

Conditions of consent (draft)

Proposed development Section 4.55(2) modification to an approved part 4-part 5 storey residential flat building development over basement car parking levels. The modifications include reconfiguration of the basement levels, building servicing and apartment layouts, conversion of some apartments from single storey to 2 storey apartments, relocate communal open space to Building A, add roof terraces, deletion of the neighbourhood shop and amendments to the landscape design plans.

Property description Lot 211 DP 208203, 41 Terry Road, Rouse Hill

The conditions of consent in MOD-18-00467 to SPP-16-04463 are replaced as follows, with the amended conditions identified in red.

1 ADVISORY NOTES

1.1 Terminology

- 1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.
- 1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 109C of the Environmental Planning and Assessment Act 1979.

1.2 Scope of Consent

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

1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.3.3 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary activity / development not approved by this consent, including:
 - (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development.
 - (c) the installation of a vehicular footway crossing servicing the development.

1.4 Services

1.4.1 The applicant is advised to consult with:

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

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

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

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

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

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

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

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

1.5 Tree Planting and Service Locations

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

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

1.6 Identification Survey

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

1.7 Engineering Notes

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

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

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

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

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

- Works in public areas (i.e. Road Reserve, Public Reserves)
- 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 **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

Condition 2.1.1 is amended in MOD-18-00467 as follows:

2.1 Scope of Consent

- 2.1.1 The development shall be in accordance with the following drawings/details submitted to Council with the Development Application (SPP-16-04463), **and as amended by the Modification Application (MOD-18-00467)** except where amended by other conditions of this consent:

Drawing Reference:	Dated:
Plans prepared by Rothe Lowman:	
TP00.00 Cover Page, Rev D	03.09.18
TP05.01 Overall Development Summary, Rev D	03.09.18
TP00.02 Proposed Site Plan, Rev D	03.09.18
TP00.03 Existing & Demolition Plan	05.12.16
TP00.07 Site Facilities Plan, Rev D	03.09.18
TP01.01 Overall Basement, Rev E	21.12.18
TP01.02 Overall Ground Lower, Rev C	03.09.18
TP01.03 Overall Ground, Rev D	03.09.18
TP01.04 Overall Level 1, Rev C	03.09.18
TP01.05 Overall Level 2, Rev C	03.09.18
TP01.06 Overall Level 3, Rev C	03.09.18
TP01.08 Overall Roof, Rev C	03.09.18
TP02.01 Overall Elevations, Rev D	03.09.18
TP03.01 Overall Sections, Rev D	03.09.18
TP03.02 Car Park Ramp Sections	05.12.16
TP04.01 Shadow Diagrams	05.12.16
TP04.02 Shadow Diagrams	05.12.16
TP04.03 Shadow Diagrams – Point of View	05.12.16
TP04.04 Communal Open Space – Solar Access, Rev C	03.09.18
TP04.11 SEPP 65 Solar & Cross Vent Schedules, Rev D	03.09.18
TP04.12 SEPP 65 Solar & Cross Vent Plans - Ground & Level 1, Rev D	03.09.18
TP04.13 SEPP 65 Solar & Cross Vent Plans – Level 2 & 3, Rev D	03.09.18
TP04.14 SEPP 65 Storage Schedules	05.12.16
TP04.21 Adaptable & LHA Compliant Layouts	05.12.16

Drawing Reference:	Dated:
TP08.01 Apartment Typologies	05.12.16
TP11.00 Buildings A, B & E Basement, Rev F	21.12.18
TP11.01 Buildings A, B & E Ground Lower, Rev D	03.09.18
TP11.02 Buildings A, B & E Ground, Rev D	03.09.18
TP11.03 Buildings A, B & E Level 1, Rev D	03.09.18
TP11.04 Buildings A, B & E Level 2, Rev D	03.09.18
TP11.05 Buildings A, B & E Level 3, Rev D	03.09.18
TP11.06 Buildings A, B & E Roof, Rev D	03.09.18
TP12.01 Buildings A, B & E Elevations, Rev D	03.09.18
TP12.02 Buildings A, B & E Elevations, Rev D	03.09.18
TP12.03 Buildings A, B & E Elevations, Rev D	03.09.18
TP12.04 Buildings A, B & E Elevations, Rev D	03.09.18
TP13.01 Buildings B & E Section, Rev D	03.09.18
TP21.01 Buildings C, D, F, G & H Basement, Rev F	21.12.18
TP21.02 Buildings C, D, F, G & H Ground Lower, Rev D	03.09.18
TP21.03 Buildings C, D, F, G & H Ground, Rev D	03.09.18
TP21.04 Buildings C, D, F, G & H Level 1, Rev D	03.09.18
TP21.05 Buildings C, D, F, G & H Level 2, Rev D	03.09.18
TP21.06 Buildings C, D, F, G & H Level 3, Rev D	03.09.18
TP21.07 Buildings C, D, F, G & H Roof, Rev D	03.09.18
TP22.01 Buildings C, D, F, G & H Elevations, Rev D	03.09.18
TP22.02 Buildings C, D, F, G & H Elevations, Rev D	03.09.18
TP22.03 Buildings C, D, F, G & H Elevations, Rev D	03.09.18
TP22.04 Buildings C, D, F, G & H Elevations, Rev D	03.09.18
TP23.01 Buildings C, D, F & G Sections, Rev D	03.09.18
5.01 Materials Palette	03.11.16
Landscape Plans prepared by Turf:	
Landscape DA Report, Issue B	Dec 2018

2.2 Necessary Plan Amendment

- 2.2.1 All rooftop lift overruns and stairwells which exceed the height plane are to be screened within an architectural roof feature. Updated architectural plans are to be provided to the satisfaction of Council's City Architect, prior to the issue of any Construction Certificate.

