



**Land and Environment
Court**
of New South Wales

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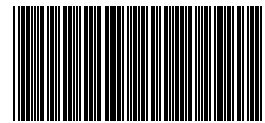
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D0001IVEBN

8 February 2022

NOTICE OF ORDERS MADE

Case number	2021/00207086
Case title	Stellar Rouse Hill Pty Ltd v BLACKTOWN CITY COUNCIL

On 8 February 2022 the following orders (and/or directions) were made:

The Court orders that:

- (1) The appeal is upheld.
- (2) Modification application MOD-18-00331 to modify development consent JRPP-15-0273 is approved.
- (3) Development consent JRPP-15-0273 is modified in the terms in Annexure A to this Judgment.
- (4) As a consequence of order 2(c), development consent JRPP-15-0273 is subject to the consolidated modified conditions set out in Annexure B to this Judgment.

For the Registrar

Annexure A**DETERMINATION OF APPLICATION FOR MODIFICATION OF DEVELOPMENT CONSENT**

Modification Application No:	MOD-18-00331
Development Consent modified:	JRPP-15-02703
Description of development to be carried out under the consent (as previously modified):	Demolition of existing structures, tree removal, superlot subdivision of land including the construction of new roads and 6x4 storey residential flat buildings comprising 200 apartments, with basement car parking, landscaping and common open space embellishment.
Address and particulars of title of land on which development to be carried out:	Lot 8 DP 1190434 H/N 103 Schofields Road ROUSE HILL
Description of modification to the development consent:	Amendments to Stage 2 of the approved development to increase the developable area, provide revised layouts for the basement and buildings D, E and F, increasing the number of units and amendments to road design and locations.

Schedule of Modifications:

Date approved	Modification Application Number	Decision maker (Land and Environment Court or relevant council)	Proceedings Name and Number (if applicable)
8 February 2022	MOD-18-00331	Land and Environment Court	2021/00207086

Determination: The development consent is modified as follows:

1. Delete Condition 1 (including 1.1 and 1.2).
2. Delete Condition 2.2.1.
3. Delete Condition 2.4.1 and replace with the following:

“The applicant is advised to consult with:

- Sydney Water Corporation Limited
- Energy provider
- Natural Gas Company
- 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~~ a Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. 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.”

4. Delete Condition 2.6.2 and replace with the following:

“The proposed street tree planting shall be reviewed in relation to the existing / proposed street lighting layout to ensure that the intended tree planting does not interfere with the street light spill. Documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting shall be submitted to Council prior to the issue of a the first Construction Certificate relating to the approved development.”

5. Delete Condition 2.8.1 and replace with the following:

“2.8.1 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 (including separate Construction Certificates for Stage 1 and Stage 2 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)~~

6. Delete Condition 3.1.1 and replace with the following:

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

Drawing No.	Dated	Council's File Enclosure No.
Demolition and Streetscape Plan Dwg 0003 Issue D	19/09/2016	30D
Site Plan Dwg 0101 Issue D S96-13 <u>Issue 4</u>	19/09/2016 <u>21/10/2021</u>	-D21/670653
Basement and Ground Floor Plan Dwg 0102 Issue E	10/11/16	33B
<u>Basement Floor Plan – Stage 2</u> <u>S96-14 Issue 7</u>	<u>27/10/2021</u>	D21/662927
<u>Ground Floor Plan – Stage 2</u> <u>S96-15 Issue 5</u>	<u>27/10/2021</u>	D21/662928
<u>Upper Floor Plan – Stage 2</u> <u>S96-16 Issue 4</u>	<u>27/10/2021</u>	D21/662930
Level 1 and 2 Plans Dwg 0103 Issue D	19/09/2016	30H
<u>Typical Floor (Level 1-2) – Stage 2</u> <u>S96-17 Issue 5</u>	<u>27/10/2021</u>	D21/662932
Level 3 and Roof Dwg 0104 Issue D	19/09/2016	
<u>Level 3 – Stage 2</u> <u>S96-18 Issue 5</u>	<u>27/10/2021</u>	D21/662934
<u>Roof Level – Stage 2</u> <u>S96-19 Issue 5</u>	<u>27/10/2021</u>	D21/662935
Elevations - Boundary Dwg 0201 Issue D	19/09/2016	30K
Elevations – Blocks A, B, C, D Dwg 0202 Issue D	19/09/2016	30L
<u>Elevation – Stage 2</u> <u>S96-21 Issue 5</u>	<u>27/10/2021</u>	D21/662937
<u>Elevation – Stage 2</u> <u>S96-22 Issue 5</u>	<u>27/10/2021</u>	D21/662940
Sections Dwg 0301 Issue D	19/09/2016	

<u>Section A & B</u> <u>S96-31 Issue 3</u>	<u>21/10/2021</u>	D21/670656
<u>Section E</u> <u>S96-32 Issue 4</u>	<u>21/10/2021</u>	D21/670683
<u>Section F</u> <u>S96-33 Issue 4</u>	<u>21/10/2021</u>	D21/670714
<u>Section G</u> <u>S96-34 Issue 5</u>	<u>21/10/2021</u>	D21/670716
Details – Adaptable and Fencing Dwg 0401 Issue D	19/09/2016	30N
Street alignment Dwg 0402 and 0403 Issue D	19/09/2016	30P & 30Q
Service Bay Detail Dwg 0410 Issue D	19/09/2016	30X
Staging Plan 0005-0008 Issue D	17/01/17	40B
<u>Landscape Plan: General</u> <u>Layout Plan</u> <u>S34-L101 Rev P</u>	<u>20/10/2021</u>	D21/670738
<u>Landscape Plan: Ground fr</u> <u>& Upper Ground fr</u> <u>S34-L102 Rev P</u>	<u>20/10/2021</u>	D21/670738
<u>Landscape Plan: Level 03</u> <u>& typical detail</u> <u>S34-L103 Rev P</u>	<u>20/10/2021</u>	D21/670738
<u>Street Tree Plan & typical</u> <u>detail</u> <u>S34-L104 Rev P</u>	<u>20/10/2021</u>	D21/670738

** Unless modified by any conditions of this consent"*

7. Delete Condition 3.1.2 and replace with the following:

"The proposed subdivision is to be in accordance with the following drawings/details, subject to compliance with any other conditions of this consent:

<u>Drawing No.</u>	<u>Dated</u>	<u>Council's file enclosure No.</u>
Proposed Plan of Subdivision 2908 <u>Plan of subdivision of Lot</u> <u>8 in DP 1190434</u> <u>Issue B</u> (Surveyor's reference: 50074 001DP)	14 December 2015 <u>21 September 2017</u>	20G

8. Delete condition 3.1.3 and replace with the following:

“This consent grants approval for the development to be constructed in the following stages, subject to full compliance with all other conditions of this consent:

- *Stage 1 - Residue lot subdivision including road construction*
- *Stage 2- Blocks A, B and C*
- *Stage 3 – Blocks ~~B~~ and D, E and F”*

9. Delete condition 3.4.1 and replace with the following:

“All commitments listed in the BASIX Certificate numbers 689893M dated 21 December 2015 and 929841M 02 dated 21 October 2021 shall be complied with.”

10. Insert Conditions 3.5.1.5 – 3.5.1.9 after Condition 3.5.1.4, as follows:

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

Required percentage reductions in post development average annual load of pollutants

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

3.5.1.6 The registered proprietor/lessee is to provide to Council’s WSUD Compliance Officer a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor’s cleaning reports or certificates to Council’s WSUD Compliance Officer WSUD@blacktown.nsw.gov.au.

3.5.1.6.a Each year the registered proprietor/lessee is to provide to Council’s WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au a report

outlining all non-potable water used annually and the percentage of non-potable reuse. Design reuse supplied is 0.11 ML/yr at 100%.

3.5.1.7 Provide a Temporary OceanGuard Maintenance Estimate from Ocean Protect for the cleaning of the OceanGuards every 3 months for 2 years and every 4 months thereafter for duration of the contract. Replacement of the filter bags must occur every 2 years and the full removal of the temporary OceanGuards and frames from the street pits surrounding the development. At the end of the contract period of eight (8) years.

3.5.1.8. Provide a Stormwater Quality Improvement Device (SQID) Maintenance Estimate from Ocean Protect for the Stormfilter system and on-lot OceanGuards as per the supplier's maintenance schedule. The maintenance estimate is to be for a five (5) year period and include replacement of the stormfilters and OceanGuards at the end of the contract period.

3.5.1.9 A s4.55 modification of consent application is required where proprietary stormwater quality products are altered in the form of size, type or brand."

11. Delete Condition 5.3.1 and replace with the following:

"5.3.1 The developer is to provide securities to Council for the removal of the proposed temporary access when ILP road pattern is completed. The securities are to be provided for outstanding works for the ~~reinstatement~~ adjustment of Road No.1 to the ultimate design levels, as well as the reinstatement of the development frontage along Schofields Road to the ultimate design as detailed on Roadworks and Drainage Layout Plan prepared by Telford Civil, plan reference No. 2021225, Dwg No. 300, revision E and dated 25/11/2021."

12. Delete Condition 5.3.2 and replace with the following:

"5.3.2 ~~Transport for NSW Roads and Maritime~~ has previously acquired a strip of land for road along the Schofields Road frontage of the subject property, being Lot 51 DP 1175424. Therefore, all buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property — ~~Lot 8 DP 1190434~~ (unlimited in height or depth), along the Schofields Road boundary."

13. Delete Conditions 5.3.3 and 5.3.4

14. Delete Condition 5.3.5 and replace with the following:

"5.3.5 The temporary driveways and associated works along the Schofields Road boundary (as shown on the 'Roadworks and Drainage Layout Plan Sheet 1 of 2 (Interim Scenario)', plan reference No. 2021225, drawing 300.1, issue E, dated 25/11/2021, prepared by Telford Civil) shall be removed and the road frontage must be reinstated by the applicant at no cost to Transport for NSW, to the ultimate design as detailed on Roadworks and Drainage

Layout Plan prepared by Telford Civil, plan reference No. 2021225, Dwg No. 300, revision E and dated 25/11/2021 to match existing when the road network within the site has permanent access to the existing road network in accordance with the intended ILP road layout (such access to be constructed by others either to the east or the west of the site). The design and construction of the kerb and gutter and associated works on Schofields Road shall be in accordance with ~~Roads and Maritime/TfNSW~~ requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au, from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Detailed design plans of the proposed kerb and gutter crossing are to be submitted to Transport for NSW Roads and Maritime for approval prior to the issue of a Construction Certificate (Engineering) and commencement of any road works. Documents should be submitted to Development.Sydney@rms.nsw.gov.au.

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

Special attention is drawn to the requirement that the applicant is to provide a bond to Council for the removal of the proposed temporary access and all associated works as detailed within other parts of this consent. A detailed cost estimate is to be provided for these works. This will be required prior to the issue of any construction certificate.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Transport for NSW Roads and Maritime. Transport for NSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works."

15. Condition 5.3.6 is deleted and replaced with the following:

"5.3.6 Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Transport for NSW Roads and Maritime for approval, prior to the commencement of any works. Documents should be submitted to Development.Sydney@rms.nsw.gov.au.

Details should be forwarded to:

The Sydney Asset Management Roads and Maritime Services.
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before TfNSW Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766."

16. Delete Condition 6.1.1 and replace with the following:

“A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are not inconsistent with the approved Development Application design plans development consent.”

17. Delete Condition 6.6.4 and replace with the following:

“6.6.4 Prior to the relevant construction certificate, the applicant must, in the relevant plans and specifications to the subject of the construction certificate, provide physical treatment to the loading bay (e.g. removable, lockable bollards) to prevent unauthorised parking and to maintain truck turning areas.”

18. Delete Condition 6.8 and replace with the following:

“6.8 Transport for NSW

6.8.1 Prior to the issue of a the first Construction Certificate the Applicant is to submit to Council an acoustic assessment demonstrating how the development will comply with the Department of Planning and Infrastructure's document titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

6.8.2 Prior to the issue of a the first Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the electrolysis risk to the development from stray currents from the North West Rail Link. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a the first Construction Certificate.

6.8.3 Prior to the issue of a the first Construction Certificate the Applicant is to submit to the Deputy Project Director, Metro Product and Integration, Sydney Metro Delivery Office of Transport for NSW (TfNSW) a plan showing all craneage and other aerial operations for the development and must comply with all TfNSW requirements. The Principle Certifying Authority is not to issue the first Construction Certificate until written confirmation has been received from the TfNSW confirming that this condition has been satisfied.

6.8.4 Drainage from the development must be adequately managed and disposed of and not allowed to discharge into the rail corridor. Prior to the issue of a the first Construction Certificate the Applicant is to submit to the Deputy Project Director, Metro Product and Integration, Sydney Metro Delivery Office of Transport for NSW (TfNSW) a plan showing how stormwater drainage does not discharge to the rail corridor.

6.8.5 Copies of any certificates, drawings or approvals given to or issued by Transport for NSW must be provided to Blacktown

City Council for its records.”

19. Delete Condition 6.12.1.
20. Delete Condition 6.12.2 and replace with the following:

“6.12.2 The developer is to provide securities to Council for the removal of the proposed temporary access when ILP road pattern is completed. The securities are to be provided for outstanding works for the reinstated of Road No.1 to the ultimate design levels, as well as the reinstatement of the development frontage along Schofields Road to the ultimate design as detailed on Roadworks and Drainage Layout Plan prepared by Telford Civil, plan reference No. 2021225, Dwg No. 300, revision E and dated 25/11/2021.”

