

Conditions of consent (draft)

Proposed development	Integrated development including subdivision into 4 lots, tree removal and construction of 2 x 5 storey residential flat buildings with 178 residential apartments over 2 levels of basement car parking
Property description	Lot 1 DP 1097685, Sunnyholt Road KINGS LANGLEY

Part 1

1 Deferred Commencement Matters

- 1.1 Under section 4.16(1)(3) of the Environmental Planning and Assessment Act 1979, this development consent is not to operate until such time as the requirements set out in Conditions 1.1.1 to 1.1.6.9 inclusive are satisfied.
 - 1.1.1 Amended plans are to be prepared to Council's satisfaction showing the amended mix of apartments in order to fully comply with the car parking requirement under Blacktown Development Control Plan 2015.
 - 1.1.2 A revised schedule of materials and finishes, including colour samples from brochures or the like, together with a revised photomontage, shall be submitted to Council, which provides for the use of render to be limited and substituted for more robust materials (such as masonry) and replacing the timber cladding to metal cladding with timber veneer to Council's satisfaction.
 - 1.1.3 Amended elevation plans are to be submitted to Council's satisfaction to indicate fixed louvers to all balconies along the northern façade of the buildings on all levels above the ground level.
 - 1.1.4 A revised landscape plan encompassing the entire site is to be submitted to Council for review and separate approval prior to the issuing of any Construction Certificate. This is to include the following matters:
 - a) The revised plan should include interface treatments including cross-sections between the development site and the modified creek line, and maintenance access to the southern side of the modified creek line.
 - b) The revised plan should include interface treatments, between the development and the RE1 zoned land at Allen Robertson Reserve to the east of the site, including a cross section.
 - c) The revised plan should include interface treatments between the modified creek line and RE1 zoned land in the north-western corner, including a cross section.
 - d) The revised plan should include interface treatments between the modified creek line and Sunnyholt Road on the south-western corner of the site, including a cross section.
 - e) The revised plan should also include details of any works on the RE1 zoned land adjacent to Sunnyholt Road, including embellishment works as indicated

below or as modified to the satisfaction of Council's Recreation Planning and Design section and Council's Design Review Panel. The landscape works are to be completed in accordance with, but not limited to, the following indicative scope of inclusions:

- mulched garden bed
 - native grasses
 - native tree planting and tree surrounds
 - concrete footpath
 - council's nominated park furniture
 - boundary fencing treatment
 - park furniture
 - maintenance track and entry points.
- f) The revised plan should include the plants on the batters and creek bed to be planted in Jute mat and the plants on the top of the batter to be planted in mulch.
- g) The revised plan should have additional trees planted along the length of the modified creek line.
- h) The revised landscape plan should have planting densities for ground covers, low shrubs, grasses and tufted species of 8 plants per square metre.
- i) The revised landscape plan should have the following species adjustments: remove both Casuarina species and replace with a variety of Melaleuca tree species. Remove the species Paspalum distichum. Replace both Pultenaea species with Indigofera australis, Dodonaea triquetra or Hardenbergia violacea.
- j) The revised landscape plan should include street tree planted along Vardys Road and Sunnyholt Road to Council's specifications, including the use of root directors installed to manufacturer's specifications. The street trees should be installed at approximately 8 metre spacings, considering vehicle sightlines, street light spill and bus stop locations. The minimum container size to be used should be 100 litre using the species Zelkova serrate.
- k) Tree 1 should be retained and protected as per AS:4970-2009 Protection of Trees on Development Sites and as per Arboricultural Impact Assessment report, revised 14 November 2018.

1.1.5 **Engineering**

1.1.5.1 The proposed off-street carpark design shall be designed in accordance with AS 2890.

1.1.5.2 The plans shall be revised to address the following matters:

- a) Amended plans are to be prepared to the Council's satisfaction indicating a one-way 'entry-only' private slip lane on Vardys Road within the 6 m front setback for a length of 20 m and width of 3 m, to enter the site driveway only from Vardys Road with dense landscaping on the remaining 2.5 m wide front setback along the slip lane length to Council's satisfaction. The left turn

deceleration/slip lane shall be provided and designed in accordance with Austroads, Roads and Maritimes Services Guidelines and Austroads Supplements and relevant Australian Standards. The applicant is to attain written concurrence from Council's Coordinator Traffic Management. A road safety audit and traffic report shall be submitted for the proposed deceleration/slip lane. Note that any substantial changes to the nominated consent plans resulting from meeting this item will require a modification to the consent to ensure that all plans are consistent, including but not limited to engineering plans, architectural plans and plan of subdivision.

- b) The engineering work must be wholly contained within the zoning boundaries as adopted by Council in 2015.
- c) The plan of subdivision shall be amended to exactly reflect the zone boundaries adopted by Council in 2015. Stage 1 is for the dedication of the half road of Evan Place and creation of a residue lot. Stage 2 is for the subdivision of land to create lots for the RE1, SP2 and R4 zones.
- d) The vehicular crossing within the verge shall limit splays to 1 m wide. Where greater splays are required, the driveway width within the site and at the boundary shall be widened and tapered accordingly.
- e) The proposed bulk earthworks plan, drawing no. C211, shall be amended to include a legend showing which colour represents cut and which represents fill (and include the depth of cut and fill). Where the proposed cut and fill results in a batter greater than 1 vertical and 4 horizontal, and with desired being 1 in 5, a retaining wall shall be proposed within the property to ensure the batter on the reserve meets Council's requirements.
- f) The vehicular crossing/s shall be in accordance with Council's Standard Drawing A(BS)103S.
- g) On Drawing Nos. SW202 and SW203, show the position and extent of the swale where the OSD emergency overflow from the 4 x 225 diameter pipes are draining to.
- h) All proposed vehicular crossings shall be positioned 1 m clear of street stormwater drainage pits.
- i) The proposed verge south of Evan Place shall fall away from the top of kerb no more than 2.5%.

1.1.6 **Drainage**

1.1.6.1 For the creek rehabilitation, provide written approval and any requirements from Sydney Water. The following matters shall be considered, but not limited to:

- a) Lower the sewer manhole in the creek bed from RL 46.54 to about RL 43.19.
- b) The sewer manhole cover is permitted in the creek bed at the lower level.
- c) The reduced cover over the four sewer lines is acceptable in the creek beds and batter slopes.
- d) Any Sydney Water requirements for concrete encasing of sewer lines or other remediation works.
- e) Relocate the sewer vent stack clear of the 1% AEP flood extent.

