

Conditions of consent (draft)

Proposed development	Demolition of existing structures, retention of existing telecommunication tower, tree removal, subdivision to create 2 lots, construction of a multi dwelling housing development comprising of 91x 3 storey dwellings, club room and pool over 3 levels of basement car parking consisting of 209 car parking spaces, loading area, garbage housing rooms, plant and storage rooms, car wash spaces, dewatering and decommission of existing dam, bulk earthworks, road construction, strata subdivision of the proposed multi dwelling housing and associated landscaping and drainage works.
Property description	Lots 1 & 2, DP 1241790 Macquarie Road, Rouse Hill

1 Advisory Notes

1.1 Terminology

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

1.2 Scope of Consent

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

1.3 Other Approvals

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

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 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.
- 1.4.3 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.
- 1.4.4 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

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

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

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

1.6 **Payment of Engineering Fees**

- 1.6.1 If the applicant wishes for Council to issue the Construction Certificate or Subdivision Works Certificate as nominated in the 'Prior to Construction Certificate/Subdivision Works Certificate please:
 - Complete application form

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

1.7 Other Matters

1.7.1 This plan of subdivision is not to be released until public road access is provided.

2 General

2.1 Scope of Consent

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

DRAWING REFERENCE	DATE
Architectural Plans prepared by WMK Architecture Pty Ltd Project No: 18060	
DA000 Cover Page, Revision C	30.08. 2019
DA001 Development Summary and Basix Commitments, Revision C	30.08. 2019
DA003 Site Plan, Revision B	30.08. 2019
DA007 Demolition Plan, Revision A	08.08.2019
DA100 Basement Plan Level 3, Revision C	30.08.2019
DA101 Basement Plan Levels 1 & 2, Revision C	30.08.2019
DA102 Ground Floor Plan, Revision C	30.08.2019
DA103 Level 1 Plan, Revision C	30.08.2019
DA104 Level 2 Plan, Revision C	30.08.2019
DA104 Level 3 Plan, Revision C	30.08.2019
DA105 Roof Plan, Revision C	30.08.2019
DA150 Townhouse Typology Plans- Sheet 1, Revision B	22.02.2019
DA151 Townhouse Typology Plans- Sheet 2, Revision D	23.08.2019
DA152 Townhouse Typology Plans- Sheet 3, Revision C	23.08.2019
DA500 North & South Elevations, Revision C	30.08.2019
DA501 East & West Elevations, Revision C	30.08.2019
DA502 Internal Elevations – Sheet 1, Revision C	30.08.2019
DA503 Internal Elevations – Sheet 2, Revision C	30.08.2019
DA504 Internal Elevations – Sheet 3, Revision C	30.08.2019
DA505 Internal Elevations – Sheet 4, Revision C	30.08.2019
DA600 Sections- Sheet 1, Revision C	30.08.2019
DA601 Sections- Sheet 2, Revision B	30.08.2019
DA602 Sections- Sheet 3, Revision B	30.08.2019

DRAWING REFERENCE	DATE
DA603 Part Section Detail- Sheet 1, Revision B	30.08.2019
DA1000 Material Finishes Palette, Revision A	08.08.2018
Landscape Plans prepared by Black Beetle Landscape Architecture & Design Job Number: BB 1215	
LA LAP -100/07- Landscape Plan, Cover Sheet	26.08.19
LA LAP -101/07- Landscape Plan, Site Plan- North	26.08.19
LA LAP -102/06- Landscape Plan, Site Plan- South	20.08.19
LA LAP -103/06- Landscape Detail Plan, Communal Park	22.08.19
LA LAP -104/06- Landscape Detail Plan, Laneway and Roads	22.08.19
LA LAP -105/06- Town House Detail Plan 01, Ground Floor	22.08.19
LA LAP -106/07- Town House Detail Plan 02, Ground Floor	26.08.19
LA LAP -107/06- Town House Detail Plan 03, Ground Floor	22.08.19
LA LAP -108/06- Town House Detail Plan 04, Ground Floor	22.08.19

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

DRAWING REFERENCE	DATE
Plan of proposed subdivision of Lot 1 D.P. 1241790& Right of Carriageway within Lot 83 D.P. 208203, Ref: 047-18, Sheets 1 to 3, prepared by Duncan John Sim, Revision 2	30.08.19
Proposed subdivision of Lot 11 in proposed plan of subdivision Ref: 047-18A, Sheets 1 to 7, prepared by Duncan John Sim, Revision 5	15.11.19
Plan of subdivision of Strata Development Lot 14, Ref: 047-18B, Sheets 1 to 5, prepared by Duncan John Sim, Revision 5	15.11.19
Plan of subdivision of Strata Development Lot 15, Ref: 047-18C, Sheets 1 to 5, prepared by Duncan John Sim, Revision 5	15.11.19

2.3 Services

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

2.4 Suburb Name

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

Suburb: ROUSE HILL

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

Suburb: ROUSE HILL

2.5 Compliance with BASIX Certificate

2.5.1 All commitments listed in BASIX Certificate: 940831M_02 dated 27 September 2019 shall be complied with.

2.6 Engineering Matters

2.6.1 Design and Works Specification

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council On Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M
- (f) On Site Stormwater Detention Handbook - Upper Parramatta River Catchment Trust FOURTH Edition.

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

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

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

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

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

These matters will be individually addressed within the consent

Note: A bond release inspection fee will apply.

