

## Conditions of consent (draft)

<b>Proposed development</b>	Construction of a multi dwelling housing development in 2 stages containing 230 two storey dwellings including 402 car parking spaces, internal private roads, stormwater drainage works and landscaping.
<b>Property description</b>	27 Boundary Road (Lot 2 DP 1219130), 29 Schofields Road (Lot 500 DP 1195372), 31 and 33 Schofields Road (Lots 213 and 214 DP 1189773), Schofields

### **1 ADVISORY NOTES**

#### **1.1 Terminology**

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

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

- 1.2.1 This consent is issued on the basis that the previous development consents for residential flat buildings on the subject site, development application references DA-16-04365, JRPP-16-03330, JRPP-16-03337 and JRPP-16-03339, are surrendered.

#### **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, and
  - (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
  - (d) the installation of vehicular footway crossings servicing the development, and
  - (e) the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required.
- 1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

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

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

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

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

## 1.6 **Identification Survey**

- 1.6.1 The applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, including the new boundaries

of proposed Lots 1, 2, 3 and 4 in DA-16-04135, and to ensure the development does not encroach upon adjoining properties.

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

## 1.7 Engineering Notes

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

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

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

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

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

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

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

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

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

## 1.8 Payment of Engineering Fees

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

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

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

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

## 1.9 Timing of Release of Plan of Subdivision

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

## 2 GENERAL

### 2.1 Scope of Consent

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

Drawing Number and Title:	Dated:
<b>Plans prepared by The Bathla Group</b>	
DA00 Site Analysis Compliance Table Rev 4	Oct 2018
DA01 Master Site Plan - Stage 1 Rev 4	Oct 2018
DA02 Master Site Plan - Stage 2 Rev 4	Oct 2018
DA03 Lot 1 – Ground Floor Rev 4	Oct 2018
DA04 Lot 1 – First Floor Rev 4	Oct 2018
DA05 Lot 1 – Elevations & Section Rev 4	Oct 2018
DA06 Lot 2 – Ground Plan – Part 1 Rev 4	Oct 2018
DA07 Lot 2 – Ground Plan – Part 2 Rev 4	Oct 2018
DA08 Lot 2 – Ground Plan – Part 3 Rev 4	Oct 2018
DA09 Lot 2 – First Floor Plan – Part 1 Rev 4	Oct 2018
DA10 Lot 2 – First Floor Plan – Part 2 Rev 4	Oct 2018
DA11 Lot 2 – First Floor Plan – Part 3 Rev 4	Oct 2018
DA12 Lot 2 – Elevations Rev 4	Oct 2018
DA13 Lot 2 – Elevations & Sections Rev 4	Oct 2018
DA14 Lot 3 – Ground Plan – Part 1 Rev 4	Oct 2018
DA15 Lot 3 – Ground Plan – Part 2 Rev 4	Oct 2018
DA16 Lot 3 – First Floor – Part 1 Rev 4	Oct 2018
DA17 Lot 3 – First Floor – Part 2 Rev 4	Oct 2018
DA18 Lot 3 – Elevations & Section Rev 4	Oct 2018
DA19 Lot 4 – Ground Plan – Part 1 Rev 4	Oct 2018
DA20 Lot 4 – Ground Plan – Part 2 Rev 4	Oct 2018
DA21 Lot 4 – First Floor – Part 1 Rev 4	Oct 2018
DA22 Lot 4 – First Floor – Part 2 Rev 4	Oct 2018
DA23 Lot 4 – Elevations & Section Rev 4	Oct 2018
DA26 Site Coverage Plan Rev 3	June 2018
DA27 On-Street Car Parking Plan Rev 4	Oct 2018

<b>Drawing Number and Title:</b>	<b>Dated:</b>
DA28 Waste Collection Plan Turning Path & Signal Directional Plan Rev 5	Jan 2019
Colour Scheme Plan	-
Colour Schedule, Lot 1, Issue A	Oct 2018
Colour Schedule, Lot 2, Issue A	Oct 2018
Colour Schedule, Lot 3, Issue A	Oct 2018
Colour Schedule, Lot 4, Issue A	Oct 2018
<b>Landscape Plans prepared by The Bathla Group</b>	
LP01/02 Street Tree Planting Plan Rev 04	Nov 2018
LP02/02 Street Tree Planting Plan Rev 04	Nov 2018

## 2.2 Staged Construction

- 2.2.1 The development is permitted to be constructed and occupied in 2 stages, being Stages 1 and 2 as shown on the approved Master Site Plan – Stage 1 (DA01, Revision, dated October 2018) and Master Site Plan – Stage 2 (DA02, Revision, dated October 2018) . All street trees, landscaping, public domain elements, services and infrastructure, etc., are required to be completed prior to the issue of any Occupation Certificate for each Lot in Stage 1, and prior to any Occupation Certificate in Stage 2.

## 2.3 Suburb Name

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

Suburb: Schofields

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

Suburb: Schofields

## 2.4 Compliance with BASIX Certificates

- 2.4.1 All commitments listed in BASIX Certificate numbers 883019M (Lot 1), 883020M (Lot 2), 883021M (Lot 3) and 883022M (Lot 4) shall be complied with.

## 2.5 Other Matters

- 2.5.1 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.
- 2.5.2 Any future substation or other utility installation, including easement impositions required to service the approved subdivision/development must not under any circumstances be sited on future or existing Council land, including, but not limited to road reservations, drainage land and/or public reserves. Any proposal to locate a proposed substation, easement or other utility installation on Council land must be negotiated with and fully endorsed by the relevant Council Directorates.

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

## 2.6 **Transport for NSW Matters**

- 2.6.1 No construction (including excavation) and development is permitted within the North West Transport Corridor Area 'N' as identified under Clause 6.10 of Appendix 4 - Alex Avenue and Riverstone Precinct of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*. All construction certificate documentation is to ensure that all construction works and structures, including any temporary drainage works, are clear of the transport corridor.

## 2.7 **Engineering Matters**

### 2.7.1 **Design and Works Specification**

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

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

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

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

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

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

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

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

### 2.7.2 **Other Necessary Approvals**

- 2.7.2.1 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)

### 2.7.3 Subdivision

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

## 2.8 Other Engineering Matters

- 2.8.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 2.8.2 Any future substation, 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.
- 2.8.3 The development must at all times maintain the water quality system for each lot to achieve the following minimum pollutant removal targets of Part J of DCP 2015 for the development area in perpetuity:

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

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

- 2.8.4 Each year by the first business day on or after 1 September the registered proprietor/owners corporation for each lot is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices and rainwater tank in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed is to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.
- 2.8.5 The temporary protection measures for the bioretention area are not to be removed, nor the filter area of the basin planted out, until a minimum of 90% of the upstream catchment draining to the basin is fully developed including landscaping as agreed with Council. Once 90% of the upstream catchment is developed as determined by the developer or where notified by Council, the bioretention basins must be completed within six (6) months
- 2.8.6 The Bioretention Construction Bond is not to be released until:
- Practical completion of the bioretention basin. Practical Completion is defined as removal of any temporary protection measures, installation of the filter media and planting out of the basin; and
  - A Geotechnical Engineer has undertaken insitu Saturated Hydraulic Conductivity Testing of the bioretention system in accordance with Practise Note 1 of the FAWB guidelines. Test points are to be spatially distributed. Where the hydraulic conductivity of the soil differs from the rate specified in MUSIC of 100 mm/hr (tolerance -0% to + 400%), remediation works will be required over the whole filter area to restore the

conductivity and the test repeated in different locations until the hydraulic conductivity is achieved. A Geotechnical Engineer is to then certify that in accordance with Practise Note 1 of the FAWB guidelines, the Saturated Hydraulic Conductivity is within tolerance to the rate specified in MUSIC for the bioretention system; and

iii) After the hydraulic conductivity has been certified by the Geotechnical Engineer, a Horticulturalist that has relevant tertiary qualifications and technical knowledge with a minimum of five (5) years demonstrated experience is to certify that the planting within the bioretention area including bank areas, is of the same quality in type and quantity as per the construction certificate approved landscape plans, that any plants lost have been replaced, the area is free of rubbish and that any areas of scour or disrepair have been restored.