- 1.1.6.2 Amend the Waller Creek Basin – Dam Break Study – Rev 5 from Tilrox Pty Ltd, 24/09/20, to address the following to the satisfaction of the Manager Asset Design:
- a) The amended study is to include all the changes to the civil design drawings by SGC consulting detailed below.
 - b) The Mannings values 'n' are to be increased to 0.07 along the base of the channel and to 0.1 along both banks, including the riparian corridor. This will likely require lowering of the 10 m riparian area within Lot 4 to provide additional waterway area. Lowering the riparian area next to the building can utilise the vertical wall of the carpark to maximise waterway area without steep batters.
 - c) On the SP2 side of the SP2/R4 boundary provide a 1.5 m wide level area to facilitate maintenance access by Council staff.
 - d) The channel profile is to be further amended to ensure that with the revised roughness values the 1% AEP with dam break water levels and the 1% AEP water levels do not increase over the levels detailed in Revision 5 and as shown on the civil drawings.
 - e) Where it is necessary to add additional retaining walls within the SP2 main channel to provide additional waterway area, such retaining wall should be located on the unit building side of the creek to reduce the need for maintenance access by Council staff on that side.
 - f) Demonstrate that the shear stress in the channel should be less than 40N/m² in the 50% AEP and less than 100N/m² in the 1% AEP. Where this shear stress is greater than these values, detail the height, size and extent of rock armouring to protect the creek banks.
 - g) The difference map should show the differences within the site itself including the channel.
 - h) Provide a difference map within the report comparing the 60 minute 1% AEP storm pre and post. The difference map should include a category of increase from 0 to 0.02 m and demonstrate that there is no increase greater than 0.02 m on any adjoining private property.
 - i) Confirm that the proposed podium level of 47.79 between Buildings A and B is high enough to prevent floodwaters entering the basement garage during a dam break and/or PMF event to assist in managing flood risks within the site.
 - j) The flood model is to be presented to Council in a format that will run automatically without the need for supplementary additions.
 - k) Eliminate all errors in the model prior to submission. The 2D-Hec-ras models kept generating errors and would not complete full computation. The errors were generated even though different versions of 2D Hec-ras were tested.
 - l) There are a number of difference maps shown in the report and it is unclear what purpose they serve.
 - m) The cell outline colour in the difference maps is to be changed to black to differentiate this from other flood colours and or the cell outline be a finer line type.
- 1.1.6.3 A Flood Management Plan is to be prepared by an experienced Chartered hydraulic

engineer registered on NER, to address emergency flood management of the site including the use as appropriate of warning signs, notices of procedures and depth gauges (if required). Consider the range of floods that impact the riparian area up to the 1% AEP and the impacts to the lower units or the basement carpark should a PMF occur, or the unlikely event of the Waller Creek Basin failure. The Plan is to recommend whether to shelter-in-place or evacuate the site, or vertical evacuation. Where evacuation from site is proposed, rather than vertical evacuation, incorporate maintenance free measures into the development to ensure the timely, orderly and safe evacuation of people from the area if required should a flood occur. Detail the evacuation route. Any requirements of the Plan are to be implemented prior to occupation. A colour laminated or otherwise protected copy of the Flood Management Plan is to be permanently affixed to the wall within the share space adjacent to each of the lifts/stairs for basement 1 and 2 (16 in total).

- 1.1.6.4 For the creek rehabilitation works and Evan Place road construction provide amended Civil Design Plans Series 20170259 – C from SGC Consulting Engineers, 25/09/20, Rev D to address the following to the satisfaction of the Manager Asset Design:
- a) On drawing C201 detail the lowered sewer manhole, relocated sewer vent and any works required by Sydney Water.
 - b) On drawing C201 provide d50 = 500 mm angled toe rocks partially buried along the edges of the 7 m wide channel both sides for the length of the channel. Provide a detail.
 - c) Sections of the channel batter are shown as steeper than 1V:4H. This is not acceptable. Provide a stacked rock retaining wall (maximum 900 mm high) near the RE1 and road boundary to reduce the slope.
 - d) On each of the cross-sections show the boundaries with chainages of the 10 m riparian corridor, R4, RE1 and/or road (including Evan Place and Sunnyholt Road or adjoining lot).
 - e) On each of the cross-sections show the revised flood levels based on the revised flood modelling.
 - f) On each cross-section show the PMF level.
 - g) The proposed raised berm/mound shall be flat and be at the same grade as the adjoining proposed footpath/verge.
 - h) Evaluate the flood flows in excess of the pipe capacity over the top of Evan Place and down the bank. The bank may need to be stabilised using geogrid or similar or rocks to limit scour.
 - i) From chainages 50 to 150 a narrow channel is proposed adjacent to the R4 building. This appears to serve no real drainage purpose and will only add to maintenance and access issues for this site. Detail why this channel should remain or regrade the bank area from 1:10 to 1:20 to eliminate this channel and improve the waterway area.
 - j) On the SP2 side of the SP2/R4 boundary provide a 1.5 m wide level area to facilitate maintenance access by Council staff.
 - k) Provide a meander within the channel base. Starting from the edge of the batter initially grade down at 3.5% for 2 m to create the low point on one side

and grade up at 1.4% to other edge of the batter (based on 7 m channel width). By continually varying the grades and low point positions the sinuous pattern is created. Provide a fully buried d50 = 400 mm single rock (with just the flat top surface showing) along the meander line. Show on plan.

- l) Relocate the drop structure from chainage 13.4 to approximate chainage 5 immediately downstream of the scour protection. Within the arc from chainage 5 to the TP at 13.4 provide a sediment trap 7 m wide (across the channel) and a minimum of 0.6 m deep. The sediment trap to be constructed in reinforced concrete to the invert level of the downstream channel with vertical walls on the north, east and southern side. From TP 13.4 grade out the sediment trap in concrete at 1V:5H to the west.
- m) Along both sides construct a stacked 1V:1H d50 = 500 mm rock wall to the height of the existing concrete retaining wall until the end of the sediment trap and then grade down to the toe rock. Regrade batter slope.
- n) Provide sections in both directions through the sediment trap.
- o) Submit a safe design report and risk assessments for the existing and proposed retaining walls in accordance with Safe Work Australia and Work Health and Safety requirements.
- p) The 225 mm pipe from the north-east corner of the development is to discharge into the sediment trap, unless this flow is directed to the mini swale within the riparian area.
- q) Provide a layback and full width heavy duty driveway to the boundary opposite the sediment trap for future maintenance access.
- r) Provide posts and lockable chain or a gate across the driveway at the boundary to Council requirements.
- s) On drawing C201 relocate the drop structure at chainage 84.67 to approximately chainage 52 and provide a 300 mm deep pool 7 m wide (width of channel base) and 4 m long using d50 = 400 mm rocks below the drop structure. The pool is to have a liner under and the rocks at the western end concreted in to the channel invert to permanently contain the water. Amend section A on drawing C301. Provide a new section at 900. Extend the scour protection from the 900 mm pipe to the drop structure and pool.
- t) Should technical issues prevent the relocation of the drop structure above, delete the current location for the 900 mm pipe discharging to the creek and provide written justification in addressing the above. Show the 900 mm pipe under the kerb line and continuing in a westerly direction (while maintaining capacity) until about creek chainage 68 and provide a pit. Angle the outlet 900 mm pipe at about 45 degrees to aim for the drop structure and pool. Extend the scour protection to the drop structure and pool.
- u) On drawing C201 relocate the drop structure at chainage 165 to approximately chainage 157 clear of all the sewer lines and provide a 300 mm deep pool 7 m wide (width of channel base) and 4 m long using d50 = 400 mm rocks below the drop structure. The pool is to have a liner under and the rocks at the south-western end concreted in to the channel invert to permanently contain the water. Provide sections.

