgement of a separate Development Application for consideration. Council advises that any new Development Application for Strata Subdivision will not be approved until such time as the approved development has reached practical completion and issues such as visitor car parking, internal and external boundary fencing, landscaping or any other works required in accordance with this Notice of Determination and all associated Construction Certificates have been fully completed to Council's satisfaction.

2.3 Other Approvals

- 2.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 2.3.2 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 2.3.3 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary activity/development not approved by this consent, including:
- (a) the removal of any tree(s) not indicated on the approved, and
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development.
 - (c) the installation of a vehicular footway crossing servicing the development
 - (d) separate Council approval under the Roads Act 1993 for any crane used to construct this development that swings over public air space.

- (e) The importation of filling material, only nett cut /fill permitted in this consent.

2.4 **Services**

2.4.1 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.

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

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

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

2.4.5 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

2.5 **Dial Before You Dig**

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

2.6 **Telecommunications Act 1997 (Commonwealth)**

- 2.6.1 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

2.7 **Tree Planting and Service Locations (after all other services)**

- 2.7.1 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.
- 2.7.2 Street tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.

2.8 **Identification Survey**

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

2.9 **Demolition**

- 2.9.1 Where any work on an older building is proposed, the applicant should ascertain whether the building contains any contaminants that may present a potential health risk to humans (including asbestos, lead-based paint and the like) and apply appropriate precautions during the work. Further information regarding safe working methods may be obtained from the following organisations and publications (including those which may superseded such publications):
- (a) NSW WorkCover Authority (Ph: 13 10 50) – "Short Guide to Working with Asbestos"
 - (b) NSW Department of Environment and Conservation (Ph: 9995 5000) – "A Guide to Keep Your Family Safe from Lead", "A Renovators Guide to the Dangers of Lead"
 - (c) "Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission: 2002 (1988)
 - (d) Australian Standard 4361.1-1995 – Guide to Lead Paint Management (Industrial Applications)
 - (e) Australian Standard 4361.2-1998 – Guide to Lead Paint Management (Residential and Commercial Applications) and
 - (f) Australian Standard 2601-2001 – The Demolition of Structures

2.10 **Engineering Notes**

- 2.10.1 All works requiring approval under the *Roads Act 1993* (except standard vehicular

crossings) or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate or Subdivision Works Certificate.

2.11 **Payment of Engineering Fees**

2.11.1 If the applicant wishes for Council to issue the Construction Certificate or Subdivision Works Certificate as nominated in the 'Prior to Construction Certificate/Subdivision Works Certificate please:

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

2.12 **Other Matters**

2.12.1 This plan of subdivision is not to be released until Public Road access is provided to this subdivision. This may require the registration of the adjoining subdivision before this subdivision certificate is released by Council.

3 **GENERAL**

3.1 **Scope of Consent**

3.1.1 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 Number	Drawing Title:	Dated:
Plans prepared by:JS Architects, Issue F		
Sheet no		
01	Cover Page	3/04/2020
02	Calculation Data Table – Blocks A and B	3/04/2020
03	Calculation Data Table – Blocks C, E and E	3/04/2020
04	Calculation Data Table - Blocks F and G	3/04/2020
05	Demolition Plan	3/04/2020
09	Site Plan	3/04/2020
10	Subdivision/Road Reserve Plan	3/04/2020
29	Roof Terrace – Lot 1 – Blocks A and B	3/04/2020
30	Roof Terrace – Lot 2 – Blocks C, E and E	3/04/2020
31	Roof Terrace – Lot 3 - Blocks F and G	3/04/2020
40	Driveway sections	3/04/2020
44	16 Metre Height Limit Diagram	3/04/2020
45	Deep Soil Area Diagram	3/04/2020
50	Common Open Space	3/04/2020
68	Site Coverage Diagram	3/04/2020
73	Detail Section	3/04/2020
74	Cut and Fill Plan	3/04/2020

Drawing Number	Drawing Title:	Dated:
75	Cut and Fill Plan	3/04/2020

* In addition to the above, approved plans include any final stamped architectural and landscape plans considered and approved as part of satisfying the deferred commencement conditions in Schedule 1 of this consent.

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

This development consent is limited to:

- (a) demolition of dwelling and structures
- (b) tree removal
- (c) subdivision of 1 lot into 3 Torrens title residential lots
- (b) Construction of:
 - 7 x 5 storey residential flat buildings
 - Lot 1 – 2 buildings, being Building A (50 apartments) and Building B (43 apartments)
 - Lot 2 – 3 buildings, being Building C (43 apartments), Building D (43 apartments), Building E (43 apartments)
 - Lot 3 – 2 buildings, being Building F (43 apartments), Building G (50 apartments)
 - 315 residential apartments made up of
 - 20 x studio units
 - 68 x 1-bedroom units
 - 161 x 2-bedroom units
 - 66 x 3-bedroom units
 - Adaptable units: 77 of 315 are adaptable units (24.4%), being 21 provided on Lot 1, 36 provided on Lot 2, 20 provided on Lot 3.
 - Basement car parking over 2 basement levels comprising:
 - Total of 357 car parking spaces, being 294 resident spaces and 63 visitor car parking spaces. This is to incorporate 10% accessible car parking spaces for residents (30 accessible spaces), and visitors (7 accessible spaces)
 - Total of 124 bicycle parking spaces
 - Waste storage and collection within the basement level
 - Stormwater drainage, landscaping, tree removal, street tree planting and public road construction.

3.2 Necessary Plan Amendments

3.2.1 The applicant is referred to the requirement to address the following plan amendments prior to the release of any construction certificate:

- (a) basement plans to be amended to indicate provision of both bicycle and motorbike parking; 2 car wash bays within each basement within the visitor parking area, excluding the area set aside for accessible spaces, and provision within each basement for 1 electric charging station for use by electric vehicles.

3.3 **Inconsistency between Documents**

- 3.3.1 If there is any inconsistency between the plans and documentation referred to in the consent, the most recent document or plan will prevail to the extent of the inconsistency. However, conditions of the consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved sections and plans, the plans prevail.

3.4 **Services**

- 3.4.1 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.
- 3.4.2 The main information technology infrastructure must be provided in all streets and meet NBN Co. requirements.

3.5 **Suburb Name**

- 3.5.1 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: Tallawong
- 3.5.2 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: Tallawong

3.6 **Compliance with BASIX Certificate as amended**

- 3.6.1 An amended BASIX Certificate to amend BASIX Certificate number 834153M dated 28 June 2017 is to be submitted to reflect the final approved development plans and as amended by the conditions of consent. This amended certificate is to be submitted to Council prior to the issue of any construction certificate. The development is to comply with the commitments of that new certificate.

3.7 **Other Matters**

- 3.7.1 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.
- 3.7.2 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.
- 3.7.3 Any proposal to locate a proposed substation, easement or other utility installation on Council land must be negotiated with and fully endorsed by the relevant Council Directorates.
- 3.7.4 No filling of the site is permitted and any excavated material is to be removed from the site and disposed of in an approved manner and at a registered tip site.

3.7.5 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of Heritage NSW Department of Premier and Cabinet and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted. If any Aboriginal object is confirmed by an archaeologist, advice is to be given on the requirements for an Aboriginal Heritage Impact Permit under section 90 of the NSW National Parks and Wildlife Act 1974.

3.8 **Recreation Planning and Design Requirements**

3.8.1 The Applicant shall provide wire mesh fencing at the perimeter of the RE1 Public Recreation zoned land (rear of Lot 66 DP 30186) which adjoins the site to protect the RE1 land from illegal dumping and trespasses.

3.9 **Engineering Matters**

3.9.1 **Design and Works Specification**

3.9.1.1 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 On Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M
- (f) On Site Stormwater Detention Handbook - Upper Parramatta River Catchment Trust 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.

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

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

- Removal of temporary infrastructure

These matters will be individually addressed within the consent

Note: A bond release inspection fee will apply.

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

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

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

3.9.2 **Other Necessary Approvals**

3.9.2.1 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)

3.9.3 **Subdivision**

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

3.10 **Drainage - General Conditions**

3.10.1 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Blacktown City Council Growth Centre Precincts Development Control Plan for the entire site:

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

3.10.2 The registered proprietor/lessee is to provide to Council's WSUD Compliance Officer a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices 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.

3.10.3 Each year the registered proprietor/lessee is to provide to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au a report outlining all non-potable water used annually and the percentage of non-potable reuse.

3.10.4 The developer is to maintain the temporary detention basin and these measures are

not to be removed, nor the positive covenant lifted, until the downstream regional Council detention basin is completed as agreed with Council.

- 3.10.5 The Temporary OceanGuard Removal Security and Temporary OceanGuard Maintenance 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 including water quality measures as agreed with council and the street pit OceanGuards including frames are removed.

4 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

4.1 DA Plan Consistency

- 4.1.1 A Construction Certificate or Subdivision Works 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.

4.2 Lot Registration

- 4.2.1 The land to which this approval relates is to be identifiable with a Lot and Deposited Plan number being the 3 proposed superlots and road and registered with the NSW Land Registry Services prior to issue of any construction certificate. The Certifying Authority must ensure the lot dimensions specified on the plans are consistent with the registered Deposited Plan and any Section 88B restrictions affecting the land are enforced.

4.3 Services / Utilities

- 4.3.1 The following documentary evidence shall accompany any Construction Certificate:
- (a) A "Notification of Arrangement" Certificate from Endeavour Energy, or any other recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.
 - (b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

4.4 Street Tree Planting

- 4.4.1 A revised landscape plan is to be submitted with changes to the Street Tree Plan to reflect the species palette in our Street Tree Guidelines and must include:

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

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

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

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.