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

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

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

2.7 Other Necessary Approvals

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

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

2.8 Subdivision

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

2.9 Other Matters

2.9.1 No construction preparatory work (such as, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued.

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

2.10 Drainage Department Matters (GENERAL)

2.10.1 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

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

2.10.3 The Temporary OceanGuards (Enviropod) Removal Security and Temporary OceanGuards (Enviropod) Maintenance Security can only be refunded and the positive covenant for the maintenance of the OceanGuards (Enviropods) in the street pits can only be removed when the downstream regional basin is fully developed as agreed with Council.

3 Prior to Construction Certificate (General & Planning)

3.1 DA Plan Consistency

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

3.2 Development Control Plan

- 3.2.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Blacktown Growth Centres Development Control Plan 2018.

3.3 Services/Utilities

- 3.3.1 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.
- (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.

- 3.3.2 Separate documentary evidence from a recognised energy provider shall be provided stating that the requirements of that Authority have been met with regard to the nearby high voltage transmission line

3.4 Special Infrastructure Contribution

- 3.4.1 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 7.23 of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning, Industry and Environment before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

More information

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

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

3.5 Section 7.11 Contributions under Section 7.17 Directions

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

Under the Section 7.17 Direction issued by the Minister for Planning on 17 July 2017, Council must not impose a condition of development consent under Sections 7.11 (1) or 7.11 (3) or the Act requiring the payment of a monetary contribution exceeding \$45,000 for each dwelling authorised by the development consent, or in the case of a development consent that authorises the subdivision of land into residential lots, exceeding \$45,000 for each residential lot authorised to be created by the development consent. The Section 7.11 contributions payable below have been assessed in accordance with this Direction:

No. of intended dwellings: 91

Contribution: \$4,095,000

Payment of this amount must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) whichever occurs first.

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

Notes In complying with the Minister's Section 7.17 Direction, the applicant is advised that Council may not be in a position to provide all of the facilities listed in the applicable contributions plan due to the potential shortfall of contributions to be received as a result of the \$45,000 per dwelling/lot limit.

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

Contribution Item	Amount Indexed to Date of consent	Relevant C.P
Stormwater Quantity – First Ponds Creek	\$395,905	22
Stormwater Quality – First Ponds Creek	\$43,545	22
Stormwater Quantity – Second Ponds Creek	\$9,503	22
Stormwater Quality – Second Ponds Creek	\$1,730	22
Stormwater Quantity – Killarney Chain of Ponds Creek	\$316,859	22
Stormwater Quality – Killarney Chain of Ponds Creek	\$28,927	22

Traffic Management	\$978,900	22
Open Space	\$5,239,110	22
Community Facilities	\$181,460	22
Combined Precinct Facilities	\$107,674	22

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

Developable Area: 1.656 ha

Additional Population: 263.9 persons

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

S.7.11 CP No. 22 – (Rouse Hill land) & CP22W (Rouse Hill works)

3.6 **Aesthetics/Landscaping**

- 3.6.1 Any bathroom, w.c. or laundry window in the external wall of the dwellings shall be fitted with translucent glazing.
- 3.6.2 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the photomontage and the external material and finishes schedule submitted with the application. Building materials and finishes are to be finished with an anti-graffiti coating. Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans.

3.7 **Fencing**

- 3.7.1 All fencing details and materials are to be as per the approved plans. All fencing is to be provided at full cost to the developer and is to be constructed on top of any masonry retaining walls.
- 3.7.2 Fencing adjoining public roads is to be finished with an anti-graffiti coating.

3.8 **Access/Parking**

- 3.8.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 3.8.2 A minimum of 209 car parking spaces are required to be provided on site, being 180 residential spaces (including 9 accessible spaces) and 29 visitor car parking spaces (including 4 accessible space) and are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1.
- 3.8.3 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
- 3.8.4 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.

3.9.1 **Services, Plant and Equipment**

3.9.2 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the streetscape presentation, proposed dwellings and surrounding properties with regard to visual, acoustic and odour impacts.

3.9.3 A 'Notification of Arrangement' Certificate is to be obtained from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.

3.10 Tree Protection

3.10.1 Prior to the issue of any Construction Certificate, a tree bond is to be paid to Council. The tree bond amount is valid until 30 June 2022, any payment after this date will be as per Council's Goods and Services Pricing Schedule. This bond is to ensure that the health and vigour of the trees to be retained is conserved during works on the site and that all measures available to the applicant are undertaken to ensure this occurs. This bond is to be released upon subdivision certificate release after completion of the works on the site to enable any defects resulting in the death of any trees, due to poor construction practices, to become evident and thereby enabling Council to retain part of the bond and use the bond to embellish any public reserves in the vicinity. The bond will be refunded provided that the subject trees are in good health with a high probability of survival.

3.11 Adaptable Housing Units

3.11.1 A minimum of 10% of the dwellings are to be designed and constructed in accordance with the Australian Adaptable Housing Code (AS 4299-1995). The 9 designated adaptable dwellings are C07, D01, D06, F10, F11, I09, J09, K01 & K08 and are required to be constructed post adaptation providing living areas including a bedroom on the ground floor.

3.11.2 A stairway platform lift shall be provided the 9 adaptable dwellings from the basement car parking area to the ground floor.

3.12 Floor to Ceiling Heights

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

3.13 Other matters

3.13.1 Any required substation as part of the development is required to be located on private property and incorporated into the design of the building or landscaping of the development. The location of the substation must be endorsed by Council prior to the release of a Construction Certificate.

3.13.2 External service fixtures and conduits are to be part of the overall appearance of the building, or are to be screen from view.

3.13.3 Prior to the issue of any Construction Certificate the applicant shall consultant Axicom and provide written confirmation to the certifying authority that the extension of Road No. 3 that now forms Stage 1 as per the new Staging Diagram dated 01.11.2019 will not impact on the operations of the telecommunications tower.

