

Draft conditions of consent

1 **ADVISORY NOTES**

1.1 **Terminology**

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

1.2 **Scope of Consent**

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

1.3 **Other Approvals**

- 1.3.1 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
 - (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

1.4 **Services**

- 1.4.1 The applicant is advised to consult with:
- (a) Sydney Water Corporation Limited
 - (b) Recognised Energy provider
 - (c) Natural Gas Company
 - (d) The relevant local telecommunications carrier

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

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

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

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

1.5 Identification Survey

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

1.6 Engineering Notes

- 1.6.1 Any 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

2 GENERAL

2.1 Scope of Consent

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

Project Number	Drawing No.	Drawing Title	Dated
2141.08	08.DA00.01 Revision 1	Site Analysis	13/10/17
2141.08	08.DA01.02 Revision 1	Site Plan	13/10/17
2141.08	08.DA04.00	Site Section	13/10/17

Project Number	Drawing No.	Drawing Title	Dated
	Revision 1		
2141.08	08.DA05.01 Revision 1	Cut and Fill Plan	13/10/17
2141.08	A08.DA03.01 Revision 1	Admin Ground Floor - Existing & Demolition	13/10/17
2141.08	A08.DA03.05 Revision 1	Admin Ground Floor	13/10/17
2141.08	A08.DA03.10 Revision 1	Admin Roof Plan	13/10/17
2141.08	A08.DA06.01 Revision 1	Admin Elevations	13/10/17
2141.08	A08.DA06.02 Revision 1	Admin Sections	13/10/17
2141.08	B08.DA03.05 Revision 1	Ground Floor	13/10/17
2141.08	B08.DA03.06 Revision 1	Level 1	13/10/17
2141.08	B08.DA03.10 Revision 1	Roof Plan	13/10/17
2141.08	B08.DA06.01 Revision 2	Elevations	19/10/17
2141.08	B08.DA06.02 Revision 2	Elevations	19/10/17
2141.08	B08.DA06.10 Revision 1	Sections	13/10/17

2.2 Tree Assessment Report

2.2.1 The removal of 24 trees shall be in accordance with the recommendations of the Preliminary Tree Assessment Report dated 22 June 2017.

2.3 Flora and Fauna Assessment Report

2.3.1 The proposal shall be carried out in accordance with the recommendations of the Flora and Fauna Assessment Report prepared by Alphitonia Pty Ltd and dated 4 September 2017.

2.4 Suburb Name

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

Suburb: Acacia Gardens

2.5 Engineering Matters

2.5.1 Design and Works Specification

2.5.1.1 All 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 Soil Erosion and Sediment Control Policy (Current Version)
- (e) Blacktown City Council On Site Detention General Guidelines and Checklist

2.6 General Drainage

- 2.6.1 Each year by the first business day on or after 1 September the registered proprietor/lessee is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the rainwater tank in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.

3 PRIOR TO CONSTRUCTION WORK COMMENCING (GENERAL)

- 3.1 **Prior to occupation a monetary contribution is to be paid to council in the form of a Voluntary Planning Agreement** for the long-term protection and re-creation of Cumberland Plain Woodland which aims to enhance the viability of the patch adjacent to the subject site.

3.2 DA Plan Consistency

- 3.2.1 Construction Works shall only commence when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

4 PRIOR TO CONSTRUCTION WORK COMMENCING (PLANNING)

4.1 Section 7.11 Contributions under Section 94E Directions

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

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

Contribution Item	Indexed amount	Relevant C.P
i. Trunk drainage	\$5,343.00	CP 5
ii. Major roads	\$5,519.00	CP 5
iii. Local roads	\$1,746.00	CP 5
iv. Trunk drainage – Catchment No.1	\$1,277.00	1CP 1

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

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

S.7.11 CP No. 5 Parklea Release Area
S.7.11 CP No. 1 1980;s Release Area – Quakers Hill

The Section 7.11 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 7.11 contribution(s) will be adjusted accordingly.