Street tree planting and maintenance specifications are to be included on the revised landscape plan including the use of root directors that are installed to manufacturer's specifications on all street trees.

The Project Officer for Civil and Open Space infrastructure, must be notified when street trees have been planted so practical completion can be given on the street tree planting and the 12 month maintenance period can commence.

Council's turf species for nature strips is Soft leafed Buffalo.

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

4.5 **Maintenance and Performance**

4.5.1 A Maintenance plan for the street trees is to be provided and must contain the following:

- Following prescribed maintenance period, Council will inspect all street trees and provide the applicant with a list of defects which will need to be addressed prior to the acceptance of handover'
- The developer must provide to Council in writing one (1) month notice, at minimum, for practical completion inspection and two (2) month notice for end of maintenance inspection.

Add additional points to specification for Maintenance:

- Mechanical line trimmers (whipper snippers) not be used within 300mm of out edge of tree trunks
- No grass to overgrow edges where it adjoins hard paved surfaces or kerbs and guttering
- No grass or weeds within mulched area in or around tree
- Stolen trees to be replaced within one week. Repeated removal of trees within the same location shall immediately be reported to Council
- All garden beds to be re-mulched to maintain a depth of 75mm and level finish with adjacent surfaces
- Mulch not to come into contact with the trunks of trees
- No visible signs of wilting of leaves or stems, with all plants to be fully turgid at all times
- No sign of over watering such as constantly wet soil, brown leaf margins, stem rot or brown spots on foliage
- No obvious signs of weed infestation in grass areas, pavements or mass planting beds
- Chemical not to be applied in extreme temperatures or wind conditions

- Removal of all suckers from base of trees
- Formative pruning of trees to allow effective canopy development and to retain natural or desired shape of the tree
- All damaged dead or diseased wood to be pruned to the nearest lateral shoot or active bud with a clean neat cut

Performance of planting will be indicated by new growth with visible sign of new leaves; plants to possess a level of 'greenness' characteristic with the particular species; Strong floral habit and colour appropriate to the season and species; Absence of dead or damaged foliage, flowers or branches

4.6 **Tree Protection**

4.6.1 Prior to issue of a construction certificate the applicant is to submit a Tree Management Plan prepared by a AQF level 5 Arborist, to the satisfaction of Council's Project Officer, Civil and Open Space.

4.6.2 No trees outside the development are to removed and they must be retained and protected as per AS: 4970-2009 Protection of Trees on Development Sites.

4.6.3 The following 37 existing trees, identified in the Arborist Report Tree Survey by MacKay Tree Management, dated 20 June 2017, are to be retained as part of the development, as indicated on the Architectural Plans Issue F – Demolition Plan, Drawing 05/75:

Lot 1: 37, 40

Lot 2: 93, 97, 105, 118, 144, 145, 149, 156, 163, 165, 208, 210, 221

Lot 3: 175, 233, 234, 256, 262, 267, 268, 269, 282, 283, 284, 321, 324, 336, 346, 347, 349, 350, 353, 355, 357, 358

The Applicant is to pay a tree preservation bond as per Council's Goods and Services Pricing Schedule, to ensure the retention and protection as per AS:4970-2009 "Protection of Trees on Development Sites" for the trees nominated for retention.

4.7 **Bonds and Services and Charges**

4.7.1 The Applicant is to undertake the planting and maintenance of street tree/s to Council's satisfaction at no cost to Council (making any necessary Applications with Council or obtaining any necessary clearances from relevant Service Authorities), the Applicant is, subject to any alternative arrangements satisfactory to the Council, to lodge a tree bond of \$330.00 per tree and \$136.00 Inspection fee with Council to ensure the health and vigour of the tree/s. The bond shall be returned 12 months after the completion of the development (i.e. issue of final Occupation/Subdivision Certificate) if the trees are in a state of good health and vigour to Council's satisfaction.

The street tree bond amount will be calculated following review and approval of the revised landscape plan.

Furthermore, in accordance with Council's Good and Services schedule further assessment of plans and future site inspection shall be levied by DSU against the Developer for this purpose at a rate of \$195/hr + GST

Investigation of submitted plans

Parks and Tree Maintenance assessment = 2 hours @ \$195/hr = \$390.00.

4.8 **Tree Bond**

- 4.8.1 The bond amount will be returned 12 months following the issue of the relevant final occupation certificate following the submission of the final report by the Applicant's project Arborist indicating the trees are in good health and this is confirmed following an inspection by an authorised officer from Council's tree management section. Two inspection fees as per Council's Goods and Services Pricing Schedule will be applicable for the authorised officer to inspect the tree protection measures implemented prior to construction commencing and following a request for the return of the tree preservation bond as noted above.

4.9 **Blacktown Growth Centres Development Control Plan 2010 (as amended 2020)**

- 4.9.1 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 2010 (as amended 2020).

4.10 **Construction Traffic Management Plan**

- 4.10.1 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.

4.11 **Construction Environmental Management Plan**

- 4.11.1 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 2010.

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.

The CEMP is to demonstrate how the adjoining lot zoned RE1 Public Recreation is protected from impacts from construction activities and access.

4.12 **Mail Boxes**

- 4.12.1 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.

4.13 **Local Police Matters**

- 4.13.1 The recommendations of the Local Police are to be incorporated into the Construction Certificate documentation with regard to providing secure access points, mail box facilities, CCTV cameras, graffiti resistant coating of materials at the ground level, a lighting plan and a security plan.
- 4.13.2 Letter box wall/s should be illuminated, tamper-proof and provided in a prominent location so as to minimise vandal attacks. Each box should also be appropriately numbered and provided with a key lock. Street numbers should also be displayed to ensure the site is easily identified.

4.13.3 Prior to the release of the construction certificate the applicant is to provide a detailed report to Council, outlining the following security and or crime prevention measures:

- (a) All access points into the site and into residential communal open space areas shall be secured through the use of gates, roller doors or similar fitted with a security mechanism (i.e. swipe cards, keys etc) to restrict access to authorised persons only. Only residents and their visitors should have access to communal open space areas.
- (b) the location and number of CCTV cameras which shall be installed around the site. Cameras shall be provided within all car park facilities, stairways, lifts, lobbies, entry/exit points, loading bays, the waste room and mailbox facilities.
- (c) Fencing to private courtyards along the ground level shall be provided as either solid or palisade fencing (not horizontal slat fencing) to minimise opportunities for climbing.
- (d) The application of permanent graffiti resistant coating on all materials along the ground level of the building around the perimeter of the site and on furniture/equipment in communal open space areas.

4.13.4 Basement parking:

- (a) the vehicle garage facility space is to be separated from the residential storage facility by steel welded mesh fencing, floor to ceiling and annotated on the plans. Open basement car parking is not recommended as this type of design will increase the risk of motor vehicle theft and stealing from motor vehicles.
- (b) the contents inside the vehicle garage facility and residential storage facilities must not be able to be visible from the outside.
- (c) central security roller shutter panel lift doors must be installed at the entrance of the basement parking level.
- (d) Security roller shutter must be installed separating visitors' parking from residents parking where possible.
- (e) A security plan is to be provided prior to the release of the construction certificate stage. This plan should show the location, type and number of CCTV systems per block. The areas that should be included are: building foyer, mailbox facility, building entry and exit points, basement car parks including bike storage areas, lifts, common areas, and waste rooms
- (f) Important: Police are to be afforded the opportunity to inspect the development with Blacktown City Council prior to construction certificate stage.

The recommendations of this condition shall be included in the building construction certificate plans and documentation for each residential flat building.

4.14 **External Authority – NSW Rural Fire Service Matters**

- 4.14.1 The general terms of approval provided by NSW Rural Fire Services in their correspondence dated 14 August 2017 reference D17/2447 are to be adhered to in this application.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity 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'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

4. New construction on Block G for the entire roof and on the north western and north eastern elevations shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
5. New construction on Block G on the south western and south eastern elevations shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone area' or NASH Standard (1.7.14 updated) 'National Standard Steel

Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

6. New construction on Blocks A, B, E and F shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Landscaping

7. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

4.15 Bushfire Assessment Report Recommendations

- 4.15.1 Prior to the issue of any construction certificate, the Principal Certifying Authority is to be satisfied that the development complies with the recommendations contained in Section 4.3 of the Bushfire Assessment Report prepared by Peterson Bushfire Consulting Services, dated 23 June 2017.

4.16 Landscaping

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

4.17 Waste Matters

- 4.17.1 The applicant shall complete and submit to Council the WasteLocate form to ensure correct disposal of any asbestos identified onsite.
- 4.17.2 The applicant shall ensure that roads and driveways, etc., are rated suitable for 24 tonne trucks.
- 4.17.3 The applicant shall ensure the approved bin storage and collection points for all bins for the whole site are shown on the construction certificate documentation in accordance with the approved plans.
- 4.17.4 Access for collection vehicles shall be designed in accordance with the dimensions indicated on the approved architectural plans, CAD files and vertical clearances for the trucks entire path of travel (as per the Australian Standards), showing adequate truck entry and exit and in all manoeuvring areas to Council's satisfaction.

