

## Conditions of consent (draft)

**Proposed development**      Subdivision into 2 residue lots and public roads, construction of 2 x 4 storey residential flat buildings and 2 x 3 storey residential flat buildings containing a total of 82 apartments with basement car parking for 123 cars and associated civil and landscaping works

**Property description**      Lot 53 in DP 30186, 172 Tallawong Road, Rouse Hill

### 1      **ADVISORY NOTES**

#### 1.1      **Terminology**

1.1.1      Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.

1.1.2      Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Part 6 of the Environmental Planning and Assessment Act 1979.

#### 1.2      **Scope of Consent**

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

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

1.2.3      Separate development consent may be required from Council prior to the use of any created residue allotment. In this regard, the applicant shall be required to submit a Development Application for any intended lot usage.

1.2.4      The applicant is advised that Council will not release the Subdivision Certificate for the approved development until such time as the development has been completed in accordance with all of the conditions of consent, to Council's satisfaction.

#### 1.3      **Other Approvals**

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

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

- (a)      the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
- (b)      any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development.
- (c)      the installation of a caravan, temporary structure, stormwater drainage in a

public place, amusement device or other activity not being an exempt activity under Council's Local Approvals Policy adopted under the provisions of the Local Government Act 1993,

- (d) the installation of a vehicular footway crossing servicing the development.

#### 1.4 **Services**

1.4.1 The applicant is advised to consult with:

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

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

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

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

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

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

1.4.4 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and

significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

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

## 1.5 Identification Survey

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

## 1.6 Engineering Notes

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

## 1.7 Payment of Engineering Fees

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

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

## 1.8 Road Damage

1.8.1 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.

## 1.9 Other Matters

1.9.1 The plan of subdivision is not to be released until public road access is provided. This may require the registration of the adjoining subdivision.

# 2 GENERAL

## 2.1 Scope of Consent

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

<b>Drawing Reference:</b>	<b>Prepared by:</b>	<b>Dated:</b>
Site Plan Sheet 2 Issue D	Architex	22/03/2019
Basement and Ground Floor Plans: Sheets 3 and 4 Issue D inclusive	Architex	22/03/2019
Floor Plans (Levels 1 - 3) Sheets 5 – 7 Issue D inclusive	Architex	22/03/2019
Roof Plan Sheet 8 Issue D	Architex	22/03/2019
Elevations and Section Plans Sheets 9 – 13 Issue D inclusive	Architex	22/03/2019
Schedule of Finishes Sheet 29 Issue D	Architex	22/03/2019
Subdivision Plan Sheet 30 Issue E	Architex	02/05/2019

Landscape Plans Dwg Nos: 2010.GD.01 - 2010.GD.08 (9 sheets) Issue B inclusive	Greenland Design	07/05/2019
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\* Unless modified by any condition(s) of this consent.

## 2.2 **Plan Amendments**

2.2.1 The plans to be submitted for a Construction Certificate shall demonstrate the following provisions:

- Window on the most northern bedroom of Unit D09 is to be replaced with a highlight window; and
- Daylight and natural ventilation measures are to be provided to the common circulation areas of each level of buildings A, B, C and D.

## 2.3 **Street Trees**

2.3.1 Street tree planting locations for nature strip plantings in front of residential flat buildings are to have an approximate spacing of 8 metres. This requirement shall be detailed in the plans for Construction Certificate.

2.3.2 The street tree planting locations shall ensure street lighting and vehicle sightlines are not impeded. This requirement shall be detailed in the plans for Construction Certificate.

## 2.4 **Services**

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

## 2.5 **Suburb Name**

2.5.1 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: Rouse Hill

2.5.2 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: Rouse Hill

## 2.6 **Engineering Matters**

### 2.6.1 **Design and Works Specification**

2.6.1.1 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.

- 2.6.1.2 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.

- 2.6.1.3 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.

- 2.6.1.4 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.

## 2.6.2 **Other Necessary Approvals**

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

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

## 2.6.3 **Subdivision**

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

## 2.7 **Other Matters**

- 2.7.1 No construction preparatory work (such as, excavation, filling, and the like) shall be

undertaken on the land prior to a valid Construction Certificate being issued.

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

2.7.3 This plan of subdivision is not to be released until Public Road access is provided. This may require the registration of the adjoining subdivision.

2.7.4 Each year before 1 September the registered proprietor/owners corporation is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices used in accordance with the approved maintenance schedule. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.

2.7.5 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site in perpetuity:

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

<b>(b)</b>	<b>Pollutant</b>	<b>(c)</b>	<b>% post development pollutant reduction targets</b>
(d)	Gross Pollutants	(e)	90
(f)	Total Suspended Solids	(g)	85
(h)	Total Phosphorous	(i)	65
(j)	Total Nitrogen	(k)	45

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

2.7.7 The developer/owners corporation is to maintain the temporary water quality treatment measures for the external roads and these measures are not to be removed, nor the positive covenants lifted, until the downstream regional Council water quality basin measures are fully completed.

2.7.8 The Temporary OceanGuard Maintenance Security can only be refunded once the Temporary OceanGuards are cleaned, with cleaning dockets provided, and the developer/Owners Corporation takes over maintenance of the Temporary OceanGuards.