2.3 Services

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

2.4 Suburb Name

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

Suburb: Rouse Hill

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

Suburb: Rouse Hill

Condition 2.5.1 is amended in MOD-18-00467 as follows:

2.5 Compliance with BASIX Certificate

- 2.5.1 All commitments listed in BASIX Certificate numbers 781946M_07 and 781809M_05 shall be complied with.

2.6 Sydney Water – Requirements

- 2.6.1 **Water** - The proposed development will be serviced by extensions from the drinking and recycled water mains that have been provided from the neighbouring developments.

Detailed requirements will be provided at the Section 73 Phase.

The accredited WSC/Designer will need to ensure that the submitted design is sized and configured according to the Water Supply Code of Australia WSA 03-2011-3.1 (Sydney Water Edition - 2012). Evidence of Code compliance should be attached with the design.

- 2.6.2 **Wastewater** –The Developer is to design and construct a wastewater main (connecting to the 600mm main constructed west of the development) which will provide a point of connection at least 1 m inside all the property boundaries.

An accredited Hydraulic Designer will be engaged by the developer to ensure that the proposed wastewater infrastructure for this development will be sized & configured according to the Sewerage Code of Australia WSA 02-2002-2.2 (Sydney Water Edition 1 - Version 3). Evidence of Code compliance should be attached with the design.

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

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

These matters will be individually addressed within the consent.

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

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

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

2.7.2 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)

2.8 Other 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.

2.9 Temporary Stormwater Treatment – Roads

2.9.1 The Temporary Enviropod Maintenance Bond can only be refunded once the Temporary Enviropods are cleaned, with cleaning dockets provided, and the Owners Corporation takes over maintenance of the Temporary Enviropods.

2.9.2 The Temporary Enviropod Removal Bond can only be refunded and the positive covenant for the maintenance of the Enviropods in the street pits can only be removed when the downstream regional basin is developed 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.
- 3.1.2 No construction certificate for building works is to be released until all civil works related to roads and drainage within the road reserve have been completed and sign-off received from the PCA.

3.2 **Road Fee**

- 3.2.1 The current road inspection fee of \$180.00 (which is subject to periodic review and may vary at time of payment) shall be lodged with Council.

Council will undertake initial and final inspection of civil assets outside the development site. The applicant will 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.

- 3.2.2 The payment of the following fee to Council's Maintenance Section pursuant to Sections 608 and 609 of the Local Government Act 1993. The fee is subject to periodic review and may vary at actual time of payment.

Vehicular Crossing Application and Inspection Fee: \$145.00

3.3 **Blacktown Growth Centres Development Control Plan 2016**

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

3.4 **Construction Traffic Management Plan**

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

3.5 **Construction Environmental Management Plan**

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

3.6 **Street Trees**

- 3.6.1 An amended Street Tree Planting Plan is to be submitted to and approved by Council's Project Officer for Civil and Open Space infrastructure and includes the following details:
 - i. The street trees for nature strip plantings are to have an approximate spacing of 8 metres.
 - ii. The location of the street trees is not to obstruct street lighting and vehicle sight lines.
 - iii. The nominated street tree species for each street is:

- Terry Road - *Brachychiton acerifolius*
 - Local Road - *Tristaniaopsis laurina*
 - Local Road 1 - *Magnolia grandiflora* 'Little Gem'
 - Local Road 2 - *Pyrus calleryana* 'Chanticleer'
- iv. Street planting detail and specifications: To aid in the successful delivery of street trees, provide safe public spaces, protect against assets from damage and provide a healthy environment for the tree, the following design measures and specifications are required to be met:
- No timber or steel edging.
 - Install root directors to manufacturer's specifications to protect assets, structures and/or underground services.
 - Tree trunk to be a minimum 750mm from street kerb and guttering.
 - All imported soil to achieve the requirements of AS4419 – Soils for landscaping All tree planting holes are a minimum 1.5 times diameter and twice the depth of the root ball All mulch is to be free of deleterious material such as rock, soil, weeds and sticks. Acceptable mulch – Forest litter or pine bark mulch.
 - All soft edges (mulch, turf, grassed) to be finished to appropriate falls and flush with adjacent surface treatment.
 - Kikuyu is not accepted. Soft leafed Buffalo is the preferred turf.
 - Turf to consist of 25mm depth of dense, well rooted, vigorous grass growth with minimum 15mm on an average 100mm depth of top soil.
 - Staking is required specified as drive 2x38x38x1800 mm hardwood stake 600mm into the ground. Secure the stem of the tree firmly with 2 x hessian ties fitted to the stem separately in opposite directions.
- v. Maintenance and performance: A Maintenance Plan for the street trees is to be provided and must contain the following:
- Following prescribed maintenance period, Council will inspect all street trees and provide the applicant with a list of defects which will need to be addressed prior to the acceptance of handover'
 - The developer must provide to Council in writing one (1) month notice, at minimum, for practical completion inspection and two (2) month notice for end of maintenance inspection.
 - Mechanical line trimmers (whipper snippers) not be used within 300mm of out edge of tree trunks.
 - No grass to overgrow edges where it adjoins hard paved surfaces or kerbs and guttering.
 - No grass or weeds within mulched area in or around tree.
 - Stolen trees to be replaced within one week. Repeated removal of trees within the same location shall immediately be reported to Council.
 - All garden beds to be re-mulched to maintain a depth of 75mm and level finish with adjacent surfaces.
 - Mulch not to come into contact with the trunks of trees.
 - No visible signs of wilting of leaves or stems, with all plants to be fully turgid at all times.
 - No sign of over watering such as constantly wet soil, brown leaf margins, stem rot or brown spots on foliage.
 - No obvious signs of weed infestation in grass areas, pavements or mass planting beds.
 - Chemical not to be applied in extreme temperatures or wind conditions
 - Removal of all suckers from base of trees.
 - Formative pruning of trees to allow effective canopy development and to retain natural or desired shape of the tree.
 - All damaged dead or diseased wood to be pruned to the nearest lateral shoot or active bud with a clean neat cut.