5 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

5.1 Section 7.11 Contributions under Section 7.17 Directions

- 5.1.1 The following monetary contributions under Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at 13 October 2020. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit

card or EFTPOS are accepted. 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 – 3 x super lots plus roads

Contribution item	Amount	Relevant CP
STORMWATER QUANTITY Land First Ponds Creek Land	\$ 104,013.00	22
STORMWATER QUANTITY Works First Ponds Creek Works	\$ 85,413.00	22
STORMWATER QUALITY Works First Ponds Creek	\$ 19,627.00	22
Total	\$ 209,053.00	

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

Number of intended dwellings/apartments: Nil

Apartments Total Developable Area: 0.4929 hectares

Notwithstanding the staging detailed on the approved plans, Stage 2 of the building works may not precede Stage 1 of the building works.

Stage 2 – Residential flat buildings over 3 lots

Contribution item	Amount	Relevant CP
STORMWATER QUANTITY First Ponds Creek Land	\$ 322,886.00	22
STORMWATER QUANTITY First Ponds Creek Works	\$ 265,147.00	22
STORMWATER QUALITY First Ponds Creek	\$60,9270.00	22
TRAFFIC MANAGEMENT Rouse Hill Land	\$ 317,140.00	22
TRAFFIC MANAGEMENT Rouse Hill Works	\$ 1,770,597.00	22
OPEN SPACE Rouse Hill Land	\$ 6,607,290.00	22
OPEN SPACE Rouse Hills Works	\$ 2,015,493.00	22
COMMUNITY FACILITIES Rouse Hill Land	\$ 25,714.00	22
COMMUNITY FACILITIES Land	\$ 49,591.00	22
E2 CONSERVATION ZONE Land	\$ 119,387.00	22
E2 CONSERVATION ZONE Works	\$ 42,857.00	22
\$11,597,029.00		

The Section 7.11 contribution(s) have been based on the total developable area and the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change

the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

Number of intended dwellings/apartments: 315 apartments

Total Developable Area: 1.5301 hectares

Additional Population: 589.7 persons

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

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Information Centre, or viewed/downloaded at

www.blacktown.nsw.gov.au:

S.7.11 CP No. 22 – Rouse Hill

5.2 **Special Infrastructure Contributions**

- 5.2.1 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 94EE of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and 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>

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

- 5.3.1 No construction certification must be issued unless all design verifications have been provided in accordance with Clause 143A of the *Environmental Planning and Assessment Regulation 2000*. A certifying authority must not issue a construction certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of [State Environmental Planning Policy No 65—Design Quality of Residential Flat Development](#).

5.4 **Aesthetics, Streetscape and External Materials**

- 5.4.1 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.
- 5.4.2 Any bathroom, wc or laundry window in the external walls of the buildings fitted with translucent glazing.
- 5.4.3 The development approved by Council is to be constructed in accordance with the material finishes schedule as shown on the approved Materials Board, and in

accordance with the deferred commencement conditions to the approval of Council's City Architect's Office.

5.4.4 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.

5.4.5 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.

5.4.6 The principal certifying authority 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.

5.4.7 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.

5.4.8 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.

5.5 **Fencing**

5.5.1 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.

5.5.2 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 Principal Certifying Authority.

5.5.3 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.

5.6 **Common Areas and Landscaping**

5.6.1 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.

5.6.2 Indigenous species for the area are encouraged for all landscaping plantings however non-native species may be planted to external courtyard areas to achieve seasonal climate management.

- 5.6.3 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.
- 5.6.4 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.
- 5.7 **Access/Parking**
- 5.7.1 357 basement car parking spaces are required to be provided on site, being 294 resident spaces, 63 visitor car parking spaces. This includes 30 residential accessible spaces and 7 visitor accessible spaces. All car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:
- Residential Flat Building (excluding width of pillar): 2.4m x 5.4m
- Residential Flat building (adjacent to solid wall): 2.7m x 5.4m
- Disable car Space: 4.8m x 5.4m (including shared zone)
- 5.7.2 A minimum of 124 bicycle parking spaces are to be provided within the basement levels, and to be detailed on the amended basement plans submitted to and approved by Council.
- 5.7.3 The layout of the proposed car parking areas associated with the subject development (including access driveways, ramps, grades, turn paths, sight distance requirements, circulation aisles, aisle widths, aisle lengths, loading areas, and parking bay dimensions and parking arrangements) is to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles and AS 2890.6.
- 5.7.4 The design of the car parking, area, internal driveways including driveway widths, aisle widths, manoeuvring areas, sight distances, ramp grades, headroom, loading areas and resident and visitor car parking spaces are to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for commercial vehicles, including internal clear dimensions of car parking spaces.
- 5.7.5 Provision for adequate sight distance is to be provided for both pedestrian and vehicular movement at the proposed battle axe access driveways 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.
- 5.7.6 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009 and AS 1428.1 - 2009.
- 5.7.7 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network.
- 5.7.8 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 5.7.9 Any proposed fence / side boundary fence / landscape element on either side next to the proposed driveways must not exceed 900 mm in height for a length of 2.5 m from the property boundary within the property and 2 m along the property boundary (see Figure 3.3 AS 2890.1) to ensure safety of pedestrians on footpath.

5.8 Adaptable Housing Units

- 5.8.1 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. A schedule shall be maintained to ensure a total of 10% of the total units are provided as adaptable units.

5.9 Floor to Ceiling Heights

- 5.9.1 All residential habitable rooms are to have a minimum floor to ceiling height of 2.7 m.

5.10 Utilities, Services, Plant and Equipment

- 5.10.1 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.
- 5.10.2 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.
- 5.10.3 Prior to the issue of a construction certificate, 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.
- 5.10.4 Prior to the issue of a construction certificate 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.

5.11 Lighting

- 5.11.1 Prior to the issue of a Construction Certificate a detailed lighting plan, prepared by a suitably qualified person, is to be submitted for the separate approval of Council's Management Development Services and Administration. The Plan is to provide the following:
- (a) The location, method of lighting, levels of illumination, and the spacing between all lighting. The lighting is to be designed in accordance with Australian/New Zealand lighting standards for public space, pedestrian walkways and basement car park areas
 - (b) Lighting that is "vandal proof". In this regard, all lighting must be protected by way of vandal proof metal guards to ensure globes/tubes are not broken and that any potential "dark spots" are eliminated. Where possible, lighting should be positioned at a height to deter vandal attacks.
 - (c) The method of illuminating all public areas/access ways, pedestrian walkways, fence lines, residential entry/exit points, lift areas, foyers, garbage disposal areas and common open spaces from dusk to dawn. In this regard, vandal

proof security lighting and/or motion activated lighting is to be provided throughout the complex to discourage undesirable persons from congregating within the public/communal areas at night.

- (d) Appropriate vandal proof security lighting to ensure the basement car parks, vehicle and building entry points, stairwells, walkways and public/communal areas are a safe environment for all occupants and users of the site. Where appropriate sensor/motion activated and 24 hour timer activated lighting is to be provided to ensure all external public areas are well illuminated, to deter vandal and nuisance activity, eliminate areas of concealment, and provide better safety at night.
- (e) Vandal proof lighting that ensures the effective operation of the CCTV system. In this regard, lighting levels are to be enhanced around all CCTV cameras (e.g. around lift entries, basement car parks and courtyard building entries) to enable face recognition when CCTV cameras are in use.

5.12 **Other Matters**

- 5.12.1 The construction certificate plans are to show any existing/proposed substations, kiosks, sewer man holes and/or vents affecting any lots/units, including corner lots / units in accordance with the Blacktown City Council Growth Centre Precincts Plan DCP 2010.

5.13 **Site contamination**

- 5.13.1 prior to the release of any construction certificate, an EPA recognised certified geoscientist is to validate the site as suitable for residential development in accordance with the strict residential use criteria as set out in the National Environmental Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013. If required, a Remediation Action Plan (RAP) is to be prepared for the site in accordance with Environmental Protection Authority's Guidelines and relevant Australian Standards.

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

6.1 **Building Code of Australia Compliance**

- 6.1.1 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).

6.2 **Site Works and Drainage**

- 6.2.1 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.

6.2.2 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.

6.2.3 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.

6.2.4 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.

6.3 **Fire Services**

6.3.1 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.

6.3.2 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.

6.4 **BASIX Certificate Compliance**

6.4.1 The plans and specifications must indicate compliance with the commitments listed in the amended BASIX Certificate submitted to Council prior to the issue of the construction certificate.

7 **PRIOR TO CONSTRUCTION CERTIFICATE/SUBDIVISION WORKS 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 or Subdivision Works Certificate can be issued.

7.1.2 Where this consent requires both subdivision and building works to be undertaken, no construction certificate for building works is to be issued until all subdivision works have been completed to the satisfaction of Council, and the Subdivision Certificate issued. This includes future public infrastructure such as roads and road drainage systems as well as any engineering infrastructure required to serve the

road and road drainage system, including temporary onsite stormwater detention (OSD) and Water sensitive Urban Design (WSUD) located on privately owned land.

For temporary OSD and WSUD located on privately owned land, the registration of all associated easements/restrictions and positive covenants of said infrastructure is required prior to any building works construction certificate being issued.