2.7.9 The Temporary OceanGuard Removal Security can only be refunded and the positive covenant for the maintenance of the OceanGuards in the street pits can only be removed when the downstream regional basin is fully developed with water quality as agreed with Council.

## 2.8 Tree Planting and Service Locations

2.8.1 Street tree planting must not impact on public utilities. The applicant should liaise with the relevant service authorities on the location and use of services within the

public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.

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

## 2.9 **Other Matters**

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

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

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

### 3.1 **DA Plan Consistency**

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

3.1.2 All commitments listed in BASIX Certificate 825336M\_03 dated 17 May 2019, shall be complied with.

### 3.2 **Dam**

3.2.1 Prior to any earthworks Construction Certificate being issued and in the event that there is still water in the dam, a dam dewatering plan is required to be submitted must be approved by Council's Natural Areas team. This plan must be prepared by a suitably qualified and experienced Ecologist. The plan must identify which species are likely to occur within the dam, include a targeted survey for relevant species and how displaced fauna will be managed during the dewatering process.

3.2.2 The site shall be inspected by an ecologist, who is to be present onsite immediately prior (within 12 hours) from earthworks to demolish dam walls to undertake a pre-clearance survey for any native fauna including the Green and Golden Bell Frog. Any fauna found is to be relocated as per the Code of Practice for Injured, Sick and Orphaned Protected Fauna (NSW Environment, Energy and Science 2011).

A short report providing details of works undertaken including site photos and details of any animals found and relocated is to be provided to Council's Natural Areas team within 14 days of the works.

## **4 PRIOR TO CONSTRUCTION CERTIFICATE /SUBDIVISION WORKS CERTIFICATE (ENGINEERING)**

### 4.1 **General**

4.1.1 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.

4.1.2 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.

- 4.1.3 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	Drawing	Sheet	Rev	Dated
Loka Consulting Engineers	19NI031	D00-D10	22 sheets	D	21/10/19
SGC Engineers	20190111	C110-C701	9 sheets	A	22/05/19

The following items are required for the Construction Certificate plans:

- a. Amend plans from LOKA Consulting Engineers to address the following;
  - i. On drawing no. D05-1 (C) at Section A-3, raise the base of the OSD storage tank level to RL 60.36 and amend the level of the 150mm pipe inlet and the flap valve relative to the false floor level.
  - ii. On drawing no. D05-1 (C) at Section D-3, raise the base of the OSD storage tank level to RL 55.36 and amend the level of the 150mm pipe inlet and the flap valve relative to the false floor level.
  - iii. On drawing no. D05-3 (B) delete the level shown RL 61.645 in the overflow pit at TWL.
  - iv. Provide metal mosquito proof mesh welded under the access grates into the Stormfilter Chambers.
  - v. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the pump pit, Stormfilter chambers and temporary detention tanks in accordance with Council's Engineering Guide for Development 2005.
  - vi. 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.
  - vii. Provide Floodway Warning Signs for the temporary detention basins in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.
- b. Road design plans by SGC to be amended to comply with Council's Preliminary Road Design levels along Tallawong Road at the intersection

points for Roads 1 & 3. "Dish drains" at intersections shall be avoided/deleted.

#### 4.2 **Subdivision Works/Construction Certificate Requirements**

4.2.1 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.

#### 4.3 **Local Government Act Requirements**

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

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

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

#### 4.4 **Roads Act Requirements**

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

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

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

#### 4.5 **Other Engineering Requirements**

4.5.1 Proof of the long service levy payment is required.

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

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

4.5.4 Submit written evidence from Sydney Water indicating compliance with requirements.

4.5.5 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.

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

4.6 **Roads**

4.6.1 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.

4.6.2 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.

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

4.6.4 Splays are to be adjusted to meet site specific intersection designs in accordance with Council’s Engineering Guide for Development.

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

Name	Width(m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Rd 1	9.5 (1/2 width)	130	3.5, 5.5, 0.5	5 X 10 <sup>5</sup>
Rd 2	18	85	3.5, 11, 3.5	5 X 10 <sup>5</sup>
Rd 3	9 (1/2 width)	105	3.5, 5.5	5 X 10 <sup>5</sup>

**Notes:** 1) Intersection details and alignment configuration must comply with Council’s Engineering requirements and roads on adjoining properties for minor adjustment of ILP Roads. In this regard, **dish drains are not acceptable** and a standard vertical curve at intersections to be implemented.

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

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Tallowong Rd	10.05 (half width)	80	4.55, 5.50*	5 X 10 <sup>6</sup>

**Note** 1) \* Existing “edge of bitumen” alignment for Tallowong Rd on the opposite side of this development shall be maintained along the full extent of work. This is to ensure that existing road width/alignment is maintained without deviation in traffic flow.

2) Tallawong Road is a collector road and a preliminary centreline design is available to Council. Final designs and intersecting roads for this subdivision shall be designed and constructed in accordance with Council's road design for Tallawong Rd. Plans by SGC are about 300 mm different at the intersection of roads 1 & 3.

3) Footpath paving location/alignment to follow the curvature of kerb returns.

4.6.7 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.

#### 4.7 **Drainage**

4.7.1 Drainage from the site must be connected into Council's existing drainage system. In this regard:

- a. An Engineer registered with NER is to certify that the maximum depth of flows in the critical 1% AEP storm event is less than 200 mm.
- b. Provide details for two permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process one each for the WSUD chambers. The signs are to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices and explain the benefit to the site and community. The signs are to be supported by a steel post or on a wall and are to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.