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

3.7 Other Matters

- 3.7.1 The Construction Certificate plans are to show any existing/proposed substations, kiosks, sewer man holes and/or vents affecting any lot / units, including corner lots / units in accordance with the Growth Centres Precincts Plan DCP 2016.
- 3.7.2 The Construction Certificate plans are to show that the construction and layout of the footpath system provides for continuous disabled and pram access movement in terms of crossing points, including to nearby public transport services.
- 3.7.3 All mail boxes are to accord with the requirements of Australia Post with regard to location, access and size. The letterbox system is to be vandal resistant and secure.

3.8 Waste Matters

- 3.8.1 The Construction Certificate plans and documentation must demonstrate that:
- Access for collection vehicles is in accordance with the approved architectural plans and CAD files submitted with this application.
 - Vehicles with a height clearance of 4.5 m can access the site and loading bay area for waste, recycling and bulky waste collection purposes.
 - The waste collection vehicles are capable of entering and exiting the property in a forward direction.
 - The roads and internal driveways and ramps used for waste collection purposes are to be rated for at least 24 tonne trucks.

3.9 NSW Local Police – Requirements

- 3.9.1 The recommendations provided in the Crime Prevention Through Environmental Design (CPTED) Report compiled by Rothe Lowman Property Pty Ltd and dated December 2016 are to be included in the Construction Certificate documentation.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

Condition 4.1.1 is amended in MOD-18-00467 as follows:

4.1 Section 7.11 (formerly 94) Contributions

- 4.1.1 The following monetary contributions pursuant to Section 7.11 (formerly Section 94) of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are as at the base date of December 2012. They WILL BE INDEXED from the base date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) either by Council or any accredited certifier, whichever occurs first.

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	Base Amount	Relevant C.P.
Stormwater Quantity	\$ 643,418.00	22

Second Ponds Creek		
Stormwater Quality Second Ponds Creek	\$ 176,007.00	22
Traffic Management	\$ 443,173.00	22
Open Space	\$ 5,400,090.00	22
Community Facilities	\$ 34,139.00	22
E2 Conservation Zone	\$ 166,968.00	22

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).

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

Number of intended dwellings/apartments: 332 apartments
Total Developable Area: 2.128 hectares
Total Stormwater Quality Developable Area: 0.532 hectares
Additional Population: 620.7 persons

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

S.94 CP No. 22 Area 20 Precinct.

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

4.2 Special Infrastructure Contributions

- 4.2.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 94EE of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Infrastructure before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

More information

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

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

4.3 Necessary Plan Amendment

- 4.3.1 All rooftop lift overruns and stairwells which exceed the height plane are to be screened within an architectural roof feature. Updated architectural plans are to be provided to the satisfaction of Council's City Architect, prior to the issue of any Construction Certificate.

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

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

4.5 **Natural Cross Ventilation**

- 4.5.1 Any apartments which rely on a rooftop vent to gain natural cross ventilation to meet a minimum of 60% of the total apartments having natural ventilation as required by Section 4B of the Apartment Design Guide, are to address the following:
- Be supported by a report prepared by an appropriately experienced and qualified professional that the skylights are appropriately placed, sized and designed to ensure that natural cross ventilation is achieved for these apartments.
 - Provide details of how the rooftop vents are capable of being manually operable by the occupants of those apartments.
 - Provide details to verify that the rooftop skylights are appropriately treated against water/rain.
 - Provide details to ensure that the apartments are appropriately acoustically attenuated, in particular where the rooftop vents are within the vicinity of rooftop communal and private open space areas.

If the above items are not capable of being satisfied, the development is required to be redesigned to ensure that at least 60% of the apartments are naturally cross ventilated in accordance with Section 4B of the Apartment Design Guide.