3.13.4 The construction certificate for Building J from the ground level and above fronting the unconstructed section of Road No.3 is not to be issued until Road No. 3 is constructed

and dedicated as a public road. The dwellings in this part of the building are to be developed at a later stage once telecommunications infrastructure is decommissioned and removed. Note: Council will not accept partial dedication of a road verge in isolation along Road No. 3.

- 3.13.5 No construction certificate for the building works shall be issued prior to the release of the Subdivision Certificate for the Torrens title subdivision of Lot 1 in DP 1241790 into proposed Lots 11 and 12 as per Plan of Subdivision, Ref: 047-18, Sheets 1 to 3, prepared by Duncan John Sim, Revision 2.

4 Prior to Construction Certificate (Building)

4.1 Building Code of Australia Compliance

- 4.1.1 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).

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

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

4.2 Site Works and Drainage

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

- 4.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159 mm 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.
- 4.2.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.
- 4.2.4 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining 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.

4.3 Fire Services

- 4.3.1 Where any external on-site fire hydrant or hydrant booster assembly is to be located within any building setback from a boundary, the hydrant or booster assembly shall be located or protected in accordance with the requirements of AS 2419.1.
- 4.3.2 Where any external on-site water storage tank is required by AS 2118.1 or AS 2419.1, details of the location and type of any proposed tank are to be submitted to and approved by Council prior to the issue of the relevant Construction Certificate.

4.4 Internal Works

- 4.4.1 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 State Environment Planning Policy (Exempt and Complying Development Codes) 2008.

4.5 BASIX Certificate Compliance

- 4.5.1 The plans and specifications must indicate compliance with the commitments listed in BASIX Certificate: 940831M_02, dated 27 September 2019.

5 Prior to Construction Certificate/Subdivision works Certificate (Engineering)

5.1 General

- 5.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate or Subdivision Works Certificate can be issued.
- 5.1.2 Where this consent requires both subdivision and building works to be undertaken, no construction certificate for building works is to be issued until all subdivision works have been completed to the satisfaction of Council, and the Subdivision Certificate issued. This includes future public infrastructure such as roads and road drainage systems as well as any engineering infrastructure required to serve the road and road drainage system, including temporary onsite stormwater detention (OSD) and Water sensitive Urban Design (WSUD) located on privately owned land.

For temporary OSD and WSUD located on privately owned land, the registration of all associated easements/restrictions and positive covenants of said infrastructure is required prior to any building works construction certificate being issued.

- 5.1.3 The construction certificate for Building J from the ground level and above fronting the unconstructed section of Road No.3 is not to be issued until Road No. 3 is constructed and dedicated as a public road. The dwellings in this part of the building are to be developed at a later stage once telecommunications infrastructure is decommissioned and removed. Note: Council will not accept partial dedication of a road verge in isolation along Road No. 3.

- 5.1.4 The engineering drawings referred to below are not for construction. The Construction Certificate/Subdivision Works Certificate drawings shall be generally in accordance with the approved drawings and conditions of consent. Any significant variation to the design shall require a section 4.55 application

Construction Certificate/Subdivision Works Certificate plans shall be generally in accordance with the following drawings and relevant Consent conditions:

Prepared By	Project No.	Drawing No.	Sheet No.	Dated
CRAIG & RHODES	047-18	047-18C-DA-0001	G	06.11.19
CRAIG & RHODES	047-18	047-18C-DA-0001	G	06.11.19
CRAIG & RHODES	047-18	047-18C-DA-0051	G	06.11.19
CRAIG & RHODES	047-18	047-18C-DA-0101	G	06.11.19
CRAIG & RHODES	047-18	047-18C-DA-0102	G	06.11.19
CRAIG & RHODES	047-18	047-18C-DA-0151	G	06.11.19
CRAIG & RHODES	047-18	047-18C-DA-0201	G	06.11.19
CRAIG & RHODES	047-18	047-18C-DA-0202	G	06.11.19
CRAIG & RHODES	047-18	047-18C-DA-0203	G	06.11.19
CRAIG & RHODES	047-18	047-18C-DA-0204	G	06.11.19
CRAIG & RHODES	047-18	047-18C-DA-0711	G	06.11.19
CRAIG & RHODES	047-18	047-18C-DA-0712	G	06.11.19
CRAIG & RHODES	047-18	047-18C-DA-0713	G	06.11.19
CRAIG & RHODES	047-18	047-18C-DA-0714	G	06.11.19
CRAIG & RHODES	047-18	047-18C-DA-0751	G	06.11.19
CRAIG & RHODES	047-18	047-18C-DA-0752	G	06.11.19
CRAIG & RHODES	047-18	047-18C-DA-0901	G	06.11.19
CRAIG & RHODES	047-18	047-18C-DA-0902	G	06.11.19

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

- i. Path paving should be 1.5m as per Figure-3.14 of Area 20 within the North West Priority Growth Area.

- ii. All vertical curves along Road No. 1 are to be amended to comply with Blacktown Council Engineering Guidelines and the relevant AUSTRAD Standards.
- iii. Temporary turning heads are to be generally in accordance with Blacktown Council Engineering Guidelines and standard drawing A(BS)144M.
- iv. Prior to the release of the construction certificate the applicant is to acquire the written concurrence of Council's Manager Traffic Management for the configuration at the three-way intersection of Road No.2, Road No. 1 and the Road on adjoining Lot 60 in DP 30186. This is to include approval from the Local Traffic Committee for the line marking and signage arrangements.