2.8.7 The Stage 2 development within Lot 4 cannot proceed until the downstream regional basin is fully developed including water quality as agreed with Council.

2.8.8 The developer is to maintain the temporary detention basin and temporary water quality treatment measures and these measures are not to be removed, nor the positive covenants lifted, until the downstream regional Council detention basin including water quality measures are completed. The removal of the temporary detention tanks or even removal of orifice plates within the development will require the submission of a MOD detailing amended drainage plans and how these systems will now interact with and maintain the permanent water quality systems. The Gross Pollutant Traps and the regional bioretention systems are to be maintained by the developer until three years after practical completion of the regional bioretention basins.

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

### **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.

#### **3.2 Relationship with Other Approvals**

3.2.1 Prior to the release of any Construction Certificate, the Plan of Subdivision as approved in Development Consent No. DA-16-04135 issued by Blacktown City Council is to be registered with NSW Land Registry Services and public road access to each Lot in the subject site is to be provided.

3.2.2 Written evidence is to be submitted to Council which confirms that the Applicant surrenders the previous development consents for residential flat buildings on the subject site: DA-16-04365, JRPP-16-03330, JRPP-16-03337 and JRPP-16-03339.

#### **3.3 Road Deposit/Bond**

3.3.1 The following current fee (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:

(a) Road inspection fee of \$215.00.



Council will undertake initial and final inspection of civil assets outside the development site. The applicant will be held liable for any damage arising from construction activities. Council will undertake reinstatement works and recover the costs from the applicant in accordance with Council's current Goods & Services Pricing Schedule.

### **3.4 Blacktown Growth Centres Development Control Plan 2016**

- 3.4.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Growth Centre Precincts Development Control Plan 2016.

### **3.5 Construction Traffic Management Plan**

- 3.5.1 Construction Traffic Management Plans (CTMP) detailing construction vehicle routes, parking, number of trucks, hours of access, access arrangements, road safety and traffic control is to be submitted to Council prior to the issue of any Construction Certificate for Stage 1 and Stage 2 works. All activities and works are to be clear of the land in the Transport Corridor to the north of Schofields Road.

### **3.6 Construction Environmental Management Plan**

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

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

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

All construction activities and buildings/structures are to be clear of the land in the Transport Corridor to the north of Schofields Road.

### **3.7 Street Tree Planting**

- 3.7.1 The Applicant must submit a Street Tree Plan to Council's Project Officer Civil and Open Space Infrastructure for approval. The plan shall detail the proposed street tree planting and landscaping for this development which is consistent with the approved development application. The Street Tree Plan is to reflect the species palette in Council's Street Tree Guidelines and must include:
- cross-sections showing dimensions of tree pits
  - species
  - details of root protection barriers
  - soil specifications
  - location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

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

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

Landscaping to lot boundaries is to be wholly located within private property and not

encroach upon the road reserve.

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

### **3.8 Mail Boxes**

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

### **3.9 Local Police Matters**

- 3.9.1 The recommendations of the Local Police in their correspondence dated 8 January 2019 and the Crime Prevention through Environmental Design (CPTED) Consultancy report prepared by Harris Crime Services, dated November 2018, are to be incorporated into the Construction Certificate documentation and implemented.

### **3.10 Waste Matters**

- 3.10.1 The EPA's WasteLocate form is to be completed by the Applicant and submitted to Council to demonstrate that asbestos identified on site has been correctly disposal of.
- 3.10.2 All roads and private driveways/roads, etc. are to be rated for 24 tonne trucks.
- 3.10.3 The applicant must demonstrate on the plans that the approved bin collection points are shown for all bins. Each bin's associated dwelling is to be shown.
- 3.10.4 Access for collection vehicles must be designed in accordance with the dimensions indicated on the approved architectural plans, CAD files and vertical clearances (as per Australian Standards), showing adequate truck entry and exit and in all manoeuvring areas.
- 3.10.5 The applicant must demonstrate on the plans that the communal bin pads (if on private property), are line marked and sign posted for their use as a bin collection point. 'No stopping' signage along the entire private road is also required to aid collection of waste and recycling bins, and discarded bulky waste items.
- 3.10.6 The applicant must demonstrate on the plans that there are no plantings or landscaping located where the bin collection points are, as this will hinder safe and efficient collection of bins and bulky waste from the development.

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

### **4.1 Section 7.11 Contributions – Stage 1**

- 4.1.1 The following monetary contributions pursuant to Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid for Stage 1. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) for Stage 1.

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

Contribution Item	Amount	Relevant C.P
i. Stormwater Quantity First Ponds Creek	\$ 1,798,294.00	20
ii. Stormwater Quantity Eastern Creek	\$ 1,110,366.00	20
iii. Stormwater Quality First Ponds Creek	\$ 73,057.00	20
iv. Stormwater Quality Eastern Creek	\$ 47,382.00	20
v. Traffic Management	\$ 807,651.00	20
vi. Open Space	\$ 4,823,762.00	20
vii. Community Facilities	\$ 65,158.00	20
viii. E2 Conservation Zone	\$ 207,820.00	20

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

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

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

The Section 7.11 contribution(s) have been based on the total and net developable areas and potential additional population nominated below. Should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

Total Developable Area: 4.1787 hectares

First Ponds Creek Net Developable Area: 2.5137 hectares

First Ponds Creek Net Developable Area for stormwater quality: 0.6284 hectares

Eastern Creek Net Developable Area: 1.665 hectares

Eastern Creek Net Developable Area for stormwater quality: 0.4163 hectares

Additional Population: 640.9 persons.

## 4.2 Section 7.11 Contributions – Stage 2

4.2.1 The following monetary contributions pursuant to Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid for Stage 2. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) for Stage 2.

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

Contribution Item	Amount	Relevant C.P
i. Open Space	\$ 196,443.00	20
ii. Community Facilities	\$ 2,654.00	20
iii. E2 Conservation Zone	\$ 8,463.00	20

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

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

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

The Section 7.11 contribution(s) have been based on the potential additional population nominated below. Should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

Additional Population: 26.1 persons.