- 4.5.2 Any apartments which rely on the use of a plenum duct to gain natural cross ventilation to meet a minimum of 60% of the total apartments having natural ventilation as required by Section 4B of the Apartment Design Guide, are to address the following:
- The design of the plenum duct is to be in accordance with the Natural Cross Ventilation Memo prepared by Windtech and dated 14 June 2017 to ensure that natural cross ventilation is achieved for these apartments, including details of acoustic lining, fire dampers and how the operable vent can be closed by the apartment's occupant/s.
 - Where plenum ducts are to be installed, the associated corridors are to be provided with openings to the corridors, as indicated on Drawing No. TP04.12 and TP04.13, SEPP 65 Solar and Cross Ventilation Plans, Revision A and dated 14.06.2017. Provide details of how the rooftop vents are capable of being manually operable by the occupants of those apartments.
 - Compliance with the Building Code of Australia and fire protection measures.

If the above items are not capable of being satisfied, the development is required to be redesigned to ensure that at least 60% of the apartments are naturally cross ventilated in accordance with Section 4B of the Apartment Design Guide.

4.6 **Aesthetics, Streetscape and External Materials**

- 4.6.1 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent and must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.
- 4.6.2 Any bathroom, w.c. or laundry window in the external walls of the buildings fitted with translucent glazing.

- 4.6.3 The development approved by Council is to be constructed in accordance with the external finishes shown on the approved Materials Palette plan.
- 4.6.4 The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the Building Code of Australia.
- 4.6.5 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.
- 4.6.6 Windows in the residential apartments from the first floor level through to the top floor level are to be fitted with a child safety mechanism to prevent accidental falls out of windows by persons such as children. Details of such safety mechanisms shall be shown on the Construction Certificate plans and provided to the principal certifying authority/principal certifier.

4.7 **Fencing**

- 4.7.1 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.
- 4.7.2 With regard to the treatment of any front fences or walls at the ground level which is in the vicinity of the public domain / public footway, appropriate measures are to be in place to deter the potential for graffiti on these front fences or walls, such as landscaping which limits access to these front fences or walls, or a varied finish to these front fences / walls and with an anti-graffiti finish. These details are to be shown on the construction certificate plans to the satisfaction of the Certifying Authority.
- 4.7.3 Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti. All fencing which is visible from the public domain is not permitted to be continuous, closed board, or the like.

4.8 **Common Areas and Landscaping**

- 4.8.1 All common areas and landscaping shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate. The minimum pot sizes are to be 45L for medium sized plants and 100L 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.
- 4.8.2 All landscaping, lawn areas, recreation features and furniture, bbq facilities, pathways, ramps, rooftop communal open space area and their safety fencing shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate.

The basement deep soil areas which relate to the above tree plantings are to be provided to ensure the viability of these trees.

4.9 **Access and Parking**

Condition 4.9.1 is amended in MOD-18-00467 as follows:

- 4.9.1 471 car parking spaces are required to be provided on site, being 405 resident spaces and 66 visitor car parking spaces. All car parking spaces are to be designed having

minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Residential Flat Building (excluding width of pillar): 2.4m x 5.4m

Residential Flat Building (adjacent to solid wall): 2.7m x 5.4m

Disabled Car Space: 4.8m x 5.4m (including shared zone)

- 4.9.2 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network.

Condition 4.9.3 is amended in MOD-18-00467 as follows:

- 4.9.3 A minimum of **150** bicycle parking spaces and **11** motorbike spaces are to be provided within the basement levels.
- 4.9.4 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.
- 4.9.5 Adequate sight distance is required to be provided for both pedestrian and vehicular movement at the proposed driveway in accordance with Section 3.2.4 AS 2890.1 and Figure 3.2 of AS 2890.1 to ensure safety of pedestrians on the footpath system and motor vehicles along the new driveway.
- 4.9.6 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009 and AS1428.1 - 2009.
- 4.9.7 All internal roads/driveways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

4.10 Adaptable Housing Units

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

4.11 Floor to Ceiling Heights

- 4.11.1 All residential habitable rooms are to have a minimum floor to ceiling height of 2.7 m. Service bulkheads are not to intrude into habitable spaces.

4.12 Services, Plant and Equipment

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

- 4.12.3 Written evidence is to be provided to Council from an appropriately qualified acoustic consultant stating that all plant and equipment have been selected to meet the project noise criteria.

5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

5.1 Lot Registration

- 5.1.1 The land to which this approval relates is to be identifiable with a Lot and Deposited Plan number and registered with the Department of Lands.

5.2 Building Code of Australia Compliance

- 5.2.1 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).

Condition 5.3.1 is amended in MOD-18-00467 as follows:

5.3 BASIX Certificate Compliance

- 5.3.1 The plans and specifications must indicate compliance with the commitments listed in BASIX Certificate Numbers 781946M_07 and 781809M_05.

6 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

6.1 Septic Tank

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

6.2 Site Contamination

- 6.2.1 The recommendations provided in the *Preliminary Site Investigation* - 41 Terry Road, Rouse Hill, NSW, Report no. GEOTLCOV25685AA-AD, prepared by Coffey Geotechnics Pty Ltd, dated 15 June 2016 shall be implemented, particularly in regard to Section 7 of this Report. Upon completion of inspections/assessments an appropriately qualified environmental consultant shall prepare a validation report.
- 6.2.2 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with;
- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (1997)
 - NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995).