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

#### 4.8 **Erosion and Sediment Control**

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

#### 4.9 **Earthworks**

4.9.1 Proposed lots must be filled so that the ground levels behind the building are a minimum of 500mm above the designed 100-year average recurrence interval flood level.

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

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

4.9.4 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.

4.9.5 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)

#### 4.10 **Stormwater Quality Control**

- 4.10.1 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.
- 4.10.2 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
- 4.10.3 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. In this regard:
- Provide a Temporary OceanGuard Removal Estimate from Ocean Protect for the full removal of the temporary OceanGuards and frames from the street pits surrounding the development.
  - Provide a Temporary OceanGuard Maintenance Estimate from Ocean Protect for the repair and maintenance of the temporary OceanGuards in the street pits surrounding the development at maximum 4 monthly intervals for a minimum of 4 years.
  - 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 Geotechnical Engineer registered with NER.

#### 4.11 **Vehicular Crossings**

- 4.11.1 Plans to demonstrate the construction a commercial and industrial vehicular crossing to Council's standard A(BS)103S.

#### 4.12 **Footpaths**

- 4.12.1 Path paving is to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2018 and as follows:

Street Name	Side	Paving Width	Length
All Streets	Both Sides	1.5m	Full length

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

- 5.1 In accordance with section 68 of the Local Government Act 1993 an 'Application for Approval to Install, Construct or Alter a Septic Tank or Sewage Management System' shall be submitted to Council for consideration. Approval must be obtained prior to construction work commencing
- 5.2 Any asbestos material is to be handled and treated in accordance with the SafeWork NSW document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.
- 5.3 Recommendations provided *Acoustic DA Assessment*, prepared by Acouras Consultancy Pty Ltd, document reference SYD2019-1028-R001A, dated 21 May 2019 must be carried out.

5.4 The recommendations provided in Remedial Works Action Plan, prepared by Geotest Services Pty Ltd (P32698.1\_RO2) dated 2 March 2020 must be carried out.

5.5 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with and submitted to Council for approval;

- State Environmental Planning Policy No. 55 – Remediation of Land;
- NSW Environment Protection Authority’s “Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites” (2011)
- NSW Environment Protection Authority’s Contaminated Sites Sampling Design Guidelines (1995)
- National Environment Protection Council “National Environment Protection (Assessment of Site Contamination) Measure” (2011)

An appropriately qualified environmental consultant must be engaged to supervise all aspects of site remediation and validation.

5.6 A Construction Environment Management Plan should be in place and must include (if relevant) 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.

5.7 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:

<b>Internal Space</b>	<b>Time Period</b>	<b>Criteria</b> <b>L<sub>Aeq</sub> (period)</b>
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 B(A)

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

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

## **6 PRIOR TO CONSTRUCTION CERTIFICATE (TRAFFIC)**

### **6.1 Traffic Report**

- 6.1.1 The recommendations in the Traffic Report dated 22 March 2019 prepared by Loka Consulting Engineers Pty Ltd shall be demonstrated in the plans for a Construction Certificate.

## **7 PRIOR TO CONSTRUCTION CERTIFICATE (WASTE)**

- 7.1 The applicant must complete the WasteLocate form to ensure correct disposal of any asbestos identified onsite.
- 7.2 The applicant must ensure that roads and driveways etc are rated suitable for 24 tonne trucks.
- 7.3 Access for collection vehicles must be designed in accordance with the dimensions indicated on the approved architectural plans, CAD files and vertical clearances (as per Australian Standards), showing adequate truck entry and exit and in all manoeuvring areas.
- 7.4 The applicant must ensure the physical treatment of the loading bay (e.g. removable, lockable bollards) is in place as per the approved plans.

## **8 PRIOR TO CONSTRUCTION CERTIFICATE (NSW POLICE)**

- 8.1 The applicant shall demonstrate the CPTED recommended actions on the plans to be submitted for a Construction Certificate.

## **9 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)**

### **9.1 Section 7.11 Contributions under Section 7.17 Directions**

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

Under the Section 7.17 Direction issued by the Minister for Planning on 4 March 2011, Council must not impose a condition of development consent under Sections 7.11 (1) or 7.11 (3) or the Act requiring the payment of a monetary contribution exceeding \$45,000 for each dwelling authorised by the development consent, or in the case of a development consent that authorises the subdivision of land into residential lots, exceeding \$45,000 for each residential lot authorised to be created by the development consent. The Section 7.11 contributions payable below have been assessed in accordance with this Direction:

No. of intended dwellings: 82

Contribution: \$3,690,000

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

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

Notes In complying with the Minister's Section 7.17 Direction, the applicant is advised that Council may not be in a position to provide all of the facilities listed in

the applicable contributions plan due to the potential shortfall of contributions to be received as a result of the \$45,000 per dwelling/lot limit.