5.2 Subdivision Works/Construction Certificate Requirements

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

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

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

5.3 Roads Act Requirements

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

- Any works within Council's road reserve
- Half width road construction along Macquarie Road
- Drainage works along Macquarie Road
- Path Paving
- Interface works between new roads and existing public roads

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

5.4 Other Engineering Requirements

5.4.1 If the estimated cost is \$25,000 or greater proof of long service levy payment is required.

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

5.4.3 Submit written permission from the affected property owner for any works proposed on adjoining land. This shall include but not be limited to consent from the owner(s) of Lot 2 in DP 1241790 and Lot 83 in DP 208203.

5.5 Drainage Department Matters

5.5.1 Engineering drawings by Craig & Rhodes, Job Number 047-18 rev E dated 18.04.19 are to include the following amendments:

A. Drawing No. 047-18C-DA-0101.

i. Provide temporary 200 micron OceanGuards on every street pit.

B. Drawing No. 047-18C-DA-0102.

i. Provide temporary 200 micron OceanGuards on every street pit.

C. Drawing No. 047-18C-DA-0751.

i. Rename all Enviropods as OceanGuards.

ii. Pipe connections conveying treated outflow from the Stormfilter chamber are to bypass the 100 year orifice and be connected directly to the Overflow Pit.

iii. The Discharge Control Pit and Overflow Pit are to be shown with 1200 mm * 1200 mm grates.

iv. All "sealed access" lids are to be replaced with a minimum 900 * 900 mm grate.

v. Provide extra grates over on-site detention tank so that the maximum reach from any point in the tank to the nearest grate is 4 m.

vi. The OceanGuards (Enviropods) chamber is to be amended to ensure even distribution of flows to all OceanGuards through a flow spreader arrangement.
Provide details

D. Drawing No. 047-18C-DA-0752.

i. All Enviropod notation is to be changed to OceanGuards.

5.5.2 The internal pipe network is to be designed in accordance with the current Council's Engineering Guide for Development to carry the 20 year ARI storm flows.

5.5.3 The minimum storage and dual alternating pump requirements for the basement garage is to satisfy AS/NZS 3500.3:2015 – Plumbing and Drainage Part 3: Stormwater Drainage.

5.5.4 Provide a basement car park design that ensures a minimum 0.5% slope to all surface inlet pits.

5.5.5 Detail Confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks and detention tank in accordance with Council's Engineering Guide for Development 2005.

5.5.6 Provide on-site detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.

5.5.7 All pits within the proposed development, other than the Discharge Control Pit and Overflow Pit, 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.

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

- 5.5.9 Provide a Temporary OceanGuards (Enviropods) Removal Estimate from Ocean Protect (Stormwater 360) for the full removal of the temporary OceanGuards (Enviropods) and frames from the street pits surrounding the development.
- 5.5.10 Provide a Temporary OceanGuards (Enviropods) Maintenance Estimate from Ocean Protect (Stormwater 360) for the repair and maintenance of the temporary OceanGuards (Enviropods) in the street pits surrounding the development at maximum 4 monthly intervals for a minimum of 4 years.
- 5.5.11 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.
- 5.5.12 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

5.6 Roads

- 5.6.1 Submit a pavement report prepared and designed by a professional civil engineer with soil tests carried out by a registered NATA soils laboratory. The pavement design shall withstand the traffic loadings listed in this consent.
- Note: The design CBR is to be confirmed on site prior to placement of any pavement. If actual CBR is less than design CBR, revised pavement design will be required.
- 5.6.2 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card.
- 5.6.3 Any approved design drawings must show a 5 m x 5 m splay for residential lots at each street intersection.
- 5.6.4 The splay at the three-way intersection of Road No.2, Road No. 1 and the Road on adjoining Lot 60 in DP 30186, is to be adjusted to meet site specific intersection designs in accordance with Council's Engineering Guide for Development
- 5.6.5 Proposed new roads shall be designed and constructed as follows:

Name	Width(m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Road No:1 (Half Width)	18	105	3.5-11-3.5	5x10 ⁵
Road No:2 (Half Width)	18	170	3.5-11-3.5	5x10 ⁵
Road No:3	18	70	3.5-11-3.5	5x10 ⁵

- 5.6.6 Half width road with a minimum 4.5 m width of pavement for the full road frontage of the development is required. These construction works include drainage, kerb and gutter,

footway turfing, service adjustments and any other ancillary work necessary to make this construction effective.

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

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

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Macquarie Road (Half width)	20.1	180	4.55-11-4.55	5x10 ⁵

Note: The proposed road and drainage levels along Macquarie Road are to be compatible and make a smooth transition with the Council design for Macquarie Road toward the northern end of site. In particular, item RM10 in Contributions Plan No. 22W Rouse Hill Works.

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

5.7 Drainage

5.7.1 Drainage from the site must be connected into Council's existing drainage system.

5.7.2 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.

5.7.3 Provide a roof water outlet to kerb for each proposed lot that drains to the street.

5.8 Signage and Line Marking

5.8.1 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.

5.9 Erosion and Sediment Control

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

5.10 Earthworks

5.10.1 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.

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

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

5.10.4 Retaining walls shall be a maximum single height of 1.2 m (600 mm cut + 600 mm fill). Where a retaining wall is proposed that is more than 1.2 m in height, a terraced solution shall be provided. Terraces should not exceed 900 mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.

5.10.5 Show on plan adjacent to road cross sections approximate quantities of road materials required for construction. (i.e. Densely Graded Subbase and Densely Graded Base)

5.11 Stormwater Quality Control

5.11.1 A permanent on lot stormwater quality treatment system for the internal development site shall be designed in accordance with Council's Engineering Guide for Development and DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#).