21. Delete Condition 7.1.1 and replace with the following:

“The following monetary contributions pursuant to Section 94 of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are stated as at 4 January 2022 ~~as at the date of this consent~~. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) whichever occurs first, either by Council or any accredited certifier, ~~whichever occurs first~~.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted ~~up to \$10,000.00 only~~. Any ~~payments above \$10,000.00 must be made by cheque~~. Payments above \$10,000.00 However, payments by credit card or EFTPOS over \$10,000.00 are levied a 0.5% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Stage 1

<u>Contribution Item</u>	<u>Base Amount</u>	<u>Relevant C.P.</u>
Stormwater Quantity	\$382,187	CP22
Stormwater Quality	\$104,547	CP22
Traffic Management	\$263,243	CP22
Open Space	\$1,795,734	CP22
Community Facilities	\$11,352	CP22
E2 Conservation zone	\$55,523	CP22

<u>Contribution Item</u>	<u>Amount</u>	<u>Relevant C.P.</u>
Stormwater Quantity		
<u>Second Ponds Creek</u>	<u>\$414,237.00</u>	<u>22 – Area 20</u> <u>precincts</u>

<u>Stormwater Quality</u>		
<u>Second Ponds Creek</u>	<u>\$113,314.00</u>	<u>22 – Area 20</u> <u>precincts</u>
<u>Traffic Management</u>	<u>\$285,318.00</u>	<u>22 – Area 20</u> <u>precincts</u>
<u>Open Space</u>	<u>\$1,946,324.00</u>	<u>22 – Area 20</u> <u>precincts</u>
<u>Community Facilities</u>	<u>\$12,304.00</u>	<u>22 – Area 20</u> <u>precincts</u>
<u>E2 Conservation Zone</u>	<u>\$60,179.00</u>	<u>22 – Area 20</u> <u>precincts</u>
<u>Total</u>	<u>\$2,831,676.00</u>	

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

Developable Area: 1.1660 hectares

Stormwater Quality Area: 0.2915

Additional Population: 190.4 persons

Stage 2

<u>Contribution Item</u>	<u>Base Amount</u>	<u>Relevant C.P.</u>
<u>Stormwater Quantity</u>	<u>\$165,855</u>	<u>CP22</u>
<u>Stormwater Quality</u>	<u>\$45,370</u>	<u>CP22</u>
<u>Traffic Management</u>	<u>\$114,237</u>	<u>CP22</u>
<u>Open Space</u>	<u>\$1,795,734</u>	<u>CP22</u>
<u>Community Facilities</u>	<u>\$11,352</u>	<u>CP22</u>
<u>E2 Conservation zone</u>	<u>\$55,523</u>	<u>CP22</u>

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

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

S.94 CP No. 22 -Area 20 Precinct

The Section 94 contribution(s) have been based on the total developable area, the site's road frontage and the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 94 contribution(s) will be adjusted accordingly.

Stage 1

Developable Area: 1.166 hectares Additional Population: 190.4 persons

Stage 2

Developable Area:

0.5060 hectares

Additional Population:

190.4 persons

<u>Contribution Item</u>	<u>Amount</u>	<u>Relevant C.P.</u>
<u>Stormwater Quantity</u>		
<u>Second Ponds Creek</u>	<u>\$179,763.00</u>	<u>22 – Area 20 precincts</u>
<u>Stormwater Quality</u>		
<u>Second Ponds Creek</u>	<u>\$49,174.00</u>	<u>22 – Area 20 precincts</u>
<u>Traffic Management</u>	<u>\$123,817.00</u>	<u>22 – Area 20 precincts</u>
<u>Open Space</u>	<u>\$2,171,214.00</u>	<u>22 – Area 20 precincts</u>
<u>Community Facilities</u>	<u>\$13,726.00</u>	<u>22 – Area 20 precincts</u>
<u>E2 Conservation Zone</u>	<u>\$67,133.00</u>	<u>22 – Area 20 precincts</u>
<u>Total</u>	<u>\$2,604,827.00</u>	

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

Developable Area: 0.5060 hectares

Stormwater Quality Area: 0.1265 hectares

Additional Population: 212.4 persons

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

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

Section 7.11 Contributions Plan No. 22 – Area 20 Precincts.”

22. Delete Condition 7.5.4 and replace with the following:

“7.5.4 A minimum of 260 car parking spaces are to be provided on site, being 220 resident car parking spaces and 40 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): 2.54m x 5.4m
- Residential Flat Building (adjacent to solid wall): 2.7m x 5.4m
- Disabled Car Spaces: 4.8m x 5.4m (including shared zone)"

23. Delete Conditions 7.7 and 7.7.2

24. Delete Condition 8.6 and replace with the following:

"The plans and specifications must indicate compliance with (for stage 1) the commitments listed in the BASIX Certificate Number 689893M dated 21 December 2015 and (for stage 2) the commitments listed in BASIX Certificate Number 929841M 02 dated 21 October 2021."

25. Delete Condition 9.1.3 and replace with the following:

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

<i>Prepared By</i>	<i>Project No.</i>	<i>Drawing No.</i>	<i>Sheet No.</i>	<i>Revision</i>	<i>Dated</i>
<i>Umbrella Civil</i>	<i>UM815145</i>	<i>CIV</i>	<i>00-13</i>	<i>8</i>	<i>30/5/16</i>
<i>Umbrella Civil</i>	<i>UM815145</i>	<i>SW</i>	<i>101-110</i>	<i>8</i>	<i>15/6/16</i>

<u>Civil engineering drawings</u>				
<u>Prepared By</u>	<u>Drawing No</u>	<u>Title</u>	<u>Rev</u>	<u>Date</u>
<u>Telford Civil</u>	<u>001</u>	<u>Cover sheet, locality plan and drawing index</u>	<u>G</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>002</u>	<u>Existing services and demolition plan</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>300</u>	<u>Roadworks and drainage layout plan sheet 1 of 2</u>	<u>E</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>300.1</u>	<u>Roadworks and drainage layout plan sheet 1 of 2 (interim scenario)</u>	<u>E</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>301</u>	<u>Roadworks and drainage layout plan sheet 2 of 2</u>	<u>C</u>	<u>18/11/2021</u>
<u>Telford Civil</u>	<u>302</u>	<u>Road 1, 2, 3 & 4 typical cross sections</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>310</u>	<u>Road longitudinal sections</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>310.1</u>	<u>Interim road longitudinal sections</u>	<u>B</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>311</u>	<u>Road 1 cross sections</u>	<u>C</u>	<u>25/11/2021</u>

<u>Telford Civil</u>	<u>312</u>	<u>Road 2 cross sections sheet 1 of 2</u>	<u>B</u>	<u>1/11/2021</u>
<u>Telford Civil</u>	<u>313</u>	<u>Road 2 cross sections sheet 2 of 2</u>	<u>B</u>	<u>1/11/2021</u>
<u>Telford Civil</u>	<u>314</u>	<u>Road 3 cross sections sheet 1 of 2</u>	<u>B</u>	<u>1/11/2021</u>
<u>Telford Civil</u>	<u>315</u>	<u>Road 3 cross sections sheet 2 of 2</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>316</u>	<u>Road 4 cross sections</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>320</u>	<u>Signage, linemarking and swept path plan sheet 1 of 2 (12.5m truck)</u>	<u>F</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>320.1</u>	<u>Signage, linemarking and swept path plan sheet 1 of 2 (8.8m truck)</u>	<u>B</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>321</u>	<u>Signage, linemarking and swept path plan sheet 1 of 2</u>	<u>B</u>	<u>18/10/2021</u>
<u>Telford Civil</u>	<u>330</u>	<u>Construction and details sheet 1 of 3</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>331</u>	<u>Construction and details sheet 2 of 3</u>	<u>B</u>	<u>18/11/2021</u>
<u>Telford Civil</u>	<u>332</u>	<u>Construction and details sheet 3 of 3</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>335</u>	<u>Retaining walls details</u>	<u>D</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>335</u>	<u>Retaining walls details sheet 2 of 2</u>	<u>A</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>400</u>	<u>Stormwater catchment plan</u>	<u>B</u>	<u>18/11/2021</u>
<u>Telford Civil</u>	<u>410</u>	<u>Stormwater longitudinal section sheet 1 of 2</u>	<u>A</u>	<u>18/11/2021</u>
<u>Telford Civil</u>	<u>411</u>	<u>Stormwater longitudinal section sheet 2 of 2</u>	<u>A</u>	<u>18/11/2021</u>
<u>Telford Civil</u>	<u>420</u>	<u>Stormwater calculations table</u>	<u>A</u>	<u>18/11/2021</u>
<u>Stormwater engineering drawings</u>				
<u>Prepared By</u>	<u>Drawing No</u>	<u>Title</u>	<u>Rev</u>	<u>Date</u>
<u>Telford Civil</u>	<u>000</u>	<u>Cover sheet & drawing schedule</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>101</u>	<u>Stormwater layout plan basement level sheet 1 of 2</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>102</u>	<u>Stormwater layout plan basement level sheet 2 of 2</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>103</u>	<u>Ground floor plan – stage 2</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>104</u>	<u>Upper ground floor plan – stage 2</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>105</u>	<u>WSUD catchment plan stage 1 and 2</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>106</u>	<u>WSUD & miscellaneous details sheet</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>107</u>	<u>Erosion & sediment control plan & details</u>	<u>D</u>	<u>19/11/2021</u>

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

- i. The applicant is to ensure that any future level difference between the interim levels of Road No.1 and Road No.3 at the south western end of site and the levels approved on the adjoining lot development (JRPP-16-03310) are supported by means of an appropriate structure along the common boundary.

Any proposed structure must account for the current road level on the adjoining property (i.e. undeveloped lot 7 in DP 1190434) as well as any future level difference resulting from the development of lot 7 in DP 1190434 (see road levels approved on JRPP-16-03310).

An NER Registered Structural Engineer is to submit certification to verify that:

- the retaining wall is structurally adequate and in accordance with the relevant Australian Standards as well as able to withstand all loads likely to be imposed on it during its service life.
 - The structural engineer's certification must consider the current road level on the adjoining property (i.e. undeveloped lot 7 in DP 1190434) as well as any future level difference resulting from the development of lot 7 in DP 1190434 (see road levels approved on JRPP-16-03310).
 - The footing system of any proposed retaining wall must not impact the ultimate road pavement thickness.
 - The structure is to include but not be limited to an appropriate barrier system for both vehicular traffic as well as pedestrian movement.
- ii. The design and construction of all roads are to ensure there are no trapped low points within the road system. The design shall demonstrate adequate provision for the conveyance of the overland flows through the road system.
- iii. The proposed cross sectional detail of temporary road No.1 shall be no greater than 3% crossfall.
- iv. Prior to construction of the temporary access interface between interim road No. 1 and Schofields road, the applicant shall provide a certificate from a Traffic Engineer to confirm the access ramps/vehicular crossings are compliant with AS2890.2.
- v. Prior to the issue of any construction approval for the interface works between Road No.1 and Schofields Road, the applicant shall obtain written concurrence from Roads and Maritime Services/TfNSW.
- vi. A Road Safety Audit is to be submitted prior to the release of any construction approval for the proposed road system.
- vii. The ultimate road, drainage and lot levels and configuration are to be designed and constructed to ensure compatibility with approved road, drainage and lot levels and configuration detailed on approved neighbouring development JRPP-16-03310."
26. Insert Conditions 9.1.17 – 9.1.22 after Condition 9.1.16 as follows:
- "9.1.1 7 Provide a sealed impermeable baffle, or hood set 250 mm upstream of the Stormfilter weir and extending from the sealed underside of the tank to 400 mm below the top of the weir for the 690mm Stormfilter cartridge to, to contain floatables including oil. The Stormfilter weir level is to be set 770mm above the false floor.

9.1.18 The minimum length of the Stormfilter weir (L) is to be increased to provide a maximum velocity of 0.4 m/s under the baffle during peak flow (i.e. $L > Q_{100} / (0.4 \times 0.25)$, or $L > 10 \times Q_{100}$) in m, where Q_{100} is in m^3/s . Provide calculations.

9.1.19 Provide metal mosquito proof mesh welded under the access grate(s) into the Stormfilter Chamber.

9.1.20 Provide details for permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail are to be generally in accordance with Section 13 of Council's WSUD developer handbook and be approved by Council.

9.1.21 An experienced chartered hydraulic engineer is to prepare and certify a detailed Landscape Watering Plan for non-potable water uses (landscape watering) on the site and that all Sydney Water requirements have been satisfied. The plan is to show the non-potable pipe and tank arrangement including:

- a. a first flush or pre-treatment system;
- b. a pump with isolation valves and a warning light to indicate pump failure;
- c. a mains water direct tank top up with air gap for landscape watering.
- d. **flow meters** on the mains water tank top-up line and the pump outflow line, to determine actual non-potable usage;
- e. a timer and control box for landscape watering;
- f. how the system is designed to automatically achieve a minimum average usage rate of 112 kL/yr for landscape beds at (0.4 kL/yr/m^2) including increasing the frequency of watering by a minimum 50% above average for the hotter months and reducing for the cooler months.
- g. ensuring all the non-potable reuse pipes and taps are coloured purple;
- h. an inline filter and preferably an inline automatic backwash filter.
- i. fitting warning signs to all external taps using non-potable water.

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

The signage and line marking plan shall be provided to Transport for NSW for review and endorsement prior to being determined and implemented

27. Insert Condition 9.2.2 after Condition 9.2.1 as follows:

“9.2.1 Under the Environmental Planning and Assessment Act 1979 a Construction Certificate is required. These works include but are not limited to the following:

- *On-site stormwater detention system*

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

28. Delete Condition 9.3.1 and replace with the following:

“9.3.1 Under Section 138 of the Roads Act 1993 an approval for engineering work within the existing public road reserve is required. These works include but are not limited to the following:

- *Any works within Council's road reserve*
- *Vehicular crossings*
- *Road access and associated works along Schofields Road.*

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

29. Insert Condition 9.3.2 after Condition 9.3.1 as follows:

9.3.1 “Prior to the issue of a construction certificate, evidence is required to be provided of separate development consent having being obtained for stormwater tail out works on downstream property Lot 7 in DP 1190434 to facilitate inter-allotment drainage on the adjoining land.”

30. Delete Condition 9.4.3 and replace with the following:

Lodge with Land Registry Services an application for the registration of an easement over the relevant part of Lot 7 DP 1190434 (sufficient to permit the drainage outcome for that land shown in the 'Roadworks and Drainage Layout Plan Sheet 2 of 2' drawing 301, revision A, 14 September 2-21, preparing by Telford Civil) with the consent of the relevant landowner. ~~written permission from the affected property owner for any works proposed on adjoining land~~ Any required development consent for the works/use Lot 7 must also be obtained (this development consent does not authorise the carrying out of any development on Lot 7).

31. Delete Condition 9.5.4 and replace with the following:

“9.5.4 Proposed new roads shall be designed and constructed as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Road No. 1	15.5	75	3.5 - 11 - 1	5x10 ⁵
Road No. 2 (Half width)	18	205	3.5-11 - 3.5	5x10 ⁵
Road No. 3	18	205	3.5 - 11 - 3.5	5x10 ⁵
(Half width) Road No. 4	18	75	3.5-11 - 3.5	5x10 ⁵

Note: The road layout and associated levels are to be consistent with the adjoining development; namely JRPP-16-03310.

Note: The levels of the road have been approved on the basis that they are consistent with and will remain consistent with the development on the adjoining development approved pursuant to Development Consent No. JRPP-16-03310.

Note: The above formation figures include the path paving to be constructed in accordance with condition 9.12.1.”