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

<b>Contribution Item</b>	<b>Amount Indexed to date</b>	<b>Relevant C.P.</b>
Stormwater Quantity First Ponds Creek	\$ 337,834	22
Stormwater Quantity Killarney Chain of Ponds Creek	\$ 128,501	22
Stormwater Quality First Ponds Creek	\$ 37,158	22
Stormwater Quality Killarney Chain of Ponds Creek	\$ 11,731	22
Traffic Management	\$ 586,860	22
Open Space	\$ 3,140,898	22
Community Facilities	\$ 108,787	22
Combined Precinct Facilities	\$ 64,551	22
<b>Total Contributions Amount:</b>	<b>\$ 4,416,320</b>	22

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

Developable Area on First Ponds Creek: 0.8661 hectares

Developable Area on Killarney Chain of Ponds Creek: 0.2466 hectares

Additional Population: 157.4 persons

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

S.7.11 CP No. 22 Rouse Hill

## 9.2 **Special Infrastructure Contributions**

9.2.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning, Industry and Environment before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

### **More information**

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

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

## 9.3 **Aesthetics**

9.3.1 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent and must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.

- 9.3.2 Any bathroom, w.c. or laundry window in the external walls of the buildings shall be fitted with translucent glazing.
- 9.3.3 The development approved by Council is to be constructed in accordance with the approved external colour schedules and colour schemes. Each of the buildings shall be constructed of materials and finishes so as to be distinguishable from one another, to the satisfaction of the Principal Certifying Authority.
- 9.3.4 The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the Building Code of Australia.
- 9.3.5 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.
- 9.3.6 All mail boxes are to accord with the requirements of Australia Post with regard to location, access and size. The letterbox system is to be vandal resistant and secure. Appropriate sight lines are to be provided for vehicles using the mail box waiting bay for safety purposes.
- 9.3.7 The Construction Certificate plans are to show that the location of signage or lighting for the private road/driveway areas is to be designed and located so as not to obstruct access for any vehicles.
- 9.3.8 The basement car park vents shall be appropriately treated and not be visually prominent in the street. Details shall be provided to the satisfaction of the Principal Certifying Authority prior to a Construction Certificate.
- 9.3.9 At least 20% of units must meet Liveable Housing Guidelines silver level universal design features to meet Australian Standards. Compliance with the Access provisions of the Building Code of Australia, the Access To Premises Standard, State Environmental Planning Policy No 65 - Part 4Q requirements and AS4299-Adaptable Housing requirements is to be verified at Construction Certificate stage by a suitably qualified access consultant.
- 9.3.10 Prior to issue of a Construction Certificate, an Access Report to be submitted to Council from an accredited Access Consultant certifying:
- that the accessible parking spaces meet Australian Standards.
  - that the adaptable dwellings are designed in accordance with AS 4299-19595 and are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).
  - the universal accessibility of the site in accordance with the Building Code of Australia.
- 9.3.11 All deep soil areas are to be vegetated with appropriate trees and shrubs.
- Landscape planting on site is to consist of appropriate species selected from the Prescribed Trees and Preferred Species list at Appendix D of the Blacktown City Council Growth Centres Precincts Development Control Plan 2018.
- 9.3.12 The nominated street tree species are not acceptable, suitable species are listed below.
- The suitable species for Tallawong Road is – *Syncarpia glomulifera*

- The suitable species for the proposed road on the North side of the development is – *Pyrus calleryana* 'Bradford'
- The suitable species for the proposed road on the South side of the development is – *Magnolia grandiflora* 'Little Gem'
- The suitable species for the proposed road on the East side of the development is – *Harpullia pendula*

The landscape plan to be submitted for a Construction Certificate shall incorporate the above listed suitable species.

9.3.13 Front fencing on all road frontages is to be visually permeable and no more than 1 metre high. Landscaping, including medium/large trees is to be provided around the perimeter of the site.

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

#### 9.4 **Fencing**

9.4.1 Front fences (including any masonry retaining wall above the natural ground level) shall be of a maximum 1 metre in height from the natural ground level.

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

9.4.3 All other fencing details and materials are to be as per the approved plans. All fencing is to be provided at full cost to the developer and is to be constructed on top of any masonry retaining walls. The selected fencing material / design must also minimise / eliminate the potential for graffiti attacks.

9.4.4 Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti. All fencing which is visible from the public domain is not permitted to be continuous, closed board, or the like.

#### 9.5 **Access and Parking**

9.5.1 A minimum of 118 car parking spaces is required to be provided within the site, being 100 resident spaces (including 9 disabled spaces) and 18 visitor car parking spaces (including 1 disabled space), and all are to be designed having minimum internal clear dimensions in accordance with the Growth Centres Precincts DCP 2018.

9.5.2 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network. Provision for 28 bicycle spaces is required to be provided within the site.

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

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

#### 9.6 **Services**

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

made available to the development.

## 9.7 **Salinity Management**

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

## 10 **PRIOR TO DEMOLITION WORKS**

### 10.1 **Safety/Health/Amenity**

10.1.1 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.

10.1.2 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.

10.1.3 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.

10.1.4 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.

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

## 10.2 **Other Matters**

10.2.1 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](mailto:contact@workcover.nsw.gov.au)

## 11 **PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)**

### 11.1 **Building Code of Australia Compliance**

11.1.1 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).

11.1.2 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:

- a) Part C
- b) Part D
- c) Part E
- d) Part F
- e) Part J

### 11.2 **Site Works and Drainage**

11.2.1 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.