5.11.2 A temporary stormwater quality control treatment system, for the proposed new roads, shall be designed in accordance with Council's Engineering Guide for Development and DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#).

5.11.3 Bio-retention basin(s) to be designed in accordance with Council's Water Sensitive Urban Design standard drawings and Council's Engineering Guide for Development and DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#).

5.12 Temporary On-Site Detention

5.12.1 A temporary on-site detention system in accordance with Council's Engineering Guide for Development. This design shall limit the post-developed flows in accordance with the parameters set out in Council's WSUD Standard Drawings A(BS)175M OSD Requirements - Sheet 20.

5.12.2 Submit the following certificates which are to be prepared by a registered engineer (NER):

- Certification that the structures associated with the temporary on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- Certification that the temporary on-site detention system will perform to meet the temporary on-site detention requirements.

5.12.3 The following documents shall be submitted to accompany the temporary on-site detention design:

- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
- S3QM Certificate OSD detailed design submission and calculation summary sheet
- A maintenance schedule that is signed and dated by the designer

5.13 Vehicular Crossings

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

6 Prior to Construction Certificate

6.1 Environmental Management

- 6.1.1 A Level 1 Odour Assessment must be submitted to Council. It must be carried out in accordance with the *NSW Office of Environment and Heritage Technical framework: Assessment and Management of Odour from Stationary Sources in NSW*.
- 6.1.2 Any asbestos material is to be handled and treated in accordance with the SafeWork document “*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*” dated March 2008.
- 6.1.3 Recommendations outlined in the *Phase 1 Contamination and Salinity Assessment Report, prepared by GeoEnviro Consultancy Pty Ltd, Reference Number: JC17292A-rl (rev) dated June 2017* must be carried out.
- 6.1.4 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with;
 - NSW Environment Protection Authority’s *Guidelines for Consultants Reporting on Contaminated Sites* (1997)
 - NSW Environment Protection Authority’s *Contaminated Sites Sampling Design Guidelines* (1995).
 - Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council’s *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (1992).

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

6.2 **Waste**

- 6.2.1 The applicant must complete the WasteLocate form (attached) to ensure correct disposal of any asbestos identified onsite.
- 6.2.2 The applicant must ensure that roads and driveways etc are rated suitable for 24 tonne trucks.
- 6.2.3 The applicant must ensure the approved bin collection points for all bins for the whole site are shown on the stamp approved plans with each bin indicated.
- 6.2.4 Access for collection vehicles must be designed in accordance with the dimensions indicated on the approved architectural plans, CAD files and vertical clearances (as per Australian Standards), showing adequate truck entry and exit and in all manoeuvring areas.

7. **Prior to Construction Certificate (Biodiversity)**

- 7.1 Prior to Construction Certificate, a Biodiversity Management Plan (BMP) must be prepared to Council’s satisfaction. The BMP is to:
 - i. Include the requirement to undertake a pre-clearance survey. The survey is to be undertaken by an appropriately qualified and experienced ecologist. The ecologist is to search for threatened species and identify habitat including hollow bearing trees. All hollows identified require replacement with suitable artificial hollows or nest boxes with 3 nest boxes replacing every

natural hollows removed. The results from the pre-clearance survey are to be collated into a short report and are to be provided to Council's Natural Area Team within 10 days of undertaking the survey.

- ii. Include detail on the proposed dam demolition and dewatering procedure. Including identifying fauna handling techniques and dewatering procedure of the to ensure no spread of exotic pest species into local waterways and the rescue and relocation of any native aquatic fauna species present in the dam.
- iii. Identify appropriate fauna management strategies for pre-construction, construction and post-construction activities including environmental control measures for pre-clearing process.
- iv. A procedure for controlling the introduction and spreading of weeds and pathogens, including hygiene protocols and the arrangements for monitoring.
- v. Procedures for dealing with injured fauna or unexpected threatened species finds. The procedures must include, as a minimum, the following:
 - stop work arrangements in the immediate area of the threatened species;
 - notification and communication protocol;
 - consultation with the specialists to assess the significance of the find; and a
 - a list of approvals, licences or permits likely required prior to recommencing works.
- vi. Identified proposed strategies for the re-use of:
 - hollow trees/ logs, woody debris and mulch generated from clearing
 - seed, which may be collected from trees during felling where available, and
 - top soil containing native seed
- vii. Re-used materials are to be used in adjacent RE1 lands or nearby Council reserves in consultation with Council's Natural Areas Team.

7.1.2 During construction and clearance activities the BMP is to be adhered to. An appropriately qualified and experienced ecologist is to be present when clearing trees onsite.

7.1.3 At the conclusion of clearance works a report detailing works undertaken in accordance with the BMP is to be provided to Natural Areas Team within 14 days of clearance works.

8. Prior to Construction Certificate (Rural Fire Service)

8.1 Asset Protection Zones

8.1.1 Prior to the issue of a construction certificate, a suitable mechanism, such as an instrument under section 88 of the 'Conveyancing Act 1919' shall be in place over Lot 83 in DP 208203, requiring the area depicted in orange, (an 8 metre wide asset protection zone) in 'Figure 3 - Bushfire Hazard Analysis and Asset Protection Zone' in the bush fire report prepared by Peterson Bushfire (Dated 19 June 2017, Reference 17078) to be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix

5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standard for Asset Protection Zones'.