- 7.1.3 The engineering drawings referred to below are not for construction. The Construction Certificate/Subdivision Works Certificate drawings shall be generally in accordance with the approved drawings and conditions of consent. Any significant variation to the design shall require a section 4.55 application

Construction Certificate/Subdivision Works Certificate plans shall be generally in accordance with the following drawings and relevant Consent conditions:

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
Mepstead & Associates	5605	CC100-01	01/30	F	06/08/20
Mepstead & Associates	5605	DA101-01	02/30	F	06/08/20
Mepstead & Associates	5605	DA102-01	03/30	F	06/08/20
Mepstead & Associates	5605	DA102-02	04/30	F	06/08/20
Mepstead & Associates	5605	DA102-03	05/30	F	06/08/20
Mepstead & Associates	5605	DA102-04	06/30	F	06/08/20
Mepstead & Associates	5605	DA102-05	07/30	F	06/08/20
Mepstead & Associates	5605	DA102-06	08/30	F	06/08/20
Mepstead & Associates	5605	DA103-01	09/30	F	06/08/20
Mepstead & Associates	5605	DA104-01	10/30	F	06/08/20
Mepstead & Associates	5605	DA104-02	11/30	F	06/08/20
Mepstead & Associates	5605	DA105-01	12/30	F	06/08/20
Mepstead & Associates	5605	DA105-02	13/30	F	06/08/20
Mepstead & Associates	5605	DA106-01	14/30	F	06/08/20
Mepstead & Associates	5605	DA116-02	15/30	F	06/08/20
Mepstead & Associates	5605	DA107-01	16/30	F	06/08/20
Mepstead & Associates	5605	DA108-01	17/30	F	06/08/20
Mepstead & Associates	5605	DA109-01	18/30	F	06/08/20
Mepstead & Associates	5605	DA109-02	19/30	F	06/08/20
Mepstead & Associates	5605	DA109-03	20/30	F	06/08/20
Mepstead & Associates	5605	DA109-04	21/30	F	06/08/20
Mepstead & Associates	5605	DA110-01	22/30	F	06/08/20
Mepstead & Associates	5605	DA111-01	23/30	F	06/08/20
Mepstead & Associates	5605	CC112-01	24/30	F	06/08/20
Mepstead & Associates	5605	DA113-01	25/30	F	06/08/20
Mepstead & Associates	5605	DA114-01	26/30	F	06/08/20
Mepstead & Associates	5605	DA115-01	27/30	F	06/08/20
Mepstead & Associates	5605	DA115-02	28/30	F	06/08/20
Mepstead & Associates	5605	DA116-01	29/30	F	06/08/20
Mepstead & Associates	5605	DA116-02	30/30	F	06/08/20

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

- i. Proposed road and drainage levels along road No. 1 are to ensure compatibility with road and drainage levels approved on adjoining DA-18-01599 over lot 8 in DP 1249124 toward the south.
- ii. Proposed road and drainage levels along road No. 3 are to ensure compatibility with road and drainage levels approved on adjoining JRPP-15-01990 (Note Construction Certificate No. CC-17-02318) over lot 75 in DP 1267522 toward the east.
- iii. Where the proposal seeks to construct stormwater drainage works over adjoining lot 66 in DP 30186 at the north western end of site, the applicant must obtain the downstream property owners consent and associated easement.
- iv. In the instance that the road and stormwater drainage works along the southern side of road No.1 (i.e. on lot 8 in DP 1249124 approved under DA-18-01599) have been constructed prior to the issue of any subdivision works certificate under the subject consent, the proposed stormwater configuration in road No.1 is to be reconfigured to ensure the main route of the stormwater pipe system is kept on the high side of road No.1. This is to avoid a double up of infrastructure along road 1.
- v. Where roads adjoin surround property and levels differences are identified the applicant is to ensure consent is granted from the adjoining property owner for any battering works or where consent is not granted than a retaining wall may be required to address the level difference. Any retaining wall must be wholly contained within the subject lot.
- vi. Where temporary turning heads are constructed to facilitate staging of road construction as shown on drawing No. DA114-01, the temporary turning heads are to incorporate appropriate delineation barriers between the proposed buildings and carriageway. This is due to the proximity of the temporary turning head to the proposed building footprint.
- vii. Any proposed planter beds along the street frontage of the subject lots shall be wholly contained within the subject lots and not within the future road reserve.

7.2 **Subdivision Works/Construction Certificate Requirements**

7.2.1 Under the *Environmental Planning and Assessment Act 1979* a Subdivision Works/Construction Certificate 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 on adjoining land (outside the subject site boundaries) i.e. drainage works on adjoining land. This includes but is not limited to stormwater drainage works within lot 66 in DP 30186 and stormwater tail out works within lot 30 in DP 30186.

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
- Road, drainage and associated works where new proposed roads interface with the existing Tallawong Road.

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

7.5 **Other Engineering Requirements**

7.5.1 If the estimated cost is \$25,000 or greater proof of long service levy payment is required.

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. This includes but is not limited to consent from surrounding properties for any batter works.

7.5.4 Submit written evidence from Sydney Water indicating compliance with all necessary requirements.

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

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

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.

Note: The design CBR is to be confirmed on site prior to placement of any pavement. If actual CBR is less than design CBR, revised pavement design will be required.

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 person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card.

7.6.3 Any approved design drawings must show a 5 m x 5 m 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 (half width and variable)	250	3.5-11-3.5	5x10 ⁵
Road No.2	18 (half width)	250	3.5-11-3.5	5x10 ⁵
Road No.3	18 (half width)	85	3.5-11-3.5	5x10 ⁵

Note: Where road No.1 is variable in width, the applicant is to ensure the coordination of road No. 1 design with the adjoining approved development toward the south (DA-18-01599) to ensure road No.1 maintains an ultimate road reserve width of 18m. This is for the variable section beyond chainage 204.00 toward the east.

7.6.5 Half width road with a minimum 4.5 m width of pavement for the full road frontage of the development is required. These construction works include drainage, kerb and gutter, footway turfing, service adjustments and any other ancillary work necessary to make this construction effective.

7.6.6 Indicate the replacement the redundant layback and footway crossing with Council's standard kerb and gutter along Tallawong Road for redundant vehicular crossings. The footway area shall be restored with turf in accordance with Council's specifications.

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.

7.7.2 Provide inter-allotment drainage lines for lots that do not drain directly to a public road. The design shall include pipeline long-sections and identify location and levels of services.

7.7.3 Footings adjacent to easements shall not place a load on the pipe within the easement. Footings shall be:

- (a) at the depth of the invert of the existing pipeline,
- (b) at the depth of the invert of any proposed pipeline
- (c) designed and certified by a practising NER structural engineer to ensure the above is satisfied

All development shall be kept clear of drainage easements. The surface levels within the easement are not to be changed.

7.7.4 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 **Signage and Line Marking**

- 7.8.1 A formal submission must be made to the Local Traffic Committee (LTC) through Council's Traffic Engineering department for all signage and line marking details proposed as part of these works.

A determination will be required prior to the implementation of all signage and line marking works.

7.9 **Special inter-allotment drainage requirements under the Local Government Act**

- 7.9.1 The following items must be satisfied under the *Local Government Act 1993* prior to issuing of any Construction Certificate. Note these items relate to the proposed stormwater tail out works within the downstream lot 30 in DP 30186:

- a) Evidence of the creation and registration of an easement for stormwater drainage.
- b) Construction of the infrastructure required to drain the development, and a satisfactory final inspection by Council.
- c) A Registered Surveyor must provide evidence that all associated structures lie wholly within any easement, and provide a Works-As-Executed plan

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

7.10 **Erosion and Sediment Control**

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

7.11 **Earthworks**

- 7.11.1 Proposed lots must be filled so that the ground levels behind the building are a minimum of 500mm above the designed 100-year average recurrence interval flood level.
- 7.11.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 7.11.3 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.
- 7.11.4 Retaining walls shall be a maximum single height of 1.2 m (600 mm cut + 600 mm fill). Where a retaining wall is proposed that is more than 1.2 m in height, a terraced solution shall be provided. Terraces should not exceed 900 mm 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.
- 7.11.5 Show on plan adjacent to road cross sections approximate quantities of road materials required for construction. (i.e. Densely Graded Subbase and Densely Graded Base)

- 7.12 **Permanent (on-lot) Stormwater Quality Control**
- 7.12.1 Permanent on-lot stormwater quality treatment system shall be designed in accordance with Council's Engineering Guide for Development and DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#).
- 7.12.2 Bio-retention basin(s) to be designed in accordance with Council's Water Sensitive Urban Design standard drawings and Council's Engineering Guide for Development and DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#).
- 7.12.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
- 7.13 **Temporary Stormwater Quality Control - Roads**
- 7.13.1 Temporary stormwater quality treatment measures for the stormwater runoff produced from the road system shall be designed in accordance with Council's Engineering Guide for Development and DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#).
- 7.13.2 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
- 7.14 **Temporary On-Site Detention**
- 7.14.1 A temporary on-site detention system in accordance with Council's Engineering Guide for Development. This design shall limit the post-developed flows in accordance with the parameters set out in Council's WSUD Standard Drawings A(BS)175M OSD Requirements - Sheet 20.
- 7.14.2 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.
- 7.14.3 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.
 - S3QM Certificate OSD detailed design submission and calculation summary sheet
 - A maintenance schedule that is signed and dated by the designer
- 7.14.4 Further subdivision or development over the temporary basin will require Council approval. Decommissioning works shall be undertaken in accordance with the Council's Engineering Guide for Development (Current Version) and Temporary Basin Removal Procedure. Council will be the PCA for these works which will include inspections by Council's Development Inspectors.

7.15 **Vehicular Crossings**

- 7.15.1 Plans to demonstrate the construction of a commercial and industrial vehicular crossing to Council's standard A(BS)103S for each residential flat building access ramp.