Developable area: 0.10330ha

4.2 **Aesthetics/Landscaping**

- 4.2.1 Details of any proposed lighting to assist in crime prevention at night shall be submitted to Council for approval prior to any construction works commencing.
- 4.2.2 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.
- 4.2.3 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.
- 4.2.4 The development approval is to be constructed in accordance with the schedule of materials, finishes and colours.

4.3 **Access/Parking**

- 4.3.1 All **new** internal driveways and other **new** paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 4.3.2 **Pedestrian** access to parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.

4.4 **Site Contamination**

- 4.4.1 Should any remediation works be required, then a Remediation Action Plan (RAP) shall be prepared by a suitably qualified environmental consultant and be submitted to Council for approval. Any required remediation works shall be undertaken during the course of the engineering work. Final validation of the site for every aspect of these works shall be submitted for Council's approval prior to works commencing.

5 **PRIOR TO CONSTRUCTION WORK COMMENCING (BUILDING)**

5.1 **Building Code of Australia Compliance**

- 5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health

and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by :

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which :
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).

5.1.2 The structural alterations to the building shall not unduly reduce or compromise:

- (a) the existing level of fire protection afforded to persons accommodated in or resorting to the building, or
- (b) the existing level of resistance to fire of the building, or
- (c) the existing safeguards against the potential spread of fire to adjoining buildings.

5.2 **Site Works and Drainage**

5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under any environmental planning instrument), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person.

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

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

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

5.3 **Building Additions**

5.3.1 The design of the building addition or attachment shall not compromise the Building Code of Australia structural design criteria of any portion of the existing building.

6 **PRIOR TO CONSTRUCTION WORK COMMENCING (ENGINEERING)**

6.1 The following monetary contributions under the Voluntary Planning Agreement (VPA) must be paid. The amounts below are BASE contributions which WILL BE INDEXED from the nominated base date to the date of payment. Payment of the indexed amounts must be made (BY BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED; NOTE Council DOES NOT accept payment of VPA Contributions by credit card or EFTPOS) prior to works commencing.

Contribution Item	Base Amount	Base Date
(i) Water Quality	\$16,729	01/03/2015
(ii) Administration Fee	\$ 271	01/03/2015

The contribution(s) will be indexed according to the Australian Bureau of Statistics' Implicit Price Deflator for Gross Fixed Capital Expenditure (Private Dwellings) and the Consumer Price Index (Sydney Dwellings).

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

Developable Area: 0.266 hectares

6.2 Amended engineering plans are to be provided to address the following:

- a) On-site detention is to be provided for the site in accordance with the Blacktown City Council Water Sensitive Urban Design (WSUD) Standard Drawings Plan No. A(BS)175M. The on-site detention system is to be designed using the Blacktown City Council – On-site Detention Deemed to Comply Tool collecting a minimum area of 2660 m². (Excel spreadsheet available upon request)
- b) The on-site detention system is to be designed to provide a minimum of 79.8m³ storage below the 1.5 year ARI Overflow Weir and 121.0 m³ below the Emergency Overflow Weir.
- c) The on-site detention system is to be designed to provide a discharge of 10.64 l/s in the 1.5 year ARI event and 50.5 l/s in the 100 year ARI event.
- d) Detail Confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks, detention tank and Stormfilter chamber in accordance with Council's Engineering Guide for Development 2005.
- e) Provide on-site detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.
- f) Access grates to the 1.5 year and 100 year orifice are to be 1200 x 1200. All other access grates to the below ground detention tank must be a minimum 900 mm by 900 mm and are positioned such that the maximum distance from any point in the tank to the nearest grate is not greater than 1.5 m for clear heights less than 0.7 m, 2 m for clear heights less than 1.0 m, 3 m for clear heights less than 1.5 m, 4 m for clear heights less than 2.0 m, 5 m for clear heights less than 2.5 m and 6 m for clear heights greater than 2.5 m. Secure each grate with childproof locks.
- g) The minimum grade for the base of the detention tank is to be 2% in accordance with Council's Engineering Guide for Development 2005. For larger tanks this can be in the form of a 2% cross-slope to a central "V" drain with 2% longitudinal slope along the "V" drain to achieve the minimum required volume of 557 m³.
- h) Where storage is provided below ground the detention tank is to be constructed using concrete or masonry.
- i) Provide galvanised or equivalent step irons or ladders for all entry points to the tanks.
- j) All pits within the proposed development must comply with the following. Pits 600 * 600 mm are limited to 600 mm maximum depth, pits 600 * 900 mm are limited to 900 mm depth and pits greater than 900 mm depth are all to be minimum 900 * 900 mm. Secure each grate with childproof locks.
- k) Provide a kerb or mound along the low side of the proposed development to direct the surface flows in to the detention tank.