8.2 Construction Standards

- 8.2.1 New construction to Block A, Block B, Block C, Block E, Block F, Block I, Block J and Block K as per the issue C 'ground floor plan' drawn by WMK Architecture, dated 30.08.2019 shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
- 8.2.2 New construction to Block D, Block G and Block H as per the issue C 'groundfloor plan' drawn by WMK Architecture, dated 30.08.2019 shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

9 Prior to Development Works

9.1 Safety/Health/Amenity

- 9.1.1 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.
- 9.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
- (a) the name, address and telephone number of the principal certifying authority for the work, and
 - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

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.
- 9.1.3 Should the development work:
- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) 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.

- 9.1.4 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.
- 9.1.5 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 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 9.1.6 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.
- 9.1.7 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.

9.2 Notification to Council

- 9.2.1 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.

9.3 Home Building Act

- 9.3.1 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.

9.4 Sydney Water Authorisation

- 9.4.1 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.

10 Prior to Demolition Works

10.1 Safety/Health/Amenity

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

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

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

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

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

Each toilet provided shall be:

(a) a standard flushing toilet, and

(b) connected:

(i) to a public sewer, or

(ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or

(iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

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

10.2 Other Matters

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

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

11 During Demolition Works

11.1 Safety/Health/Amenity

11.1.1 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.

11.1.2 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.

11.1.3 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.

11.1.4 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.

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

11.1.6 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.

11.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable SafeWork NSW requirements including the Code of Practice for the Safe Removal of Asbestos” – National Occupational Health and Safety Commission:2005 (if applicable)

11.1.8 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.

11.2 Nuisance Control

11.2.1 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 am and 6 pm, Monday to Friday, and 8 am to 1 pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.

12 Completion of Demolition Works

12.1 Final Inspection

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

12.2 Hazardous Materials and Waste

12.2.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the SafeWork NSW 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.

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

13 During Construction (Building)

13.1 Safety/Health/Amenity

13.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

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

(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.

13.1.3 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.

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

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

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

13.1.7 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.

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

13.2 Building Code of Australia Compliance

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

13.3 Surveys

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

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

13.4 Nuisance Control

- 13.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 13.4.2 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

13.5 **Stormwater Drainage**

- 13.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:
- (a) the floor level being a minimum 225 mm above the adjoining finished ground level, and/or
 - (b) being drained to an effective drainage system.
 - (c) if draining to kerb use an approved kerb outlet and sewer grade PVC or RHS

13.6 **Waste Control**

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

13.7 **Construction Inspections**

- 13.7.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):
- (a) After excavation for, and prior to placement of, any footings; and
 - (b) Prior to pouring any in-situ reinforced concrete building element; and
 - (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
 - (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2, 3 or 4 building); and
 - (e) Prior to covering any stormwater drainage connections; and
 - (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

13.8 **European Heritage**

13.8.1 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.

13.9 **Aboriginal Heritage**

13.9.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the NSW Office of Environment & Heritage informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from the NSW Office of Environment & Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

14 **During Construction (Engineering)**

14.1 **Notification of Works**

14.1.1 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 5 business days prior to commencement of engineering works.

14.2 **Insurances**

14.2.1 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 Indemnity and Workers Compensation.

14.3 **Service Authority Approvals**

14.3.1 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.

14.4 **Boundary Levels**

14.4.1 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.

14.5 **Tree Protection and Preservation**

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

14.6 **Soil Erosion and Sediment Control Measures**

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

14.6.2 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.

- 14.6.3 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.

14.7 Filling of Land and Compaction Requirements

- 14.7.1 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.
- 14.7.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version).
- a) Compaction certificates for fill within road reserves.
 - b) Compaction certificates for road sub-grade.
 - c) Compaction certificates for road pavement materials (sub-base and base courses).
 - d) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
 - e) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4
 - Compliance Certificate and Test Results
 - Delivery Dockets
 - Summary of Material deliveries as per template available on Council's website

Note: Council's Works Specification (Civil) requires road pavement and pipe bedding materials be sourced from N.A.T.A. certified stockpiles.

The above documentation shall be submitted prior to Subdivision and/or Occupation Certificate as required by this consent.

- 14.7.3 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.
- 14.7.4 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 14.7.5 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.

14.7.6 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.

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

14.8.1 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, compliance certificates issued by accredited certifiers in lieu of council inspections will only be accepted by prior agreement or by Council request. 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.

14.9 Inspection of Engineering Works - Roads Act 1993

14.9.1 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 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).

14.10 Public Safety

14.10.1 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.

14.11 Site Security

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

14.12 Traffic Control

14.12.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card 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 - 2009.

14.12.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current RMS accreditation and photo card to implement Traffic Control Plans.

14.12.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current RMS Traffic Controller accreditation and photo card and carry it with them.

14.12.4 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 - 2009.

14.12.5 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 person who holds a current RMS accreditation to prepare a Work Zone Traffic Management Plan. This plan must satisfy all the requirements of AS 1742.3 – 2009 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

14.13 Powder Coated Furniture

14.13.1 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.

14.14 Road Line Marking and Traffic Signage

14.14.1 Prior to the implementation of any road line marking and traffic signage required by this development the applicant shall acquire an approved construction certificate for the line marking and traffic signage plan arrangement.

In this regard, the applicant shall provide evidence to the certifying authority in order to demonstrate that the proposed line marking and traffic signage plan has approval from the local traffic committee and has been adopted by Ordinary Council Meeting.

Note: all recommendations by the local traffic committee and Ordinary Council Meeting shall be reflected within the construction certificate for line marking and traffic signage.