32. Delete Condition 9.8.4

33. Delete Condition 9.9.4

34. Delete Condition 9.12.1 and replace with the following:

“9.12.1 Construct path paving in accordance with BCC GCP DCP and generally as follows:

Street Name	Side	Paving Width	Length
Road No. 1	North	1.2 1.5	Full frontage
Road No. 2	West	1.2 1.5	Full frontage
Road No. 3	East	1.2 1.5	Full frontage
Road No. 4	South	1.2 1.5	Full frontage

35. Delete Condition 10.5.2.

36. Insert Conditions 10.5.3 – 10.5.6 after Condition 10.5.2 as follows:

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

10.5.4 The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Documents should be submitted to Development.Sydney@rms.nsw.gov.au

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

10.5.5 The ground where the proposed safety barrier is to be installed must not exceed the manufacturer specifications/TfNSW acceptance conditions.

10.5.6 The suggested 'caution-watch for pedestrians and cyclists' sign or similar for exiting vehicles as suggested in the Varga Traffic Planning letter dated 29/11/2021 should be incorporated into the design."

37. Delete Condition 11.5 and 11.5.1

38. Delete Condition 11.11.1 and replace with the following:

"11.11.1 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 or the Heritage Council provides written advice that it has no objection to the resumption of work"

39. Delete Condition 11.12.1 and replace with the following:

"11.12.1 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 Heritage NSW is to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974. Relevant works shall not recommence until written authorisation from ~~Heritage NSW~~ ~~the NSW Office of Environment & Heritage~~ is received by the Applicant or Heritage NSW provides written advice that it has no objection to the resumption of work. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted."

40. Insert Condition 12.15 after Condition 12.14.1 as follows:

“12.15 The 200-micron OceanGuards (Enviropods) and Stormfilter cartridges supplied by Ocean Protect (Stormwater 360) as detailed on the approved drainage plan are not to be reduced in size or quantity, nor replaced with an alternate manufacturer’s product.”

41. Delete Condition 13.2.1 and replace with the following:

“13.2.1 Occupation Certificate shall not be issued until such time as all conditions of this consent relevant to the stage (or in relation to stage 2, the whole development), 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.”

42. Insert Conditions 13.7.1.8 – 13.7.1.14 after Condition 13.7.1.7 as follows:

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

- (a) all the requirements of the approved drainage plan have been undertaken;*
- (b) the orifice size matches the approved construction certificate plans;*
- (c) the total of 40kL rainwater tanks have been provided as per the approved construction certificate plans;*
- (d) all the signage and warning notices have been installed;*
- (e) any proprietary water quality devices have been installed for the site as per the manufacturer’s recommendations.*
- (f) the maximum depth of flow in the gutter is less than 200 mm for all 1 in 100-year ARI storm events.*
- (g) a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.*

13.7.1.9 A registered surveyor is to provide a works-as-executed plan of the detention basin and certify that the available storage volumes are at or exceed the design volumes in the 1 in 100-year ARI events.

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

- i. They are installed in accordance with the Ocean Protect (Stormwater 360) standard operational guidelines and production drawings;*
- ii. A minimum of 8(eight) 200-micron OceanGuards (Enviropods) and 25 (690mm cartridges) Ocean Protect Stormfilters have been installed;*
- iii. The Stormfilter tank includes a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 690 mm cartridges;*
- iv. The Stormfilter weir length is as per the manufacturers recommendation.*
- v. The Stormfilters have a minimum flow rate of 40 l/s at standard weir height;*
- vi. Mosquito proof screens have been provided under all grated*

- accesses into the Stormfilter tank; and
- vii. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber. A maintenance contract has been entered into for the maintenance of the stormfilters

13.7.1.11 Structural certification 'as built' by a qualified Engineer (NER) for all structural items approved by the scope of this consent. This relates to the following components:

- a) Retaining walls over 0.6 m in height
- b) Non-standard stormwater pits

13.7.1.12 Certification 'as built' by a qualified Engineer (NER) for all barrier systems and associated items approved by the scope of this consent. This relates to the following components:

- a) The entire barrier system w-beam barrier along Schofields road.
- b) Barrier system along the western boundary of Road No. 3.

13.7.1.13 In regards to the as-built structure constructed to address the level difference between the interim levels of Road No.1 and Road No.3 at the south western end of site and the levels approved on the adjoining lot development (JRPP-16-03310). An NER Registered Structural Engineer is to submit certification to verify that;

- the retaining wall is structurally adequate and in accordance with the relevant Australian Standards as well as able to withstand all loads likely to be imposed on it during its service life.
- The structural engineer's certification must consider the current road level on the adjoining property (i.e. undeveloped lot 7 in DP 1190434) as well as any future level difference resulting from the development of lot 7 in DP 1190434 (see road levels approved on JRPP-16-03310).
- The footing system of any proposed retaining wall must not impact the ultimate road pavement thickness.
- The structure is to include but not be limited to an appropriate barrier system for both vehicular traffic as well as pedestrian movement.

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

43. Insert Conditions 13.7.2.5 - 13.7.2.9 after Condition 13.7.2.4 as follows:

"13.7.2.5 Prior to the issue of an occupation certificate, an easement must be registered over the relevant part of Lot 7 DP 1190434, sufficient to permit the

drainage outcome for that land shown in the 'Roadworks and Drainage Layout Plan Sheet 2 of 2' drawing 301, revision A, 14 September 2021.

13.7.2.6 Provide a Restriction to User and Positive Covenant (**Water Sensitive Urban Design System**) over the stormfilter tank and OceanGuards in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.

13.7.2.7 Provide a Positive Covenant over the Temporary OceanGuards in the Street Pits generally in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include cleaning at maximum 4 monthly intervals and the submission of an annual report on water treatment before 1 September each year. The Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate and include a sunset clause releasing the covenant once the regional water quality facility is provided as agreed with Council.

13.7.2.8 Prior to the issue of an occupation certificate the the inter-allotment drainage line required to drain the development is to be constructed and a satisfactory final inspection by Council.

13.7.2.9 A Registered Surveyor must provide evidence that all pipes and associated structures lie wholly within any easement, and provide a Works-As-Executed plan

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

44. Delete Conditions 13.7.3 and 13.7.3.1

45. Insert Condition 13.7.4.5 after Condition 13.7.4.4 as follows:

"13.7.4.5 Security for outstanding works is to be submitted by the applicant for the removal of the interim road works along Road No.1 interfacing with Schofields Road and the reinstatement by the applicant to the ultimate design as detailed on Roadworks and Drainage Layout Plan prepared by Telford Civil, plan reference No. 2021225, Dwg No. 300, revision E and dated 25/11/2021. The design and construction of the kerb and gutter and associated works on Schofields Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Note: These works can be implemented when the site has permanent access to the existing road network in accordance with the intended ILP road layout (such access to be constructed by others either to the east or the west of the site).

46. Insert Conditions 13.7.7 – 13.7.10 after Condition 13.7.6 as follows:

“13.7.7 Provide maintenance requirements for each of the proposed water quality devices generally in accordance with the WSUD Inspection and Maintenance Guidelines available on Council’s website. Where a proprietary device is not included within this guideline provide these separately. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer’s name, company, signature and date on it.

13.7.8 Written evidence is to be provided that the registered proprietor has entered into a minimum five (5) year signed and endorsed maintenance contract with Ocean Protect and prepaid all of the Stormfilter and OceanGuards Maintenance Estimate. Forward a copy of the signed and endorsed contract and maintenance contractor details to Council’s WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled after the contract period, but can be replaced with an alternative contract of the same standard or with a differing entity (e.g. owners’ corporation).

13.7.9 An experienced irrigation specialist, is to certify that:

- a. the non-potable landscape water uses are being supplied by rainwater;
- b. All the requirements of the detailed Landscape Watering Plan have been installed to the required locations.
- c. The flow meters have been installed on the pump outflow and the mains water supply to the rainwater tank to determine non-potable usage and actual percentage of reuse;
- d. The automatic timer has been set up for time and frequency to deliver 112 kl/year on average and the system has been design will adjust for twice the rate in summer and half the rate in winter.
- e. The pumps, alarms and all other systems are working correctly;
and
- f. The water from at least two garden taps, or two sample points for the landscape watering system have been tested to show no chlorine residual.
- g. Rainwater warning signs are fitted to all external taps using rainwater.
- h. A signed, works-as-executed Landscape Watering Plan is to be provided to Council’s WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au

(Used for stand-alone landscape watering systems such as residential development in the growth centres - review details above and check specifics – delete).”

47. Delete Conditions 13.8.2 – 13.8.5 and replace with the following:

13.8.2 All landscaping, recreation features and furniture, bbq facilities, children's play equipment and clothes drying facilities shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate for the relevant stage.

13.8.3 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate for the relevant stage. 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.

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

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

48. Delete Condition 13.9.1 and replace with the following:

"13.9.1 Prior to the issue of an Occupation Certificate for a stage and after all front fencing for that stage is constructed, a suitably qualified Traffic Consultant is to verify that the as-built driveways comply with the sight distance requirements in the relevant Australian"

49. Delete Condition 13.11.1 and replace with the following:

"13.11.1 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, landscaping, the communal open space areas, gymnasium, security systems, mail boxes, lighting, loading areas 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 proposed development is always under the control of a fulltime Building Manager.

A copy of the Plan is to be submitted to Council for separate

approval prior to the release of any Occupation Certificate for stage 2.

50. Delete Condition 13.12.2

51. Delete Condition 13.15.3 and replace with the following:

“13.15.3 All fencing, landscaping, clotheslines, hot water systems, TV antennae, mailboxes, driveways and the common open space area are to be completed for a given stage in accordance with the approved plans and conditions of this consent to Council's satisfaction prior to the release of the Occupation Certificate for that stage.”

52. Delete Condition 13.16.1 and replace with the following:

“13.16.1 Any tree planting (and maintenance) along the frontage of ~~the development site~~ each stage to improve the amenity of the streetscape must be approved before a Occupation Certificate is issued for that stage.

The number of trees should equal the number lots/dwellings with street frontage. However, corner lots require 1 tree for the primary frontage and 2 trees on the side frontage. In the case of medium and high density residential developments.

Trees will be planted at a minimum spacing of 8 metres.

Additional trees may be requested following assessment of the subdivision configuration.

Trees must be of a minimum container size of 45 litres with root barriers. The applicant must obtain clearances from relevant service authorities.

The applicant will be required to pay a bond of \$320 per tree to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), to council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed.

The applicant will also be required to pay a \$132 inspection fee. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification.”

53. Delete Condition 14.1.1 and replace with the following:

“14.1.1 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 upon (and as a consequence of) the registration of the plan of subdivision.

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.”

54. Insert Condition 14.4.2 after Condition 14.4.1 as follows:

“14.4.2 Written evidence is to be provided that the developer has entered into a minimum eight (8) year signed and endorsed maintenance contract with Ocean Protect and prepaid all of the Temporary OceanGuard Maintenance Estimate for the maintenance of the OceanGuards within the street pits. Forward a copy of the signed and endorsed contract and maintenance contractor details to Council’s WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.”

55. Delete Condition 14.6 (including Conditions 14.6.1 – 14.6.4).

56. Insert Conditions 14.11.1.8 – 14.11.1.11 after Condition 14.11.1.7 as follows:

14.11.1.8 Structural certification ‘as built’ by a qualified Engineer (NER) for all structural items approved by the scope of this consent. This relates to the following components:

- a. Retaining walls over 0.6 m in height
- b. Non-standard stormwater pits

14.11.1.9 Certification ‘as built’ by a qualified Engineer (NER) for all barrier systems and associated items approved by the scope of this consent. This relates to the following components:

- a. The entire barrier system w-beam barrier along Schofields road.
- b. Barrier system along the western boundary of Road No. 3.

14.11.1.10 In regards to the as-built structure constructed to address the level difference between the interim levels of Road No.1 and Road No.3 at the south western end of site and the levels approved on the adjoining lot development (JRPP-16-03310). An NER Registered Structural Engineer is to submit certification to verify that;

- the retaining wall is structurally adequate and in accordance

with the relevant Australian Standards as well as able to withstand all loads likely to be imposed on it during its service life.

- The structural engineer's certification must consider the current road level on the adjoining property (i.e. undeveloped lot 7 in DP 1190434) as well as any future level difference resulting from the development of lot 7 in DP 1190434 (see road levels approved on JRPP-16-03310).
- The footing system of any proposed retaining wall must not impact the ultimate road pavement thickness.
- The structure is to include but not be limited to an appropriate barrier system for both vehicular traffic as well as pedestrian movement.

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

57. Delete Condition 14.11.2.1 and replace with the following:

14.11.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority (or, in the case of the easement over Lot 7 DP 1190434 a person) 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.

58. Insert Conditions 14.11.2.6 and 14.11.2.7 after Condition 14.11.2.5 as follows:

"14.11.2.6 Provide a Positive Covenant over the Temporary OceanGuards (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 before 1 September each year. The Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate and include a sunset clause releasing the covenant once the regional water quality facility is provided.

14.11.2.7 Provide a Positive Covenant over the Temporary OceanGuards in the Street Pits generally in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include cleaning at maximum 4 monthly intervals and the submission of an annual report on water treatment before 1 September each year. The Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate and include a sunset clause releasing the covenant once the regional water quality facility is provided as agreed with Council."

59. Delete Conditions 14.11.3.2 and 14.11.3.3

60. Delete Condition 14.11.4.3 and replace with the following:

"14.11.4.3 Concrete path paving must not be placed until about 75% of the ~~lots~~ dwellings in stage 1 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."

61. Insert Condition 14.11.4.5 after Condition 14.11.4.4 as follows:

"14.11.4.5 Security for outstanding works is to be submitted by the applicant for the removal of the interim road works along Road No.1 interfacing with Schofields Road and the reinstatement by the applicant to the ultimate design as detailed on Roadworks and Drainage Layout Plan prepared by Telford Civil, plan reference No. 2021225, Dwg No. 300, revision E and dated 25/11/2021. The design and construction of the kerb and gutter and associated works on Schofields Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Note: These works can be implemented when the site has permanent access to the existing road network in accordance with the intended ILP road layout (such access to be constructed by others either to the east or the west of the site)."

62. Delete Condition 15.1.2 and replace with the following:

"15.1.2 The communal ground level ~~and rooftop areas~~ are only permitted to be occupied by residents and their guests from 8am-8pm daily."