#### **4.3 Special Infrastructure Contributions**

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

Information about the special infrastructure contribution can be found on the Department of Planning and Environment's website:  
<https://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding/Special-Infrastructure-Contributions-SIC>

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

- 4.4.1 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. "Anti-glare" glazing is to be used to minimise any glare affect. Details are to be provided as part of the Construction Certificate plans.
- 4.4.2 Any bathroom or wc window in the external walls of the buildings are to be fitted with translucent glazing.
- 4.4.3 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the Colour Scheme Plan and Colour Schedule Plans for Lots 1, 2, 3, and 4.
- 4.4.4 External building materials and finishes are to be finished with an anti-graffiti coating. Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans. Materials and finishes including the external walls of the development are to comply with the requirements of the *Environmental Planning and Assessment Amendment (Identification of Buildings with Combustible Cladding) Regulation 2018* and *State Environmental Planning Policy Amendment (Exempt Development – Cladding and Decorative Work) 2018* which commenced on 22 October 2018.

#### **4.5 Fencing**

- 4.5.1 All fencing details and materials are to be as per the approved plans. All fencing is to

be provided at full cost to the developer and is to be constructed on top of any masonry retaining walls.

- 4.5.2 Fencing adjoining public roads is to be finished with an anti-graffiti coating.

#### **4.6 Landscaping**

- 4.6.1 All landscaping shall be of high quality and detailed on the landscaping design plans as part of the Construction Certificate. The minimum pot sizes are to be 45 L for medium sized plants and 100 L for trees. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.

- 4.6.2 Detailed landscaping design plans are to be prepared which demonstrate at least 50% of the trees and vegetation are native species which complement the remnant native vegetation.

- 4.6.3 All landscaping, lawn areas, shared driveways/roads, private driveways/parking spaces, pathways, fencing, mail boxes, lighting, waste collection areas, bulky waste storage and loading areas, parking signage and services shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate. The private roads and driveways shall be treated in a different colour and finish compared to the public roads to provide differentiation between the private and public spaces and to present them as inviting and safe access ways. The treatment should be further enhanced by brick or pattern effects to ensure a high quality finish.

#### **4.7 Access/Parking**

- 4.7.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1, Part 1 – Off-street car parking.
- 4.7.2 A minimum of 402 car parking spaces are required to be provided on site, being 354 residential spaces and 48 visitor car parking spaces and are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1.
- 4.7.3 The design of the internal private driveways is to ensure that all vehicles must enter and leave the development in the forward direction.

#### **4.8 Services, Plant and Equipment**

- 4.8.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the streetscape presentation, proposed dwellings and surrounding properties with regard to visual, acoustic and odour impacts.
- 4.8.2 A 'Notification of Arrangement' Certificate is to be obtained from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.

#### **4.9 Environmental Management**

- 4.9.1 The recommendations provided in the DA Acoustic Assessment prepared by Acoustic Logic, dated July 2017, shall be demonstrated on the construction certificate documentation and implemented.

- 4.9.2 Written evidence is to be provided to Council from an appropriately qualified acoustic consultant stating that all plant and equipment have been selected to meet the project noise and vibration criteria, and that the development is capable of satisfying the acoustic requirements of State Environmental Planning Policy (Infrastructure) 2007 and the NSW Government Department of Planning 'Development near Rail Corridors and Busy Roads - Interim Guideline.'
- 4.9.3 The recommendations of the Detailed Contamination Site Investigation Reports for the subject properties, prepared by Geotesta, Report No. NE129, dated June 2017, shall be implemented.
- 4.9.4 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with:
- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (1997)
  - NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995).
  - Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (1992).
- 4.9.5 The recommendations of the Preliminary Salinity and Geotechnical Assessment prepared by Martens Consulting Engineers, dated October 2015, shall be demonstrated on the construction certificate documentation and implemented.

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

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

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

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

- 5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 5.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:
- (a) be in accordance with Australian Standard 3500.3, and
  - (b) provide for drainage discharge to an existing Council drainage system, and
  - (c) ensure that the development, either during construction or upon completion, does

not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.

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

### 5.3 **BASIX Certificate Compliance**

- 5.3.1 The plans and specifications must indicate compliance with the commitments listed in BASIX Certificate numbers 883019M (Lot 1), 883020M (Lot 2), 883021M (Lot 3) and 883022M (Lot 4).

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

### 6.1 **General**

- 6.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.
- 6.1.2 All fees for Construction, *Roads Act 1993* and *Local Government Act 1993* approvals must be paid to Council prior to the issue of any of the above certificates or approvals. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.
- 6.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No.	Rev	Dated
Barker Ryan Stewart	SY17123C	000 to 503 (57 sheets)	E	18/04/19

The following items are required to be addressed on the Construction Certificate plans. Engineering plans are to be amended as follows:

- All roads bypassing the bioretention basin treatment are to have temporary 200 micron OceanGuards (Enviropods) within each street pit clearly labelled on amended drawings.
- Provide revised outlet pipe sizing to ensure that each outlet pipe from the emergency overflow pit is sized for the 20 year unrestricted flows for that catchment should the temporary OSD be removed in the future. Typically this is the pipe size discharging into the detention tank from the Stormfilter overflow.
- The Stormfilter chambers are too large. Reduce the internal dimensions of the Stormfilter chamber upstream of the Stormfilter weir to 37 m<sup>2</sup>/Ha draining to the chamber for the 460mm cartridge and 26 m<sup>2</sup>/Ha draining to the chamber for the 690mm cartridge. Provide a table of calculations and design dimensions for each chamber.
- On drawing C03 (E) provide sealed pits at CP40, CP41 and BP1/37.
- Location of the 100year orifice is to be clearly labelled on the plans in addition to the section.
- On Dwg. C15 change the emergency overflow weir IL from 56.17 to 56.45 to match with the OSD 2-G spreadsheet value for the section A-A.
- On Dwg. C16 swap the pointers to point to the correct weir as per OSD 2-H spreadsheet Plan.
- Provide details of all the Stormfilter floatable baffles. Ensure the baffle is set 250 mm off the Stormfilter overflow weir and fully sealed to the tank soffit. Set the underside of the baffle 300 mm below the top of the weir for the 460 mm cartridge and 400 mm below the top of the weir for the 690 mm cartridge.