- v) Provide details and sections of the deep permanent pond at the western end of the creek in accordance with the requirements of the Dam Safety Report.
- w) Align the outlet from the street pit in Vardys Road and internal discharge to the deep permanent pool.
- x) Provide details and extent of all rock armouring on bends.
- y) Provide on drawing C201 a minimum 1.2 m high black palisade fence along the northern and western boundary of lot 4 adjacent to the creek and along the eastern boundary for the 10 m riparian corridor. At the western end the fence is to continue along a straight line clear of the right-of-way up to Vardys Road. Provide a sign at the eastern end and on the creek side of the fence every 30 – 40 m stating “Private Property – No Public Access” or similar. Provide details.
- z) Provide Floodway Warning Signs for the overland flow path in accordance with Plan A(BS)114S from Council’s Engineering Guide for Development 2005 at the eastern end of the riparian corridor and on the R4 side of the fence every 30 – 40 m. Ensure one sign is placed opposite each of the 2 pedestrian entry points to the riparian corridor.
- aa) Provide Floodway Warning Signs for the SP2 land in accordance with Plan A(BS)114S from Council’s Engineering Guide for Development 2005. The sign is to be fixed to a fence or a post at the eastern end and approximately every 50 m for the length of the creek.
- bb) Engage an experienced and qualified aquatic ecologist to design at least 5 permanent habitat features per 1,000 m² of bank area. For example, place short lengths of half or full pipes buried into the bank, rocks or logs (excluding Willows and other non-native trees) around the creek to provide shelter, perches and basking areas for native wildlife such as turtles, frogs and birds. Logs must be positioned parallel to the flow and suitably anchored to avoid buoyancy and movement in high flows. Set any such elements that protrude above finished ground level above the 1% AEP flood level. Clearly identify these features on the plans.
- cc) Provide a long section of the Cul-de-sac gutter lip line for the full extent, i.e. both existing and proposed. On drawing C701 the centreline grade suggests a trapped low point in the cul-de-sac. Demonstrate that there is no trapped low point. Where there is a low point, relocate the current westerly pit in Evan Place to this low point.
- dd) The construction of the drainage works in Evan Place as shown on drawing SW203(D) is to be deleted from there and form part of the civil drawing series C.

1.1.6.5 For the residential unit development, amended DRAINS modelling from SGC Consultants is required to address the following to the satisfaction of the Manager Asset Design:

- a) The catchment plan shown on SGC drawing SW500 (D) shows two catchment areas. The downstream catchment is noted as 9201 m² and appears too large and the upstream catchment noted as 2.27 ha is significantly undersized. Council estimates the upstream catchment as 7.15 ha.
- b) Kinematic wave equation is not to be used for travel time in this highly

urbanised catchment.

- c) Allow for a minimum catchment impervious of 80%.
- d) As a minimum provide the 10% AEP and 1% AEP critical storms.
- e) Consider the downstream starting HGL as the 10% AEP and 1% AEP creek levels respectively.
- f) The drainage line in Vardys Road from L1.3 to L1.1 new KIP (V1.3 to V1.1) is required to safely convey the 10% AEP storm.
- g) Provide the model digitally to Council for review.

1.1.6.6 For the residential unit development provide amended stormwater drainage plans Series 20170259 – SW from SGC Consulting Engineers, 25/09/20, Rev D to address the following to the satisfaction of the Manager Asset Design:

- a) All pits and GTDs shall be provided with a unique identifier, code or number.
- b) Rename the drainage line in Vardys Road from L1.3 to L1.1 new KIP to V1.3 to V1.1 to differentiate from internal pits with the same number.
- c) On drawing SW202 disconnect the pipeline between L3.1 and V1.2.
- d) On drawing SW203 disconnect the pipeline between L1.3 and V1.3.
- e) Provide a new drainage line connecting L1.3 to L3.1 and discharge independently to the same headwall as V1.1. This line is to convey the 100 year 5 minute unrestricted flow. See SW203 and table for OSD1 and OSD2 flows. Include any additional surface flows along the frontage.
- f) Extend the headwall for V1.1 and the private drainage line from L3.1 past the level maintenance access track within the SP2 land. Align the headwall scour protection invert to be just above the channel level.
- g) Set the driveway entry to the basement carpark at a minimum of 300 mm above the critical 1% AEP flow depth in Vardys Road.
- h) Provide non-return flaps on the 4 x 225 mm pipe riparian corridor outlets from the OSD tanks on drawing SW202 and SW203.
- i) Set the invert of the 4 x 225 mm emergency overflow pipes to a minimum of 100 mm above the 100 year water level in the OSD tank.
- j) On drawing SW203 provide a new 900 x 900 grated inlet pit (L7.2) at the south-eastern corner of the riparian corridor immediately adjacent to the courtyard of B011 and the reserve. Direct the outflow from pit L7.2 to the sediment trap. Review pipe capacity to include all batter flows from the reserve. Alternatively, where the current small rock channel within the 10 m riparian corridor is to be retained for aesthetic reasons consider directing the flow from L7.2 to this channel.
- k) Reposition pit L7.1 into the corner and discharge to L7.2.
- l) Show details of a masonry/concrete retaining wall along the eastern boundary of the development from B011 to B015. The wall is to extend a minimum of 400 mm above the finished level in the reserve. Where the retaining wall is in fill on the development side the retaining wall is to extend a minimum of 150 mm above the internal finished level to direct flows to the GTD. Set colorbond

fence or similar on top of the retaining wall. Provide details.

- m) Provide a retaining wall along the common side boundary between B012 and B013.
- n) The lower courtyards of B011 to B015 are to be minimum of 200 mm below the habitable floor level. Show levels.
- o) Provide a minimum 50 mm fall across the courtyards of B011 to B015.
- p) Provide an OSD catchment plan showing which areas go to which OSD tank and what areas bypass. Currently all the front yards, some of the central podium and some courtyards bypass the OSD. The total bypass is not to exceed 15%.
- q) Amend the OSD spreadsheets and provide these digitally.
- r) Amend the catchment plan shown on SGC drawing SW500 (D) to show the correct upstream catchment areas.
- s) Provide an additional inlet pit on the drainage line in Vardys Road upstream of the driveway.
- t) Provide a crest in the driveway set 300 mm above the 1% AEP flow in Vardys Road. Ensure surfaces adjacent to the driveway are high enough to prevent short circuiting.
- u) On drawing SW304 for both OSD tanks provide a sump for the 1.5 year orifice and in accordance with Council's WSUD Standard Drawing A(BS)175M
- v) The construction of the drainage works in Evan Place as shown on drawing SW203(D) is to be deleted here and form part of the civil drawing series C.

1.1.6.7 Amended landscape plans from Vision Dynamics Project 17257 R-DA Revision B are required to address the following to the satisfaction of the Manager Asset Design:

- a) At the north-eastern corner of the site modify a 4 m landscape strip from the driveway crossing to the sediment basin.
- b) To support the occasional large maintenance vehicle, provide a geogrid or similar under this soil area.
- c) Modify the plant species within this landscaped strip to only plant the following from the Proposed Plant Schedule: 2, 8, 9, 34, 36 and 37 as tubestock uniformly mixed at 8 plants/m².
- d) On the SP2 side of the SP2/R4 boundary within the 1.5 m wide level maintenance access path, provide plants from the Proposed Plant Schedule; 2, 8, 9, 34, 36 and 37 as tubestock uniformly mixed at 8 plants/m². On drawing 1/3 this is to continue over the right of way to Vardys Road where there will be a lockable pedestrian gate to Council requirements.
- e) Provide a minimum 1.2 m high black palisade fence along the northern and western boundary of lot 4 adjacent to the creek and along the eastern boundary for the 10 m riparian corridor. At the western end the fence is to continue along a straight line clear of the right-of-way up to Vardys Road.
- f) At the eastern end of the SP2 land, provide a 1.2 m high black palisade fence from the north-eastern corner of the riparian corridor angled across to the top

of the concrete headwall. At the top section provide a 3 m wide gate to Council requirements.