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

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

- 6.2.3 Any asbestos material is to be handled and treated in accordance with the WorkCover document *"Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos"* dated March 2008.

6.3 Geotechnical matters

- 6.3.1 The recommendations provided in the *Preliminary Geotechnical Assessment*, 41 Terry Road Rouse Hill, prepared by Coffey Geotechnics Pty Ltd, report no. GEOTLCOV25685AA-AC, dated 15 June 2016 shall be implemented, particularly in regard to Sections 5 and 6 of this report. Upon completion of inspections/assessments including a Phase 2 salinity assessment to further assess any potential for soil salinity and an appropriately qualified environmental consultant shall prepare a validation report.

6.4 Acoustic matters

- 6.4.1 The recommendations provided in the Acoustic Report for Development Application, 41 Terry Road Rouse Hill, prepared by Wood & Grieve Engineers Pty Ltd, Report No. 29665-SYD-N, dated 5 December 2016 shall be implemented.
- 6.4.2 A qualified acoustic engineer must certify that the buildings have been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

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

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

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

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

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

7.1 General

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

Prepared By	Project No.	Drawing No.	Revision	Dated
Wood and Grieve	29665-SYD	C01 (and as per sheet List Table on C01)	B	08.06.2017

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

- i. Proposed levels along MC03 to match DA-14-01684 and meet AustRoad requirements for vertical geometry
- ii. No Kerb inlet pits to be located on kerb returns and no pits to be located within proposed road pavement
- iii. Drainage is to be generally consistent with the above plans, however may require minor adjustment to ensure consistency with adjoining DA's. Prior to release of a civil works construction certificate, certifying authority is required to check adjoining sites for released construction certificates to ensure orderly development of the area.
- iv. Drainage lines shown on plan appear to be excessively deep (in excess of 6.0m deep). Depth of lines will need to be reduce to acceptable depth in accordance with Councils Engineering Guide for Development
- v. The pipe network between the denoted stormwater drainage from pit A/01 to Pit A/05 will need to be upgraded to cater for the upstream catchment from the neighbouring property at 49 Terry Road, Rouse Hill approved under SPP-17-00003. The nominal size of the pipe network for the stormwater drainage shall be supported with calculations and submitted along with a stormwater management report as referred to in point ii. Please note, the neighbouring property approved under SPP-17-00003 proposes to discharge a 675mm pipe into the proposed location of pit A/05.
- vi. A stormwater management report shall be submitted in support of the proposed Construction Certificate plans. The stormwater management report shall appropriately consider internal and external catchments and ensure the downstream stormwater infrastructure is suitably sized to cater for the proposed development.

7.2 Construction Certificate Requirements

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

- Earthworks
- Path Paving (within a subdivision)

7.3 Roads Act Requirements

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

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

7.4 Other Engineering Requirements

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

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

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

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

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

7.5 Roads

7.5.1 Submit a pavement report prepared and designed by a professional civil engineer with soil tests carried out by a registered NATA soils laboratory. The pavement design shall withstand the traffic loadings listed in this consent.

7.5.2 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer.

7.5.3 Any approved design drawings must show a 5m x 5m splay at each street intersection.

7.5.4 Appropriate splays/kerb returns must be designed at the intersection of Road MC03 and Road MC01 to accommodate the proposed roundabout located at this intersection.

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

Name	Width (m)	Length (m) Approx	Formation (m)	Traffic Loading N(E.S.A)
MC01	16.0 (Half Road)	215	3.5 – 11 – 3.5	5 x 10 ⁵
MC02	16.0 (Half Road)	286	3.5 – 11 – 3.5	5 x 10 ⁵
MC03	16.0 (Half Road)	105	3.5 – 11 – 3.5	5 x 10 ⁵

- 7.5.6 Construct half width road with a minimum 4.5 metres width of pavement for the full road frontage of the development. These construction works include drainage, kerb and gutter, footway turfing, service adjustments and any other ancillary work necessary to make this construction effective.

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

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

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Terry Road	20.1168	95	4.55 – 11 – 4.55	1 x 10 ⁶

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

7.6 Drainage

- 7.6.1 Drainage from the site must be connected into Council's existing drainage system.
- 7.6.2 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.
- 7.6.3 Where the internal driveway cannot be drained to an internal pit a grated trench drain shall be provided at the property boundary.

7.7 Erosion and Sediment Control

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

7.8 Earthworks

- 7.8.1 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 7.8.2 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.
- 7.8.3 Retaining walls shall be a maximum single height of 1.2m (600mm cut + 600mm fill). Where a retaining wall is proposed that is more than 1.2m in height, a terraced solution shall be provided. Terraces should not exceed 900mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.

7.9 Stormwater Quality Control

- 7.9.1 Provide a stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

7.9.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 96 application.

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

7.10 Temporary Stormwater Quality Control – Roads

7.10.1 Provide a Temporary Enviropod Removal Estimate from Stormwater 360 for the full removal of the temporary Enviropods and frames from the street pits surrounding the development.

7.10.2 Provide a Temporary Enviropod Maintenance Estimate from Stormwater 360 for the maintenance of the temporary Enviropods in the street pits surrounding the developments for a minimum of two years with a minimum clean every 4 months at the end of the two year maintenance period.