7.16 **Footpaths**

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

7.17 **Drainage Matters**

- 7.17.1 Amended drainage plans from Mepstead & Associates Series 5605 are to address the following;
- i. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into Stormfilter units in accordance with Council's Engineering Guide for Development 2005.
 - ii. Provide Floodway Warning Signs for the temporary detention basin in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.
 - iii. 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.
 - iv. Fully detailed hydraulic plans are required to demonstrate that all the roof water can discharge independently to the rainwater tanks.
 - v. An engineer registered with NER is to certify that the maximum depth of flows in the roadways in the critical 1% AEP storm event is less than 200mm.
- 7.17.2 A Chartered Structural Engineer, registered with NER is to certify that all structural elements including retaining walls within the temporary detention basin and to certify that the structural design for pier footings within Lot 1 adjoining the basin are founded a minimum of 300 mm below the base of the basin. The depth of piers away from the basin boundary will be subject to the zone of influence.
- 7.17.3 Provide details for permanent interpretive signage minimum A1 size to be installed to each lot 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 and 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. Details on Council's website.

- 7.17.4 Provide a Temporary OceanGuards Removal Estimate from Ocean Protect for the full removal of the temporary OceanGuards and frames from the street pits surrounding the development. Allow for an inspection fee.
- 7.17.5 Provide a Temporary OceanGuards 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 5 years.
- 7.17.6 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.
- 7.17.7 An experienced irrigation specialist is to prepare and certify a detailed Landscape Watering Plan for non-potable landscape watering for Lots 1, 2 and 3. The plan is to show the irrigation layout based on non-potable water supply point from the rainwater tank, including:
- an individual irrigation plan for each of the three lots.
 - rainwater tank sizes of 18 kL for Lots 1 and 3 and 26 kL for Lot 2
 - a first flush or pre-treatment system
 - a mains water direct tank top-up with air gap for landscape watering
 - isolation valve on the mains water for maintenance or during water restrictions
 - a pump with isolation valves and a warning light to indicate pump failure;
 - flow meters** on the mains water tank top-up line and the pump outflow line, to determine actual non-potable usage and reuse percentage
 - a timer and control box for landscape watering, allowing for seasonal variations and split systems
 - designed to automatically achieve a minimum average usage rate of 340 kL/yr for Lot 1, 420 kL/yr for Lot 2 and 340 kL/yr for Lot 3 all at (0.4 kL/yr/m²). Design the system to increase the frequency of watering by a minimum 50% above average for the hotter months and reducing by 50% for the cooler months
 - ensuring all the reuse pipes and taps are coloured purple
 - fitting warning signs to all external taps using non-potable water.

8 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

8.1 Environmental Management

- 8.1.1 The recommendations provided in the Detailed Site Investigation Report for Proposed Residential Development, prepared by Geotesta Pty Ltd, report no. NE384, dated 31 August 2018, must be implemented for the excavation and construction elements of the proposal prior to the issue of a construction certificate.
- 8.1.2 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.

8.1.3 A Construction Environment Management Plan should be in place and must include specific advice on how water treatment and dam dewatering will be undertaken in accordance with the Blue Book, as well as demonstrating the discharged water complies with ANZECC water quality guidelines.

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

8.2 **Acoustic Treatment**

8.2.1 Prior to construction certificate plans are to be amended to the satisfaction of Council's Environmental Health Unit to provide the following acoustic treatment for each building (buildings A, B, C, D, E, F, G):

- (a) 10.38 mm glazing requirements along with acoustic seals on all exposed windows and doors, materials are to have low noise penetration
- (b) this is in order to mitigate all future traffic and activity noise levels, from the road network and Sydney Metro maintenance facility. It is required to ensure that the requirements of the Infrastructure SEPP are achieved, especially in relation to the Sydney Metro maintenance facility which operates 7 days, 24 hours per day.

8.2.2 The recommendations provided in the *Noise Impact Assessment*, revision 2, report 170286R1, dated 25 June 2020, prepared by Rodney Stevens Acoustics, for noise control treatment are to be implemented, to ensure compliance with AS 2107-2000 Acoustics.

8.2.3 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)

8.2.4 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.

- c) A further noise survey is to be carried out once a mechanical plant schedule has been finalised, prior to the issue of a construction certificate, and the study recommendations be implemented in the final building design.

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

8.3 Crime Prevention Through Environmental Design

- 8.3.1 To ensure safety for future residents and visitors, prior to the issue of a construction certificate, a Crime Prevention through Environmental Design (CPTED) report from an accredited consultant must be submitted for the final design of the proposal, in response to conditions of consent, and the development is to comply with its recommendations.

9 PRIOR TO DEMOLITION WORKS

9.1 Safety/Health/Amenity

- 9.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.
- 9.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

- 9.1.3 Should the demolition work:

- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
- (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (c) involve the enclosure of a public place,

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

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

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

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

Each toilet provided shall be:

- (a) a standard flushing toilet, and
- (b) connected:
 - (i) to a public sewer, or

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

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

9.2 **Tree Protection**

9.2.1 All trees listed in condition 4.6.3 as being retained must be effectively protected against damage through the subdivision and building construction phases of this development.

9.3 **Notice to Adjoining Neighbours**

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

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

10 **DURING DEMOLITION WORKS**

10.1 **Safety/Health/Amenity**

- 10.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 10.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 10.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 10.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 10.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 10.1.6 Any excavation and/or backfilling associated with the demolition works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

- 10.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos” – National Occupational Health and Safety Commission:2002 (if applicable)
- 10.1.8 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 10.2 **Nuisance Control**
- 10.2.1 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.
- 10.3 **Aboriginal Heritage Matters**
- 10.3.1 If during any works within the subject site Aboriginal objects are found, works are to stop. Heritage NSW Department of Premier and Cabinet 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 Heritage NSW.

11 COMPLETION OF DEMOLITION WORKS (BUILDING)

- 11.1 **Final Inspection**
- 11.1.1 A final inspection is required to ascertain compliance with the condition of approval prior to the release of the road damage deposit.
- 11.2 **Hazardous Materials and Waste**
- 11.2.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the NSW WorkCover Authority under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2002 – Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be lodged with Council.
- 11.2.2 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling.

12 PRIOR TO DEVELOPMENT WORKS

- 12.1 **Safety/Health/Amenity**
- 12.1.1 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.

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

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

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.

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) 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.

12.1.4 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 and maintained .

12.1.5 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.

12.1.6 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.

12.1.7 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.

12.2 **Notification to Council**

- 12.2.1 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.

12.3 **Sydney Water Authorisation**

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

OR

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

12.4 **Protection of Fauna**

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

12.5 **Use of Crane**

- 12.5.1 Any crane used in the construction of this development must have approval under the Roads Act 1993 and Local Government Act 1993 from Council's Management, Civil and Open Space Maintenance to swing over public air spaces.
- 12.5.2 The crane used must be provided with a light in accordance with the requirements of the Civil Aviation Authority (CASA) requirement. This may require a separate approval from CASA.

13 **DURING CONSTRUCTION (BUILDING)**

13.1 **Safety/Health/Amenity**

- 13.1.1 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.
- 13.1.2 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.

13.1.3 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.

13.1.4 All measures specified in the construction certificate to control soil erosion and sedimentation shall be maintained throughout development works.

13.1.5 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. 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.

13.1.6 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.

13.1.7 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.

13.1.8 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 work commences, be given notice of such intention and particulars of the excavation or supporting work.
- 13.1.9 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.
- 13.2 **Building Code of Australia Compliance**
- 13.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 13.3 **Surveys**
- 13.3.1 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.
- 13.3.2 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.
- 13.4 **Nuisance Control**
- 13.4.1 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.
- 13.4.2 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.
- 13.5 **Stormwater Drainage**
- 13.5.1 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.
- 13.6 **Waste Control**
- 13.6.1 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.
- 13.7 **Construction Inspections**
- 13.7.1 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.

13.8 Site Contamination

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

- (a) The applicant is to ensure that validation for the entire subject site can be prepared by a suitably qualified geoscientist environmental consultant in accordance with Council’s Contamination Land Policy and in accordance with the National Environmental Protection Measure (NEPM) 2913.
- (b) The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M. soils) from entering onto the development site.
- (c) Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
- (d) Any filling shall be undertaken in accordance with the fill protocol approved by Council’s Manager, Development Assessment.

14 DURING CONSTRUCTION (ENGINEERING)

14.1 Notification of Works

14.1.1 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.

14.2 Insurances

14.2.1 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 Indemnity and Workers Compensation.

14.3 Service Authority Approvals

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

14.4 Boundary Levels

- 14.4.1 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.

14.5 Tree Protection and Preservation

- 14.5.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 14.5.2 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.

14.6 Soil Erosion and Sediment Control Measures

- 14.6.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 14.6.2 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.
- 14.6.3 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.

14.7 Filling of Land and Compaction Requirements

- 14.7.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.
- 14.7.2 Special attention is drawn to the below listed requirements of 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) 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) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4
 - Compliance Certificate and Test Results
 - Delivery Dockets
 - Summary of Material deliveries as per template available on Council's website

Note: Council's Works Specification (Civil) requires road pavement and pipe bedding materials be sourced from N.A.T.A. certified stockpiles.

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

- 14.7.3 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 14.7.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 14.7.5 Any fill material imported to site must be classified as Virgin Excavated Natural Material (VENM). Validation of the imported fill material will be required by a suitably qualified registered Geotechnical engineer.
- 14.7.6 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.
- 14.7.7 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.
- 14.7.8 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.
- 14.7.9 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.
- 14.8 **Inspection of Engineering Works - Environmental Planning and Assessment Act 1979**
- 14.8.1 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, compliance certificates issued by accredited certifiers in lieu of council inspections will only be accepted by prior agreement or by Council request. 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.