- 11.2.2 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.
- 11.2.3 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.
- 11.2.4 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.

### 11.3 **Fire Services**

- 11.3.1 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.
- 11.3.2 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.

## 12 **PRIOR TO DEVELOPMENT WORKS**

### 12.1 **Compliance Certificate Fee**

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

### 12.2 **Safety / Health / Amenity**

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

Each toilet provided shall be:

- (a) a standard flushing toilet, or
  - (b) a temporary on-site toilet which is regularly maintained and the waste disposed to an approved sewerage management facility.
- 12.2.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
- (a) the name, address and telephone number of the principal certifying authority for the work, and

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

This condition does not apply to:

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

12.2.3 Should the development work:

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

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

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

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

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

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

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

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

### 12.3 **Notification to Council**

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

12.3.2 At least five (5) full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances.

For Public Liability Insurance this should be a minimum amount of \$20,000,000.

#### 12.4 **Adjoining Owners**

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

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

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

12.4.2 The developer must give a 24 hours' notice to the owners of 153 Guntawong Road, Rouse Hill before undertaking work adjacent to their boundary by note in the mail box or by phone so that the animals could be relocated to a paddock away from the development site during construction.

#### 12.5 **Sydney Water Authorisation**

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

OR

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

#### 12.6 **Construction Details**

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

##### Nominated Component

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

## 12.7 **Street Tree Planting Detail and Specifications**

12.7.1 To aid in the successful delivery of street trees, provide safe public spaces, protect against assets from damage and provide a healthy environment for the tree, the following design measures and specifications are required to be met:

- No timber or steel edging is permissible
- Install root directors to manufacturer's specifications to protect assets, structures and/or underground services.
- Tree trunk to be a minimum 750mm from street kerb and guttering
- All imported soil to achieve the requirements of AS4419 – Soils for landscaping

12.7.2 All tree planting holes are a minimum 1.5 times diameter and twice the depth of the root ball All mulch is to be free of deleterious material such as rock, soil, weeds and sticks. Acceptable mulch – Forest litter or pine bark mulch

- All soft edges (mulch, turf, grassed) to be finished to appropriate falls and flush with adjacent surface treatment.
- Kikuyu is not accepted. Identify the use of Soft leafed Buffalo as preferred turf
- Turf to consist of 25mm depth of dense , well rooted, vigorous grass growth with minimum 15mm on an average 100mm depth of top soil
- Staking is required specified as- drive 2x38x38x1800 mm hardwood stake 600mm into the ground. Secure the stem of the tree firmly with 2 x hessian ties fitted to the stem separately in opposite directions.

## 12.8 **Use of Crane**

12.8.1 Any crane used in the construction of this development to swing over public air spaces must have approval under the Roads Act 1993 and Local Government Act 1993 from Council's Manager, Civil and Open Space Maintenance.

12.8.2 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:

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

- 13.1.3 Should the development work:
- (l) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) involves the enclosure of a public place,
- the required hoarding, awning or protective barrier shall be maintained between the land and the public place.
- The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.
- 13.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.
- 13.1.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 13.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 13.1.7 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.
- 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. This includes the sorting and storage of waste and recyclable building materials on site for collection and disposal by the nominated waste/recycling contractor to the nominated disposal site.

### 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 **During Demolition Works**

#### 13.8.1 **Safety/Health/Amenity**

13.8.1.1 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.

- 13.8.1.2 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.
- 13.8.1.3 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.
- 13.8.1.4 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.
- 13.8.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 13.8.1.6 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.
- 13.8.1.7 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)
- 13.8.1.8 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.
- 13.8.2 **Nuisance Control**
- 13.8.2.1 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.

## **14 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)**

- 14.1 Any asbestos material is to be handled and treated in accordance with the SafeWork NSW document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.
- 14.2 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 the NSW Environment Protection Authority's Waste Classification Guidelines (2014)
- 14.3 Recommendations provided Acoustic DA Assessment, prepared by Acouras Consultancy Pty Ltd, document reference SYD2019-1028-R001A, dated 21 May 2019 must be carried out.

## **15 DURING CONSTRUCTION (HERITAGE)**

- 15.1 **Aboriginal Heritage**
- 15.1.1 If, during any works within the subject site Aboriginal objects are found, works are to stop. NSW Environment, Energy and Science 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 NSW Environment, Energy and Science.

## **16 DURING CONSTRUCTION (ENGINEERING)**

### **16.1 Notification of Works**

16.1.1 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.

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

### **16.2 Insurances**

16.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council's Engineering Approvals Team. This shall be submitted prior to commencement of engineering works required by this consent that are carried out on Council controlled lands such as roads, drainage reserves and parks. This includes Public Liability Insurance with a minimum of \$20,000,000.00 Indemnity and Workers Compensation.

### **16.3 Service Authority Approvals**

16.3.1 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.

### **16.4 Tree Protection and Preservation**

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

16.4.2 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.

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

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

16.5.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.

16.5.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

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

16.6.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.

16.6.2 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.

16.6.3 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.

16.6.4 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.

16.6.5 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.