7.11 Vehicular Crossings

7.11.1 Construct a residential vehicular crossing to Council's standard A(BS)102S.

7.11.2 Construct a residential vehicular crossing to Council's standard A(BS)102S but thickened to 150mm and reinforced with SL82 steel reinforcing fabric.

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

7.11.4 Construct a rural vehicular crossing to Council's standard A(BS)127S.

7.11.5 Where the payment of a contribution in lieu of construction of a vehicular crossing(s) has been accepted by Council, a temporary crossing(s) must be constructed to serve the development. The temporary crossing(s) shall consist of 100mm of road base finished with a 25mm asphaltic concrete or equivalent emulsion seal.

7.12 Footpaths

7.12.1 Construct path paving as follows:

Street Name	Side	Paving Width	Length
MC03	West	1.2m	Full length
MC02	North	1.2m	Full length
Terry Road	East	2.5m shared path	Full Frontage

8 PRIOR TO DEVELOPMENT WORKS

8.1 Compliance Certificate Fee

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

8.2 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

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

This condition does not apply to:

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

8.2.3 Should the development work:

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

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

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

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

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

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

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

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

8.2.8 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
- (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

8.3 **Notification to Council**

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

8.3.2 At least five (5) full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$10,000,000.

8.4 **Sydney Water Authorisation**

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

OR

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

8.5 **Removal of Dams**

8.5.1 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.

8.6 **Protection of Fauna**

8.6.1 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.

8.7 **NSW Local Police – Requirements**

- 8.7.1 The Applicant / person acting on this consent is to conduct a site inspection with the NSW Local Police prior to works commencing.

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 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.

- 9.1.6 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.

- 9.1.7 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

- 9.1.8 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural

design details accompanying the Construction Certificate, and
(c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.

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

9.2 Building Code of Australia Compliance

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

9.3 Surveys

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

- 9.3.2 A registered surveyor's report indicating that the required minimum Australian Height Datum floor level has been achieved, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

- 9.3.3 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

9.4 Nuisance Control

- 9.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

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

- 9.4.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

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. This includes the sorting and storage of waste and recyclable building materials

on site for collection and disposal by the nominated waste/recycling contractor to the nominated disposal site.

9.7 Construction Inspections

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

(a) After excavation for, and prior to placement of, any footings; and

(b) Prior to pouring any in-situ reinforced concrete building element; and

(c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and

(d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and

(e) Prior to covering any stormwater drainage connections; and

(f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

9.8 Vehicular Crossings

Any vehicular crossing of the footway shall be maintained a minimum of 6m from the tangent point of the kerb return on a corner allotment. The vehicular crossing shall also be maintained at least 1m clear of any stormwater gully pit and clear of any other utility surface infrastructure.

9.9 Site Cut and Fill levels

The extent of cut and fill on the development site is restricted to that which is indicated on the approved plans. The maximum height of fill on the development site shall be 600mm and the maximum height of cut shall be 900mm.

Any ground re-shaping by cut and/or fill shall not compromise the structural integrity of any adjacent building, structure or service conduit on the subject or adjoining land.

10 DURING CONSTRUCTION (GENERAL)

10.1 Environmental Health Matters

- 10.1.1 Any asbestos material is to be handled and treated in accordance with the WorkCover document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.
- 10.1.2 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during the demolition, excavation and construction works, all works are to cease immediately and a suitably qualified environmental site contamination consultant is to investigate and report on the findings. Any recommended remediation and validation works are to be undertaken pursuant to Council's Contamination Lands Policy. The environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.
- 10.1.3 The Construction Environment Management Plan must include specific advice on how water treatment and dewatering will be undertaken in accordance with the Blue Book, as well as demonstrating the discharged water complies with ANZECC water quality guidelines.
- 10.1.4 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:
- a) The applicant is to ensure that validation for the entire subject site can be prepared by a suitably qualified environmental consultant in accordance with Council's Contamination Land Policy.
 - b) The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
 - c) Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
 - d) Any fill material imported to the site shall be certified at the source by a suitably qualified consultant as VENM fill material, non-slightly saline and non-aggressive to concrete or steel. If the importation of fill is undertaken under a specific EPA exemption, relevant details of the EPA exemption shall be forwarded to Council prior to the importation of fill to the site.

Should Council receive any complaints regarding non-compliance with any of the above matters or other such operational type matters, then Council will have no alternative but to fully investigate the complaint and pursue an appropriate course of action.

10.2 **European Heritage**

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

10.3 **Aboriginal Heritage**

- 10.3.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the NSW Office of Environment &

Heritage informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from the NSW Office of Environment & Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

10.4 Construction Traffic Management Plan

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

10.5 Street Trees – Bonds, Services and Charges

- 10.5.1 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 tree/s. The bond shall be returned 12 months after the completion of the development (i.e. issue of final Occupation/Subdivision Certificate) if the trees are in a state of good health and vigour to Council's satisfaction.

The street tree bond amount will be 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/hr + GST.