63. Insert Condition 15.5.4 after Condition 15.5.3 as follows:

“15.5.4 As the development will be serviced by private waste and recycling contractors, residents are unable to access Council’s household clean up service, or garbage and recycling service. These must be provided by the Owners Corporation. A Section 88B must be listed on the title to this effect and must contain the following:

- The registered proprietor of the Burdened Lot, or where the Burdened Lot includes a Strata Scheme, the Owners Corporation of the Burdened Lot:
 - Is responsible for providing all waste and recycling services for the residents of the building or Strata Scheme
 - Must ensure waste and recycling services, and bulky waste collections for the residents of the building or Strata Scheme are to be provided and undertaken by a private waste and recycling contractors (not Blacktown City Council);
 - Must not access Council’s household clean up service or waste/recycling service
 - Indemnifies Council in respect of any claim regarding the non-provision by Blacktown City Council of waste services.
 - This positive public covenant cannot be released, varied or modified without the prior written consent of the Prescribed Authority.”

Annexure B**DETERMINATION OF MODIFICATION APPLICATION BY APPROVAL****Development Application No:** JRPP-15-02703**Development:** Demolition of existing structures, tree removal, superlot subdivision of land including the construction of new roads and 6x4 storey residential flat buildings comprising 200 apartments, with basement car parking, landscaping and common open space embellishment.**Site:** Lot 8 DP 1190434 H/N 103 Schofields Road ROUSE HILL**Schedule of Modifications:**

Date approved	Modification Application Number	Decision maker (Land and Environment Court or relevant council)	Proceedings Name and Number (if applicable)
8 February 2022	MOD-18-00331	Land and Environment Court	2021/00207086

Description of modification to the development consent: Amendments to Stage 2 of the approved development to increase the developable area, provide revised layouts for the basement and buildings D, E and F, increasing the number of units and amendments to road design and locations.**Date of determination:** 8 February 2022**Date from which consent takes effect:** Date of determination

CONDITIONS OF CONSENT**PART 1 [DELETED]****"Deferred Commencement" Conditions pursuant to Section 80 (3) of the Environmental Planning and Assessment Act 1979****4 ~~DEFERRED COMMENCEMENT MATTERS~~****4.1 ~~This Development Consent is not to operate until such time as:~~**

~~The road layout and associated levels are amended to be consistent with the adjoining development at 99-101 Schofields Road, Rouse Hill, namely JRPP-16-03310 dated 23 January 2016. Submit amended architectural plans, subdivision and engineering concept plans to reflect this change for Council consideration and approval.~~

~~Note: This may result in lot reconfiguration. Any changes to the approved building layout will required a Section 96 application.~~

~~1.2 All of the requirements listed in the above condition must be completed within 60 months of the date of this "Deferred Commencement" consent. Should these matters not be completed to Council's satisfaction within this time period, this "Deferred Commencement" consent will lapse~~

PART 2 - General Conditions**2 ~~ADVISORY NOTES~~****2.1 ~~Terminology~~**

~~2.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.~~

~~2.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 109C of the Environmental Planning and Assessment Act 1979.~~

2.2 ~~Scope of Consent~~

~~2.2.1 [DELETED]
Separate development consent may be required from Council prior to the use of each individual unit/the approved building(s). The applicant is advised to contact Council's Development Services Unit in this regard.~~

~~2.2.2 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.~~

2.3 Other Approvals

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

2.4 Services

- 2.4.1 The applicant is advised to consult with:

- Sydney Water Corporation Limited
- Energy provider
- Natural Gas Company
- 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~~ a Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 2.4.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 2.4.3 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

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

2.5 Identification Survey

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

2.6 Tree Planting and Service Locations

- 2.6.1 In order to facilitate street tree planting that does not impact on public utilities, the applicant is advised to liaise with the relevant service authorities regarding the location and use of their specific service allocation within the public road reserve.
- 2.6.2 The proposed street tree planting shall be reviewed in relation to the existing / proposed street lighting layout to ensure that the intended tree planting does not interfere with the street light spill. Documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting shall be submitted to Council prior to the issue of a the first Construction Certificate relating to the approved development.

2.7 Other Matters

- 2.7.1 This consent does not authorise the encroachment or overhang of any buildings or structures over or within any easements.

2.8 Engineering Notes

- 2.8.1 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 (including separate Construction Certificates for Stage 1 and Stage 2 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)~~

- 2.8.2 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.

2.9 Payment of Engineering Fees

2.9.1 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.

A quote will be provided verbally generally within 2 days followed by confirmation in writing.

2.9.2 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.

A quote will be provided verbally generally within 2 days, followed by confirmation in writing.

3 GENERAL

3.1 Scope of Consent

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

Drawing No.	Dated	Council's File Enclosure No.
Demolition and Streetscape Plan Dwg 0003 Issue D	19/09/2016	30D
Site Plan Dwg 0101 Issue D S96-13 <u>Issue 4</u>	19/09/2016 <u>21/10/2021</u>	-D21/670653
Basement and Ground Floor Plan Dwg 0102 Issue E	10/11/16	33B
<u>Basement Floor Plan – Stage 2</u> <u>S96-14 Issue 7</u>	<u>27/10/2021</u>	D21/662927
<u>Ground Floor Plan – Stage 2</u> <u>S96-15 Issue 5</u>	<u>27/10/2021</u>	D21/662928
<u>Upper Floor Plan – Stage 2</u> <u>S96-16 Issue 4</u>	<u>27/10/2021</u>	D21/662930
Level 1 and 2 Plans Dwg 0103 Issue D	19/09/2016	30H
<u>Typical Floor (Level 1-2) – Stage 2</u> <u>S96-17 Issue 5</u>	<u>27/10/2021</u>	D21/662932

Level 3 and Roof Dwg 0104 Issue D	19/09/2016	
<u>Level 3 – Stage 2</u> <u>S96-18 Issue 5</u>	<u>27/10/2021</u>	D21/662934
<u>Roof Level – Stage 2</u> <u>S96-19 Issue 5</u>	<u>27/10/2021</u>	D21/662935
Elevations - Boundary Dwg 0201 Issue D	19/09/2016	30K
Elevations – Blocks A, B, C, D Dwg 0202 Issue D	19/09/2016	30L
<u>Elevation – Stage 2</u> <u>S96-21 Issue 5</u>	<u>27/10/2021</u>	D21/662937
<u>Elevation – Stage 2</u> <u>S96-22 Issue 5</u>	<u>27/10/2021</u>	D21/662940
Sections Dwg 0301 Issue D	19/09/2016	
<u>Section A & B</u> <u>S96-31 Issue 3</u>	<u>21/10/2021</u>	D21/670656
<u>Section E</u> <u>S96-32 Issue 4</u>	<u>21/10/2021</u>	D21/670683
<u>Section F</u> <u>S96-33 Issue 4</u>	<u>21/10/2021</u>	D21/670714
<u>Section G</u> <u>S96-34 Issue 5</u>	<u>21/10/2021</u>	D21/670716
Details – Adaptable and Fencing Dwg 0401 Issue D	19/09/2016	30N
Street alignment Dwg 0402 and 0403 Issue D	19/09/2016	30P & 30Q
Service Bay Detail Dwg 0410 Issue D	19/09/2016	30X
Staging Plan 0005-0008 Issue D	17/01/17	40B
<u>Landscape Plan: General</u> <u>Layout Plan</u> <u>S34-L101 Rev P</u>	<u>20/10/2021</u>	D21/670738
<u>Landscape Plan: Ground fr</u> <u>& Upper Ground fr</u> <u>S34-L102 Rev P</u>	<u>20/10/2021</u>	D21/670738
<u>Landscape Plan: Level 03</u> <u>& typical detail</u> <u>S34-L103 Rev P</u>	<u>20/10/2021</u>	D21/670738
<u>Street Tree Plan & typical</u> <u>detail</u> <u>S34-L104 Rev P</u>	<u>20/10/2021</u>	D21/670738

* Unless modified by any conditions of this consent

- 3.1.2 The proposed subdivision is to be in accordance with the following drawings/details, subject to compliance with any other conditions of this consent:

Drawing No.	Dated	Council's file enclosure No.
Proposed Plan of Subdivision	14 December 2015 <u>21 September 2017</u>	20C

2908 Plan of subdivision of Lot 8 in DP 1190434 Issue B (Surveyor's reference: 50074 001DP)		
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3.1.3 This consent grants approval for the development to be constructed in the following stages, subject to full compliance with all other conditions of this consent:

- Stage 1 - Residue lot subdivision including road construction
- Stage 2- Blocks A, B and C
- Stage 3 - Blocks ~~B~~ and D, E and F
-

3.2 Services

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

3.3 Suburb Name

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

Suburb: ROUSE HILL

3.4 Compliance with BASIX Certificate

3.4.1 All commitments listed in the BASIX Certificate numbers 689893M dated 21 December 2015 and 929841M 02 dated 21 October 2021 shall be complied with.

3.5 Engineering Matters

3.5.1 Design and Works Specification

3.5.1.1 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

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

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

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

- 3.5.1.2 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

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

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

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

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

Required percentage reductions in post development average annual load of pollutants

<u>Pollutant</u>	<u>% post development pollutant reduction targets</u>
<u>Gross Pollutants</u>	<u>90</u>
<u>Total Suspended Solids</u>	<u>85</u>
<u>Total Phosphorous</u>	<u>65</u>
<u>Total Nitrogen</u>	<u>45</u>

- 3.5.1.6 The registered proprietor/lessee is to provide to Council's WSUD Compliance Officer a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer WSUD@blacktown.nsw.gov.au.

- 3.5.1.6.a Each year the registered proprietor/lessee is to provide to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au a report outlining all non-potable water used annually and the percentage of non-potable reuse. Design reuse supplied is 0.11 ML/yr at 100%.

- 3.5.1.7 Provide a Temporary OceanGuard Maintenance Estimate from Ocean Protect for the cleaning of the OceanGuards every 3 months for 2 years and every 4 months thereafter for duration of the contract. Replacement of the filter bags must occur every 2 years and the full removal of the temporary OceanGuards and frames from the street pits surrounding the development. At the end of the contract period of eight (8) years.

- 3.5.1.8.a Provide a Stormwater Quality Improvement Device (SQID) Maintenance Estimate from Ocean Protect for the Stormfilter system and on-lot OceanGuards as per the supplier's maintenance schedule. The maintenance estimate is to be for a five (5) year period and include replacement of the stormfilters and OceanGuards at the end of the contract

period.

- 3.5.1.9 A s4.55 modification of consent application is required where proprietary stormwater quality products are altered in the form of size, type or brand.

3.5.2 Other Necessary Approvals

- 3.5.2.1 A separate application may be required for the following approvals, under the *Local Government Act 1993* and/or the *Roads Act 1993*.
- Vehicular Crossing
 - Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)

3.5.3 Subdivision

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

3.6 Other Matters

- 3.6.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 3.6.2 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.

3.7 Transport for NSW requirements

- 3.7.1 The applicant must allow in the design, construction and maintenance of the approved development for rail operations in the vicinity of the approved development, especially in relation to noise, vibration, stray currents and electromagnetic fields.

4 PRIOR TO DEMOLITION WORKS

4.1 Safety/Health/Amenity

- 4.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.
- 4.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 4.1.3 Should the demolition work:
- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
 - (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

(c) involve the enclosure of a public place,

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

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

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

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

Each toilet provided shall be:

- (a) a standard flushing toilet, and
- (b) connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

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

4.2 Tree Protection

Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage.

4.3 Other Matters

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

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

5 DURING DEMOLITION WORKS

5.1 Safety/Health/Amenity

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

- 5.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 5.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 5.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 5.1.6 Any excavation and/or backfilling associated with the demolition works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 5.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos" - National Occupational Health and Safety Commission:2002 (if applicable)
- 5.1.8 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.

5.2 Nuisance Control

- 5.2.1 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.

5.3 Roads and Maritime Services

- 5.3.1 The developer is to provide securities to Council for the removal of the proposed temporary access when ILP road pattern is completed. The securities are to be provided for outstanding works for the ~~reinstatement~~ adjustment of Road No.1 to the ultimate design levels, as well as the reinstatement of the development frontage along Schofields Road to the ultimate design as detailed on Roadworks and Drainage Layout Plan prepared by Telford Civil, plan reference No. 2021225, Dwg No. 300, revision E and dated 25/11/2021.
- 5.3.2 ~~Transport for NSW Roads and Maritime~~ has previously acquired a strip of land for road along the Schofields Road frontage of the subject property, being Lot 51 DP 1175424 (shown by blue colour on the Aerial "X" attached to the letter from Transport for NSW dated 17 December 2021 prepared by Zhaleh Alamouti – Council Reference No. D21/699478). Therefore, all buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property ~~—Lot 8 DP 4490434 (unlimited in height or depth), along the Schofields Road boundary.~~
- 5.3.3 [DELETED]
- ~~The applicant's submitted proposed plan of subdivision dated 14 December 2015 (tagged herein) includes Lot 51 (Roads and Maritime owned) this Lot should be excluded from any private development proposal or subdivision.~~
- 5.3.4 [DELETED]
- ~~The proposed development shall be in accordance with the Area 20 Indicative Layout Plan of the Blacktown City Council (BCC) Growth Centre Precincts Development Control Plan 2015, unless otherwise approved by this consent.~~

- 5.3.5 The temporary and redundant driveways and associated works along the Schofields Road boundary (as shown on the 'Roadworks and Drainage Layout Plan Sheet 1 of 2 (Interim Scenario)', plan reference No. 2021225, drawing 300.1, issue E, dated 25/11/2021 prepared by Telford Civil) shall be removed and the road frontage must be reinstated by the applicant at no cost to Transport for NSW, to the ultimate design as detailed on Roadworks and Drainage Layout Plan prepared by Telford Civil, plan reference No. 2021225, Dwg No. 300, revision E and dated 25/11/2021 to match existing when the road network within the site has permanent access to the existing road network in accordance with the intended ILP road layout (such access to be constructed by others either to the east or the west of the site). The design and construction of the kerb and gutter and associated works on Schofields Road shall be in accordance with ~~Roads and Maritime/TfNSW~~ requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Detailed design plans of the proposed kerb and gutter crossing are to be submitted to Transport for NSW Roads and Maritime for approval prior to the issue of a Construction Certificate (Engineering) and commencement of any road works. Documents should be submitted to Development.Sydney@rms.nsw.gov.au.

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

Special attention is drawn to the requirement that the applicant is to provide a bond to Council for the removal of the proposed temporary access and all associated works as detailed within other parts of this consent. A detailed cost estimate is to be provided for these works. This will be required prior to the issue of any construction certificate.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Transport for NSW Roads and Maritime. Transport for NSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

- 5.3.6 Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Transport for NSW Roads and Maritime for approval, prior to the commencement of any works. Documents should be submitted to Development.Sydney@rms.nsw.gov.au.