- i. Dwg. C07(E) dated 18/04/19
  - i. The 1200x1200 pit 15/2 appears too small for the dual 750mm pipes. Provide details and enlarge as required. Pit 15/2 is to be fully contained within the Lot 4.
  - ii. The note referring to pipe capping next to pit 18/2 is to be removed.
  - iii. IL of pit 11/1 and 7/3 is incorrect and should reflect the IL as per the provided drains file of 51.83 and 51.70 respectively.
  - iv. An overland flow path is to be provided over the pipe running from pit 15/4 to 15/2. The overland flow path is to cater for a minimum of 140L/s due to surcharging of the street drainage.
  - v. The pipe between pit 7/4 and 48/1 is to be temporarily capped on the upstream end.
  - vi. A note is to be provided in regards to the temporary capping between pit 18/1 to 48/1.
  - vii. Add a note to state that a 1.8m high safety pool fence or better must be provided to protect the storage area for Lot 4 basin 1.
- j. No sealed pits are permitted on OSD or stormfilter tanks.
- k. Amend the minimum detention storage for Lot 3-E as 42.30m<sup>3</sup> below the 1.5 year ARI weir and a total of 64.20 m<sup>3</sup> below the 100 year ARI emergency overflow weir;
- l. Amend the minimum detention storage for Lot 3-H as 59.30m<sup>3</sup> below the 1.5 year ARI weir and a total of 89.90 m<sup>3</sup> has been provided below the 100 year ARI emergency overflow weir;
- m. All Kerb Inlet Pits (KIP) are to be 1m clear from vehicle crossing and other major obstacles as per the Engineering Guide for Development 2005.
- n. The development is to be clear of the 3.5m road reserve verge on Dwg. C03
- o. On Dwg. C03 the 3 pits BP1/37, CP1/40 and CP1/41 are to be sealed to ensure correct catchment areas as per detention and water quality plans.
- p. Benching note is to be provided on plans to indicate benching to invert of orifice or outlet.
- q. On Dwg. C19 for OSD 3-D Plan the arrow on the outlet pipe from the emergency overflow pit is in the wrong direction. Increase outlet pipe size to 450 mm.
- r. SF 3-G on Dwg. C20 is to have a maximum of 1.3m<sup>3</sup> chamber area as it is a 690 cart and not a 460 cart. Revise the provided area of 1.8m<sup>3</sup> to a maximum 1.3m<sup>3</sup>.
- s. Dwg. C21 incorrectly labels section B-B as OSD 3-D when it should be OSD 3-H.
- t. OSD 4-A section A-A provides incorrect weir RL's on Dwg. C22. The emergency and 1.5year weir should be 49.63 and 49.30 respectively.
- u. Dwg. C24 is to have a 225mm dia. outlet from the Stormfilter chamber.
- v. On Dwg. C25, DCP 1/1 incorrectly has a 1.5 year weir RL 51.135 when it should be 51.105. The average bottom of the basin is to be 50.20 and not 50.30 to reflect the basin spreadsheet.
- w. The Sediment Pit (SP) 1, 2 and 3 provided invert levels on Dwg. C25 do not correlate to the plans on Dwg. C07. The maximum invert levels for all SP's is to be set to 49.62 which provides sufficient pipe cover. The pipes connecting to the SP's are to have a 1% fall with an intermediate pit upstream to facilitate the steep grade. A maximum grade of 15% is possible without any thrust blocks as per Council's Engineering Guideline 2005. The intermediate pits should be deep enough to reduce steep grades while allowing for future invert levels unchanged such as pit 14/1. These intermediate pits are then to be demolished as part of future developments when the regional basin is in place.
- x. Lot 1 OSD B pipe configuration on Dwg. C03 is to match Dwg. C10 as it currently conflicts.
- y. All pits within the proposed development, other than for detention, must comply with the following. Pits 600 \* 600 mm are limited to 600 mm maximum depth, pits 600 \* 900 mm are limited to 900 mm depth and pits greater than 900 mm depth are all to be minimum 900 \* 900 mm. Pit BP1/27 and others are to be revised to suit.



- z. Detail Confined space entry warning signs on the drainage plans adjacent to all entries into the detention/stormfilter tanks in accordance with Council's Engineering Guide for Development 2005.
- aa. Provide on-site detention (OSD) warning signs in accordance with Council's Engineering Guide for Development 2005 for each and every detention tank.
- bb. Provide Floodway Warning Signs for the bioretention systems and above ground detention areas in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005
- cc. Provide galvanised or equivalent step irons or ladders for all entry points to the tanks.
- dd. The minimum grade for the base of a detention tank is to be 2% in accordance with Council's Engineering Guide for Development 2005. For larger tanks this can be in the form of a 2% cross-slope to a central "V" drain with 2% longitudinal slope along the "V" drain.
- ee. There are generally insufficient access grates for the below ground detention/stormfilter tanks. Access grates to the below ground detention tank (excluding the discharge control pits) must be a minimum 900 mm by 900 mm and are positioned such that the maximum distance from any point in the tank to the nearest grate is not greater than 1.5 m for clear heights less than 0.7 m, 2 m for clear heights less than 1.0 m, 3 m for clear heights less than 1.5 m, 4 m for clear heights less than 2.0 m, 5 m for clear heights less than 2.5 m and 6 m for clear heights greater than 2.5 m.
- ff. Discharge control pits with screens over 1200 mm deep must have a minimum internal opening of 1200 mm x 1200 mm
- gg. Non-return flap valves are to be specified for all Stormfilter chambers if an onsite detention tank (OSD) is included. The non-return flap valve (located on the Stormfilter side) will enable the Stormfilter chamber to fill and activate the cartridges but also allow for any ponding within the detention tank to return back into the Stormfilter chamber.
- hh. Provide metal mosquito proof mesh welded under the access grate(s) into the Stormfilter Chamber.
- ii. Provide a maintenance access track to the temporary detention basin floor within Lot 4 a minimum 3.5 m wide.
- jj. The drainage plans are to clearly demonstrate that all the surface areas within the front or rear setbacks can collect the minimum 100 year flows (including roof overflows) through a series of pits, swales, kerbs or raised garden beds. Any paths or driveways sloping to the street are to have grates or pits to collect such flows.
- kk. The orifice within the Discharge Control Pit is to be protected by a suitable screen. Provide Maximesh Rh3030 for orifice diameters 150 mm or less with a minimum area of 50 times the orifice area and Weldlok F40/203 for orifices 150 mm diameter or more with a minimum area of 20 times the orifice area.
- ll. The charged pipe system conveying roof water to the above ground rainwater tanks are to be designed for the minimum 20 year ARI peak flows and be constructed in sewer grade PVC, with all joints solvent sealed and painted. The system is to contain a first flush system and charge line cleanout pit with 5 mm dribble hole through the screw cap at the lowest point in the system.
- mm. The downpipe locations and connecting pipes from the roof are to be provided on the plan and are to direct a minimum of 50% of the roof area to the rainwater tanks.
- nn. On drawing C25 sheet 25 (E) provide a detail of the temporary protection measures for the bioretention basin, as detailed for Stage 2 of Council's WSUD Standard Drawings A(BS)175M Sheet 13 excluding permeable pipes and upflow pits.

## 6.2 Construction Certificate Requirements

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

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

### 6.3 **Local Government Act Requirements**

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

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

### 6.4 **Roads Act Requirements**

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

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

### 6.5 **Other Engineering Requirements**

6.5.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater then a long service levy payment is required. Provide proof of this payment to Council.

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

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

6.5.4 Submit written evidence from the Roads and Maritime Services indicating compliance with all necessary requirements.

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

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

### 6.6 **Roads**

- 6.6.1 Submit a pavement report prepared and designed by a professional civil engineer with soil tests carried out by a registered NATA soils laboratory. The pavement design shall withstand the traffic loadings listed in this consent.
- 6.6.2 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer.
- 6.6.3 Any approved design drawings must show a 5 m x 5 m splay for residential allotments at each street intersection.
- 6.6.4 Splays are to be adjusted to meet site specific intersection designs in accordance with Council's Engineering Guide for Development.
- 6.6.5 Proposed new roads shall be designed and constructed as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Rd 2	18	570	3.5,11.3.5	$5 \times 10^5$
Rd 3	18	160	3.5,11.3.5	$5 \times 10^5$
Schofields Farm Rd	10.05 (1/2 Rd)	120	4.55,5.5	$5 \times 10^5$
Temporary Road	11	80	3, 7, 1	$5 \times 10^5$

Further requirements:

1. No through Roads shall have "Turning Heads" at the end of the road.
  2. Boundary Road widening (approximately 30.5 m<sup>2</sup>) shall be in accordance with RMS and Council's requirements.
- 6.6.6 Staging of road construction will be permitted where suitable traffic circulation or temporary turning areas in dead end roads are evident in accordance with Council's Engineering Guide for Development.
- 6.7 Drainage**
- 6.7.1 Drainage from the site must be connected into Council's existing drainage system.
- 6.7.2 Foundations adjacent to easements shall not place a loading on the pipe within the easement. Foundations shall be located at:
- (a) the depth of the invert of the existing pipeline, and/or
  - (b) the depth of the invert of the proposed pipeline.
- All developments shall be kept clear of drainage easements. The surface levels within the easement are not to be changed.
- 6.7.3 Pier and beam style construction shall be used adjacent to easements to the depth of the invert of the proposed or existing pipeline. A Registered Engineer (NER) shall certify that this condition has been satisfied.
- 6.7.4 The existing depression/watercourse through the site must be piped and/or channelled to contain stormwater discharges up to the 1% A.E.P. (100 year Average Recurrence Interval) event.
- 6.7.5 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

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

## 6.8 Erosion and Sediment Control

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

## 6.9 Earthworks

- 6.9.1 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 6.9.2 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.
- 6.9.3 Retaining walls shall be a maximum single height of 1.2 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.

## 6.10 Stormwater Quality Control

- 6.10.1 Provide a stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management. In this regard, the following is required:
1. An experienced Drainage Engineer registered with NER is to certify that the internal drainage system is capable of carrying the 100 year ARI flows from the development site to the detention basin through either piped or surface flows.
  2. An experienced Drainage Engineer registered with NER and supported by a DRAINS or similar electronic hydraulic drainage model is to certify that the internal drainage system is capable of carrying the 20 year ARI flows without surcharge at any pits.
  3. A Chartered Structural Engineer, registered with NER, must certify the structural design for pier footings adjacent to the detention and Stormfilter tanks as well as basins to be founded a minimum of 300mm below the underside of the tanks/basin. The depth of piers away from the tanks/basin will be subject to the zone of influence.
  4. 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.
  5. 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.
  6. The retaining walls adjacent to the bioretention basins are to be designed and certified by a Structural Engineer registered with NER to extend below the zone of influence allowing for future excavation of the bioretention basin to below the base of the gravel layer and be self-supporting (allowing for overturning and sliding), where the basin media including the gravel is removed and replaced for maintenance.
  7. Provide revised Landscape plans in accordance with the Council's WSUD Standard Drawings A(BS)175M Sheet 12 that include appropriate species for the

bioretention system for the 400 mm deep filter media. To ensure diversity and disease resistance a minimum of 6 different species is required planted as a matrix. No mulch is permitted over the bioretention however jute mat is accepted. Where the banks of the basin are turfed a minimum 200 mm wide concrete mowing strip is required adjacent to the bioretention to minimise grass intrusion into the bioretention.

8. Provide details for permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device within the common property. The wording and detail is to be approved by Council. A minimum of 1 sign is required for Lot 1 and a minimum of two signs for each of lots 2, 3 and 4.
- 
- 6.10.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 4.55 application.
  - 6.10.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
  - 6.10.4 Bio-retention basins to be designed in accordance with “Stormwater Biofiltration Systems. Adoption Guidelines. Planning, design and implementation. Version 1 June 2009. Facility for Advancing Water Bio-filtration”, as a lined, standard biofiltration system.
- 
- 6.11 **Temporary On-Site Detention**
- 6.11.1 Provide a Temporary On-site Detention system in accordance with Council’s Engineering Guide for Development. This design shall limit the post-developed flows to the pre-developed flows for the 2 to 100 year ARI storm events. In this regard, the Temporary On-site Detention (OSD) is to be provided for the whole site in accordance with the *Blacktown City Council Water Sensitive Urban Design (WSUD) Standard Drawings* Plan No. A(BS)175M.
  - 6.11.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the temporary on-site detention design shall require a section 4.55 application.
  - 6.11.3 Submit the following certificates which are to be prepared by a registered engineer (NER):
    - Certification that the structures associated with the temporary on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
    - Certification that the temporary on-site detention system will perform to meet the temporary on-site detention requirements.
  - 6.11.4 The following documents shall be submitted to accompany the temporary on-site detention design:
    - Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
    - OSD detailed design submission and calculation summary sheet
    - A maintenance schedule that is signed and dated by the designer

## 6.12 **Vehicular Crossings**

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

## 6.13 **Footpaths**

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

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

# 7 **PRIOR TO DEVELOPMENT WORKS**

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

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

Each toilet provided shall be:

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

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

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

This condition does not apply to:

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

- 7.1.3 Should the development work:

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

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

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

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

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

## 7.2 Notification to Council

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

## 7.3 Home Building Act

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

(a) in the case of work for which a principal contractor is required to be appointed:

- (i) the name and licence number of the principal contractor, and
- (ii) the NSW Home Building Compensation Fund "Statement of Cover" under Part 6 of that Act,

(b) in the case of work to be done by an owner-builder:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under Part 3 of the Act, the number of the owner-builder permit.

## 7.4 Sydney Water Authorisation

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

OR

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

## **7.5 Road and Maritime Services Matters**

- 7.5.1 Detailed design plans and hydraulic calculations of any changes to the Roads and Maritime's stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.

- 7.5.2 A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Schofields Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

## **7.6 Removal of Dams**

- 7.6.1 Any dam on site shall be de-watered in stages. All native fauna located within and surrounding the dam shall be collected by an appropriately qualified and licensed ecologist. Any captured native fauna shall be relocated to a suitable location managed by the applicant or as nominated by Council. Details shall be submitted to Council, including photographs, surveys and diary entries of species found and details of relocation.

## **7.7 Protection of Fauna**

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

# **8 DURING CONSTRUCTION (GENERAL)**

## **8.1 Environmental Management**

- 8.1.1 The recommendations provided in the DA Acoustic Assessment prepared by Acoustic Logic, dated July 2017, and any measures required to satisfy the acoustic requirements of State Environmental Planning Policy (Infrastructure) 2007 and the NSW Government Department of Planning 'Development near Rail Corridors and Busy Roads - Interim Guideline,' shall be implemented.

## **8.2 Aboriginal Heritage Matters**

- 8.2.1 If during any works within the subject site Aboriginal objects are found, works are to stop. The Office of Environment and Heritage (OEH) is to be notified and the site and objects to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH.

## **8.3 European Heritage**

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



#### **8.4 Local Police Matters**

- 8.4.1 The recommendations of the Local Police in their correspondence dated 8 January 2018 are to be implemented during works with regard to providing a secure site.

#### **8.5 Construction Traffic Management Plan**

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

#### **8.6 Hours of Construction**

- 8.6.1 All construction activities shall be limited to between 7 am to 6 pm, Mondays to Fridays: 7 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

#### **8.7 Transport for NSW Matters**

- 8.7.1 No construction (including excavation) and development is permitted within the North West Transport Corridor Area 'N' as identified under Clause 6.10 of Appendix 4 - Alex Avenue and Riverstone Precinct of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*. All construction works and structures, including any temporary drainage works, are to be clear of the transport corridor.

#### **8.8 Road and Maritime Services Matters**

- 8.8.1 Any new buildings and structures together with any improvements integral to the future use of the site must be wholly within the freehold property (unlimited height or depth) along the Schofields Road boundary.
- 8.8.2 All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Schofields Road.