11 DURING CONSTRUCTION (ENGINEERING)

11.1 Notification of Works

- 11.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum five (5) business days prior to commencement of engineering works.
- 11.1.2 A notification of works flyer (letter drop) is to be provided to all residential housing, businesses and organisations adjacent to any engineering works approved by this consent. This is for works undertaken on Council controlled lands such as roads, drainage reserves and parks. The notification of works flyer must contain details of the proposed works, locality map of works, contact details and the anticipated time period. A signed copy of the notice is to be provided to Council's Engineering Approvals Team and is to show the date of the letter drop as well as highlight the area that received the notification.

11.2 Insurances

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

11.3 Service Authority Approvals

- 11.3.1 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.

11.4 Boundary Levels

- 11.4.1 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.

11.5 Soil Erosion and Sediment Control Measures

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

11.6 Filling of Land and Compaction Requirements

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

- 11.6.3 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 11.6.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 11.6.5 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.
- 11.6.6 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 11.6.7 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 11.6.8 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.

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

- 11.7.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under *Part 4A of the Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

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

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

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

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

11.9 **Public Safety**

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

11.10 Site Security

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

11.11 Traffic Control

11.11.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.

11.11.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.

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

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

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

11.12 Powder Coated Furniture

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

12 PRIOR TO SUBDIVISION CERTIFICATE

12.1 Site Access

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

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

12.2 Road Damage

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

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

12.3 Easements/Restrictions

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

12.4 Security

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

12.5 Asset Management

- 12.5.1 An amount of \$42.50 is to be paid to Council for the ongoing maintenance of the black powder coated light poles, street name poles and bus shelters proposed in this subdivision. This amount is based on a fee of \$42.50 per lot proposed in the subdivision and is to be paid prior to the release of the Linen Plan. This amount is valid only until 30 June 2018, upon which this amount will be updated in accordance with Council's adopted fee structure at the time. Any enquiries regarding this fee are to be directed to the Maintenance Section of the City Assets Directorate.

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

12.6 Service Authority Approvals

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

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of

water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the plan of subdivision.

- (b) A Notification of Arrangement" Certificate from Integral Energy, stating that electrical services, including the provision of street lighting, have been made available to the development.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

12.7 Consent Compliance

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

12.8 Additional Inspections

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

12.9 Fee Payment

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

12.10 Engineering Matters

12.10.1 Surveys/Certificates/Works As Executed plans

- 12.10.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 12.10.1.2 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 12.10.1.3 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):
 - a) Compaction certificates for fill within road reserves.
 - b) Compaction certificates for road sub-grade.
 - c) Compaction certificates for road pavement materials (sub-base and base courses).
 - d) Two (2) contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.

- e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)

- 12.10.1.4 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

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

12.10.2 **Easements/Restrictions/Positive Covenants**

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

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

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

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

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

12.10.3 **Dedications**

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

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

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

- 12.10.4.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.

- (a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)

- (b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

This maintenance period may be extended in the following situations to allow for the completion of i) necessary maintenance and or ii) all outstanding minor works.

- 12.10.4.3 Concrete path paving must not be placed until about 75% of the lots have been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Services Pricing Schedule. The Security will be released upon satisfactory completion of the works.
- 12.10.4.4 Where Council's has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request
- 12.10.5 **Inspections**
 - 12.10.5.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.
- 12.10.6 **Inspection of Work**
 - 12.10.6.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV on completion of the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of a DVD of the inspection, a hard copy printout of the SEWRAT (or equivalent) report and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

13 PRIOR TO OCCUPATION CERTIFICATE

13.1 Road Damage

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

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

13.2 Compliance with Conditions

- 13.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 13.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.
- 13.2.3 A Subdivision Certificate shall not be issued until all conditions of this consent, other than "operational" conditions, have been satisfied.

- 13.2.4 Prior to any Occupation Certificate being issued all roads required to be constructed under this consent must be dedicated to Council

13.3 Fire Safety Certificate

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

13.4 Temporary Facilities Removal

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

13.5 Fee Payment

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

13.6 Engineering Matters

13.6.1 Surveys/Certificates/Works As Executed plans

- 13.6.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 13.6.1.2 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.

13.6.1.3 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):

- a) Compaction certificates for fill within road reserves.
- b) Compaction certificates for road sub-grade.
- c) Compaction certificates for road pavement materials (sub-base and base courses).
- d) Two (2) contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)

13.6.1.4 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

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

13.6.2 **Easements/Restrictions/Positive Covenants**

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

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

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

13.6.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the Stormwater Quality Control devices/system and outlet works.

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

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

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

13.6.3.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.

a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)

- b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

This maintenance period may be extended in the following situations to allow for the completion of i) necessary maintenance and or ii) all outstanding minor works.

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

- 13.6.3.4 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.

13.6.4 **Inspections**

- 13.6.4.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

13.6.5 **CCTV Inspection of Stormwater Drainage Structures**

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

13.6.6 **Temporary Stormwater Quality Control – Roads**

- 13.6.6.1 Provide a Temporary Enviropod Removal Bond to Council for the removal of the Temporary Enviropods within the street pits equal to 200% of the Temporary Enviropod Removal Estimate.
- 13.6.6.2 Provide a Temporary Enviropod Maintenance Bond to Council for the maintenance of the Temporary Enviropods within the street pits equal to 150% of the Temporary Enviropod Maintenance Estimate.
- 13.6.6.3 Provide a Positive Covenant over the Temporary Enviropods in the Street Pits generally in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include cleaning at maximum 4 monthly intervals and the submission of an annual report on water treatment by the first business day on or after 1 September each year. The Positive Covenant must be registered with Land & Property Information prior to the final occupation certificate.