- g) On drawing 1/3 the internal path within the 10 m riparian corridor is to be redirected back to the frontage of the development near unit A002 and not to Vardys Road. See modified architectural plans with new access.
- h) The plans are to show jute mat or similar over the entire creek and bank areas.
- i) The planting layout is too uniform in bands and insufficient variation. The creek base is to have a minimum of 8 species of approximately equal numbers that are suited to frequent inundation.
- j) Planting of grasses and tufted species is to be by tubestock (not pots) at 8 plants/m².
- k) Provide a note that states: *Typha must not be allowed to establish at any time.*
- l) From chainages 50 to 150 a narrow channel is proposed adjacent to the R4 building. This appears to serve no real drainage purpose and will only add to maintenance and access issues for this site. Detail why this channel should remain or regrade the bank area to eliminate this channel.
- m) Amend the landscaping layout to show development in two stages. Stage 1 will be all of Evan Place, RE1 land, SP2 land and the first 5 m of the 10 m riparian corridor. Stage 2 will be the remaining 5 m of the 10 m riparian corridor adjoining the building works.

1.1.6.8 Amended architectural plans from design cubicle Project No. 150744 Revision C are required to address the following to the satisfaction of the Manager Asset Design:

- a) Show details of a masonry/concrete retaining wall along the eastern boundary of the development from B011 to B015. The wall is to extend a minimum of 400 mm above the finished level in the reserve.
- b) Set the habitable floor level of units A011, A012, A013, A014, A015 and A016 from RL 46.85 to RL 47.05. This to be achieved by reducing the floor to floor height from 3100 to 3000 for two levels only. No change in height plane.
- c) Set the habitable floor level of units A007 and A008 from RL 46.40 to RL 46.80. This to be achieved by reducing the floor to floor height from 3100 to 3000 for four levels only. No change in height plane.
- d) Set the habitable floor level of units B005, B006, B007, B008, B009, B010, B011 and B012 from RL 46.85 to RL 47.47. This to be achieved by reducing the floor to floor height from 3100 to 3000 for all 5 levels and including a rise in the roof level from RL 62.35 to RL 62.47 (increase of 0.12m).
- e) Amend the sections and elevations on drawings DA300(C), DA301(C), DA302(C) and DA303(C) to match the revised floor level and floor to floor heights as detailed above.
- f) Raise the courtyard areas of units B005 and B006 to a maximum of 47.37.
- g) The steps accessing the riparian area adjacent to unit A012 are not to extend into the riparian area.
- h) Provide a pathway and a ramp along the front setback between Vardys Road

and units A001 and A002 connecting to the existing path. This is to be a minimum of 1.5 m wide to enable access by wheelbarrows and maintenance staff as well as residents down to the riparian corridor (no steps). The ramp is to not restrict flood flows and may need to grade down within the frontage to reach the required level.

- i) A colour laminated copy of the Flood Management Plan is to be permanently affixed to the wall within the share space adjacent to each of the lifts/stairs for basement 1 and 2 (16 in total).
- j) The basement carpark is to be fully sealed up to the 1% AEP dam break flood level except for the driveway entry.

1.1.6.9 The Applicant is to pay to Council a fee of \$3,726.00 incl GST (18 hrs Goods and Services Item 5.2.7) for the Manager Asset Design's team to assess the deferred drainage details. Where payment is made after 30 June 2021 payments will increase in accordance with the Goods and Services Schedule. Send a copy of the receipt to floodadvice@blacktown.nsw.gov.au. Where the submission is unsatisfactory an additional fee is required for each revision.

1.2 **Compliance Timeframe**

1.2.1 All of the requirements listed in the above condition must be completed within 24 months of the date of this "deferred commencement" consent. Should these matters not be completed to Council's satisfaction within this time period, this "deferred commencement" consent will lapse.

1.2.2 Should the satisfaction of the above deferred commencement conditions require changes to the conditions of this consent to be operational, the lodgement of a Section 4.55 Modification Application seeking changes to the consent will be required.

Part 2

2 **ADVISORY NOTES**

2.1 **Terminology**

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

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

2.2 **Scope of Consent**

2.2.1 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.

2.2.2 Should it be intended to subdivide the approved development into strata title allotments, Council will require the lodgement of a separate Development Application for consideration. Council advises that any new Development Application for Strata Subdivision will not be approved until such time as the

approved development has reached practical completion and issues such as visitor car parking, internal and external boundary fencing, landscaping or any other works required in accordance with this Notice of Determination and all associated Construction Certificates have been fully completed to Council's satisfaction.

2.3 Other Approvals

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

2.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:

- a. the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 m from the building perimeter, and
- b. any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
- c. demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
- d. the installation of vehicular footway crossings servicing the development, and
- e. the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required.

2.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

2.3.4 If any aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.

2.4 Services

2.4.1 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.

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

2.4.3 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.

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

2.5.1 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.

2.6 **Identification Survey**

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

2.7 **Engineering Notes**

2.7.1 All works requiring approval under the *Roads Act 1993* (except standard vehicular crossings) or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate or Subdivision Works Certificate.

2.8 **Payment of Engineering Fees**

2.8.1 If the applicant wishes for Council to issue the Construction Certificate or Subdivision Works Certificate as nominated in the 'Prior to Construction Certificate' or 'Prior to Subdivision Works Certificate' it should:

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

2.9 **Road Damage**

- 2.9.1 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.

3 **GENERAL**

3.1 **Scope of Consent**

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

Drawing No.	Dated
Overall Site Plan, DA-200, Issue D	02.11.2020
Site Plan, DA-201, Issue D	02.11.2020
Basement 2 Plan, DA-202, Issue D	02.11.2020
Basement 1 Plan, DA-203, Issue D	02.11.2020
Ground Floor Plan, DA-204, Issue D	02.11.2020
Level 1-2 Plan, DA-205, Issue D	02.11.2020
Level 3 Plan, DA-206, Issue D	02.11.2020
Level 4 Plan, DA-207, Issue D	02.11.2020
Roof Plan, DA-208, Issue D	02.11.2020
External Elevations, DA-300, Issue D	02.11.2020
Interior Elevations 1 of 2, DA-301, Issue D	02.11.2020
Interior Elevations 2 of 2 & Sections 1 of 2, DA-302, Issue D	02.11.2020
Sections 2 of 2, DA-303, Issue D	02.11.2020
3D height Plan Study, DA-600, Issue D	02.11.2020

* The above plans are to be modified in order to satisfy the deferred commencement conditions of Part 1 of this consent.

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

Drawing No.	Dated
Plan of subdivision of Lot 1 in DP 1097685*	09/2020
Ref: 3098/15DP	

* The subdivision plan shall be in accordance with the zoning boundaries as adopted by Council in 2015 and reflect the amendments for staging of the subdivision as per deferred commencement condition 1.1.5.2 (c).

- 3.1.3 This consent grants approval for the following, subject to full compliance with all other conditions of this consent:

- a) 2 x studio units

- b) 21 x 1 bedroom units
- c) 145 x 2 bedroom units
- d) 10 x 3 bedroom units.

*The final unit mix will be based on the changes arising from satisfying condition 1.1.1 of the deferred commencement conditions of Part 1 of this consent. Any change in unit mix will require the separate consent of Council.

3.2 **Kingsgate Planning Agreement**

3.2.1 The applicant is to comply with the obligations applicable to the land under the Kingsgate Planning Agreement dated 23 August 2016. The applicant is specifically reminded that its obligations include (but are not limited to):

- a) Dedication to Council (free of cost) of the part of the Land zoned SP2 Drainage referred to in the planning agreement as the 'Realigned Creek Corridor Land' in accordance with Clause 18.3 of the agreement.
- b) Dedication to Council (free of cost) of the part of the Land zoned RE1 Public Recreation referred to in the planning agreement as the 'Open Space Area Land' and that the area of the RE1 land (1,630.8 m²) is not to be changed.
- c) All Works to be provided by the applicant are to be supervised by Council's Asset Construction section.
- d) Security as defined in the agreement is to be provided before commencement of any works.