~~Details should be forwarded to:-~~

~~The Sydney Asset Management-
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124~~

~~A plan checking fee will be payable and a performance bond may be required before TfNSW Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.~~

- 5.3.7 All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Schofields Road.

6 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

6.1 DA Plan Consistency

- 6.1.1 A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are not inconsistent with the

~~approved Development Application design plans~~ the development consent.

6.2 Road Deposit/Bond

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

- (a) Road inspection fee of \$171.00;
- (b) Road maintenance bond of \$5,000.00; and
- (c) Road maintenance bond administration fee of \$107.00

The bond is required to cover the cost of any damage to Council's public assets (eg: road, guttering, footpaths, drainage systems) arising from development works. The bond (less an administration fee) will be refunded upon the completion of the development should there be no damage to Council's assets as a result of the development works.

The road inspection fee covers Council's costs to inspect public assets adjacent to the development site before and after development work.

6.3 Services/Utilities

6.3.1 The following documentary evidence shall accompany any Construction Certificate:

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

6.4 Special Infrastructure Contributions

6.4.1 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/abid/75/quage/en-US/Default.aspx>

6.5 State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development

6.5.1 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.**6.6 Waste management**

- 6.6.1 The development is to be designed so that waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 6.6.2 The roads, ramps, driveways etc are to be rated to be suitable with the proposed 6.4 m long, small rigid vehicle.
- 6.6.3 Undercroft basement access for collection vehicles is to be built in accordance with the dimensions indicated on the vertical cross-section plans showing adequate truck entry and exit and in all manoeuvring areas.
- 6.6.4 Prior to the relevant construction certificate, the applicant must, in the relevant plans and specifications to the subject of the construction certificate, provide physical treatment to the loading bay (e.g. removable, lockable bollards) to prevent unauthorised parking and to maintain truck turning areas.

6.7 Street Tree Planting

- 6.7.1 The applicant must submit a Street Tree Plan detailing the proposed street tree planting and landscaping for the approved subdivision. The Street Tree Plan is to reflect the species palette in our Street Tree Guidelines and must include:
- cross-sections showing dimensions of tree pits
 - species
 - details of root protection barriers
 - soil specifications
 - location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

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

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

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

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

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

6.8 Transport for NSW

- 6.8.1 Prior to the issue of a the first Construction Certificate the Applicant is to submit to Council an acoustic assessment demonstrating how the development will comply with the Department of Planning and Infrastructure's document titled "*Development Near Rail Corridors and Busy Roads - Interim Guidelines*".

- 6.8.2 Prior to the issue of a the first Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the electrolysis risk to the development from stray currents from the North West Rail Link. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a the first Construction Certificate.
- 6.8.3 Prior to the issue of a the first Construction Certificate the Applicant is to submit to the Deputy Project Director, Metro Product and Integration, Sydney Metro Delivery Office of Transport for NSW (TfNSW) a plan showing all craneage and other aerial operations for the development and must comply with all TfNSW requirements. The Principle Certifying Authority is not to issue the first Construction Certificate until written confirmation has been received from the TfNSW confirming that this condition has been satisfied.
- 6.8.4 Drainage from the development must be adequately managed and disposed of and not allowed to discharge into the rail corridor. Prior to the issue of a the first Construction Certificate the Applicant is to submit to the Deputy Project Director, Metro Product and Integration, Sydney Metro Delivery Office of Transport for NSW (TfNSW) a plan showing how stormwater drainage does not discharge to the rail corridor.
- 6.8.5 Copies of any certificates, drawings or approvals given to or issued by Transport for NSW must be provided to Blacktown City Council for its records.

6.9 Acoustic measures

- 6.9.1 The recommended acoustical treatments detailed in the Acoustic Report prepared by Wood and Grieve Engineers (Ref No. 28624-SYD-N) dated 18/12/2015 are to be detailed on the relevant Construction Certificate Plans. In this regard, additional acoustic assessment is required to ensure the development's compliance with the Department of Planning and Infrastructure's document titled "*Development Near Rail Corridors and Busy Roads - Interim Guidelines*".
- 6.9.2 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
		<u>L_{ho} qJ11orlod</u>
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 dB(A)

- 6.9.3 A certificate must be provided by a qualified acoustic engineer stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:
- a) does not exceed an LA eq sound pressure level of 5dB (A) above the ambient background noise level when measured
 - at the most effected point on or within any residential property boundary or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
 - b) cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

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

6.10 Other Matters

- 6.10.1 A Construction Traffic Management Plan (CTMP) must be prepared for the development by a suitably qualified person prior to the release of the first Construction Certificate. The CTMP must detail construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control methods.
- 6.10.2 A dilapidation report shall be carried out for any of the potentially affected existing buildings surrounding the proposed development. A copy of the report shall be submitted to Council prior to construction commencing.
- 6.10.3 A construction certificate for the residential flat buildings is not to be released until Council's Co-ordinator Engineering Approvals is satisfied that the roads approved as part of this development have been constructed to an appropriate level.

6.11 Crime Prevention

- 6.11.1 The crime prevention measures identified within the Statement of Environmental Effects are to be shown on the construction certificate drawings.

6.12 Roads and Maritime Services

- 6.12.1 ~~[DELETED]~~
~~The temporary driveways and associated works along the Schofields Road boundary (as shown on the 'Roadworks and Drainage Layout Plan Sheet 1 of 2 (Interim Scenario)', plan reference No. 2021225, drawing 300.1, issue E, dated 25/11/2021, prepared by Telford Civil) shall be removed and the road frontage must be reinstated by the applicant to the ultimate design as detailed on Roadworks and Drainage Layout Plan prepared by Telford Civil, plan reference No. 2021225, Dwg No. 300, revision E and dated 25/11/2021 to match existing when the road network within the site has permanent access to the existing road network in accordance with the intended ILP road layout (such access to be constructed by others either to the east or the west of the site). The design and construction of the kerb and gutter and associated works on Schofields Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).~~

~~Detailed design plans of the proposed gutter crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate (Engineering) and commencement of any road works.~~

~~A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.~~

- 6.12.2 The developer is to provide securities to Council for the removal of the proposed temporary access when ILP road pattern is completed. The securities are to be provided for outstanding works for the reinstated of Road No.1 to the ultimate design levels, as well as the reinstatement of the development frontage along Schofields Road to the ultimate design as detailed on Roadworks and Drainage Layout Plan prepared by Telford Civil, plan reference No. 2021225, Dwg No. 300, revision E and dated 25/11/2021.

6.13 Site contamination

- 6.13.1 Prior to the release of any construction certificate on the site and post-demolition of the dwellings, a recognised geoscientist is to validate the site as suitable for residential development in accordance with the strict residential use criteria as set out in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.

7 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

7.1 Section 94 Contributions

- 7.1.1 The following monetary contributions pursuant to Section 94 of the *Environmental Planning & Assessment Act 1979* must be paid. The amounts below are stated as at 4 January 2022 as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) whichever occurs first, either by Council or any accredited certifier, ~~whichever occurs first~~.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted up to \$10,000.00 only. ~~Any payments above \$10,000.00 must be made by cheque. Payments above \$10,000.00~~ However, payments by credit card or EFTPOS over \$10,000.00 are levied a 0.5% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Stage 1

Contribution Item	Base Amount	Relevant C.P.
Stormwater Quantitv	\$382,187	CP22
Stormwater Qualitv	\$104,547	CP22
Traffic Management	\$263,243	CP22
Open Space	\$1,795,734	CP22
Communitv Facilities	\$11,352	CP22
E2 Conservation zone	\$55,523	CP22

Contribution Item	Amount	Relevant C.P.
Stormwater Quantity		
Second Ponds Creek	\$414,237.00	22 – Area 20 precincts
Stormwater Quality		
Second Ponds Creek	\$113,314.00	22 – Area 20 precincts
Traffic Management	\$285,318.00	22 – Area 20 precincts
Open Space	\$1,946,324.00	22 – Area 20 precincts

<u>Community Facilities</u>	<u>\$12,304.00</u>	<u>22 – Area 20 precincts</u>
<u>E2 Conservation Zone</u>	<u>\$60,179.00</u>	<u>22 – Area 20 precincts</u>
<u>Total</u>	<u>\$2,831,676.00</u>	

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

Developable Area: 1.1660 hectares
Stormwater Quality Area: 0.2915
Additional Population: 190.4 persons

Stage 2

Contribution Item	Base Amount	Relevant C.P.
Stormwater Quantity	\$165,855	CP22
Stormwater Quality	\$45,370	CP22
Traffic Management	\$114,237	CP22
Open Space	\$1,795,734	CP22
Community Facilities	\$11,352	CP22
E2 Conservation zone	\$55,523	CP22

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

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

S.94 CP No. 22 – Area 20 Precinct

The Section 94 contribution(s) have been based on the total developable area, the site's road frontage and the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 94 contribution(s) will be adjusted accordingly.

Stage 1

Developable Area: 1.166 hectares
Additional Population: 190.4 persons

Stage 2

Developable Area: 0.5060 hectares
Additional Population: 190.4 persons

Contribution Item	Amount	Relevant C.P.
Stormwater Quantity		
Second Ponds Creek	\$179,763.00	22 – Area 20 precincts
Stormwater Quality		
Second Ponds Creek	\$49,174.00	22 – Area 20 precincts
Traffic Management	\$123,817.00	22 – Area 20 precincts
Open Space	\$2,171,214.00	22 – Area 20 precincts
Community Facilities	\$13,726.00	22 – Area 20 precincts
E2 Conservation Zone	\$67,133.00	22 – Area 20 precincts
Total	\$2,604,827.00	

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

Developable Area: 0.5060 hectares
Stormwater Quality Area: 0.1265 hectares
Additional Population: 212.4 persons

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

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

Section 7.11 Contributions Plan No. 22 – Area 20 Precincts.”

7.3 Salinity

- 7.3.1 The recommendations of the salinity management plan prepared by a suitably qualified salinity consultant are to be shown on the construction certificate plans.

7.4 Fencing

- 7.4.1 Details of fencing enclosing the ground floor terraces/private open space is to be in accordance with the details submitted on approved drawing 0401 Rev D dated 19/09/2016. In this regard, fencing enclosing ground floor private open space is to have a height of 1.5 m high and is to be constructed of masonry up to 1 m, with 500 mm of horizontal powder coated infill slats to enclose ground floor terrace areas. There is to be no colorbond fencing (or similar) directly adjoining a public road.
- 7.4.2 All retaining walls are to be of masonry construction.
- 7.4.3 All fencing is to be erected on top of any retaining walls, at full cost to the development.
- 7.4.4 Fencing adjoining public roads is to be finished with an anti-graffiti coating.

7.5 Access/Parking

- 7.5.1 Widen the driveway servicing the loading area so that it is at least 6m at the kerb in accordance with AS 2890.2-2002 for commercial vehicles Section 3.4.3 and Figure 3.1.
- 7.5.2 The design of the car parking area, aisle widths, driveway widths, manoeuvring areas, sight distances, ramp grades, headroom, loading areas etc. are to conform AS 2890.1-2004 and AS 2890.2-2002 for commercial vehicles.
- 7.5.3 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.
- 7.5.4 A minimum of 260 car parking spaces are to be provided on site, being 220 resident car parking spaces and 40 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): 2.54m x 5.4
- Residential Flat Building (adjacent to solid wall): 2.7m x 5.4m
- Disabled Car Spaces: 4.8m x 5.4m (including shared zone)

- 7.5.5 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 - 2009 and AS1428.1 - 2009.
- 7.5.6 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.
- 7.5.7 A roller shutter and card-key system is to be installed at the entry/exit points of the basement car park.
- 7.5.8 The basement storage areas are to be provided with quality doors/cages and lock sets to restrict unauthorised access. Also the loading dock and areas within the bin storage room and bulky waste storage area that are unsafe for children to access area to be provided with lock sets to restrict unauthorised access.

7.6 Building Materials and Finishes

- 7.6.1 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours submitted as part of the approved colours and finishes schedule. Building materials and finishes are to be finished with an anti-graffiti coating. The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent, must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.
- 7.6.2 All bathrooms, WC or laundry windows in the external walls and the building shall be fitted with translucent glazing.

7.7 [DELETED]

~~Communal Open Space & Landscaping~~

- ~~7.7.2 A revised detailed landscaping plan is to separately approved by Council to reflect the revised approved building layout. The landscape design is to be generally in accordance with the landscape design plans prepared by Canvas Landscape Architects (DA-L101-L103 Rev B dated 15/06/16).~~

7.8 Adaptable Housing Units

- 7.8.1 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.

8 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

8.1 Hazardous Materials and Waste

- 8.1.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the NSW WorkCover Authority under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 - The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2002 - Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be lodged with Council.
- 8.1.2 Submit the receipt from the trade waste depot for disposal of the asbestos from the

removal/demolition of the existing dwelling.

8.2 Building Code of Australia Compliance

8.2.1 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).

8.3 Site Works and Drainage

8.3.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the relevant Construction Certificate.

8.3.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:

- (a) be in accordance with Australian Standard 3500.3, and
- (b) provide for drainage discharge to an existing Council drainage system, and
- (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.

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

8.3.4 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:

- (a) Preserved and protected from damage, and
- (b) Underpinned and supported.

Such details shall accompany the Construction Certificate.

8.4 Fire Services

8.4.1 Where any external on-site fire hydrant or hydrant booster assembly is to be located within any building setback from a boundary, the hydrant or booster assembly shall be located or protected in accordance with the requirements of AS 2419.1.

8.4.2 Where any external on-site water storage tank is required by AS 2118.1 or AS 2419.1, details of the location and type of any proposed tank are to be submitted to and approved by Council prior to the issue of the relevant Construction Certificate.

8.5 Internal Works

8.5.1 A separate application for development consent shall be lodged with Council for any proposed fit out of a commercial and industrial building (which includes any fixed internal partition wall/display/storage racking/machinery /equipment and the like) that was not approved by this Notice of Determination. This condition does not apply to work or development that is Exempt Development or Complying Development under the Blacktown Local Environmental Plan.

8.6 BASIX Certificate Compliance

The plans and specifications must indicate compliance with (for stage 1) the commitments listed in the BASIX Certificate Number 689893M dated 21 December 2015 and (for stage 2) the commitments listed in BASIX Certificate Number 929841M_02 dated 21 October 2021.

9 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

9.1 General

9.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.

9.1.2 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.