13.7 **Services / Utilities**

- 13.7.1 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the

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

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

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

13.7.4 If required, the applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.

13.8 **Salinity**

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

13.9 **Waste Matters**

13.9.1 The development is to be completed in accordance with the waste requirements of **Condition 3.8.1**.

13.9.2 A Strata Management Statement (or similar) must exist which clearly outlines:

- i. The requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan.
- ii. The responsibility for maintenance of the waste system (including any bin movement aides) and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times.
- iii. The method of communication to new tenants and residents regarding the waste management services and collection system for the complex.
- iv. Includes a copy of the amended and approved waste management plan as submitted with this development application.

13.9.3 Should general, recycling and bulky waste collection be undertaken by Council, the Strata Manager is to sign the 'Agreement for Onsite Waste Collection' form.

13.9.4 The Owners Corporation / Strata Manager will be responsible for ensuring that clear access is provided to the waste collection vehicles entering the property.

13.10 **Street Tree Planting**

13.10.1 Prior to the issue of the final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to the satisfaction of Council's Project Officer Civil and Open Space Infrastructure.

13.11 **Other Matters**

13.11.1 All landscaping, recreation features and furniture, bbq facilities and lighting shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.

13.11.2 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

13.11.3 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.

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

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

13.11.6 All power boards should be housed within a locked cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.

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

13.11.8 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.

13.11.9 Head room clearance at the basement ramp must comply with requirements of AS2890.1 (Section 5.3) for a Disabled Vehicle, and meet AS2890.1 – Appendix C for the disabled parking space and access to the lift.

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

13.11.11 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.

13.11.12 A roller shutter and card-key system, or similar, is to be installed at the entry/exit points of the basement car park.

13.11.13 Basement storage areas are to have quality doors/cages and lock sets to restrict unauthorised access. These are recommended to be constructed of an appropriately robust steel welded mesh to be used in lieu of chain link wire.

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

13.12 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

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

13.13 Adaptable Housing Units

13.13.1 Certification from a qualified Access Consultant confirming that the Adaptable Housing Units are capable of being modified when required by the occupants in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) is to be submitted to Council.

13.14 NSW Local Police Matters

13.14.1 Details of the Body Corporate are to be forwarded to NSW Local Police, Quaker Hill Local Area Command.

13.14.2 A copy of Evacuation Plan for the development is to be forwarded to the NSW Local Police, Quaker Hill Local Area Command.

13.15 Graffiti Management Plan

13.15.1 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; and

(d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

13.16 Total Maintenance Plan

13.16.1 A “total” maintenance plan is to be prepared for the site. The plan is to ensure the following:

(a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, pathways, through site links, soft and hard landscaping, safety fencing for rooftop communal and private open space areas, security systems, mail

boxes, lighting, bulky waste storage and loading areas, feature entry signage, parking signage and services are regularly inspected and maintained at optimum levels at all times.

(b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted “junk mail” is to be collected on a regular basis and disposed of as necessary.

(c) The development is managed by a Site / Strata / Building Manager.

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

13.17 Acoustic Verification

13.17.1 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.

14 OPERATIONAL (PLANNING)

Condition 14.1.1 is amended in MOD-18-00467 as follows:

14.1 Specific Use

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

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

(Note: the definition for ‘neighbourhood shop’ is deleted).

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

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

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

14.1.4 The hours of operation and noise levels from the Ground Level BBQ area, common outdoor areas, common rooms, common rooftop areas and private rooftop areas are to be appropriately managed to ensure that the occupiers of the buildings are not adversely affected by noise and vibrations, in particular not prior to 8am and not after 10pm daily.

14.1.5 The rooftop communal open space areas and common rooms are not permitted to be accessed by the general public and are not permitted to operate as a commercial purpose.

Condition 14.1.6 relating to hours of operation for the neighbourhood shop is deleted in MOD-18-00467.

14.2 Access / Parking

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

14.3 Storage

- 14.3.1 No goods, materials, or trade waste shall be stored, displayed for sale or manufactured at any time outside the building on either the internal roadway, car parking areas, landscaping or footpaths, other than in approved garbage receptacles.

14.4 Landscaping

- 14.4.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 14.4.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.
- 14.4.3 The management of vegetation, gardens, planter boxes, communal areas including the rooftop areas and common rooms, fences, decking, BBQ area, lighting and other similar areas is to be incorporated within the future strata management plan once the development is occupied.

14.5 Waste Management and Collection

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

14.6 Clothes Drying

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

14.7 Lighting and Security

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

14.8 Emergency Procedures

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

14.9 **Graffiti Removal**

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

14.10 **Total Maintenance Plan**

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

14.11 **Environmental Management**

14.11.1 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.

14.11.2 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.

14.11.3 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.

14.11.4 A post commissioning report produced by an independent organisation that is eligible for membership with the Association of Australian Acoustic Consultants within 3 – 6 months of the multi storey development operating to validate the findings of DA Noise Impact Assessment shall be submitted

14.11.5 To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10pm and 7am.

14.11.6 All waste and recycling bins must be stored wholly within the approved waste storage area.