3.3 **Services**

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

3.4 **Suburb Name**

3.4.1 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: KINGS LANGLEY

3.5 **Compliance with BASIX Certificate**

3.5.1 All commitments listed in the BASIX Certificate number: 954678M dated 14 December 2018 shall be complied with. Should there be any amendments to the approved plans, the amended BASIX certificate shall be provided to the PCA.

3.6 **Engineering Matters**

3.6.1 **Design and Works Specification**

3.6.1.1 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 on Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M

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, Subdivision Works Certificate, *Roads Act 1993* or *Local Government Act 1993* approval.

Any Construction Certificates or Subdivision Works Certificate issued by Private Certifiers must also be accompanied by the above documents.

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

- 3.6.1.2 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:

- final Layer Asphaltic Concrete (AC) construction
- maintenance of the construction works
- removal of temporary infrastructure.

These matters will be individually addressed within the consent.

Note: A bond release inspection fee will apply.

- 3.6.1.3 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.

- 3.6.1.4 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 Engineering Approvals.

3.6.2 **Other Necessary Approvals**

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

- Vehicular Crossing
- Works on or occupation of existing public roads (not including works covered by a Roads Act approval).

3.6.3 **Subdivision**

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

- 3.6.3.2 The plan of subdivision shall be a 2 stage subdivision. Stage 1 is for the dedication of the half road of Evan Place, the creation of a residue lot and the completion of works within the RE1 and SP2 zones required in this consent and prior to the issue of the Construction Certificate for building works. Stage 2 is for the subdivision of land to create lots for the RE1, SP2 and R4 zones and shall only occur in accordance with this consent.

3.7 **Drainage Engineering Matters**

- 3.7.1 The landscaping within the 10 m riparian corridor of proposed Lot 4 is to be maintained in perpetuity by the owners of proposed Lot 4 in accordance with the approved Vegetation Management Plan.
- 3.7.2 The landscaping within the SP2 land (proposed Lot 3) and RE1 land (proposed Lot 2) is to be maintained for a minimum of three years after practical completion of the works by the developer in accordance with the approved landscape plan, Vegetation Management Plan and Operations Maintenance Manual.
- 3.7.3 Under this consent *written notice of the date on which it will complete Work* as set out in Clause 18 of the Voluntary Planning Agreement (VPA) between Blacktown City Council and Tilrox Pty Ltd, Sassen Constructions Pty Limited and Sam Sassen & Sons Developments Pty Ltd dated 23/08/2016 shall only occur when all the following are satisfied:
- a) A minimum of 3 years has elapsed after practical completion of the creek construction and planting within the SP2 land and a minimum 5 m of riparian construction and planting within the R4 land to enable satisfactory establishment of plants and ensure stability of all rock structures.
 - b) The sediment basin has been cleaned and cleaning dockets or certification provided.
 - c) Certification by a Chartered Civil Engineer that the rocks used in the various locations for scour protection, pools, riffles and creek delineation remain in place, have not been dislodged and remain functional.
 - d) Certification from a suitably qualified and experienced bush regenerator or restoration ecologist that:
 - i. Plants within the SP2 land have grown sufficiently to resist scour, be able to withstand significant flood events and be self-sustaining.
 - ii. Plants within the first 5 m of the R4 riparian land have grown sufficiently to resist scour, be able to withstand significant flood events and be self-sustaining.
 - iii. Plants within the second 5 m of the R4 riparian land (next to the building) have been planted in accordance with the approved landscape plan.
 - iv. Any lost or damaged plants have been replaced within the SP2 and 10 m R4 riparian corridor.
 - v. That all *Typha* has been removed from the SP2 land and that the SP2 land has been free from *Typha* for a minimum of 6 months.

- 3.7.4 The Floodway Warning Signs and Flood Management Plans are to be maintained for the duration of the development.

3.8 **Other Matters**

- 3.8.1 No construction preparatory work (such as, excavation, filling, and the like) related to building works shall be undertaken on the land prior to a valid Construction Certificate being issued.
- 3.8.2 No construction preparatory work (such as, excavation, filling, and the like) related to subdivision works shall be undertaken on the land prior to a valid Subdivision

Works Certificate being issued.

- 3.8.3 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.

3.9 **Department of Primary Industries - Water - General Terms of Approval (GTA) – Design of works and structures**

- 3.9.1 Before commencing any proposed controlled activity on waterfront land, an application must be submitted to the Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.

3.10 **Erosion and sediment controls**

- 3.10.1 Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
- 3.10.2 The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.

3.11 **Plans, standards and guidelines**

- 3.11.1 This General Terms of Approval (GTA) only applies to the proposed activity described in the plans and associated documents found in Schedule One, relating to Development Application 2019 provided by Council to Natural Resources Access Regulator. Any amendments or modifications to the proposed activity may render the GTA invalid. If the proposed controlled activity is amended or modified, the Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
- 3.11.2 The application for a controlled activity approval must include the following document(s): outlet structures, Erosion and Sediment Control Plan, Soil and Water Management Plan, Vegetation Management Plan.
- 3.11.3 Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by the Natural Resources Access Regulator.
- 3.11.4 The application for a controlled activity approval must include plans prepared in accordance with the Natural Resources Access Regulator's guidelines located on the website
<https://www.industry.nsw.gov.au/water/licensingtrade/approvals/controlled-activities>.

3.12 **Rehabilitation and maintenance**

- 3.12.1 When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 5 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by Natural Resources Access Regulator.

3.13 **Reporting requirements**

- 3.13.1 The consent holder must inform the Natural Resources Access Regulator in writing when the proposed construction of the controlled activity has been completed.

- 4 **PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)**
- 4.1 **DA Plan Consistency**
- 4.1.1 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.
- 4.2 **Voluntary Planning Agreement**
- 4.2.1 An executed Voluntary Planning Agreement (VPA) applies to the land. Prior to the issue of any Construction Certificate for the residential flat buildings, the applicant is to fulfil the obligations under the VPA and provide evidence to demonstrate that all relevant requirements of the Kingsgate Planning Agreement have been met to Council's satisfaction except the dedication stage of the lands. The dedication of land is to occur only upon satisfaction of condition 3.7.3 of this consent and prior to issue of any Occupation Certificate for the buildings.
- 4.3 **Adjoining Owners Consent**
- 4.3.1 Written owner's consent is to be submitted to Council from all affected property owners should the development impact upon any neighbouring property as a result of any construction and development works, including site preparation works, battering, road construction, infrastructure and services, under-pinning, footings, fencing, etc. Should works, as required by the approved consent conditions, be required to be carried out on the adjoining land owned by Council, then the Access Deed needs to be completed by the developer and submitted to Council's Property Section.
- 4.4 **Endeavour Energy Approval**
- 4.4.1 The applicant is required to liaise with Endeavour Energy and address the concern raised by Endeavour Energy in its email dated 16 October 2020 in relation the "various other encroachments and activities proposed within the easement" and provide a written Approval from Endeavour Energy prior to issue any Construction Certificate.
- 4.5 **Development Control Plan**
- 4.5.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Blacktown Development Control Plan 2015.
- 4.6 **Services/Utilities**
- 4.6.1 The following documentary evidence shall accompany any Construction Certificate:
- a) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.
 - b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.
- 4.6.2 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.
- 4.6.3 The applicant must apply to DPI Water for controlled activity approval prior to

commencement of any works or activities on waterfront land.