6.3 Provide details for permanent coloured interpretive signage minimum A2 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 the detention

tank and 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 is to be approved by Council.

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

- i) a first flush or pre-treatment system,
- ii) a pump with isolation valves and a warning light to indicate pump failure;
- iii) a mains water direct tank top up with air gap for landscape watering,
- iv) a solenoid controlled mains water bypass for toilet flushing only;
- v) **flow meters** on the mains water tank top-up line, the solenoid controlled mains water bypass line and the pump outflow line, to determine actual non-potable usage;
- vi) a timer and control box for landscape watering, allowing for seasonal variations;
- vii) ensuring all the rainwater reuse pipes are coloured purple;
- viii) an inline filter and preferably an automatic backwash inline filter.
- ix) detailing how the various demands and uses will be balanced with the size of each rainwater tank.
- x) how the system is designed to automatically achieve a minimum average usage rate of 0.4 kL/yr/m² including increasing the frequency of watering by a minimum 50% above average for the hotter months;
- xi) fitting rainwater warning signs to all external taps using rainwater.

6.5 Other Engineering Requirements

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

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

6.6 Stormwater Quality Control

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

Note: Council acknowledges the applicant's proposal to enter into a Voluntary Planning Agreement in order to satisfy this requirement. The applicant is required to satisfy this matter in a separate application to Council.

6.7 Drainage

6.7.1 Drainage from the site must be connected into Council's existing drainage system and generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
WSP		4785	C010	P1	11.10.2017
WSP		4785	C020	T2	11.10.2017

6.8 Erosion and Sediment Control

- 6.8.1 Provide a sediment and erosion control plan in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development.
- 6.8.2 Retaining walls shall be designed by a registered structural engineer (NER). The design shall verify that the wall has been designed to withstand all loads likely to be imposed on it during the intended lifetime and in accordance with the relevant Australian standards.
- 6.8.3 The proposed rainwater tank shall be designed by a registered structural engineer (NER). The design shall verify that the tank has been designed to withstand all loads likely to be imposed on it during the intended lifetime and in accordance with the relevant Australian standards.

7 PRIOR TO DEVELOPMENT WORKS

7.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

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

This condition does not apply to:

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

- 7.1.3 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 7.1.4 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.
- 7.1.5 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger aggregate

placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.

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

7.2 **Notification to Council**

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

7.3 **Tree Protection**

- 7.3.1 Any tree not approved for removal or more than 3m from the perimeter of any building (existing or proposed) is to be effectively protected against damage.

7.4 **Sydney Water Authorisation**

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

OR

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

8 **DURING CONSTRUCTION (BUILDING)**

8.1 **Safety/Health/Amenity**

- 8.1.1 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.

8.2 **Building Code of Australia Compliance**

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

8.3 **Surveys**

- 8.3.1 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.

8.4 Nuisance Control

8.4.1 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.

8.4.2 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.

8.5 Stormwater Drainage

8.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:

- (a) the floor level being a minimum 225mm above the adjoining finished ground level, and/or
- (b) being drained to an effective drainage system.

8.6 Waste Control

8.6.1 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.

8.7 Tree Protection

8.7.1 The measures required to effectively protect trees on the land shall be maintained throughout the development works.

8.8 Construction Inspections

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

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

9 DURING CONSTRUCTION (ENGINEERING)

9.1 Tree Protection and Preservation

- 9.1.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 9.1.2 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.