### **9 DURING CONSTRUCTION (BUILDING)**

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

- 9.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 9.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
- (a) the name, address and telephone number of the principal certifying authority for the work, and
  - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- 9.1.3 Should the development work:
- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) involves the enclosure of a public place,

the required hoarding, awning or protective barrier shall be maintained between the

land and the public place.

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

- 9.1.4 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.
- 9.1.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 9.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 9.1.7 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

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

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

## 9.3 **Surveys**

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

## 9.4 **Nuisance Control**

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

## 9.5 **Stormwater Drainage**

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

## 9.6 **Waste Control**

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

## **9.7 Construction Inspections**

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

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

The critical stage inspection “(f)” must be carried out by the Principal Certifier.

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

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

## **10 DURING CONSTRUCTION (ENGINEERING)**

### **10.1 Notification of Works**

10.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum five (5) business days prior to commencement of engineering works.

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

### **10.2 Insurances**

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

### **10.3 Service Authority Approvals**

10.3.1 Prior to the commencement for construction of footway crossings and driveways a clearance shall be obtained from the relevant telecommunications carriers and

Endeavour Energy. The clearance shall notify that all necessary ducts have been provided under the proposed crossing.

#### **10.4 Boundary Levels**

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

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

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

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

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

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

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

- a) Submission of compaction certificates for fill within road reserves.
- b) Submission of compaction certificates for road sub-grade.
- c) Submission of compaction certificates for road pavement materials (sub-base and base courses).
- d) Submission of contour lot fill diagram and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)

Note: Council's Works Specification (Civil) requires road pavement and pipe bedding materials be sourced from approved suppliers. A listing of these materials and approved stockpile numbers can be found on Council's webpage.

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

- 10.7.3 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 10.7.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 10.7.5 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.
- 10.7.6 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 10.7.7 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 10.7.8 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.
- 10.8 **Filling in Contaminated Land**
  - 10.8.1 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.
  - 10.8.2 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.

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

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

- 10.9.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under Part 6 of the *Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

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

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

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

Inspections must be pre-booked with a minimum twenty-four (24) hours' notice. Council's Development Overseers may be contacted on 02 9839 6586 between 6:30 am – 7:30 am, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

**10.11 Public Safety**

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

**10.12 Site Security**

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

**10.13 Traffic Control**

- 10.13.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.
- 10.13.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.
- 10.13.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.

10.13.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified RMS accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2002.

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

#### 10.14 Powder Coated Furniture

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

#### 10.15 Other Matters

10.15.1 The 200 micron OceanGuards and/or Stormfilter cartridges supplied by Ocean Protect as detailed on the approved drainage plan are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

10.15.2 Provide certification prior to placement of the liner for the bioretention that the future minimum filter area can be achieved excluding all pits and scour protection and that the base is free of rocks and debris.

10.15.3 Provide certification prior to placement, that the bioretention filter media ex-bin has:

- i. A minimum hydraulic conductivity as defined by ASTM F1815-11 of 250 mm/hr (actual, not predicted)
- ii. A maximum hydraulic conductivity as defined by ASTM F1815-11 of 700 mm/hr (actual, not predicted)
- iii. An Orthophosphate content < 20 mg/kg
- iv. A Total Nitrogen content < 900 mg/kg
- v. Is not hydrophobic.

10.15.4 Provide certification prior to placement in the bioretention basin, that the transition layer material ex-bin:

- i. Is a clean, washed well-graded coarse sand or coarse sand blend containing little or no fines (< 2%), and
- ii. Satisfies the bridging criteria  $D_{15} \text{ (transition layer)} \leq 4 \times D_{85} \text{ (filter media)}$  where:  $D_{15}$  is the 15th percentile particle size in the transition layer material (i.e., 15% of the sand is smaller than  $D_{15}$  mm), and  $D_{85}$  is the 85th percentile particle size in the filter media.
- iii. Satisfies the hydraulic conductivity criteria  $D_{15} \text{ (transition layer)} \geq D_{15} \text{ (filter media)} \times 2$ .

- 10.15.5 Provide certification prior to placement in the bioretention basin, that the drainage layer material ex-bin:
- i. Is a clean washed 5 mm gravel, such as washed screenings.
  - ii. Satisfies the bridging criteria  $D_{15} \text{ (drainage layer)} \leq 4 \times D_{85} \text{ (transition layer)}$  where:  $D_{15}$  (drainage layer) is the 15th percentile particle size in the drainage layer material (i.e., 15% of the gravel is smaller than  $D_{15}$  mm), and  $D_{85}$  (transition layer) is the 85th percentile particle size in the transition layer material.
  - iii. Satisfies the hydraulic conductivity criteria  $D_{15} \text{ (drainage layer)} \geq D_{15} \text{ (transition layer)} \times 2$ .
- 10.15.6 No fertiliser or additional nutrient material or mulch is to be provided to the bioretention basin filter area during planting of the tubestock, or at any time.

## **11 PRIOR TO OCCUPATION CERTIFICATE**

### **11.1 Compliance with Conditions**

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

### **11.2 Fee Payment**

- 11.2.1 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.

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

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

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

### **11.4 Services / Utilities**

- 11.4.1 A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be



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

- 11.4.2 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.

## 11.5 **Waste Matters**

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

- 11.5.2 A Community Management Agreement / Strata Management Agreement must exist which:

- i. Clearly outlines that no bins are to be located or placed in the approved collection points outside the scheduled collection time for that area. Bins must be placed out for collection no earlier than 12 hours before the collection day for that area. The bins must be withdrawn from the kerbside to its corresponding lot on the day of collection.
- ii. Clearly states that unwanted bulky waste such as lounges, mattresses and fridges, etc., must only be placed out for collection the night before the scheduled collection date provided by Council if we are servicing the site. Collection of these items must be in accordance with Council's Resource (waste) Management Services Charter.
- iii. 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.
- iv. Clearly outlines a responsibility of residents to manage their bins and bulky waste onsite in accordance with the approved waste management plan.
- v. Clearly outlines the responsibility for maintenance of the waste collection points and ensure they are clear and unobstructed prior to collection times.
- vi. Clearly outlines the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.
- vii. Includes the updated (and approved) waste management plan as lodged with the development application on October 2018.
- viii. Clearly outlines the travel path to take bins from the storage area to the designated collection points.

- 11.5.3 The applicant must provide an individual 240L waste, 240L recycling service and bulky waste collection service to each dwelling consistent with Council's mobile garbage bin service. Should Council provide this service, the elected strata manager (or similar) is to sign Council's 'Agreement for Onsite Waste Collection' form before collections can occur onsite.

- 11.5.4 The applicant must prepare and provide to Council for approval an instrument, substantially on the terms set out below and compliant with the requirements of NSW Land Registry Services, which will create a public positive covenant pursuant to section 88E of the *Conveyancing Act 1919* on all lots within the development providing for the management and collection of all forms of garbage, green waste and recycling from each of those lots.

The public positive covenant must require the lot owners to covenant on behalf of themselves and all occupants of the lots to:

- a) store all forms of garbage, green waste and recycling within the appropriate garbage bins on their respective lots;
- b) place all garbage, green waste and recycling bins in the designated communal garbage, green waste and recycling collection area within 12 hours of the collection time;
- c) collect and return the empty garbage, green waste and recycling bins to their respective lots within 12 hours after collection has taken place; and
- d) place whitegoods and large household items in the designated communal bulky waste collection area not more than 12 hours before each date allocated by the Prescribed Authority for the collection of such items.