14.8.2 Inspection of Engineering Works – Roads Act 1993 and Local Government Act.

14.8.3 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approvals under the Roads Act 1993 and/or Local Government Act. The inspection compliance certificate(s) can only be issued by Council. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

14.9 Public Safety

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

14.10 Site Security

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

14.11 Traffic Control

14.11.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card 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 - 2009.

14.11.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current Roads and Maritime Services (RMS) accreditation and photo card to implement Traffic Control Plans.

14.11.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Roads and Maritime Services (RMS) Traffic Controller accreditation and photo card and carry it with them.

14.11.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Roads and Maritime Services (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 - 2009.

14.11.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a person who holds a current Roads and Maritime Services (RMS) accreditation to prepare a Work Zone Traffic Management Plan. This Plan must satisfy all the requirements of AS 1742.3 – 2009 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

14.12 Powder Coated Furniture

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

14.13 Road Line Marking and Traffic Signage

14.13.1 Prior to the implementation of any road line marking and traffic signage required by this development the applicant shall acquire an approved construction certificate for the line marking and traffic signage plan arrangement.

In this regard, the applicant shall provide evidence to the certifying authority in order to demonstrate that the proposed line marking and traffic signage plan has approval from the local traffic committee and has been adopted by Ordinary Council Meeting.

Note: all recommendations by the local traffic committee and Ordinary Council Meeting shall be reflected within the construction certificate for line marking and traffic signage.

14.14 During Construction – Drainage

14.14.1 The four 200 micron OceanGuards in the OceanGuard chamber for Lots 1 and 3 and six 200 micron OceanGuards in the OceanGuard chamber for Lot 2 supplied by Ocean Protect are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

14.14.2 The ten 690 Stormfilter cartridges for Lot 1 Stormfilter chamber, thirteen for Lot 2 Stormfilter Chamber and ten for Lot 3 Stormfilter Chamber supplied by Ocean Protect are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

14.14.3 The 200 micron OceanGuards by Ocean Protect in the street pits for Roads 1, 2 and 3 are not to be reduced in size nor replaced with an alternate manufacturer's product.

15 DURING CONSTRUCTION (GENERAL)

15.1 Aboriginal Heritage Matters

15.1.1 If during any works within the subject site Aboriginal objects are found, works are to stop. Heritage NSW Department of Premier and Cabinet 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 Heritage NSW.

15.2 European Heritage

- 15.2.1 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 Heritage NSW shall be notified immediately in accordance with Section 146 of the *Heritage Act 1977*. Relevant works shall not recommence until written authorisation from Heritage NSW is issued.

15.3 Environmental Health

- 15.3.1 Any asbestos material is to be handled and treated in accordance with the WorkCover document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.
- 15.3.2 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 NSW Environment Protection Authority's Waste Classification Guidelines (2014).

15.4 Local Police Matters

- 15.4.1 The recommendations of the Local Police are to be implemented during works with regard to providing a secure site.
- 15.4.2 Throughout the length of the construction works, the site is to be appropriately secured to prevent unauthorised access.
- 15.4.3 Security Patrols and CCTV Surveillance Systems are to be temporarily installed during this phase.
- 15.4.4 Construction periods are to reflect the hours of proposed works.
- 15.4.5 The Traffic Management Plan is to be adhered to during construction.

15.5 Construction Traffic Management Plan

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

15.6 Hours of Construction

- 15.6.1 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.

15.7 Protection of Native Vegetation at adjoining Lot 66, DP 30186

- 15.7.1 The developer is to maintain the wire mesh fencing at the perimeter of the RE1 Public Recreation zoned land (rear of Lot 66 DP 30186) to ensure that the native vegetation at the adjoining RE1 land is appropriately protected at all times and as required by condition 3.8.1

15.8 Protection of Trees on site and on adjoining sites

- 15.8.1 The existing trees nominated to be protected, and all trees on adjoining sites are to be retained and protected at all times as outlined in condition 4.5.2. Appropriate measures are to be undertaken to support the health of these trees.

16 PRIOR TO SUBDIVISION CERTIFICATE

16.1 Final Plans

- 16.1.1 The final plan of subdivision is to be submitted electronically in PDF format and the appropriate application fee paid. The subdivision certificate will not be released until all conditions of this determination have been complied with.
- 16.1.2 Where any permanent control marks are placed in accordance with the Survey Practice Regulation 1990 in the preparation of the plan, 2 copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision.

16.2 Geotechnical Certification

- 16.2.1 A suitable qualified environmental engineer is to certify upon completion of the development that the recommendations provided in the Detailed Site Investigation Report for Proposed Residential Development, prepared by Geotesta Pty td, report no. NE384, dated 31 August 2018, have been undertaken in accordance with the report, prior to the issue of any subdivision certificate.

16.3 Site Contamination

- 16.3.1 Prior to the issue of the Subdivision Certificate, an EPA recognised accredited geoscientist is to validate the site as suitable for residential development in accordance with the strict residential use criteria as set out in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.

16.4 Engineering Requirements

- 16.4.1 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.
- 16.4.2 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.

16.5 Road Damage

- 16.5.1 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.

16.6 Security

- 16.6.1 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.

16.7 Asset Management

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

16.8 Consent Compliance

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

16.9 Fee Payment

16.9.1 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.

16.10 Engineering Matters

16.10.1 Surveys/Certificates/Works As Executed plans

16.10.1.1 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, in a colour softcopy format (.PDF). All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works (including works under the *Roads Act 1993* and the *Local Government Act 1993* covered by this Development Application).

16.10.1.2 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.

16.10.1.3 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.

16.10.1.4 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.

16.10.1.5 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.

16.10.1.6 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) 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) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4
 - Compliance Certificate and Test Results
 - Delivery Dockets

- Summary of Material deliveries as per template available on Council's website.
- 16.10.1.7 The applicant is to submit the certified approved line marking and traffic signage plan as required by this consent. This will require evidence to demonstrate that approvals have been obtained from the Local Traffic Committee and adoption by Council Ordinary Meeting. A final inspection report is to be included noting that all line marking and traffic signage works are complete.
- 16.10.1.8 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.
- 16.10.1.9 A survey report prepared and signed by a Registered Surveyor providing confirmation of the depth of all constructed road pavements in the form of finished surveyed levels for each road pavement layer, noting tolerances for any variations in constructed pavement depth.
- 16.10.1.10 Structural certification 'as built' by a qualified Engineer (NER) for all structural items approved by the scope of this consent. This relates to the following components:
- a) Retaining walls over 0.6 m in height
 - b) Non-standard stormwater pits
 - c) Culverts.
- 16.10.1.11 A certificate or letter signed by an appropriately qualified professional, indicating that all pre-cast pits/culverts have been specifically designed and manufactured for the project in accordance with the approved civil plans (specific reference required) and the necessary Australian Standards.
- 16.10.1.12 A Certificate shall be submitted by a suitably qualified geotechnical engineer verifying that any fill material imported to site is virgin excavated natural material (VENM) or (ENM).
- 16.10.2 **Easements/Restrictions/Positive Covenants**
- 16.10.2.1 Any 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 (LRS).
- 16.10.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the on-site detention storage areas and outlet works. Documentary evidence of this LRS lodgement shall be submitted to Council.
- 16.10.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control

devices/system and outlet works. Documentary evidence of this lodgement shall be submitted to Council.

- 16.10.2.4 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue).
- 16.10.2.5 A restriction as to User with Council's standard wording must be placed on all filled lots.
- 16.10.2.6 All relevant 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.

16.10.3 **Dedications**

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

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

- 16.10.4.1 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.
- 16.10.4.2 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.

- 16.10.4.3 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.
- 16.10.4.4 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

16.10.5 **Inspections**

- 16.10.5.1 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.

16.10.6 **Inspection of Work**

- 16.10.6.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV after completion of road pavement construction works (excluding any deferred AC works) and 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 video footage of the inspections, a 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.

16.11 **Drainage Matters**

16.11.1 **Surveys/Certificates/Works as Executed Plans**

- 16.11.1.1 A Chartered Civil Engineer registered with NER, is to certify that:
- all the requirements of the approved drainage plan have been undertaken;
 - all the signage and warning notices have been installed;
 - the temporary minimum detention storage of 635 m³ has been provided below the 1.5 year weir and a total of 964 m³ has been provided below the 100 year emergency overflow weir.
 - the orifice size matches the approved construction certificate plans.
 - the proprietary water quality devices (filter baskets) have been installed in all the new street pits as per the manufacturer's recommendations;
 - the maximum depth of flow in the gutter is less than 200 mm for all 1% AEP storm events;
 - a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

16.11.2 **Easements/Restrictions/Positive Covenants**

- 16.11.2.1 Provide a Restriction to User and Positive Covenant over the temporary On-Site Detention tank 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.
- 16.11.2.2 Provide a Positive Covenant over Lots 1, 2 and 3 for the Temporary OceanGuards in the Street Pits in Roads 1, 2 and 3 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 before 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 as agreed with Council.

16.11.3 **Other Matters**

- 16.11.3.1 Pay to Council a Temporary OceanGuard (Enviropod) Removal Security for the removal of the Temporary OceanGuards within the street pits equal to 200% of the Temporary OceanGuard Removal Estimate.

- 16.11.3.2 Provide a Temporary OceanGuard (Enviropod) Maintenance Security to Council for the maintenance of the Temporary OceanGuards within the street pits equal to 150% of the Temporary OceanGuard Maintenance Estimate.
- 16.11.3.3 Provide maintenance requirements for the detention basin and the proposed OceanGuard in the street pits including traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.
- 16.11.3.4 Written evidence is to be provided that the registered owner/ owners corporation has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the OceanGuards and detention basin. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard or with a differing entity (e.g. owners' corporation).