14.15 Rural Fire Service - Asset Protection Zones

14.15.1 At the commencement of building works, and in perpetuity, the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

14.16 During Construction (Drainage)

14.16.1 The 15 x 200 micron OceanGuards (Enviropods) and 23 x 690 mm high Stormfilter cartridges supplied by Ocean Protect (Stormwater 360) are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

- 14.16.2 The 12 x temporary 200 micron OceanGuards (Enviropods) by Ocean Protect (Stormwater 360) installed in the street drainage pits are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

15 Prior to Occupation Certificate

15.1 Road Damage

- 15.1.1 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.

15.2 Compliance with Conditions

- 15.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 15.2.2 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 6.10 of the Environmental Planning & Assessment Act 1979.

15.3 Temporary Facilities Removal

- 15.3.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 15.3.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 15.3.3 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.
- 15.3.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 15.3.5 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.

15.4 Landscaping/Car Parking

- 15.4.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 15.4.1.2 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 15.4.2 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 15.4.3 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.

- 15.4.4 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.
- 15.4.5 All common open space areas shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.
- 15.4.6 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 15.4.7 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 15.4.8 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.

15.5 Fire Safety Certificate

- 15.5.1 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).

15.6 Fee Payment

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

15.7 Adaptable Housing Units

- 15.7.1 Certification from a qualified Access Consultant confirming that the Adaptable Housing Dwellings have been provided in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) is to be submitted to Council.

15.8 Total Maintenance Plan

- 15.8.1 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.

15.9 External Finishes

15.9.1 The development approved by Council is to be constructed in accordance with the approved schedule of materials, finishes and colours. All landscaping, fencing, retaining walls and driveways are to be provided in accordance with the approved plans, and the details submitted and approved as part of the Construction Certificate.

15.10 Engineering Matters

15.10.1 Surveys/Certificates/Works As Executed plans

- 15.10.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 15.10.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines.
- 15.10.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 15.10.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 15.10.5 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.
- 15.10.6 Applicant is to compile and submit the following in accordance with Council's Works Specification - Civil (Current Version):
- a) Compaction certificates for fill within road reserves.
 - b) Compaction certificates for road sub-grade.
 - c) Compaction certificates for road pavement materials (sub-base and base courses).
 - d) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
 - e) Applicant to submit material compliance documentation in accordance with Councils Civil Works Specification 8.1.4
 - Compliance Certificate and Test Results
 - Delivery Dockets
 - Summary of Material deliveries as per template available on Councils website.
- 15.10.7 The applicant is to submit the certified 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.

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

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

15.11 Easements/Restrictions/Positive Covenants

- 15.11.1 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 NSW Land Registry Services.

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

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

- 15.11.4 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Land Registry Services over the overland flow-path.

- 15.11.5 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.

15.12 Bonds/Securities/Payments in Lieu of Works

- 15.12.1 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.

- 15.12.2 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 12 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.

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

15.12.4 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.

15.13 Inspections

15.13.1 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.

15.14 CCTV Inspection of Stormwater Drainage Structures

15.14.1 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.

15.15 Prior to Occupation Certificate (Drainage)

15.15.1 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 395.6 m³ has been provided below the 1.5 year ARI weir and a total of 600 m³ has been provided below the 100 year ARI emergency overflow weir;
- c) the orifice size matches the approved construction certificate plans;
- d) For the detention basin the 1.5 year ARI orifice discharge does not exceed 17.0 l/s at the 1.5 year weir level and the 100 year ARI orifice discharge does not exceed 192.0 l/s at the emergency overflow weir level;
- e) all the signage and warning notices have been installed;
- f) the interpretative water quality sign has been correctly installed;
- g) the proprietary water quality devices have been installed for the site as per the manufacturer's recommendations;
- h) a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

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

- i. They are installed in accordance with the Ocean Protect (Stormwater 360) standard operational guidelines and production drawings;

- ii. A minimum of 15 x 200 micron OceanGuards (Enviropods) have been installed in the internal permanent system;
- iii. A minimum of 12 x 200 temporary micron OceanGuards (Enviropods) have been installed in the street pits;
- iv. A minimum of 23x 690 mm high Stormfilter cartridges have been installed in the Stormfilter Chamber.
- v. The Stormfilter tank includes a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables for the 690 mm cartridges;
- vi. The Stormfilter weir length is a minimum of 1.8 m;
- vii. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and
- viii. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.

15.15.3 Provide a Restriction to User and Positive Covenant over the Stormwater Quality Improvement Devices and Rainwater Tanks in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment by the first business day on or before 1 September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate.

15.15.4 Provide a Temporary OceanGuards (Enviropod) Removal Security to Council for the removal of the Temporary OceanGuards (Enviropods) within the street pits equal to 200% of the Temporary OceanGuards Removal Estimate.

15.15.5 Provide a Temporary OceanGuards Enviropod Maintenance Security to Council for the maintenance of the Temporary OceanGuards (Enviropods) within the street pits equal to 150% of the Temporary OceanGuards (Enviropod) Maintenance Estimate.

15.16 Prior to Occupation Certificate (Waste)

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

15.16.2 A Community Management Agreement/Strata Management Agreement must exist which:

- i. indicates a requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan. This includes placement of bins out for collection and their return to the storage areas following servicing.
- ii. indicates the responsibility for maintenance of the garbage collection system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times including providing access to the loading bay prior to bin servicing.
- iii. indicates the method of communication to new tenants and residents regarding the waste management service and collection system for the complex.

- iv. clearly outlines the requirement for the building manager to maintain and display consistent signs on all bins and in all communal bin storage areas.
- v. clearly outlines the requirement for the building manager to arrange for the prompt removal of dumped rubbish from the site
- vi. includes the updated (and approved) waste management plan as lodged with the development application on 24 January 2019.