## 16.7 **Inspection of Engineering Works - Roads Act 1993**

- 16.7.1 All inspection(s) required by this consent for any engineering works that are approved under the *Roads Act 1993* must be made by Council's Development Overseers.
- Inspections must be pre-booked with a minimum twenty-four (24) hours notice. Council's Development Overseers may be contacted on 02 9839 6586 between 7am - 8am and 12.30pm - 1.30pm, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).
- 16.8 **Public Safety**
- 16.8.1 The applicant is advised that all works undertaken are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.
- 16.9 **Site Security**
- 16.9.1 Chain wire gates and security fencing must be provided around the site in order to prevent unauthorised access and dumping of rubbish.
- 16.10 **Traffic Control**
- 16.10.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.
- 16.10.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.
- 16.10.3 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 – 2002 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.
- 16.11 **Powder Coated Furniture**
- 16.11.1 Where the conditions of this consent permit the installation of powder coated furniture (i.e. street lighting poles, bus shelters, rubbish bins, seats or any other items of street furniture), a certificate from the manufacturers shall be provided to Council confirming that the nominated powder coated items have been prepared and coated in accordance with Australian Standard AS/NZ 4506-2005 (service condition category 3). This certificate must be no more than 3 months old and shall be provided to Council prior to the installation of the relevant items of the street furniture. Any items of street furniture not so certified shall be removed and replaced at no cost to Council with items appropriately certified.
- 16.12 **Other Matters**
- 16.12.1 The 200 micron OceanGuards in the street pits for roads 01, 02 and 03 are not to be reduced in size nor replaced with an alternate manufacturer's product.

- 16.12.2 The fifteen 200 micron OceanGuards in the internal drainage pits and the 690mm high Stormfilter cartridges of numbers four for Stormfilter chamber A, seven for Stormfilter Chamber B, eight for Stormfilter Chamber C and four for Stormfilter Chamber D supplied by Ocean Protect are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

## **18 DURING CONSTRUCTION (ECOLOGIST)**

- 18.1 All dewatering works must occur in accordance with the approved dam dewatering plan and managed by a suitably qualified and experienced Ecologist, with any displaced native fauna being relocated to a suitable location.

## **19 COMPLETION OF DEMOLITION WORKS**

### **19.1 Final Inspection**

- 19.1.1 A final inspection is required to ascertain compliance with the condition of approval prior to the release of the road damage deposit.

### **19.2 Hazardous Materials and Waste**

- 19.2.1 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.
- 19.2.2 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling.

## **20 PRIOR TO OCCUPATION CERTIFICATE**

### **20.1 Road Damage**

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

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

### **20.2 Compliance with Conditions**

- 20.2.1 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.
- 20.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Sections 6.9 and 6.10 of the Environmental Planning & Assessment Act 1979.

20.3 **Fire Safety Certificate**

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

20.4 **Fee Payment**

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

20.5 **Temporary Facilities Removal**

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

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

20.5.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.

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

20.5.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

20.6 **Additional Inspections**

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

20.7 **Services / Utilities**

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

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

## 20.8 **Environmental Health Matters**

20.8.1 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.

20.8.2 A Site Validation Report must be prepared by a suitably qualified environmental consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied. The Site Validation Report must be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including:

- o NSW Environment Protection Authority's "Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites" (2011)
- o NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995)
- o National Environment Protection Council "National Environment Protection (Assessment of Site Contamination) Measure" (2011).

## 20.9 **Waste Matters**

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

20.9.2 Any future Community Management Agreement/Strata Management Agreement must exist which:

- indicates a requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan. This includes placement of bins out for collection and their return to the storage areas following servicing.
- 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.
- outline that clean ups will only occur from the communal bulky waste collection point if they comply with Council requirements for household clean ups. If discarded items fail to comply or the communal collection point is poorly managed, it is the responsibility of the strata/body corporation (and at their cost) to have these items removed from the site and disposed of appropriately.
- indicates the method of communication to new tenants and residents regarding the waste management service and collection system for the complex.
- clearly outlines the requirement for the building manager to maintain and display consistent signs on all bins and in all communal bin storage areas.

- clearly outlines the requirement for the building manager to arrange for the prompt removal of dumped rubbish from the site.
- includes the updated (and approved) waste management plan as lodged with the development application in June 2019.

## 20.10 **Salinity**

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

## 20.11 **Other Matters**

20.11.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

20.11.2 All common areas and private driveways and pathways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.

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

20.11.4 Vandal proof and security lighting, and appropriate security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.

20.11.5 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.

20.11.6 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.

20.11.7 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

20.11.8 The turning bay areas at the end of the internal aisles within the development are to be signposted as 'Turning Bays' and 'No Parking'.

20.11.9 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves and also not on drainage zoned land.

20.11.10 All privacy screening measures / devices detailed on the approved plans are to be installed.

20.11.11 Electrical reticulation is to be underground.

20.11.12 A master TV antenna is to be installed within the roof.

20.12 **Graffiti Management Plan**

20.12.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council. The Plan is to address the following issues:

- (a) Methods to minimise the potential for graffiti;
- (b) Management/notification procedures for the "early" removal of graffiti;
- (c) Annual review of any "management agreement" for the removal of graffiti to ensure the property is maintained at its optimum level; and
- (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

20.13 **Total Maintenance Plan**

20.13.1 A "total" maintenance plan is to be prepared for the site. The plan is to ensure the following:

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

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

20.14 **Temporary Facilities Removal**

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

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

20.14.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.