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

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
Umbrella Civil	UM815145	CIV	00-13	8	30/5/16
Umbrella Civil	UM815145	SW	101-110	8	15/6/16

Civil engineering drawings				
<u>Prepared By</u>	<u>Drawing No.</u>	<u>Title</u>	<u>Issue</u>	<u>Date</u>
<u>Telford Civil</u>	<u>001</u>	<u>Cover sheet, locality plan and drawing index</u>	<u>G</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>002</u>	<u>Existing services and demolition plan</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>300</u>	<u>Roadworks and drainage layout plan sheet 1 of 2</u>	<u>E</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>300.1</u>	<u>Roadworks and drainage layout plan sheet 1 of 2 (interim scenario)</u>	<u>E</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>301</u>	<u>Roadworks and drainage layout plan sheet 2 of 2</u>	<u>C</u>	<u>18/11/2021</u>
<u>Telford Civil</u>	<u>302</u>	<u>Road 1, 2, 3 & 4 typical cross sections</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>310</u>	<u>Road longitudinal sections</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>310.1</u>	<u>Interim road longitudinal sections</u>	<u>B</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>311</u>	<u>Road 1 cross sections</u>	<u>C</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>312</u>	<u>Road 2 cross sections sheet 1 of 2</u>	<u>B</u>	<u>1/11/2021</u>
<u>Telford Civil</u>	<u>313</u>	<u>Road 2 cross sections sheet 2 of 2</u>	<u>B</u>	<u>1/11/2021</u>
<u>Telford Civil</u>	<u>314</u>	<u>Road 3 cross sections sheet 1 of 2</u>	<u>B</u>	<u>1/11/2021</u>
<u>Telford Civil</u>	<u>315</u>	<u>Road 3 cross sections sheet 2 of 2</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>316</u>	<u>Road 4 cross sections</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>320</u>	<u>Signage, linemarking and swept path plan sheet 1 of 2 (12.5m truck)</u>	<u>F</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>320.1</u>	<u>Signage, linemarking and swept path plan sheet 1 of 2 (8.8m truck)</u>	<u>B</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>321</u>	<u>Signage, linemarking and swept path plan sheet 1 of 2</u>	<u>B</u>	<u>18/10/2021</u>
<u>Telford Civil</u>	<u>330</u>	<u>Construction and details sheet 1 of 3</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>331</u>	<u>Construction and details sheet 2 of 3</u>	<u>B</u>	<u>18/11/2021</u>
<u>Telford Civil</u>	<u>332</u>	<u>Construction and details sheet 3 of 3</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>335</u>	<u>Retaining walls details</u>	<u>D</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>335</u>	<u>Retaining walls details sheet 2 of 2</u>	<u>A</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>400</u>	<u>Stormwater catchment plan</u>	<u>B</u>	<u>18/11/2021</u>
<u>Telford Civil</u>	<u>410</u>	<u>Stormwater longitudinal section sheet 1 of 2</u>	<u>A</u>	<u>18/11/2021</u>
<u>Telford Civil</u>	<u>411</u>	<u>Stormwater longitudinal section sheet 1 of 2</u>	<u>A</u>	<u>18/11/2021</u>
<u>Telford Civil</u>	<u>420</u>	<u>Stormwater calculations table</u>	<u>A</u>	<u>18/11/2021</u>

Stormwater engineering drawings				
<u>Prepared By</u>	<u>Drawing No.</u>	<u>Title</u>	<u>Issue</u>	<u>Date</u>
<u>Telford Civil</u>	<u>000</u>	<u>Cover sheet & drawing schedule</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>101</u>	<u>Stormwater layout plan basement level sheet 1 of 2</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>102</u>	<u>Stormwater layout plan basement level sheet 2 of 2</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>103</u>	<u>Ground floor plan – stage 2</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>104</u>	<u>Upper ground floor plan – stage 2</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>105</u>	<u>WSUD catchment plan stage 1 and 2</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>106</u>	<u>WSUD & miscellaneous details sheet</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>107</u>	<u>Erosion & sediment control plan & details</u>	<u>D</u>	<u>19/11/2021</u>

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

- i. The applicant is to ensure that any future level difference between the interim levels of Road No.1 and Road No.3 at the south western end of site and the levels approved on the adjoining lot development (JRPP-16-03310) are supported by means of an appropriate structure along the common boundary. Any proposed structure must account for the current road level on the adjoining property (i.e. undeveloped lot 7 in DP 1190434) as well as any future level difference resulting from the development of lot 7 in DP 1190434 (see road levels approved on JRPP-16-03310).

An NER Registered Structural Engineer is to submit certification to verify that:

- the retaining wall is structurally adequate and in accordance with the relevant Australian Standards as well as able to withstand all loads likely to be imposed on it during its service life.
 - The structural engineer's certification must consider the current road level on the adjoining property (i.e. undeveloped lot 7 in DP 1190434) as well as any future level difference resulting from the development of lot 7 in DP 1190434 (see road levels approved on JRPP-16-03310).
 - The footing system of any proposed retaining wall must not impact the ultimate road pavement thickness.
 - The structure is to include but not be limited to an appropriate barrier system for both vehicular traffic as well as pedestrian movement.
- ii. The design and construction of all roads are to ensure there are no trapped low points within the road system. The design shall demonstrate adequate provision for the conveyance of the overland flows through the road system.
 - iii. The proposed cross sectional detail of temporary road No.1 shall be no greater than 3% crossfall.
 - iv. Prior to construction of the temporary access interface between interim road No. 1 and Schofields road, the applicant shall provide a certificate from a Traffic Engineer to confirm the access ramps/vehicular crossings are compliant with AS2890.2.
 - v. Prior to the issue of any construction approval for the interface works between Road No.1 and Schofields Road, the applicant shall obtain written concurrence from Roads and Maritime Services/TfNSW.

- vi. A Road Safety Audit is to be submitted prior to the release of any construction approval for the proposed road system.
 - vii. The ultimate road, drainage and lot levels and configuration are to be designed and constructed to ensure compatibility with approved road, drainage and lot levels and configuration detailed on approved neighbouring development JRPP-16-03310.
- 9.1.5 Amend Dwg. No. 101 (Rev. D, Dated 19.11.21):
- i. Provide rainwater inlets to all the stairs in the basement which are exposed to rainfall from the upper floors. The rainwater inlets are to connect to the pump pits.
- 9.1.6 Amend Dwg. No. 102 (Rev. D, Dated 19.11.21):
- i. Provide a minimum 80mm uPVC AS1477 Class 12; otherwise, provide the calculations for the 65mm rising main.
 - ii. The capacity of the pump is to be 10L/s and not 5L/s as stated on the annotation.
- 9.1.7 Amend Dwg. No. 103 & 104 (Rev. D, Dated 19.11.21):
- i. Provide the floor levels to match with the architectural plans. Clearly show this and design floor levels against water intrusion as per AS3500.3.
 - ii. All OceanGuards (Enviropods) are to be clearly notated as “200-micron OceanGuards (Enviropods)”.
- 9.1.8 Amend Dwg. No. 105 (Rev. D, Dated 19.11.21):
- i. Provide snapshots on the concept plans that demonstrate that the Stream Erosion Index (SEI) is less than 3.5 based on the technique in Council’s MUSIC Modelling Guide in part 4 of the Developer Handbook for Water Sensitive Urban Design available on Council’s website. Ignore any temporary detention.
 - ii. Provide section details of the stormfilter tank with levels as per plan drawings.
 - iii. Provide energy dissipaters on all the inlets to the Stormfilter chamber.
- 9.1.9 An experienced Drainage Engineer registered with NER and supported by a DRAINS or similar electronic hydraulic drainage model is to certify that the internal drainage system is capable of carrying the 20-year ARI flows without surcharge at any pits.
- 9.1.10 Detail Confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks, stormfilter tank and detention tank in accordance with Council’s Engineering Guide for Development 2005.
- 9.1.11 Provide on-site detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.
- 9.1.12 An experienced Drainage Engineer registered with NER and supported by a DRAINS or similar electronic hydraulic drainage model is to certify that the internal drainage system is capable of carrying the 100-year ARI flows safely to the detention tank through piped and/or surface flows.
- 9.1.13 A Chartered Structural Engineer, registered with NER, must certify the structural design for pier footings adjacent to the detention, Stormfilter and rainwater tanks to be founded a minimum of 300mm below the underside of the tanks. The depth of piers away from the tanks will be subject to the zone of influence.
- 9.1.14 Discharge control pits over 1200 mm deep must have a minimum internal opening of 1200 mm x 1200 mm.
- 9.1.15 The eaves roof gutters are to be designed to collect the minimum of the 20-year ARI storm. Any box gutters are to be designed to collect the minimum of the 100 year ARI storm. Details of gutter and downpipe designs are to be provided.
- 9.1.16 Design the On-site Stormwater Detention (OSD) and stormfilter tank as per Council’s

WSUD Standard Drawings A(BS)175M. The stormfilter tank is to be combined with the On-site Stormwater Detention (OSD) and is to be located downstream of the OSD, the filter discharge rate is to also be considered in the overall permissible site discharge, the stormfilter tank is to directly discharge to an external pit so as not to be controlled by the OSD tailwater level. Use a pre V post hydrological model to analyse the required OSD volume. The pre-development model is to have a 15mm initial pervious loss, and the post-development model is to have a 5mm initial pervious loss. However, Council also has an OSD spreadsheet (Deemed to Comply Method) which is a simplified method of achieving the OSD volume.

- 9.1.17 Provide a sealed impermeable baffle, or hood set 250 mm upstream of the Stormfilter weir and extending from the sealed underside of the tank to 400 mm below the top of the weir for the 690mm Stormfilter cartridge to, to contain floatables including oil. The Stormfilter weir level is to be set 770mm above the false floor.
- 9.1.18 The minimum length of the Stormfilter weir (L) is to be increased to provide a maximum velocity of 0.4 m/s under the baffle during peak flow (i.e. $L > Q_{100} / (0.4 \times 0.25)$, or $L > 10 \times Q_{100}$) in m, where Q_{100} is in m^3/s). Provide calculations.
- 9.1.19 Provide metal mosquito proof mesh welded under the access grate(s) into the Stormfilter Chamber.
- 9.1.20 Provide details for permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail are to be generally in accordance with Section 13 of Council's WSUD developer handbook and be approved by Council.
- 9.1.21 An experienced chartered hydraulic engineer is to prepare and certify a detailed Landscape Watering Plan for non-potable water uses (landscape watering) on the site and that all Sydney Water requirements have been satisfied. The plan is to show the non-potable pipe and tank arrangement including:
- a. a first flush or pre-treatment system;
 - b. a pump with isolation valves and a warning light to indicate pump failure;
 - c. a mains water direct tank top up with air gap for landscape watering;
 - d. **flow meters** on the mains water tank top-up line and the pump outflow line, to determine actual non-potable usage;
 - e. a timer and control box for landscape watering;
 - f. how the system is designed to automatically achieve a minimum average usage rate of 112 kL/yr for landscape beds at (0.4 kL/yr/m^2) including increasing the frequency of watering by a minimum 50% above average for the hotter months and reducing for the cooler months.
 - g. ensuring all the non-potable reuse pipes and taps are coloured purple;
 - h. an inline filter and preferably an inline automatic backwash filter.
 - i. fitting warning signs to all external taps using non-potable water.
- 9.1.22 A formal submission must be made to the Local Traffic Committee (LTC) through Council's Traffic Engineering department for all signage and line marking details proposed as part of these works. A determination will be required prior to the implementation of all signage and line marking works.

The signage and line marking plan shall be provided to Transport for NSW for review and endorsement prior to being determined and implemented.

9.2 Construction Certificate Requirements

9.2.1 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)

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

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

- On-site stormwater detention system

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

9.3 Roads Act Requirements

9.3.1 Under *Section 138 of the Roads Act 1993* an approval for engineering work within the existing public road reserve is required. These works include but are not limited to the following:

- Any works within Council's road reserve
- Vehicular crossings
- Road access and associated works along Schofields Road.

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

9.3.2 Prior to the issue of a construction certificate, evidence is required to be provided of separate development consent having been obtained for stormwater tail out works on downstream property Lot 7 in DP 1190434 to facilitate inter-allotment drainage on the adjoining land.

9.4 Other Engineering Requirements

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

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

9.4.3 Submit Lodge with Land Registry Services an application for the registration of an easement over the relevant part of Lot 7 DP 1190434 (sufficient to permit the drainage outcome for that land shown in the 'Roadworks and Drainage Layout Plan Sheet 2 of 2' drawing 301, revision A, 14 September 2-21, preparing by Telford Civil) with the consent of the relevant landowner ~~written permission from the affected property owner for any works proposed on adjoining land.~~ Any required development consent for the works/use Lot 7 must also be obtained (this development consent does not authorise the carrying out of any development on Lot 7).

9.4.4 Submit written evidence from the Roads and Maritime Services indicating compliance with all necessary requirements. This includes concurrence on the temporary road access to Schofields Road and the batter works with the RMs dedicated area.

9.4.5 Submit written evidence from NSW State Rail indicating compliance with all necessary requirements

- 9.4.6 Submit written evidence from Sydney Water indicating compliance with all necessary requirements.
- 9.4.7 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.
- 9.4.8 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

9.5 Roads

- 9.5.1 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.
- 9.5.2 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.
- 9.5.3 Any approved design drawings must show a 5m x 5m splay for residential allotments at each street intersection.
- 9.5.4 Proposed new roads shall be designed and constructed as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Road No. 1	15.5	75	3.5 - 11 - 1	5x10 ⁵
Road No. 2 (Half width)	18	205	3.5-11 - 3.5	5x10 ⁵
Road No. 3 (Half width)	18	205	3.5 - 11 - 3.5	5x10 ⁵
Road No. 4	18	75	3.5-11 - 3.5	5x10 ⁵

~~Note: The road layout and associated levels are to be consistent with the adjoining development, namely JRPP-16-03310.~~

Note: The levels of the road have been approved on the basis that they are consistent with and will remain consistent with the development on the adjoining development approved pursuant to Development Consent No. JRPP-16-03310

Note: The above formation figures include the path paving to be constructed in accordance with condition 9.12.1.

9.6 Drainage

- 9.6.1 Drainage from the site must be connected into Council's existing drainage system
- 9.6.2 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.

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

9.7 Erosion and Sediment Control

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

9.8 Earthworks

- 9.8.1 Proposed lots must be filled so that the ground levels behind the building are a minimum of 500mm above the designed 100-year average recurrence interval flood level.
- 9.8.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 9.8.3 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.