- 4.6.4 The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the Controlled Activity Approval issued by Department of Primary Industries – Water is provided to Council.

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

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

4.8 **Site contamination**

- 4.8.1 Prior to the release of any Construction Certificate, an EPA recognised certified 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. If required, a Remediation Action Plan (RAP) is to be prepared for the site in accordance with Environment Protection Authority's Guidelines and relevant Australian Standards.

4.9 **Waste**

- 4.9.1 The applicant must ensure that roads and driveways etc are rated suitable for 24 tonne trucks.
- 4.9.2 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 to Council's satisfaction.

4.10 **NSW Local Police – Requirements**

- 4.10.1 Prior to the release of the Building Construction Certificate the applicant must provide a detailed report to Council outlining the security and crime prevention measures based on the recommendations in the report from NSW Police Force No D/2018/406050 dated 13 October 2020.

4.11 **Roads and Maritime Services**

- 4.11.1 Roads and Maritime has previously acquired a strip of land for road along the Sunnyholt Road frontage of the subject property, as shown by blue colour on the attached Aerial - "X". All buildings and structures, together with any improvements integral to the future use of the site, are to be wholly within the freehold property (unlimited in height or depth), along the Sunnyholt Road/ North West transitway boundary.

- 4.11.2 Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au.
- 4.11.3 A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.
- 4.11.4 Parking for building maintenance and removalists should be provided on site.
- 4.11.5 All vehicles are to enter and leave the site in a forward direction.
- 4.11.6 All vehicles are to be wholly contained on site before being required to stop.
- 4.11.7 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS2890.6-2009. Parking Restrictions may be required to maintain the required sight distances at the driveway.
- 4.11.8 Sight distances from the proposed vehicular crossing to vehicles on Vardys Road are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
- 4.11.9 The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- 4.11.10 A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Sunnyholt Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- 4.11.11 All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Sunnyholt Road.
- 4.11.12 A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
- 4.12 **Landscaping**
- 4.12.1 A Vegetation Management Plan (VMP) must be prepared in accordance with Council's Vegetation Management Plan Guidelines, available on our website: <https://www.blacktown.nsw.gov.au/Plan-build/Stage-2-plans-and-guidelines/Native-vegetation-management>. The Plan must be prepared by a suitably qualified and experienced bush regenerator or restoration ecologist. The Plan must be submitted to Council's Natural Areas Team for approval. The VMP will cover all revegetated areas on all land ownership.
- 4.12.2 The applicant is to provide an Operations Maintenance Manual which details the

works required to be undertaken post completion of the VMP period. The Manual must be submitted to Council's Open Space Maintenance Team for approval.

- 4.12.3 Access for maintenance on both sides of stormwater assets to be handed over to Council are to be identified on all applicable plans prior to Construction Certificate issue.
- 4.12.4 Prior to commencement of any works under this consent and the issuing of any Construction Certificate for the residential flat buildings, a public positive covenant as referred to in section 88E(2) of the *Conveyancing Act 1919*, specifying Blacktown City Council as the prescribed authority that is imposing the public positive covenant, must be registered and recorded on the title of Lot 1 DP 1097685 in the following terms:
- The land within the riparian buffer area on Lot 1 DP 1097685 must be maintained as a vegetated riparian buffer in perpetuity by the registered proprietor of proposed Lot 4 and the registered proprietor of Lot 4 must ensure that:
 - Any activity carried out on the land does not damage or otherwise have an adverse effect on the ecological, scientific, cultural or aesthetic values of the land.
 - All priority and environmental weeds must be continually suppressed and destroyed in perpetuity to a level that maintains ecological functionality of the land.
 - Maintenance access to the lands zoned SP2 Drainage under the Blacktown Local Environmental Plan 2015 must be provided in perpetuity by the registered proprietor.
- 4.12.5 All common areas and landscaping shall be of high quality and detailed on the landscaping design plans as part of the Construction Certificate. The minimum pot sizes are to be 45 litres for medium sized plants and 100 litres for trees. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.
- 4.12.6 All landscaping, lawn areas, recreation features and furniture, BBQ facilities, pathways, ramps and safety fencing/measures shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate.
- 4.12.7 The basement deep soil areas which relate to the above tree plantings are to be provided to ensure the viability of these trees.

4.13 **Salinity**

- 4.13.1 The recommendations of the Salinity Assessment prepared by Ground Technologies Pty Ltd are to be identified on the Construction Certificate plans and implemented during construction.

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

5.1 **Section 7.11 Contributions under Section 7.17 Directions**

- 5.1.1 The following monetary contributions pursuant to *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are valid as at 29 September 2020. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of the first Occupation Certificate for the development, either by Council or any accredited certifier.

Accredited Certifiers to Note (Planning Circular PS 20-003)

An application for an Occupation Certificate, if made to a private accredited certifier, needs to be accompanied by a certificate from the relevant council that any local infrastructure contributions or levies (under section 7.11 or s7.12 of the Act) have been made, if they are required to be made at any time before the issue of the Occupation Certificate.

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

Contribution Item	Amount	Relevant C.P.
Flood Mitigation – Breakfast Creek Catchment	\$23,015.00	19
Stormwater Quality	\$90,928.00	19
Traffic Management	\$866,376.00	19
Open Space	\$1,236,950.00	19
Community Facilities	\$511,110.00	19
Total	\$2,728,379.00	

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

Payment:

- A monetary contribution that is required to be paid under this condition must be paid before the issue of the first Occupation Certificate in respect of any building to which this consent relates, except as provided by paragraph (ii).
- If no Construction Certificate in respect of the erection of any building to which the consent relates has been issued on or before 25 September 2022, the monetary contribution must be paid before the issue of the first Construction Certificate after that date for any such building.

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

S7.11 CP No. 19 Blacktown Growth Precinct

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

Developable Area: 0.9985 hectares

Additional Population: 385.5 persons

Bedroom breakdown:

23 × 1 bedroom

145 × 2 bedroom

10 × 3 bedroom

5.2 Aesthetics

5.2.1 The following additional information is required to be submitted for Council's separate approval prior to the issue of any Construction Certificate for the approved development:

- a) Details of any retaining walls to be constructed on site as part of the development. Please note that Council requires the construction of masonry retaining walls (i.e. no timber walls)
- b) The treatment of the blank concrete basement wall which will be exposed as a result of raising of the floor levels. No plain concrete retaining wall is permitted. The wall along is to be constructed of masonry brick or splitface blockwork. The walls are to have a smooth finish (not rough textured finish) and to have an anti-graffiti finish applied to assist in the removal of graffiti.

5.3 External Wall Cladding

5.3.1 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. Materials and finishes including the external walls of the development are to comply with the requirements of the *Environmental Planning and Assessment Amendment (Identification of Buildings with Combustible Cladding) Regulation 2018* and *State Environmental Planning Policy Amendment (Exempt Development – Cladding and Decorative Work) 2018* which commenced on 22 October 2018.

5.3.2 The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. The external wall and any cladding attached to the external wall is to comply with the National Construction Code, Building Code of Australia Volume One including, but not limited to A0.2 (a) and (c), A2.2, Part C and Part F.

5.3.3 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.