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

20.14.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

20.15 **Engineering Matters**

20.15.1 **Surveys/Certificates/Works As Executed plans**

- 20.15.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A 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.
- 20.15.1.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines.
- 20.15.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 20.15.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 20.15.1.5 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.
- 20.15.1.6 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.
- 20.15.1.7 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 Council's website.
- 20.15.1.8 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 Council's Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.

#### 20.15.2 **Easements/Restrictions/Positive Covenants**

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

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

20.15.2.3 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.

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

20.15.3.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.

20.15.3.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months. In the case of subdivision, this period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate) and 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 to allow for the completion of any necessary maintenance and any outstanding minor works.

20.15.3.3 Concrete path paving must not be placed until about 75% of the lots have been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Pricing Schedule. The security will be released upon satisfactory completion of the works.

20.15.3.4 Where Council 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 (200% of actual cost) upon request.

#### 20.15.4 **Inspections**

20.15.4.1 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.

## 20.15.5 **CCTV Inspection of Stormwater Drainage Structures**

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

## 20.16 **Other Matters**

20.16.1 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. for detention tank A, the minimum detention storage of 54 m<sup>3</sup> has been provided below the 50% AEP weir and a total of 82 m<sup>3</sup> has been provided below the 1% AEP emergency overflow weir and the 1% AEP orifice discharge does not exceed 11 l/s.
- iv. for detention basin B, the minimum detention storages of 62 m<sup>3</sup> has been provided below the 50% AEP weir and a total of 95 m<sup>3</sup> has been provided below the 1% AEP emergency overflow weir and the 1% AEP orifice discharge does not exceed 23 l/s.
- v. for detention basin C, the minimum detention storages of 58 m<sup>3</sup> has been provided below the 50% AEP weir and a total of 88 m<sup>3</sup> has been provided below the 1% AEP emergency overflow weir and the 1% AEP orifice discharge does not exceed 15 l/s.
- vi. for detention tank D, the minimum detention storages of 43 m<sup>3</sup> has been provided below the 50% AEP weir and a total of 66 m<sup>3</sup> has been provided below the 1% AEP emergency overflow weir and the 1% AEP orifice discharge does not exceed 6 l/s.
- vii. for detention tank E, the minimum detention storages of 40 m<sup>3</sup> has been provided below the 50% AEP weir and a total of 60 m<sup>3</sup> has been provided below the 1% AEP emergency overflow weir and the 50% AEP and the 1% AEP orifice discharges do not exceed 4 l/s and 19 l/s respectively.
- viii. for detention tank F, the minimum detention storages of 45 m<sup>3</sup> has been provided below the 50% AEP weir and a total of 68 m<sup>3</sup> has been provided below the 1% AEP emergency overflow weir and the 50% AEP and the 1% AEP orifice discharges do not exceed 6 l/s and 28 l/s respectively.
- ix. the orifice sizes for the detention systems match the approved construction certificate plans.
- x. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations
- xi. the interpretative water quality signs have been correctly installed
- xii. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

- 20.16.2 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 fifteen '200 micron' OceanGuards have been installed in the internal drainage pits as per the approved plan.
  - iv. the minimum numbers of 690mm high Stormfilter cartridges of four for Stormfilter chamber A, seven for Stormfilter Chamber B, eight for Stormfilter Chamber C and four for Stormfilter Chamber D 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 including oils for the 690 mm cartridges.
  - vi. the Stormfilter weir lengths for Stormfilter chambers A, B, C & D match the approved plan.
  - vii. mosquito proof screens have been provided under all grated accesses into the Stormfilter tank
  - 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.
- 20.16.3 Provide maintenance requirements for each of the proposed Stormwater Quality Improvement Devices. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The maintenance schedule is to contain a requirement that either the filter cartridges are to be replaced no later than two years after the date of installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's WSUD Handbook and that only Ocean Protect is to maintain replace the cartridges. 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.
- 20.16.4 Provide written evidence 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 OSD and Stormfilters and OceanGuards. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au). 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 firstly all maintenance on the filter cartridges is undertaken by Ocean Protect and either the filter cartridges are to be replaced no later than two years after the date of installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's WSUD 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.

20.16.5 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.

## 20.17 **Street tree planting**

20.17.1 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.
- 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.

20.17.2 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.

- 20.17.3 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.

20.18 **NSW Police Matters**

- 20.18.1 Quakers Hill LAC shall be given the opportunity to inspect the premises.

**21 PRIOR TO SUBDIVISION CERTIFICATE**

21.1 **Site Access**

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

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

21.2 **Service Authority Approvals**

- 21.2.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Subdivision Certificate:

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the plan of subdivision.
- (b) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