The public positive covenant must:

- a) contain a plan, compliant with the requirements of Land and Property Information, indicating the designated communal area/s within the development for the collection of garbage, green waste, recycling and bulky waste from all the lots within the development, with such designated communal collection area/s being in the location shown on the plans annexed to this consent;
- b) provide for the lot owners (on behalf of themselves and all occupants of the lots) to release the Prescribed Authority from, and not make any claim or demand or commence any proceedings (including without limitation in nuisance) against the Prescribed Authority in relation to any noise, debris, damage to property or other issue arising directly or indirectly from waste collection activities carried on by the Prescribed Authority or any agent acting on its behalf; and
- c) provide that the positive public covenant cannot be released, varied or modified without the Prescribed Authority's consent.

These provisions must be put into effect prior to the release of the subdivision certificate and the applicant must ensure that the public positive covenant is registered with the plan of subdivision for the development.

***Terms of Positive Public Covenant***

- 1) The Registered Proprietor from time to time of the Lot Burdened covenants personally and on behalf of all occupants of the Lot Burdened in favour of the Prescribed Authority under section 88E of the *Conveyancing Act 1919* to do the following:
  - a) store all forms of garbage, green waste and recycling within the appropriate garbage bin areas designated on the plan for the Lot Burdened;
  - b) place all garbage, green waste and recycling bins in the communal garbage, green waste and recycling collection area, designated on the plan for the Lot Burdened, within 12 hours of the collection time;
  - c) collect and return the empty garbage, green waste and recycling bins to the Lot Burdened within 12 hours after collection has taken place;
  - d) place whitegoods and large household items in the communal bulky waste collection area, designated on the plan for the Lot Burdened, not more than 12 hours before each date allocated by the Prescribed Authority for the collection of such items; and

- e) release the Prescribed Authority from, and not make any claim or demand or commence any proceedings (including without limitation in nuisance) against the Prescribed Authority in relation to any noise, debris, damage to property or other issue arising directly or indirectly from waste collection activities carried on by the Prescribed Authority or any agent acting on its behalf.
- 2) This positive public covenant cannot be released, varied or modified without the prior written consent of the Prescribed Authority.

The terms of the public positive covenant are to be approved by Council prior to the issue of any subdivision certificate or registration of the plan of subdivision. The applicant/developer should ensure that all lots burdened by the public positive covenant are clearly identified on the plan of subdivision. All costs incurred by Council to review and approve the terms of the public positive covenant shall be met in full by the applicant/developer.

## **11.6 Contamination and Remediation**

- 11.6.1 A final validation statement shall be prepared by an EPA recognised geoscientist without any limitations in accordance with the *National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999* as amended 2013. A copy is to be submitted to Council.

## **11.7 Other Matters**

- 11.7.1 All landscaping, lawn areas, shared driveways/roads, private driveways/parking spaces, pathways, fencing, mail boxes, lighting, waste collection areas, bulky waste storage and loading areas, parking signage and services shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.
- 11.7.2 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 11.7.3 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.
- 11.7.4 Off-street visitor car parking spaces shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 11.7.5 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 11.7.6 All required internal driveways/roads and car parking spaces shall be sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 11.7.7 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.

- 11.7.8 The management of vegetation, shared driveways/areas, fences, lighting and other similar areas is to be incorporated within the future strata management plan, or similar, once the development is occupied.

#### **11.8 Graffiti Management Plan**

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

#### **11.9 Total Maintenance Plan**

- 11.9.1 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, landscaping, lawn areas, shared driveways/roads, private driveways/parking spaces, pathways, fencing, mail boxes, lighting, waste collection areas, bulky waste storage and loading areas, 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.

#### **11.10 Local Police Matters**

- 11.10.1 The security measures recommended by the Local Police in their correspondence dated 8 January 2018 and the Crime Prevention through Environmental Design (CPTED) Consultancy report prepared by Harris Crime Services, dated November 2018 are to be installed and operating satisfactorily.

#### **11.11 Engineering Matters - Surveys/Certificates/Works As Executed plans**

- 11.11.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 11.11.2 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 and certify that the available storage volumes (ignoring the volumes within the bioretention and sedimentation basins) are at or exceed the design volumes in the 1 in 100 year ARI events.. The On Site Detention system identification plate can be purchased from Council.

11.11.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the temporary On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.

11.11.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the temporary On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.

11.11.5 A Certificate from Ocean Protect for the installation of the 200 micron OceanGuards and Stormfilters that:

- i. They are installed in accordance with the Ocean Protects standard operational guidelines and production drawings;
- ii. A minimum of thirty three 200 micron OceanGuards have been installed in the road and a minimum 34 in shared driveways;
- iii. A minimum of one-hundred and forty-five (145) 460mm stormfilters and one 690mm stormfilter have been installed
- iv. The Stormfilter tank includes a baffle 300 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 460 mm cartridges;
- v. The Stormfilter tank includes a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 690 mm cartridges;
- vi. The minimum Stormfilter weir length is as provided on the approved plans.
- vii. The Stormfilters have a minimum flow rate as per the following table for standard weir heights for the 690mm stormfilter and 460mm stormfilter:

Name as per plans	Number of stormfilters	Size (mm)	Total discharge (l/s)
OSD 1-A	15	460	16.50
OSD 1-B	2	460	2.20
OSD 2-A	12	460	13.20
OSD 2-B	12	460	13.20
OSD 2-C	3	460	3.30
OSD 2-D	5	460	5.50
OSD 2-F	8	460	8.80
OSD 2-G	14	460	15.40
OSD 2-H	8	460	8.80
OSD 3-A	4	460	4.40
SF-3-B	2	460	2.20
OSD 3-C	10	460	11.00
OSD 3-D	11	460	12.10
OSD 3-E	4	460	4.40
OSD 3-G	1	690	1.60
OSD 3-H	6	460	6.60
OSD 4-A	11	460	12.10
OSD 4-B	12	460	13.20
SF 4-D	6	460	6.60

- viii. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and

- ix. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.
- 11.11.6 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 11.11.7 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- 11.11.8 Written evidence is to be obtained from the Roads and Maritime Services (RMS) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 11.11.9 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):
- Compaction certificates for fill within road reserves.
  - Compaction certificates for road sub-grade.
  - Compaction certificates for all road pavement materials.
  - Contour lot fill diagram and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
  - Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)
- 11.11.10 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.
- 11.11.11 A Chartered Civil Engineer registered with NER, is to certify that:
- All the requirements of the amended drainage plan have been undertaken;
  - The temporary bioretention system has been installed capable of providing a minimum future filter media area of 50 m<sup>2</sup> for the temporary bioretention basin clear of pits, flow spreaders and scour protection.
  - The bioretention basin is enclosed with a minimum 1.0mm HDPE or equivalent liner with geotextile under;
  - The bioretention subsoil lines are un-socked slotted PVC laid flat with a minimum 50 mm gravel cover.
  - The sacrificial geotextile has been provide over the 250 mm transition layer with 150 mm of filter media and washed turf over.
  - The bioretention systems having a minimum of 200 mm gravel under the transition layer.
  - the minimum detention storage below the 1.5 year ARI weir and below the 100 year ARI emergency overflow weir is as per the following table:

Name as per plans	1.5year volume (m3)	100year OSD volume (m3)
OSD 1-A	155.10	235.20
OSD 1-B	9.30	14.10
OSD 2-A	120.00	182.00
OSD 2-B	125.80	190.80
OSD 2-C	25.90	39.20
OSD 2-D	46.80	71.00
OSD 2-F	83.90	127.30

OSD 2-G	148.10	224.60
OSD 2-H	58.70	89.00
OSD 3-A	34.30	52.10
OSD 3-C	96.40	146.20
OSD 3-D	107.10	162.40
OSD 3-E	42.30	64.20
OSD 3-G	11.60	17.50
OSD 3-H	59.30	89.90
OSD 4-A	106.80	162.00
OSD 4-B	96.00	145.60
Lot 4 Basin 1	333.70	506.00

- h. the orifice size matches the approved construction certificate plans;
- i. For the detention basins the 1.5 year ARI orifice has been deleted as per the OSD arrangements. The 100 year ARI orifice discharge at the emergency overflow weir level does not exceed as per the following table:

Name as per plans	1.5yr orifice discharge	100yr orifice discharge (l/s)
OSD 1-A	no orifice	23.63
OSD 1-B	no orifice	1.97
OSD 2-A	no orifice	20.72
OSD 2-B	no orifice	23.56
OSD 2-C	no orifice	3.86
OSD 2-D	no orifice	5.81
OSD 2-F	no orifice	15.58
OSD 2-G	no orifice	26.94
OSD 2-H	no orifice	23.35
OSD 3-A	no orifice	11.36
OSD 3-C	no orifice	16.07
OSD 3-D	no orifice	18.17
OSD 3-E	no orifice	7.14
OSD 3-G	no orifice	2.22
OSD 3-H	no orifice	9.76
OSD 4-A	no orifice	18.76
OSD 4-B	no orifice	13.44
Lot 4 Basin 1	no orifice	113.73

- j. the rainwater tanks have been provided as per the approved construction certificate plans collecting a minimum of 50% of the roof area as per approved plans;
- k. kerb only or raised garden beds have been provided along the low levels of all street boundaries to direct surface flows to inlet pits for treatment.
- l. all the signage and warning notices have been installed;
- m. the interpretative water quality signs have been correctly installed
- n. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
- o. the maximum depth of flow in the gutter is less than 200 mm for all 1 in 100 year ARI storm events.

- p. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

**11.12 Engineering Matters - Easements/Restrictions/Positive Covenants**

- 11.12.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
  - (b) The standard format for easements and restrictions as accepted by Land Registry Services (LRS) prior to the final occupation certificate.
- 11.12.2 Provide free of charge to Council:
- a. A minimum 5m wide drainage reserve along the southern boundary of Lot 4 over the pipe running from pit 15/4 to 15/2.
  - b. The road widening along the realigned Boundary Road boundary (approximately 30.5 m<sup>2</sup>) at the front of lots A1, A2, A3 and A4.
- 11.12.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government Land Registry Services - over the Stormwater Quality Improvement Devices and rainwater tanks in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment by the first business day on or before 1 September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.
- 11.12.4 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Government - Land Registry Services over the Temporary On-Site Detention System in accordance with the requirements of Council's Engineering Guide for Development 2005.
- 11.12.5 Provide a Positive Covenant over Lot 4 for future development under stage 2, as described as catchment 4-C in the stormwater management report by Barker Ryan Stewart, to provide water quality and the Stream Erosion Index < 3.5 in accordance with the requirements of Council's DCP 2015 Part J.
- 11.12.6 Provide a positive covenant over units D35 to D41 that all structural elements within the units adjacent to the temporary basins have to be certified by a Chartered Structural Engineer, registered with NER, that the structural design for pier footings adjoining the basin are founded a minimum of 300 mm below the base of the basin. The depth of piers away from the basin boundary will be subject to the zone of influence. The covenant is to contain a sunset clause that the covenant is to only remain until the regional basin is complete and the temporary basin is decommissioned and filled.
- 11.12.7 Provide a Positive Covenant over Lot 4 for all the Temporary OceanGuards in the Street Pits generally in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include cleaning at maximum 4 monthly intervals and the submission of an annual report on water treatment by the first business day on or before 1 September each year. The Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate and include a sunset clause releasing the covenant once the Regional water quality facility is provided.



- 11.12.8 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.
- 11.13 **Engineering Matters - Bonds/Securities/Payments in Lieu of Works**
- 11.13.1 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.
- 11.13.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months. This period commences at the date of practical completion of the development and may be extended to allow for the completion of necessary maintenance and all outstanding minor works.
- 11.13.3 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.
- 11.13.4 Where Council's has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request.
- 11.14 **Engineering Inspections**
- 11.14.1 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. Security Bonds shall be 200% of the estimates for any Bioretention Construction, Temporary OceanGuard Removal, Temporary OceanGuard Maintenance, etc.
- 11.15 **Engineering Matters - Other Matters**
- 11.15.1 Provide maintenance requirements for each of the proposed OceanGuards, Stormfilters, rainwater tanks, detention tanks/basins and temporary bioretention generally in accordance with the *WSUD Inspection and Maintenance Guidelines* available on Council's website. Where a proprietary device is not included within this guideline provide these separately. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.
- 11.15.2 Written evidence is to be provided that the registered owner/ owners corporation has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the OceanGuards, Stormfilters and rainwater tanks within each lot/strata. The maintenance contract is to contain a requirement that all maintenance on the filter cartridges is undertaken by Ocean Protect and either the filter cartridges are 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. 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).

- 11.15.3 Written evidence from the Roads and Maritime Services (RMS) that satisfactory arrangements have been made by the applicant/developer for the payment of any required contribution towards the cost of the arterial road network.

## 11.16 **Engineering Matters - CCTV Inspection of Stormwater Drainage Structures**

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

## 12 **OPERATIONAL (PLANNING)**

### 12.1 **Specific Uses**

- 12.1.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 12.1.2 The approved use as a 'multi dwelling housing' development and associated driveways / private roads shall comply with the definition within *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.
- 12.1.3 The development shall not be used or converted for use for any purpose other than that:
  - (a) Granted consent by Council's Notice of Determination, or
  - b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.
- 12.1.4 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.

### 12.2 **Access/Parking**

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

### 12.3 **Landscaping**

- 12.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 12.3.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.

- 12.3.3 The management of vegetation, turfed areas, gardens, planter boxes, communal areas and other similar areas is to be incorporated within the future strata management plan, or similar, once each stage of the development is occupied.
- 12.4 **Graffiti Removal**
- 12.4.1 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.
- 12.5 **Waste Management and Collection**
- 12.5.1 The Owners Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.
- 12.5.2 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 12.6 **Total Maintenance Plan**
- 12.6.1 The approved Total Maintenance Plan must be adhered to at all times.
- 12.7 **Local Police Matters**
- 12.7.1 The security measures recommended by the Local Police in their correspondence dated 8 January 2018 and the Crime Prevention through Environmental Design (CPTED) Consultancy report prepared by Harris Crime Services, dated November 2018 are to be appropriately maintained.
- 12.8 **Environmental Management**
- 12.8.1 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*.
- 12.8.2 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*.
- 12.8.3 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.
- 12.8.4 All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.