16.12 **Special Infrastructure Contributions**

- 16.12.1 The Applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the *Environmental Planning and Assessment Act 1979* under Section 94EE of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and 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>

16.13 **Services Authority Approvals**

- 16.13.1 Prior to the issue of an occupation certificate 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.
- 16.13.2 Prior to the issue of an occupation certificate 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.

- 16.13.3 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Subdivision Certificate:
- (a) A Notification of Arrangement" Certificate from Endeavour Energy, stating that electrical services, including the provision of street lighting, have been made available to the development.

16.14 Section 7.11 Contributions under Section 7.17 Directions

- 16.14.1 The following monetary contributions under Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at 13 October 2020. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted. 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 – 3 x super lots plus roads

Contribution item	Amount	Relevant CP
STORMWATER QUANTITY Land First Ponds Creek Land	\$ 104,013.00	22
STORMWATER QUANTITY Works First Ponds Creek Works	\$ 85,413.00	22
STORMWATER QUALITY Works First Ponds Creek	\$ 19,627.00	22
Total	\$ 209,053.00	

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

Number of intended dwellings/apartments: Nil

Apartments Total Developable Area: 0.4929 hectares

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

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

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

S.7.11 CP No. 22 – Rouse Hill

17 PRIOR TO OCCUPATION CERTIFICATE (ENGINEERING)

17.1 Road Damage

- 17.1.1 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.

17.2 Compliance with Conditions

- 17.2.1 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.

17.3 Engineering Matters

17.3.1 Surveys/Certificates/Works As Executed plans

- 17.3.1.1 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 colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 17.3.1.2 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.
- 17.3.1.3 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.
- 17.3.1.4 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 17.3.1.5 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.
- 17.3.1.6 Applicant is to compile and 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) 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) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4

- Compliance Certificate and Test Results
- Delivery Dockets
- Summary of Material deliveries as per template available on Councils website.

17.3.1.7 The applicant is to submit the certified line marking and traffic signage plan as required by this consent. This will require evidence to demonstrate that approvals have been obtained from the Local Traffic Committee and adoption by Council Ordinary Meeting. A final inspection report is to be included noting that all line marking and traffic signage works are complete.

17.3.1.8 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.

17.3.2 **Compliance Certificates**

17.3.2.1 The submission of Compliance Certificate(s) to be issued for all engineering works required by this consent as related to approvals under the Roads Act 1993 and/or Local Government Act. The inspection compliance certificate(s) can only be issued by Council.

17.3.3 **Easements/Restrictions/Positive Covenants**

17.3.3.1 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 Land Registry Services (LRS).

17.3.3.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the on-site detention storage areas and outlet works.

17.3.3.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control devices/system and outlet works.

17.3.3.4 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue).

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

17.3.4 Bonds/Securities/Payments in Lieu of Works

17.3.4.1 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.

17.3.4.2 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.

17.3.4.3 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 Pricing Schedule. The security will be released upon satisfactory completion of the works.

17.3.4.4 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.

17.3.5 Inspections

17.3.5.1 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.

17.3.6 CCTV Inspection of Stormwater Drainage Structures

17.3.6.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV after completion of road pavement construction works (excluding any deferred AC works) and 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 video footage of the inspections, a copy 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.

17.3.7 Drainage Matters

17.3.7.1 Surveys/Certificates/Works as Executed Plans

17.3.7.1.1 A Chartered Civil Engineer registered with NER, is to certify that:

- i. all the requirements of the approved drainage plan have been undertaken;
- ii. all the signage and warning notices have been installed.

- iii. a minimum 18 kL rainwater tank for Lot 1 have been provided collecting roof water from a minimum 1907 m² of roof area;
- iv. a minimum 26 kL rainwater tank for Lot 2 have been provided collecting roof water from a minimum 2645 m² of roof area;
- v. a minimum 18 kL rainwater tank for Lot 3 have been provided collecting roof water from a minimum 1907 m² of roof area;
- vi. the interpretative water quality sign has been correctly installed for each lot;
- vii. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations;
- viii. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

17.3.7.1.2 Ocean Protect (Stormwater 360) is to certify for the installation of the 200 micron OceanGuards (Enviropods) and Stormfilters that:

- i. they are installed in accordance with the Ocean Protect standard operational guidelines and production drawings;
- ii. the '200 micron' OceanGuards have been installed in all the street pits for Roads 01, 02 and 03;
- iii. the four '200 micron' OceanGuards have been installed in the OceanGuard chamber of Lot 1, the six '200 micron' OceanGuards have been installed in the OceanGuard chamber of Lot 2 and the four '200 micron' OceanGuards have been installed in the OceanGuard chamber of Lot 3 as per the approved plan;
- iv. the minimum numbers of 690mm high Stormfilter cartridges of ten for Lot 1 Stormfilter chamber, thirteen for Lot 2 Stormfilter Chamber and ten for Lot 3 Stormfilter Chamber have been installed;
- v. all the Stormfilter tanks include a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables for the 690 mm cartridges;
- vi. the Stormfilter weir lengths for Stormfilter chambers for Lot 1, Lot 2 and Lot 3 match the approved plan;
- vii. mosquito proof screens have been provided under all grated accesses into the Stormfilter tanks;
- viii. energy dissipaters have been provided on the inlets to each of the Stormfilter chambers as per the approved plan and
- ix. a maintenance contract has been entered into for the maintenance of the Stormfilters.

17.3.7.1.3 An experienced irrigation specialist, is to certify that:

- i. All the non-potable landscape water uses are being supplied by rainwater;
- ii. All the requirements of the detailed Landscape Watering Plan have been installed to the required locations.
- iii. For the 18 kL rainwater tank in Lot 1, the automatic timer has been set up for time and frequency to deliver 340 kl/year on average at (0.4 kL/yr/m²). The system has been designed to increase the frequency of watering by a

minimum 50% above average for the hotter months and reducing by 50% for the cooler months.

- iv. For the 26 kL rainwater tank in Lot 2, the automatic timer has been set up for time and frequency to deliver 420 kl/year on average at (0.4 kL/yr/m²). The system has been designed to increase the frequency of watering by a minimum 50% above average for the hotter months and reducing by 50% for the cooler months.
- v. For the 18 kL rainwater tank in Lot 3, the automatic timer has been set up for time and frequency to deliver 340 kl/year on average at (0.4 kL/yr/m²). The system has been designed to increase the frequency of watering by a minimum 50% above average for the hotter months and reducing by 50% for the cooler months.
- vi. The flow meters are installed on the mains water top up and pump outflow,
- vii. The initial flow meter readings are noted in the certificate.
- viii. The pumps, alarms and all other systems are working correctly;
- ix. For each lot, the water from at least two garden taps, or two sample points for the landscape watering system have been tested to show no chlorine residual;
- x. Rainwater warning signs are fitted to all external taps using rainwater;
- xi. A signed, works-as-executed Landscape Watering Plan is to be provided to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au

17.3.8 Easements/Restrictions/Positive Covenants

- 17.3.8.1 Provide a Restriction to User and Positive Covenant over the Stormwater Quality Improvement Devices including rainwater tanks in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage before September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate.

17.3.9 Other Matters

- 17.3.9.1 Provide maintenance requirements for each of the proposed Stormwater Quality Improvement Devices including the rainwater tanks. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.
- 17.3.9.2 Written evidence is to be provided that the registered owner/ owners corporation has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Stormfilters, OceanGuards and rainwater tanks. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard or with a differing entity (e.g. owners' corporation). The maintenance contract is to contain a requirement that all maintenance on the filter cartridges is undertaken by Ocean Protect and either the filter cartridges are replaced no later than three years after the date of installation, or a flow test is to be undertaken on

the filter chamber in accordance with Council's WSUD developer handbook. The flow test is to be repeated and passed each and every year after that for the filters to be retained, but the filters must be replaced after a maximum of 5 years.

- 17.3.9.3 Where the Groundwater Assessment Report indicated the requirement for a Groundwater Management Plan, then a Chartered Geotechnical Engineer registered with NER, is to certify that all the requirements of the Groundwater Management Plan have been undertaken and that there is no adverse impact due to groundwater

18 PRIOR TO OCCUPATION CERTIFICATE (PLANNING)

18.1 Lot Registration

- 18.1.1 The land to which this approval relates is to be identifiable with a Lot and Deposited Plan number and registered with the NSW Land Registry Services prior to issue of any occupation certificate. The Certifying Authority must ensure the lot dimensions specified on the plans are consistent with the registered Deposited Plan and any Section 88B restrictions affecting the land are enforced.

18.2 Compliance with Conditions

- 18.2.1 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 and Assessment Act 1979.

18.3 Temporary Facilities Removal

- 18.3.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place prior to the issue of an occupation certificate.
- 18.3.2 Prior to the issue of an occupation certificate, any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 18.3.3 Prior to the issue of an occupational certificate, any temporary builder's sign or other site information sign shall be removed from the land.
- 18.3.4 Prior to the issue of an occupation certificate, 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.

18.4 Fire Safety Certificate

- 18.4.1 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).

18.5 Car Parking

- 18.5.1 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 18.5.2 Prior to the issue of an occupation certificate, entrance/exit points are to be clearly signposted and visible from the street and the site at all times.