9.9 Stormwater Quality Control

- 9.9.1 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.
- 9.9.2 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 **4.55 96** application.
- 9.9.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

9.10 On - Site Detention

- 9.10.1 Provide an on-site detention system In accordance with Council's Engineering Guide for Development. This design shall limit the post-developed flows to the pre- developed flows for the 2 to 100 year ARI storm events.
- 9.10.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the temporary on-site detention design shall require a section **4.55 96** application.
- 9.10.3 Submit the following certificates which are to be prepared by a registered engineer (NER):
- Certification that the structures associated with the on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
 - Certification that the on-site detention system will perform to meet the temporary on-site detention requirements.
- 9.10.4 The following documents shall be submitted to accompany the on-site detention design:
- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.

- OSD detailed design submission and calculation summary sheet
- A maintenance schedule that is signed and dated by the designer

9.11 Vehicular Crossings

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

9.12 Footpaths

- 9.12.1 Construct path paving as follows:

Street Name	Side	Paving Width	Length
Road No. 1	North	4.2 1.5	Full frontage
Road No. 2	West	4.2 1.5	Full frontage
Road No. 3	East	4.2 1.5	Full frontage
Road No. 4	South	4.2 1.5	Full frontage

10 PRIOR TO DEVELOPMENT WORKS

10.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

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

This condition does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied

continuously (both during and outside working hours) while the work is being carried out.

- 10.1.3 Should the development work:

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

a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with

Council's current Local Approvals Policy under the Local Government Act 1993.

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

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

- 10.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 10.1.5 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.
- 10.1.6 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.
- 10.1.7 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.
- 10.1.8 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.

10.2 Notification to Council

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

10.3 Home Building Act

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

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

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

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

10.4 Sydney Water Authorisation

10.4.1 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 Customer Centre or Quick Check Agent, 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 Quick Check Agent details, 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.

10.5 Roads and Maritime Services

10.5.1 Written evidence shall be obtained from the Roads and Maritime Services indicating compliance with its requirements, including the payment of any necessary works supervision fees. A copy of such approval shall be lodged with Council.

10.5.2 [DELETED]

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

~~Details should be forwarded to:~~

~~The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124~~

~~A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.~~

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

10.5.4 The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Documents should be submitted to Development.Sydney@rms.nsw.gov.au

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work."

- 10.5.5 The ground where the proposed safety barrier is to be installed must not exceed the manufacturer specifications/TfNSW acceptance conditions.
- 10.5.6 The suggested 'caution-watch for pedestrians and cyclists' sign or similar for exiting vehicles as suggested in the Varga Traffic Planning letter dated 29/11/2021 should be incorporated into the design.

10.6 Adjoining Owners

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

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

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

106.2 Any necessary development consent must be obtained before works are carried out on adjoining land.

10.7 Use of Crane

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

10.7.2 The crane used must be provided with a light in accordance with the requirements of the Civil Aviation Authority (CASA) requirement. This may require a separate approval from CASA.

11 DURING CONSTRUCTION (BUILDING)

11.1 Safety/Health/Amenity

11.1.1 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.

11.1.2 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.

11.1.3 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.

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

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

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

11.1.7 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.

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

11.2 Building Code of Australia Compliance

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

11.3 Surveys

11.3.1 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.

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

11.4 Nuisance Control

11.4.1 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.

- 11.4.2 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.

**11.5 [DELETED]
Stormwater Drainage**

- ~~11.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining private 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,~~

~~other than as shown in the approved drawings (and subject to an easement for drainage and any separate development consent being obtain for offsite drainage).~~

11.6 Waste Control

- 11.6.1 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.

11.7 Construction Inspections

- 11.7.1 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 relevant stage of the building work has been completed and prior to any Occupation Certificate being issued in relation to the building for that stage.

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.

11.8 Salinity and Aggressive Soil Management

- 11.8.1 The environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works. In this regard, Council will require a post earthworks Salinity Investigation demonstrating that the salinity management measures provided in the Salinity Management Plan have been implemented and that

the site is suitable for residential development. Any lots identified as containing saline or aggressive soils shall provide suitable Section 88B restrictions/covenants on title for building construction measures to mitigate the effects of aggressive soils and salinity.

11.9 Site Contamination

- 11.9.1 Should any contaminated material be unearthed during the 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.

11.10 Waste Management Plan

- 11.10.1 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.

11.11 European Heritage

- 11.11.1 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 or the Heritage Council provides written advice that it has no objection to the resumption of work.

11.12 Aboriginal Heritage

- 11.12.1 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 Heritage NSW is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from Heritage NSW the NSW Office of Environment & Heritage is received by the Applicant or Heritage NSW provides written advice that it has no objection to the resumption of work. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

11.13 Dewatering of Excavation

- 11.13.1 The principal certifying authority must be satisfied that any water from excavations to be discharged to Council's stormwater system meets the following criteria:

- (a) It must not contain a concentration of suspended sediment exceeding 50 mg/L.
- (b) It must have a pH of between 6.5-8.
- (c) It must comply with the ANZECC Guidelines for Marine and Freshwater Quality, for Protection of Aquatic Ecosystems (95% protection level).

Water testing must be carried out by a suitably qualified practising environmental scientist, to ensure compliance with the above criteria and results provided to the principal certifying authority or Council upon request.

11.14 Dewatering Operations

- 11.14.1 The applicant must ensure that the dams on the subject site are de-watered in stages. All native fauna located within and surrounding these dams must be collected and protected in a healthy condition during the operation by an appropriately qualified and licensed ecologist. The captured fauna must be relocated to a suitable location managed by the applicant or as nominated by Council. The applicant must ensure that details the process are submitted to Council, including photographs, surveys and diary entries of species found

and details of relocation.

11.15 Other Matters

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

- a) The applicant is to ensure that validation for the entire subject site can be prepared by a suitably qualified 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.

11.15.2 All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Schofields Road.

12 DURING CONSTRUCTION (ENGINEERING)

12.1 Notification of Works

12.1.1 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.

12.1.2 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.

12.2 Insurances

12.2.1 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.

12.3 Service Authority Approvals

12.3.1 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.

12.4 Boundary Levels

12.4.1 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.

12.5 Tree Protection and Preservation

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

12.5.2 Prior to commencement of engineering works that may disturb existing vegetation/trees, the site shall be inspected to identify and appropriately mark out any trees to be retained as well as determine areas that are to be left undisturbed. Proposed roads must be set-out onsite prior to this inspection. Note: Inspection must be carried out by Council's representative or an appropriately accredited private certifier. The applicant's representative must be present during this inspection.

12.5.3 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.

12.5.4 Council must be notified a minimum of 24 hours prior to the removal of any branches from existing trees which are to be retained. Subject to Council's direction, this work must be generally undertaken by a qualified Arborist.

12.6 Soil Erosion and Sediment Control Measures

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

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

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

12.7 Filling of Land and Compaction Requirements

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

12.7.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version).

- a) Submission of compaction certificates for fill within road reserves.
- b) Submission of compaction certificates for road sub-grade.
- c) Submission of compaction certificates for road pavement materials (sub- base and base courses).
- d) The submission of 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)

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.

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

approval.

12.9 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.

- 12.9.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under *Part 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.

12.10 Inspection of Engineering Works - Roads Act 1993

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

Inspections must be pre-booked with a minimum twenty-four (24) hours notice. Council's Development Overseers may be contacted on 02 9839 6586 between 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).

12.11 Public Safety

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

12.12 Site Security

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

12.13 Traffic Control

- 12.13.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.
- 12.13.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.
- 12.13.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 12.13.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified RMS accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2002.

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

12.14 Powder Coated Furniture

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

- 12.15 The 200-micron OceanGuards (Enviropods) and Stormfilter cartridges supplied by Ocean Protect (Stormwater 360) as detailed on the approved drainage plan are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

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 relevant to the stage (or in relation to stage 2, the whole development), 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.

13.3 Service Authorities

- 13.3.1 The following documentary evidence shall accompany any Construction Certificate:

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

- 13.3.2 A final written clearance shall be obtained from Sydney Water Corporation, Energy provider and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.

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 Fire Safety Certificate

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

13.6 Fee Payment

- 13.6.1 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.

13.7 Engineering Matters

13.7.1 Surveys/Certificates/Works As Executed plans

- 13.7.1.1 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.

- 13.7.1.2 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 13.7.1.3 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 13.7.1.4 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.
- 13.7.1.5 Written evidence is to be obtained from the Roads and Maritime Services (RMS) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 13.7.1.6 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):
- a) Compaction certificates for fill within road reserves.
 - b) Compaction certificates for road sub-grade.
 - c) Compaction certificates for road pavement materials (sub-base and base courses).
 - d) 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)
- 13.7.1.7 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

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

- 13.7.1.8 A Chartered Civil Engineer registered with NER, is to certify that:
- (a) all the requirements of the approved drainage plan have been undertaken;
 - (b) the orifice size matches the approved construction certificate plans;
 - (c) the total of 40kL rainwater tanks have been provided as per the approved construction certificate plans;
 - (d) all the signage and warning notices have been installed;
 - (e) any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
 - (f) the maximum depth of flow in the gutter is less than 200 mm for all 1 in 100-year ARI storm events.
 - (g) a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

- 13.7.1.9 A registered surveyor is to provide a works-as-executed plan of the detention basin and

certify that the available storage volumes are at or exceed the design volumes in the 1 in 100-year ARI events.

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

- i. They are installed in accordance with the Ocean Protect (Stormwater 360) standard operational guidelines and production drawings;
- ii. A minimum of 8(eight) 200-micron OceanGuards (Enviropods) and 25 (690mm cartridges) Ocean Protect Stormfilters have been installed;
- iii. The Stormfilter tank includes a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 690 mm cartridges;
- iv. The Stormfilter weir length is as per the manufacturers recommendation.
- v. The Stormfilters have a minimum flow rate of 40 l/s at standard weir height;
- vi. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and
- vii. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber. A maintenance contract has been entered into for the maintenance of the stormfilters

13.7.1.11 Structural certification 'as built' by a qualified Engineer (NER) for all structural items approved by the scope of this consent. This relates to the following components:

- a) Retaining walls over 0.6 m in height
- b) Non-standard stormwater pits

13.7.1.12 Certification 'as built' by a qualified Engineer (NER) for all barrier systems and associated items approved by the scope of this consent. This relates to the following components:

- a) The entire barrier system w-beam barrier along Schofields road.
- b) Barrier system along the western boundary of Road No. 3.

13.7.1.13 In regards to the as-built structure constructed to address the level difference between the interim levels of Road No.1 and Road No.3 at the south western end of site and the levels approved on the adjoining lot development (JRPP-16-03310). An NER Registered Structural Engineer is to submit certification to verify that:

- the retaining wall is structurally adequate and in accordance with the relevant Australian Standards as well as able to withstand all loads likely to be imposed on it during its service life.
- The structural engineer's certification must consider the current road level on the adjoining property (i.e. undeveloped lot 7 in DP 1190434) as well as any future level difference resulting from the development of lot 7 in DP 1190434 (see road levels approved on JRPP-16-03310).
- The footing system of any proposed retaining wall must not impact the ultimate road pavement thickness.
- The structure is to include but not be limited to an appropriate barrier system for both vehicular traffic as well as pedestrian movement.

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

13.7.2 Easements/Restrictions/Positive Covenants

13.7.2.1 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.

13.7.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the on-site detention storage areas and outlet works.

13.7.2.3 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 outletworks.

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

13.7.2.5 Prior to the issue of an occupation certificate, an easement must be registered over the relevant part of Lot 7 DP 1190434, sufficient to permit the drainage outcome for that land shown in the 'Roadworks and Drainage Layout Plan Sheet 2 of 2' drawing 301, revision A, 14 September 2021.

13.7.2.6 Provide a Restriction to User and Positive Covenant (**Water Sensitive Urban Design System**) over the stormfilter tank and OceanGuards in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.

13.7.2.7 Provide a Positive Covenant over the Temporary OceanGuards in the Street Pits generally in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include cleaning at maximum 4 monthly intervals and the submission of an annual report on water treatment before 1 September each year. The Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate and include a sunset clause releasing the covenant once the regional water quality facility is provided as agreed with Council.

13.7.2.8 Prior to the issue of an occupation certificate the the inter-allotment drainage line required to drain the development is to be constructed and a satisfactory final inspection by Council.

13.7.2.9 A Registered Surveyor must provide evidence that all pipes and associated structures lie wholly within any easement, and provide a Works-As-Executed plan

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

13.7.3 ~~[DELETED]~~
~~**Dedications**~~

~~13.7.3.1 The applicant is to contact the Roads and Maritime Services regarding arrangements for the acquisition of that portion of the site required for arterial road widening. Written evidence of such arrangements having been made is to be submitted with or prior to the Occupation Certificate application.~~

13.7.4 **Bonds/Securities/Payments In Lieu of Works**

- 13.7.4.1 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.
- 13.7.4.2 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.
- 13.7.4.3 Concrete path paving must not be placed until about 75% of the dwellings within stage 1 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.
- 13.7.4.4 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.
- 13.7.4.5 Security for outstanding works is to be submitted by the applicant for the removal of the interim road works along Road No.1 interfacing with Schofields Road and the reinstatement by the applicant to the ultimate design as detailed on Roadworks and Drainage Layout Plan prepared by Telford Civil, plan reference No. 2021225, Dwg No. 300, revision E and dated 25/11/2021. The design and construction of the kerb and gutter and associated works on Schofields Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).
- Note: These works can be implemented when the site has permanent access to the existing road network in accordance with the intended ILP road layout (such access to be constructed by others either to the east or the west of the site).

13.7.5 Inspections

- 13.7.5.1 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.

13.7.6 CCTV Inspection of Stormwater Drainage Structures

- 13.7.6.1 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.

- 13.7.7 Provide maintenance requirements for each of the proposed water quality devices generally in accordance with the *WSUD Inspection and Maintenance Guidelines*

available on Council's website. Where a proprietary device is not included within this guideline provide these separately. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.

13.7.8 Written evidence is to be provided that the registered proprietor has entered into a minimum five (5) year signed and endorsed maintenance contract with Ocean Protect and prepaid all of the Stormfilter and OceanGuards Maintenance Estimate. Forward a copy of the signed and endorsed contract and maintenance contractor details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled after the contract period, but can be replaced with an alternative contract of the same standard or with a differing entity (e.g. owners' corporation).

13.7.9 Written evidence is to be provided that the developer has entered into a minimum eight (8) year signed and endorsed maintenance contract with Ocean Protect and prepaid all of the Temporary OceanGuard Maintenance Estimate for the maintenance of the OceanGuards within the street pits. Forward a copy of the signed and endorsed contract and maintenance contractor details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.