- 5.3.4 Windows in the residential apartments from the first floor level through to the top floor level are to be fitted with a child safety mechanism to prevent accidental falls out of windows by persons such as children. Details of such safety mechanisms shall be shown on the Construction Certificate plans and provided to the principal certifying authority/principal certifier.
- 5.4 **Fencing**
- 5.4.1 All fencing is to be erected on top of any retaining walls at full cost to the developer.
- 5.4.2 Fencing adjoining public roads is to be finished with an anti-graffiti coating.
- 5.5 **Access/Parking**
- 5.5.1 255 basement car parking spaces are required to be provided on site, being 183 resident spaces and 72 visitor car parking spaces. This is to include a provision of 10% of the total being provided as accessible car parking spaces.
- 5.5.2 An electric charging station within the carparking area of the building is to be provided for use of electric vehicles.
- 5.5.3 The internal driveway, resident and visitor car parking spaces are to be designed in accordance with Australian Standard 2890.1, including internal clear dimensions of car parking spaces.
- 5.5.4 Provision for adequate sight distance is to be provided for both pedestrian and vehicular movement at the proposed driveway in accordance with Section 3.2.4 AS 2890.1 and Figure 3.2 of AS 2890.1 to ensure safety of pedestrians on the footpath system and motor vehicles along the new driveway.
- 5.5.5 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
- 5.5.6 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network.
- 5.5.7 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 5.5.8 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.
- 5.5.9 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.
- 5.5.10 A roller shutter and card-key system is to be installed at the entry/exit points of the basement car park, and boom gates are to be installed at all locations within the car park, to separate the residential secured parking from the visitor and commercial car parking.
- 5.5.11 The basement resident storage areas are to be provided with quality doors/cages and lock sets to restrict unauthorised access and all to be situated behind the boom gates in the secured residential parking areas only.
- 5.5.12 The loading dock and areas within the bin storage rooms and bulky waste storage area that are unsafe for children to access are to be provided with lock sets to restrict unauthorised access.
- 5.6 **Adaptable Housing Units**

- 5.6.1 A minimum of 10% of the apartments within each residential flat building are to be designed in accordance with the Australian Adaptable Housing Code (AS 4299-1995) which includes 'pre-adaptation' design details to ensure visitability is achieved.
- 5.6.2 A minimum of 20% of the apartments within each residential flat building are to be designed in accordance the Liveable Housing Guideline's silver level universal design features.
- 5.7 **Floor to Ceiling Heights**
- 5.7.1 All residential habitable rooms are to have a minimum floor to ceiling height of 2.7 m.
- 5.8 **Services, Plant and Equipment**
- 5.8.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the streetscape presentation, apartments and communal open space areas with regard to visual, acousticeable and odour impacts.
- 5.8.2 The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.
- 5.9 **Construction Traffic Management Plan**
- 5.9.1 A Construction Traffic Management Plans (CTMP) must be prepared for the development by a suitably qualified person prior to the release of the Construction Certificate. The CTMP must detail construction vehicle routes, parking, number of trucks, hours of access, hours of operation, access arrangements, road safety and traffic control methods. This is to be submitted to Council prior to the issue of any Construction Certificate.
- 5.10 **Mail Boxes**
- 5.10.1 All mail boxes are to accord with the requirements of Australia Post and NSW Police with regard to location, access and size. The letterbox system is to be vandal resistant and secure. The mail box area should be altered to include a segregated mailbox room/foyer area in accordance with the requirements of NSW Police.
- 6 **PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)**
- 6.1 **Building Code of Australia Compliance**
- 6.1.1 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).

6.2 Site Works and Drainage

- 6.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 6.2.1 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:
- a) be in accordance with Australian Standard 3500.3, and
 - b) provide for drainage discharge to an existing Council drainage system, and
 - c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.
- 6.2.2 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.
- 6.2.3 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:
- a) Preserved and protected from damage, and
 - b) Underpinned and supported.

Such details shall accompany the Construction Certificate.

6.3 BASIX Certificate Compliance

- 6.3.1 The plans and specifications must indicate compliance with the commitments listed in BASIX Certificate Number 954678M dated 14 December 2018 as amended. Should there be any amendments to the approved plans, the amended BASIX Certificate shall be provided to the PCA.

6.4 Easements

- 6.4.1 The footing system adjacent to the drainage easement shall extend below the invert level of the pipe, and be designed by an appropriately qualified person to ensure the structural adequacy of the building and the integrity of any pipe within the easement.

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

7.1 Environmental Health

- 7.1.1 Any asbestos material is to be handled and treated in accordance with the WorkCover document “Your Guide to Working with Asbestos - Safety guidelines and requirements for work involving asbestos” dated March 2008.
- 7.1.2 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority’s Waste Classification Guidelines (2014).
- 7.1.3 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 “Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites” (2011)
- NSW Environment Protection Authority’s Contaminated Sites Sampling Design Guidelines (1995)
- NSW Environment Protection Authority’s “Contaminated Sites: Guidelines for NSW Site Auditor Scheme” (2006)
- National Environment Protection Council “National Environment Protection (Assessment of Site Contamination) Measure” (2011).

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.

- 7.1.4 Recommendations provided in Traffic Noise Impact Assessment, prepared by Rodney Stevens Acoustics, report no. R170441R1, dated 17 November 2018 must be carried out.

- 7.1.5 A qualified acoustic engineer must certify that the buildings have been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

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

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

- a) does not exceed an L_{Aeq} sound pressure level of 5dB (A) above the ambient background noise level when measured

- i. at the most affected point on or within any residential property boundary or
 - ii. at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
- b) cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

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

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

7.2 **Construction Environmental Management Plan**

7.2.1 A Construction Environmental Management Plan should be in place and must include specific advice on how water treatment and dam dewatering will be undertaken in accordance with the Blue Book, as well as demonstrating the discharged water complies with ANZECC water quality guidelines.

8 **PRIOR TO SUBDIVISION WORKS CERTIFICATE/CONSTRUCTION CERTIFICATE (ENGINEERING)**

8.1 **General**

8.1.1 All relevant conditions within the 'Prior to Subdivision Works Certificate/Construction Certificate' section of this consent shall be satisfied before any Construction Certificate or Subdivision Works Certificate can be issued.

8.1.2 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 stormwater drainage channel, roads and road drainage systems.

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.

8.1.3 The engineering drawings referred to below are not for construction. The Subdivision Works Certificate/Construction 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

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

Prepared By	Drawing Title	Project No.	Drawing No.	Revision	Dated
SGC Consulting Engineers	Civil Works	20170259	C100	G	-
SGC Consulting Engineers	Civil Works	20170259	C110	G	25.09.20
SGC	Civil Works	20170259	C201	G	25.09.20

Consulting Engineers					
SGC Consulting Engineers	Civil Works	20170259	C211	G	25.09.20
SGC Consulting Engineers	Civil Works	20170259	C301	G	25.09.20
SGC Consulting Engineers	Civil Works	20170259	C401	G	25.09.20
SGC Consulting Engineers	Civil Works	20170259	C402	G	25.09.20
SGC Consulting Engineers	Civil Works	20170259	C403	G	25.09.20
SGC Consulting Engineers	Civil Works	20170259	C404	G	25.09.20
SGC Consulting Engineers	Civil Works	20170259	C405	G	25.09.20
SGC Consulting Engineers	Civil Works	20170259	C406	G	25.09.20
SGC Consulting Engineers	Civil Works	20170259	C407	G	25.09.20
SGC Consulting Engineers	Civil Works	20170259	C408	G	25.09.20
SGC Consulting Engineers	Civil Works	20170259	C409	G	25.09.20
SGC Consulting Engineers	Civil Works	20170259	C410	G	25.09.20
SGC Consulting Engineers	Civil Works	20170259	C412	G	25.09.20
SGC Consulting Engineers	Civil Works	20170259	C501	G	25.09.20
SGC Consulting Engineers	Civil Works	20170259	C601	G	25.09.20
SGC Consulting Engineers	Civil Works	20170259	C701	G	25.09.20
SGC Consulting Engineers	Civil Works	20170259	C801	G	25.09.20
SGC Consulting Engineers	Stormwater Concept Design	20170259	SW100	D	-