- 18.5.3 Prior to the issue of an occupation certificate, access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1 – 2009 and AS 2890.6 – 2009.
- 18.5.4 Head room clearance at the basement ramps 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.
- 18.5.5 Prior to the issue of an occupation certificate, 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.
- 18.5.6 The car parking allocation, required by condition 3.1.2 of this consent, is to be incorporated into a parking management strategy which will also include the following responsibilities for the Managing Agent/future Body Corporate:
- (a) Measures to ensure a clear segregation between the residential and non-residential parking spaces is maintained at all times.
 - (b) The ongoing maintenance of the parking area to ensure the allocation is in accordance with condition 3.1.2. The parking strategy is to be submitted to Council for separate approval, prior to the release of any construction certificate.
- 18.6 **Fee Payment**
- 18.6.1 Any fee payable to Council as part of a Construction, Subdivision Works, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full in accordance with these conditions (including the required timing of payment).
- 18.7 **Local Police Matters**
- 18.7.1 The recommendations of the Local Police are to be satisfied with regard to CCTV, lighting, graffiti resistant materials, information for emergency services, measures for secure access, mailboxes, motion sensor lighting for ground level apartments, and installation of bolt locks to windows and doors for ground level apartments.
- 18.7.2 Prior to the issue of an occupation certificate, installation of all required CCTV around the site shall be completed. Cameras shall monitor car park facilities, stairways, lifts, lobbies, 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.
- 18.7.3 Prior to the issue of an occupation certificate, 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.
- 18.7.4 Prior to the issue of an occupation certificate, all materials along the ground level of the building around the perimeter of the site and on furniture/equipment in common areas shall have permanent graffiti resistant coating applied.
- 18.7.5 Prior to the issue of an occupation certificate, all fencing shall be installed around the site preventing unauthorised access. Access points into the site and communal open areas shall be secured through the use of gates, roller doors, or similar and fitted with a security mechanism (i.e. swipe card, keys, etc) to restrict access to

authorised persons only. Auditable keypad/swipe card system is to be implemented.

- 18.7.6 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.
- 18.7.7 Where sites have multiple buildings, a site plan shall be provided near each building entry. This plan shall show the location and name/number of each building on-site to orientate people.
- 18.7.8 Prior to the issue of an occupation certificate, all ground floor units shall be fitted with motion sensor lighting.
- 18.7.9 Prior to the issue of an occupation certificate, patio bolt locks (or similar) are to be installed to any sliding door and any openable window along the ground level.

18.8 **Environmental Health – Acoustic Certification**

- 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. An acoustic post-operative report and verification is to be provided to ensure that the acoustic amenity of the residents is not impacted by the operations of the Sydney Metro maintenance facility opposite the development.
- 18.8.2 Prior to issue of any occupation certificate an amended acoustic report is to be provided to Transport for NSW/Sydney Metro (email: sydneymetrocorridorprotection@transport.nsw.gov.au) and a copy provided to Council's Development Assessment section which:
- re-predicts the noise impacts using future traffic and activity noise levels at that time.
 - a copy of the certification (condition 18.8.1) is to also be provided to Transport for NSW/Sydney Metro, for their information.

18.9 **Street Tree Planting and Maintenance Bond**

- 18.9.1 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 \$330.00 per tree and \$118.00 Inspection fee with Council to ensure the health and vigour of the trees at both subdivision certificate stage and end of maintenance period. The bond shall be returned 12 months after the completion of the development (i.e. issue of final Occupation/Subdivision Certificate) if the trees are in a state of good health and vigour to Council's satisfaction.

In accordance with Council's Good and Services Pricing Schedule, further assessment by Parks and Tree Maintenance of plans and future site inspection/s shall be levied by DSU against the Developer for this purpose at a rate of \$492.00 for 4 hours.

18.10 **Services / Utilities**

- 18.10.1 Prior to the issue of an occupation certificate 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.

18.10.2 Prior to the issue of an occupation certificate 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.

18.10.3 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.

18.11 **Geotechnical and Salinity Certification**

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

18.11.2 A suitably qualified environmental engineer is to certify upon completion of the development that the recommendations provided in the Detailed Site Investigation Report for Proposed Residential Development, prepared by Geotesta Pty Ltd, report no. NE384, dated 31 August 2018, have been undertaken in accordance with the report, prior to the issue of any occupation certificate.

18.12 **Waste Matters**

18.12.1 Should Council provide a waste service to this site, the elected strata manager must sign our 'Onsite Waste Collection Agreement Form' before collections can occur onsite.

18.12.2 The owner, or through a Community Management Agreement / Strata Management Agreement, must do the following:

- i. Indicates a requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan. This includes placement of bins out for collection and their return to the storage areas following servicing.
- ii. Indicates the responsibility for maintenance of the garbage collection system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times including providing access to the loading bay prior to bin servicing.
- iii. Indicates the method of communication to new tenants and residents regarding the waste management service and collection system for the complex.

- iv. Clearly outlines the requirement for the building manager to maintain and display consistent signs on all bins and in all communal bin storage areas.
- v. Clearly outlines the requirement for the building manager to arrange for the prompt removal of dumped rubbish from the site.
- vi. Includes the updated (and approved) waste management plan as lodged with the development application.

18.13 **Other Matters**

- 18.13.1 Prior to the issue of an occupation certificate all landscaping, recreation features and furniture, exercise equipment, bbq facilities and lighting shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.
- 18.13.2 Prior to issue of an occupation certificate, a landscape architect must certify that the landscaping, including medium/large trees, has been provided around the perimeter and internally on the site in accordance with the amended landscape plan and consent conditions.
- 18.13.3 Prior to the issue of an occupation certificate all turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 18.13.4 Prior to the issue of an occupation certificate all fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.
- 18.13.5 Prior to the issue of an occupation certificate 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.
- 18.13.6 Prior to the issue of an occupation certificate, vandal proof and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the construction certificate.
- 18.13.7 A master TV antenna is to be installed within the roof.
- 18.13.8 Prior to the issue of an occupation certificate, the required letterboxes are to comply with the details submitted as part of the construction certificate and with Australia Post's requirements for size. The letterbox system should be vandal resistant and secure.
- 18.14 **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**
- 18.14.1 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](#).

18.15 Adaptable Housing Units

- 18.15.1 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.

18.16 Graffiti Management Plan

- 18.16.1 Prior to the issue of an occupation certificate 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.

18.17 Total Maintenance Plan

- 18.17.1 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, exercise 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.

18.18 External Authority – NSW Rural Fire Service

- 18.18.1 Works are to be carried out in accordance with the requirements of NSW Rural Fire Service as set out in condition 4.13.

18.19 Report to Certify Bushfire Assessment Recommendations

18.19.1 Prior to the issue of any occupation certificate, a report from a bushfire recognised accredited practitioner is to be submitted to Council's Development Assessment section which certifies that the development has complied with the recommendations contained in Section 4.3 of the Bushfire Assessment Report prepared by Peterson Bushfire Consulting Services, dated 23 June 2017.

18.20 Crime Prevention Through Environmental Design

18.20.1 The development is to comply with the recommendations of the approved Crime Prevention through Environmental Design (CPTED) report.

19 OPERATIONAL

19.1 Specific Uses

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

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

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

- (a) Granted consent by Council's Notice of Determination, or
- (b) Which is 'Exempt Development' under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

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

19.1.4 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.

19.1.5 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.

19.2 Access/Parking

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

19.2.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.

19.2.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

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, planter boxes, communal areas including the rooftop areas, fences, decking, exercise equipment, BBQ area, lighting and other similar areas is to be incorporated within the future strata management plan once the development is occupied.
- 19.4 **Waste Management and Collection**
- 19.4.1 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.
- 19.4.2 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 19.4.3 The Owners Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.
- 19.4.4 The proposed development can use Council's Waste Service in accordance with Council's Resource (waste) Management Services Charter.
- 19.4.5 A building manager must be engaged in perpetuity and for the life of the development to:
- i. Manage bins and bulky waste onsite.
 - ii. Clean bins and the waste room(s).
 - iii. Arrange clear access to the waste loading bay on collection day (i.e., 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.
- 19.5 **Clothes Drying**
- 19.5.1 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).
- 19.6 **Lighting and Security**
- 19.6.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 19.6.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 19.6.3 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.
- 19.7 **Emergency Procedures**
- 19.7.1 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.

19.8 Graffiti Removal

- 19.8.1 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.

19.9 Total Maintenance Plan

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

19.10 Local Police Matters

- 19.10.1 All security measures required by this consent are to be installed and are required to be appropriately maintained and in good working order.
- 19.10.2 Contact details of the Body Corporate and Building Manager are to be made available to the Local Police once the body Corporate is formed and in the event of any changes to these contact details.
- 19.10.3 A security management plan and evacuation plan are to be made available to the Riverstone Police Station.

19.11 Environmental Management

- 19.11.1 The recommendations provided in the acoustic assessment prepared by Rodney Stevens Acoustics, Version 2, dated 25 June 2020 shall be implemented.
- 19.11.2 A post commissioning report produced by an independent organisation that is eligible for membership with the Association of Australian Acoustic Consultants within 3 – 6 months of the multi storey development operating to validate the findings of the Acoustic Assessment shall be submitted
- 19.11.3 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.
- 19.11.4 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.
- 19.11.5 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*.
- 19.11.6 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.
- 19.11.7 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*.

19.12 External Authority – NSW Rural Fire Service

- 19.12.1 The entire property is to be maintained as an inner protection area, and adequate water, utilities and access maintained, as outlined in condition 4.13, and as required

by the bush fire safety authority issued by NSW Rural Fire Service as per the requirements set out in condition 4.13.

19.13 **Crime Prevention Through Environmental Design**

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