9.2 Soil Erosion and Sediment Control Measures

- 9.2.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 9.2.2 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.
- 9.2.3 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.
- 9.2.4 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.
- 9.2.5 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.

9.3 Public Safety

- 9.3.1 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.

9.4 Site Security

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

10 PRIOR TO OCCUPATION (ENGINEERING)

- 10.1 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 minimum detention storage of 79.8.0 m³ below the 1.5 year ARI Overflow Weir has been provided;

- c. the minimum detention storage of 121.0 m³ below the Emergency Overflow Weir has been provided;
 - d. the orifice sizes match the approved construction certificate plans;
 - e. For the detention basin the 1.5 year ARI discharge does not exceed 10.64 l/s and the 100 year ARI discharge does not exceed 50.50 l/s.
 - f. the rainwater tanks have been provided as per the approved construction certificate plans collecting all of the roof area;
 - g. all the signage and warning notices have been installed;
 - h. the interpretative water quality sign has been correctly installed;
 - i. The non-potable water uses are being sourced using rainwater;
 - j. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council
- 10.2 A plumber, licensed with NSW Fair Trading, or experienced hydraulic engineer registered with NER, is to certify that all the non-potable water uses are being supplied by rainwater and that all the requirements of the detailed Non-Potable Water Reuse Plan have been installed and are working correctly. Provide a copy of the certification and a signed, works-as-executed Non-Potable Water Reuse Plan to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au .
- 10.3 An experienced irrigation specialist is to certify that all the requirements of the detailed Landscape Watering Plan have been installed as per the approved plan and are working correctly. Provide a signed, works-as-executed Landscape Watering Plan to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au .
- 10.4 Provide maintenance requirements for the rainwater tank and detention basin. 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.
- 10.5 Provide a Restriction to User and Positive Covenant over the On-Site Detention System 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.

11 **PRIOR TO OCCUPATION OF THE DEVELOPMENT**

11.1 **Compliance with Conditions**

- 11.1.1 Prior to occupation of the development all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

11.2 **Temporary Facilities Removal**

- 11.2.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 11.2.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 11.2.3 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.

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

11.2.5 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.

11.3 **Fire Safety Certificate**

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

11.4 **Other Matters**

11.4.1 Retaining wall(s) and/or other effective methods to retain excavated or filled ground (other than those sites works which may be Exempt Development under any environmental planning instrument), together with any associated groundwater drainage system, shall be constructed and/or provided in accordance with the approved plans.

11.4.2 The vegetation Management Plan must be fully implemented prior to occupation of the development.

11.5 **Services/Utilities**

11.5.1 The following documentary evidence shall be obtained prior to construction works commencing:

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

12 PRIOR TO OPERATION

12.1 Road Damage

- 12.1.1 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.

12.2 Engineering Matters

12.2.1 Surveys/Certificates/Works As Executed plans

- 12.2.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the 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.
- 12.2.1.2 A certificate from a Registered Engineer (NER - Structural) must be lodged with Council verifying that the following items have been constructed in accordance with all relevant Australian standards and in accordance with Council's Engineering Guide for Development and shall note that the as-built product is structurally adequate;
- i. Retaining wall
 - ii. Rainwater tank

13 OPERATIONAL (PLANNING)

13.1 Access/Parking

- 13.1.1 All required off-street car parking spaces and internal driveways shall be maintained to a standard suitable for the intended purpose.
- 13.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 13.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

13.2 General

- 13.2.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 13.2.2 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 13.2.3 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 13.2.4 No goods, materials or trade wastes are to be stored at any time outside the

building on either the internal vehicular driveway, car parking area, landscaping or footpath, other than in approved garbage receptacles.

- 13.2.5 No nuisance or interference with the amenity of the area shall be created by reason of any process or operation on the land causing the emission of noise, dust, smoke or any polluted discharge whatsoever. Note: The Protection of the Environment Operations Act 1997 requires Council to investigate complaints where only one person complains.

13.3 **Use of Premises**

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

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

(a) Granted consent by Council's Notice of Determination, or

(b) Which is "Exempt Development", "Complying Development" or "Development without Consent" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.