13.7.10 An experienced irrigation specialist, is to certify that:
a. the non-potable landscape water uses are being supplied by rainwater;
b. All the requirements of the detailed Landscape Watering Plan have been installed to the required locations.
c. The flow meters have been installed on the pump outflow and the mains water supply to the rainwater tank to determine non-potable usage and actual percentage of reuse;
d. The automatic timer has been set up for time and frequency to deliver 112 kl/year on average and the system has been design will adjust for twice the rate in summer and half the rate in winter.
e. The pumps, alarms and all other systems are working correctly; and
f. The water from at least two garden taps, or two sample points for the landscape watering system have been tested to show no chlorine residual.
g. Rainwater warning signs are fitted to all external taps using rainwater.
h. A signed, works-as-executed Landscape Watering Plan is to be provided to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au
(Used for stand-alone landscape watering systems such as residential development in the growth centres - review details above and check specifics – delete)

13.8 Landscaping

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

13.8.2 All landscaping, recreation features and furniture, bbq facilities, children's play equipment and clothes drying facilities shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate for the relevant stage.

13.8.3 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate for the relevant stage. 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.

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

- 13.8.5 The required letterboxes are to comply with the details submitted as part of the relevant Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 13.8.6 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.
- 13.8.7 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 13.8.8 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 13.8.9 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.
- 13.8.10 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. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.
- 13.8.11 Common open space areas are to be suitably lit with bollard lighting or similar, in accordance with relevant Australian Standards.

13.9 **Sight Distance**

- 13.9.1 Prior to the issue of an Occupation Certificate for a stage and after all front fencing for that stage is constructed, a suitably qualified Traffic Consultant is to verify that the as-built driveways comply with the sight distance requirements in the relevant Australian Standard particularly for vehicles and trucks exiting both of the driveways to Allawah Street in relation to pedestrians. If compliance is not met then adjustments to the fencing and retaining walls will be required to achieve compliance.

13.10 **Adaptable Housing Units**

- 13.10.1 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.

13.11 **Total Maintenance Plan**

- 13.11.1 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, landscaping, the communal open space areas, gymnasium, security systems, mail boxes, lighting, loading areas 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 proposed development is always under the control of a fulltime Building Manager.

A copy of the Plan is to be submitted to Council for separate approval prior to the

release of any Occupation Certificate for stage 2.

13.12 Waste matters

13.12.1 Evidence (e.g. in the form of receipts) is to be submitted to confirm that waste and recyclable materials, including fill from the excavation of the basement car parking have been managed and disposed of legally.

13.12.2 [DELETED]

~~Any future Strata Management Agreement should indicate:~~

- ~~o requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan.~~
- ~~o responsibility for maintenance of the waste system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times.~~
- ~~o the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.~~

13.12.3 Appropriate signage and painting of loading dock area to ensure no parking must be provided in the garbage areas to advise where waste and recycling materials are to be placed, and what are appropriate materials for recycling.

13.13 Graffiti Management Plan

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

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

13.15 Other matters

13.15.1 Air conditioning units are to be located on balconies, below balustrade level.

13.15.2 Provision is to be made for communal outdoor clothes drying areas. In this regard, the area is to be suitable screened from public view.

13.15.3 All fencing, landscaping, clotheslines, hot water systems, TV antennae, mailboxes, driveways and the common open space area are to be completed for a given stage in accordance with the approved plans and conditions of this consent to Council's satisfaction prior to the release of the Occupation Certificate for that stage.

13.15.4 A post-construction dilapidation report shall be carried out for any of the potentially affected existing buildings surrounding the proposed development. A copy of the report shall be submitted to Council prior to issue of Occupation Certificate.

13.16 Street Tree Planting

13.16.1 Any tree planting (and maintenance) along the frontage of ~~the development site~~ each stage to improve the amenity of the streetscape must be approved before a Occupation Certificate

is issued for that stage.

The number of trees should equal the number lots/dwellings with street frontage. However, corner lots require 1 tree for the primary frontage and 2 trees on the side frontage. In the case of medium and high density residential developments. Trees will be planted at a minimum spacing of 8 metres.

Additional trees may be requested following assessment of the subdivision configuration.

Trees must be of a minimum container size of 45 litres with root barriers. The applicant must obtain clearances from relevant service authorities.

The applicant will be required to pay a bond of \$320 per tree to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), to council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed.

The applicant will also be required to pay a \$132 inspection fee. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification

13.17 Acoustic validation

- 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 PRIOR TO SUBDIVISION CERTIFICATE

14.1 Road access

- 14.1.1 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 upon (and as a consequence of) the registration of the plan of subdivision.

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.

14.2 Road Damage

- 14.2.1 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.

14.3 Service Authority Approvals

- 14.3.1 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 II 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

14.4 Security

- 14.4.1 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.
- 14.4.2 Written evidence is to be provided that the developer has entered into a minimum eight (8) year signed and endorsed maintenance contract with Ocean Protect and prepaid all of the Temporary OceanGuard Maintenance Estimate for the maintenance of the OceanGuards within the street pits. Forward a copy of the signed and endorsed contract and maintenance contractor details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.

14.5 Asset Management

- 14.5.1 An amount of 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 \$41 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 2017, 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.

14.6 ~~[DELETED]~~ Roads and Traffic Authority and Others

- ~~14.6.1 The applicant shall contact the Roads and Traffic Authority regarding arrangements for the acquisition of that portion of the site required for arterial road widening. Written evidence of such arrangements having been made is to be submitted with, or prior to, the Subdivision Certificate application.~~
- ~~14.6.2 The final plan of subdivision will not be released unless written evidence from the Roads and Traffic Authority has been obtained indicating that satisfactory arrangements have been made by the applicant/developer for the payment of a contribution towards the cost of the arterial road network.~~
- ~~14.6.3 The applicant shall contact the NSW State Rail regarding arrangements for the acquisition of that portion of the site required for arterial road widening. Written evidence of such arrangements having been made is to be submitted with, or prior to, the Subdivision Certificate application.~~
- ~~14.6.4 The final plan of subdivision will not be released unless written evidence from the NSW State Rail has been obtained indicating that satisfactory arrangements have been made by the applicant/developer for the payment of a contribution towards the cost of the arterial road network.~~

14.7 Consent Compliance

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

14.8 Additional Inspections

14.8.1 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.

14.9 Fee Payment

14.9.1 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.

14.10 Site Contamination

14.10.1 A final site contamination Validation Report confirming the suitability of the site for the proposed development is to be endorsed by Council prior to the release of the final plan of subdivision. The Validation Report shall be prepared by a consultant engaged under the terms of Council's Contaminated Lands Policy.

14.11 Engineering Matters

14.11.1 Surveys/Certificates/Works As Executed plans

14.11.1.1 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.

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

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

14.11.1.4 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.

14.11.1.5 Written evidence is to be obtained from the Roads and Maritime Services (RMS) indicating compliance with its requirements including the payment of any necessary works supervision fees.

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

- a) Compaction certificates for fill within road reserves.
- b) Compaction certificates for road sub-grade.
- c) Compaction certificates for road pavement materials (sub-base and base

courses).

- d) 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)

- 14.11.1.7 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.

- 14.11.1.8 Structural certification 'as built' by a qualified Engineer (NER) for all structural items approved by the scope of this consent. This relates to the following components:

- a. Retaining walls over 0.6 m in height
- b. Non-standard stormwater pits

- 14.11.1.9 Certification 'as built' by a qualified Engineer (NER) for all barrier systems and associated items approved by the scope of this consent. This relates to the following components:

- a. The entire barrier system w-beam barrier along Schofields road.
- b. Barrier system along the western boundary of Road No. 3.

- 14.11.1.10 In regards to the as-built structure constructed to address the level difference between the interim levels of Road No.1 and Road No.3 at the south western end of site and the levels approved on the adjoining lot development (JRPP-16-03310). An NER Registered Structural Engineer is to submit certification to verify that:

- the retaining wall is structurally adequate and in accordance with the relevant Australian Standards as well as able to withstand all loads likely to be imposed on it during its service life.
- The structural engineer's certification must consider the current road level on the adjoining property (i.e. undeveloped lot 7 in DP 1190434) as well as any future level difference resulting from the development of lot 7 in DP 1190434 (see road levels approved on JRPP-16-03310).
- The footing system of any proposed retaining wall must not impact the ultimate road pavement thickness.
- The structure is to include but not be limited to an appropriate barrier system for both vehicular traffic as well as pedestrian movement.

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

14.11.2 Easements/Restrictions/Positive Covenants

- 14.11.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority (or, in the case of the easement over Lot 7 DP 1190434 a person) 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.

14.11.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information (LPI) over the on-site detention storage areas and outlet works. Documentary evidence of this LPI lodgement shall be submitted to Council.

14.11.2.3 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.

14.11.2.4 A restriction is to be placed on title identifying that the access to Schofields Road is temporary only, and is to be removed once local road access is provided in accordance with the Area 20 Indicative Layout Plan.

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

14.11.2.6 Provide a Positive Covenant over the Temporary OceanGuards (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 before 1 September each year. The Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate and include a sunset clause releasing the covenant once the regional water quality facility is provided.

14.11.2.7 Provide a Positive Covenant over the Temporary OceanGuards in the Street Pits generally in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include cleaning at maximum 4 monthly intervals and the submission of an annual report on water treatment before 1 September each year. The Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate and include a sunset clause releasing the covenant once the regional water quality facility is provided as agreed with Council.

14.11.3 Dedications

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

~~14.11.3.2 The final plan of subdivision will not be released unless written evidence from the Roads and Maritime Services (RMS) has been obtained indicating that satisfactory arrangements have been made by the applicant/developer for the payment of a contribution towards the cost of the arterial road network.~~

~~14.11.3.3 The applicant is to contact the Roads and Maritime Services (RMS) regarding arrangements for the acquisition of that portion of the site required for arterial road widening. Written evidence of such arrangements having been made is to be submitted with or prior to the Occupation Certificate application.~~

14.11.4 Bonds/Securities/Payments in Lieu of Works

14.11.4.1 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.

14.11.4.2 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.

14.11.4.3 Concrete path paving must not be placed until about 75% of the dwellings in stage 1 ~~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.

14.11.4.4 Where Council has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request

14.11.4.5 Security for outstanding works is to be submitted by the applicant for the removal of the interim road works along Road No.1 interfacing with Schofields Road and the reinstatement by the applicant to the ultimate design as detailed on Roadworks and Drainage Layout Plan prepared by Telford Civil, plan reference No. 2021225, Dwg No. 300, revision E and dated 25/11/2021. The design and construction of the kerb and gutter and associated works on Schofields Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Note: These works can be implemented when the site has permanent access to the existing road network in accordance with the intended ILP road layout (such access to be constructed by others either to the east or the west of the site).

14.11.5 Inspections

14.11.5.1 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.

14.11.6 Inspection of Work

14.11.6.1 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.

14.12 Final Plans

- 14.121 The submission of a final plan of subdivision, together with 7 exact copies and the appropriate fee. The final plan of subdivision will not be released until all conditions of this determination have been complied with.
- 14.122 Where any permanent control marks are placed in accordance with the Survey Practice Regulation 1990 in the preparation of the plan, 2 copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision.

14.13 Street Tree Planting

- 14.13.1 Any tree planting (and maintenance) along the frontage of the development site to improve the amenity of the streetscape must be approved before a Subdivision Certificate is issued.

The number of trees should equal the number lots/dwellings with street frontage. However, corner lots require 1 tree for the primary frontage and 2 trees on the side frontage. In the case of medium and high density residential developments. Trees will be planted at a minimum spacing of 8 metres.

Additional trees may be requested following assessment of the subdivision configuration.

Trees must be of a minimum container size of 45 litres with root barriers. The

applicant must obtain clearances from relevant service authorities.

The applicant will be required to pay a bond of \$320 per tree to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), to council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed.

The applicant will also be required to pay a \$132 inspection fee. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification

15 OPERATIONAL (PLANNING)

15.1 Use of Premises

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

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

- 15.1.2 The communal ground level ~~and rooftop areas~~ are only permitted to be occupied by residents and their guests from 8am-8pm daily.

- 15.1.3 A minimum of 10% of the units of the approved residential flat building are to be designed in accordance with the Australian Adaptable Housing Code AS 4299- 1995 which includes 'pre-adaptable' design details to ensure visitability is achieved.

15.2 Storage

- 15.2.1 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.

15.3 Landscaping

- 15.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner. The landscaping in the planter areas either side of the two driveways off Allawah Street are to be kept trimmed to a low height that will not obstruct the viewing of pedestrians by cars and vehicles exiting the two driveways. Such landscaping is to not obstruct compliance with AS 2890.1 at all times.
- 15.3.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.
- 15.3.3 The management of vegetation, gardens, planter boxes, communal areas and other similar areas is to be incorporated within the future strata management plan once the development is occupied.

15.4 Lighting and Security

- 15.4.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 15.4.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 15.4.3 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.

15.5 Waste Management

- 15.5.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 15.5.2 All waste generated on site must be disposed of in accordance with the approved Waste Management Plan.
- 15.5.3 The Owners Corporation will be responsible for ensuring that clear access is provided to collection trucks entering the property.

- 15.5.4 As the development will be serviced by private waste and recycling contractors, residents are unable to access Council's household clean up service, or garbage and recycling service. These must be provided by the Owners Corporation. A Section 88B must be listed on the title to this effect and must contain the following:

- The registered proprietor of the Burdened Lot, or where the Burdened Lot includes a Strata Scheme, the Owners Corporation of the Burdened Lot:
 - Is responsible for providing all waste and recycling services for the residents of the building or Strata Scheme
 - Must ensure waste and recycling services, and bulky waste collections for the residents of the building or Strata Scheme are to be provided and undertaken by a private waste and recycling contractors (not Blacktown City Council);
 - Must not access Council's household clean up service or waste/recycling service

- Indemnifies Council in respect of any claim regarding the non-provision by Blacktown City Council of waste services.
- This positive public covenant cannot be released, varied or modified without the prior written consent of the Prescribed Authority.

15.6 Emergency Procedures

15.6.1 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.

15.7 Clothes Drying

15.7.1 The hanging/drying of clothes on balconies (where visible from a public place) is prohibited. A clause is to be included in the Plan of Strata Management prohibiting the drying of clothes on balconies (where visible from a public place)..

15.8 Graffiti Removal

15.8.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed no later than 48 hours after detection.

15.9 Access/Parking

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

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

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

15.10 Crime Prevention Through Environmental Design

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

16 OPERATIONAL (ENVIRONMENTAL HEALTH)

16.1 Environmental matters

16.1.1 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*.

16.1.2 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*.

16.1.3 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.