15.17 Prior to Occupation Certificate (Rural Fire Service)

15.1 A Bush Fire Emergency Management and Evacuation Plan shall be prepared for the site that is consistent with 'Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014' after the construction has been completed.

16 Prior to Subdivision Certificate

16.1 Road Damage

16.1.1 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.

16.2 Asset Management

16.2.1 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.

16.3 Consent Compliance

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

16.4 Fee Payment

16.4.1 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.

16.5 Easements/Restrictions

16.5.1 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 NSW Land Registry Services.

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

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

- 16.5.4 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Land Registry Services over the overland flow-path.
- 16.5.5 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.

16.6 Service Authority Approvals

- 16.6.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Subdivision Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the plan of subdivision.
 - (b) A "Notification of Arrangement" Certificate from 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.

16.7 Final Plans

- 16.7.1 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.
- 16.7.2 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.

16.8 Other Matters

- 16.8.1 Prior to the issue of the Subdivision Certificate, all on-site resident and visitor car parking spaces are to be provided having minimum internal clear dimensions in accordance with Australian Standard 2890.1.
- 16.8.2 Prior to the release of the Subdivision Certificate, the applicant is to submit a copy of the Strata Management Statement to Council for review. This Statement is to include relevant details of the maintenance and repair of the common property, establishment and regulation of the Strata Body Corporate, protection of Council against liability for any on-site garbage collection and prohibition of clothes drying on balconies amongst other things.

NOTE: The final wording of the Management Statement shall be to Council's satisfaction.

16.9 Site Contamination

16.9.1 Prior to the issue of the Subdivision Certificate, an EPA recognised accredited 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.

16.10 Salinity

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

17 Prior to Subdivision Certificate (Engineering)

17.1 Engineering Matters

17.1.1 Surveys/Certificates/Works As Executed plans

17.1.2 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed, in a colour softcopy format (.PDF). All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works (including works under the *Roads Act 1993* and the *Local Government Act 1993* covered by this Development Application).

17.1.3 The Work-as-Executed (WAE) must confirm that the On Site Detention system identification plate has been installed in accordance with Council's WSUD Standard Drawings A(BS)175M Sheet 20.

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

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

17.1.6 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

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

- a) Compaction certificates for fill within road reserves.
- b) Compaction certificates for road sub-grade.
- c) Compaction certificates for road pavement materials (sub-base and base courses).
- d) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- e) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4

- Compliance Certificate and Test Results

- Delivery Dockets
- Summary of Material deliveries as per template available on Council's website.

17.1.8 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.

17.1.9 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.

17.1.10 A survey report prepared and signed by a Registered Surveyor providing confirmation of the depth of all constructed road pavements in the form of finished surveyed levels for each road pavement layer, noting tolerances for any variations in constructed pavement depth.

17.1.11 A Certificate shall be submitted by a suitably qualified geotechnical engineer verifying that any fill material imported to site is virgin excavated natural material (VENM) or (ENM).

17.2 Easements/Restrictions/Positive Covenants

17.2.1 Any easement or restriction created as a result of this consent must be in accordance with the following:

- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
- (b) The standard format for easements and restrictions as accepted by NSW Land Registry Services (LRS).

17.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the on-site detention storage areas and outlet works. Documentary evidence of this LRS lodgement shall be submitted to Council.

17.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control devices/system and outlet works. Documentary evidence of this lodgement shall be submitted to Council.

17.2.4 Restrictions and positive covenant must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the overland flow-path. Documentary evidence of this LRS lodgement shall be submitted to Council.

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

17.3 Dedications

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

17.4 Bonds/Securities/Payments in Lieu of Works

17.4.1 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.

17.4.2 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.

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

17.4.4 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

17.5 Inspections

17.5.1 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.

17.6 Inspection of Work

17.6.1 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 video footage of the inspections, a 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.

18 Operational (Planning)

18.1 Specific Uses

18.1.1 The approved use as 'multi dwelling housing' shall comply with the definition in State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

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

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

18.2 General

- 18.2.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.

18.3 Landscaping

- 18.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 18.3.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.
- 18.3.3 The management of vegetation, turfed areas, gardens, planter boxes, communal areas and other similar areas is to be incorporated within the future strata management plan, or similar, once each stage of the development is occupied.

18.4 Waste

- 18.4.1 All waste generated on site must be disposed of in accordance with the approved Waste Management Plan.

18.5 Graffiti Removal

- 18.5.1 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.

19 Operational (Environmental Health)

19.1 Environmental Management

- 19.1.1 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.
- 19.1.2 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.
- 19.1.3 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.

19.2 Waste Management

- 19.2.2 The Owners Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.
- 19.2.3 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 19.2.4 A building manager must be engaged in perpetuity and for the life of the development to:
 - i. manage bins and bulky waste onsite

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

20. Operational (Rural Fire Service)

20.1 Access – Public Roads

- 20.1.1 Temporary turning heads shall be provided to temporary dead end roads incorporating either a minimum 12 metre radius turning circle or turning bay with arms of 15 metres deep and 6 metres wide from the centreline of the road and have a turning radius of no less than 6 metres. The turning areas may be removed upon opening of future proposed through roads.
- 20.1.2 Proposed public roads shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006', with the exception of a carriageway width of 5.5 metres.

20.2 Water and Utility Services

- 20.2.1 Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- 20.2.2 Fire hydrant spacing, sizing and pressures shall comply with AS 2419.1-2005.

20.3 Landscaping

- 20.3.1 Landscaping is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.