- 21.3        **Road Damage**
- 21.3.1     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.
- 21.4        **Asset Management**
- 21.4.1     A fee is to be paid to Council for the ongoing maintenance of the black powder coated light poles, street name poles and bus shelters proposed in this subdivision. This amount is based on Council's Goods and Services Schedule (Current) and is to be paid prior to the release of the Subdivision Certificate. Any enquiries regarding this fee are to be directed to the Maintenance Section of the City Assets Directorate.
- 21.4.2     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.
- 21.5        **Consent Compliance**
- 21.5.1     A Subdivision Certificate shall not be issued until all conditions of this consent have been satisfied.
- 21.6        **Additional Inspections**
- 21.6.1     Any additional Council inspection services provided beyond the scope of any Compliance Certificate or inspection package and required to verify full compliance with the terms of this consent, will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule and shall be paid to Council.
- 21.7        **Fee Payment**
- 21.7.1     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.
- 21.8        **Engineering Matters**
- 21.8.1     **Surveys/Certificates/Works As Executed plans**
- 21.8.1.1    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).
- 21.8.1.2    The Work-as-Executed (WAE) must confirm that the On Site Detention system identification plate has been installed in accordance with Council's WSUD Standard Drawings A(BS)175M Sheet 20.
- 21.8.1.3    A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished surface levels (FSL) for lot(s) required by this consent have been achieved and/or have been maintained in accordance with those established at the time of creation of the lot. The certificate must acknowledge that works have been complete. All levels must be to Australian Height Datum (AHD).
- 21.8.1.4    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.

- 21.8.1.5 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.
- 21.8.1.6 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 21.8.1.7 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.
- 21.8.1.8 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.
- 21.8.1.9 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):
- a) Compaction certificates for fill within road reserves.
  - b) Compaction certificates for road sub-grade.
  - c) Compaction certificates for 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.
- 21.8.1.10 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.
- When Council has been nominated or defaulted as the nominee for engineering compliance. Final inspections can be arranged through Council's Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.
- 21.8.1.11 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.
- 21.8.1.12 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) Rigid pavements
  - c) Non-standard stormwater pits
  - d) Culverts and/or bridges
- 21.8.1.13 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.
- 21.8.2 **Easements/Restrictions/Positive Covenants**
- 21.8.2.1 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.
- 21.8.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the on-site detention storage areas and outlet works. Documentary evidence of this LRS lodgement shall be submitted to Council. In this regard, 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. the temporary minimum detention storage of 105 m<sup>3</sup> has been provided below the 50% AEP weir and a total of 159 m<sup>3</sup> has been provided below the 1% AEP emergency overflow weir.
  - iv. for the temporary detention basin the 50% AEP orifice discharge does not exceed 14 l/s at the 50% AEP weir level and the 1% AEP orifice discharge does not exceed 66 l/s at the 1% AEP emergency overflow weir level.
  - v. the maximum depth of flow in the gutter is less than 200 mm for all 1% AEP storm events.
  - vi. the 200 micron OceanGuards have been installed in all the street pits as per the manufacturer's recommendations.
  - vii. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.
- 21.8.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the Stormwater Quality Control devices/system and outlet works. Documentary evidence of this lodgement shall be submitted to Council. In this regard, provide a Positive Covenant over the Temporary OceanGuards in the Street Pits generally in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include cleaning at maximum 4 monthly intervals and the submission of an annual report on water treatment before 1 September each year. The Positive Covenant must be registered with NSW Land Registry Services prior to the final subdivision

certificate and include a sunset clause releasing the covenant once the regional water quality facility is provided.

- 21.8.2.4 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.

21.8.3 **Dedications**

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

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

- 21.8.4.1 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.
- 21.8.4.2 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. In the case of subdivision, this period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate) and in the case where no subdivision occurs this period commences at the date of practical completion of the development.
- 21.8.4.3 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.
- 21.8.4.4 Where Council 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 (200% of construction costs) upon request. In this regard, provide an OceanGuard Maintenance Security to Council for the maintenance of the Temporary OceanGuards within the street pits equal to 200% of the Temporary OceanGuard Maintenance Estimate. Also, provide an OceanGuard Removal Security to Council for the removal of the Temporary OceanGuards within the street pits equal to 200% of the Temporary OceanGuard Removal Estimate.
- 21.8.5 **Special Infrastructure Contributions**
- 21.8.5.1 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 Infrastructure before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

**More information**

Information about the special infrastructure contribution can be found on the

Department of Planning and Environment's website:

<http://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding>

## **22 OPERATIONAL**

### **22.1 Use of Premises**

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

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

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

### **22.2 Access / Parking**

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

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

### **22.3 Landscaping**

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

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

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

### **22.4 Storage**

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

### **22.5 Lighting and Security**

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

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

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

22.6 **Graffiti Removal**

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

22.7 **Environmental Management**

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

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

22.7.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

22.8 **Waste Matters**

22.8.1 The Owners Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.

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

22.8.3 Ongoing management of waste for the site must be in accordance with the waste requirements outlined in the approved waste management plan as submitted with the development application. This includes but is not limited to:

- separation or caging of waste equipment onsite from residents (such as chute discharge points or storage areas for bin movement aides etc), to prevent injury or damage.
- provision and maintenance of suitable signage in all areas with waste facilities such as bin storage areas, waste chute rooms on each floor, chute discharge points, bin collection points, loading bays or any other relevant area accessible to residents, cleaners and/or building management staff.
- separated bin storage areas and associated waste management equipment for commercial and residential components of a development if applicable.
- provision of bin movement aids such as bin tugs and trolleys if suggested for the site.
- engagement of a building manager and/or caretaker onsite to manage the waste system if suggested for the site. This includes prompt removal of illegal dumping onsite.

22.8.4 A building manager must be engaged in perpetuity and for the life of the development to:

- manage bins and bulky waste onsite

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