SGC Consulting Engineers	Stormwater Concept Design	20170259	SW201	D	25.09.20
SGC Consulting Engineers	Stormwater Concept Design	20170259	SW202	D	25.09.20
SGC Consulting Engineers	Stormwater Concept Design	20170259	SW203	D	25.09.20
SGC Consulting Engineers	Stormwater Concept Design	20170259	SW204	D	25.09.20
SGC Consulting Engineers	Stormwater Concept Design	20170259	SW301	D	25.09.20
SGC Consulting Engineers	Stormwater Concept Design	20170259	SW302	D	25.09.20
SGC Consulting Engineers	Stormwater Concept Design	20170259	SW303	D	25.09.20
SGC Consulting Engineers	Stormwater Concept Design	20170259	SW304	D	25.09.20
SGC Consulting Engineers	Stormwater Concept Design	20170259	SW305	D	25.09.20
SGC Consulting Engineers	Stormwater Concept Design	20170259	SW401	D	25.09.20
SGC Consulting Engineers	Stormwater Concept Design	20170259	SW500	D	25.09.20
SGC Consulting Engineers	Stormwater Concept Design	20170259	SW303	D	25.09.20
SGC Consulting Engineers	Stormwater Concept Design	20170259	SW303	D	25.09.20
SGC Consulting Engineers	Stormwater Concept Design	20170259	SW303	D	25.09.20
SGC Consulting Engineers	Stormwater Concept Design	20170259	SW303	D	25.09.20

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

- i. Provide galvanised step irons to all entries to the below ground tanks

8.2 Subdivision Works Certificate Requirements

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

- Half width road, drainage and associated works

- Slip lane road construction
- Stormwater drainage channel realignment, construction and associated works
- 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.

8.3 **Construction Certificate Requirements**

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

- On-site stormwater detention system

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

8.4 **Local Government Act Requirements**

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

- Any works within a Council Reserve
- Any works on adjoining land (outside the subject site boundaries)
- Stormwater drainage works within lot 5 in DP 715264 and lot 15 in DP 1062629.

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

8.5 **Roads Act Requirements**

8.5.1 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
- Slip lane construction including road, drainage and associated works along Vardys Road.
- Interface works between the existing and new road within Evan Place.
- Vehicular crossings
- Path Paving

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

8.6 **Other Engineering Requirements**

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

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

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

8.6.4 Submit written evidence from the Transport for NSW (TfNSW) indicating compliance with all necessary requirements.

8.6.5 The applicant is to obtain and submit to Council a Road Occupancy Licence attained from Transport for New South Wales (TfNSW) for any works on Vardy's Road within 100m of the existing signalised intersection.

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

8.7 Roads

8.7.1 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.

8.7.2 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.

All accesses to private properties shall be maintained at all times.

8.7.3 Proposed new roads shall be designed and constructed generally as follows:

Name	Width(m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Evan Place (Half Road)	8 m	As per Drawing No. C601 in Condition 6.1.3	As per Drawing No. C801 in Condition 6.1.3	5 x 10 ⁵

Note: These construction works include pavement, drainage, kerb and gutter, path paving, footway turfing, service adjustments and any other ancillary work necessary to make this construction effective.

8.7.4 Indicate the replacement of the redundant layback and footway crossing with Council's standard kerb and gutter. The footway area shall be restored with turf in accordance with Council's specifications.

8.8 Drainage

8.8.1 Drainage from the site shall be connected into Council's existing drainage system.

8.8.2 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 unless otherwise agreed by adjoining property owners.

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

8.8.4 The floor level of all habitable rooms shall be at or above the Australian Height Datum (AHD) level in accordance with this consent.

8.8.5 Submit a certificate from a registered engineer (NER) certifying the building has been designed to withstand the forces of floodwaters and the impact of any flotsam

likely to be carried by such floodwaters.

8.9 **On-site Stormwater Detention**

8.9.1 On-site stormwater detention system shall be designed in accordance with the parameters set out in Council's Water Sensitive Urban Design Standard Drawings A(BS)175M On-site detention requirements - Sheet 20, or an S3QM Certificate

8.9.2 A registered engineer (NER) must certify that:

- The structures associated with the on-site stormwater detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- The on-site stormwater detention system will perform to meet the on-site stormwater detention requirements and function hydraulically in general accordance with Council's Engineering Guide for Development, DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management, S3QM Deemed to comply tool and Councils Standard Drawing A(BS)175M.

8.9.3 The following documents shall be submitted to accompany the on-site stormwater detention design in accordance with the design:

- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
- On-site stormwater detention detailed design submission and calculation summary sheet
- A maintenance schedule that complies with Council's Water Sensitive Urban Design maintenance guidelines, signed and dated by the designer
- S3QM Deemed to Comply On-site stormwater detention summary details

8.10 **Signage and Line Marking**

8.10.1 A formal submission shall be made to the Local Traffic Committee (LTC) through Council's Traffic Engineering department for any proposed signage, line marking and traffic calming devices details proposed as part of these works.

A determination will be required prior to the implementation of all signage and line marking works.

Note: The signs and line marking plan will be required to be submitted to Local Traffic Committee subject to consultation with Council's Traffic Section.

8.11 **Street Lighting**

8.11.1 A street lighting plan shall be prepared and designed by a suitably licensed qualified designer where required by Council's Traffic Department in writing and to the satisfaction of Council.

Note: 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.

8.12 **Erosion and Sediment Control**

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

8.13 **Earthworks**

8.13.1 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation unless approved otherwise by Council.

8.13.2 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb unless required otherwise by Council and excludes Evans Place.

Note the future verge within Evan Place at the sag point is to incorporate a reverse cross-fall over the southern verge section to facilitate the conveyance of the overland stormwater flow path. There shall be a maximum grade of 2.5%.

8.13.3 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)

8.14 **Vehicular Crossings**

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

8.15 **Footpaths**

8.15.1 Path pavings to be provided generally in accordance with Council's Path Paving Policy and Blacktown City Council Engineering Guide for Development and as follows:

Street Name	Side	Paving Width	Length
Vardys road	North side	1.5m	Full frontage
Evans Place (New Half Road)	South side	1.2 m	Full frontage

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

Proposed locations and widths are to be approved by Blacktown City Council's Co-ordinator Engineering Approvals.

Note: The proposed path paving on Evans Place is to continue to existing path paving.

8.16 **Drainage Engineering Matters**

8.16.1 Prior to commencement of any works under this consent and the issuing of any construction certificate, at no charge provide on Lot 1 DP 1097685 a variable drainage easement with a Restriction to User over the SP2 land and the 10 m wide R4 riparian corridor in favour of Council as per the Engineering Guide for Development. The Restriction to User and drainage easement must be registered with NSW Land Registry Services.

8.16.2 No Construction Certificate can be issued for any works within the R4 zone (lot 4) until practical completion of all the civil works (including Evan Place and the channel construction) and landscaping works and enhancements within the SP2 land (Lot 3) and RE1 land (Lot 2) except for any works (including drainage and landscaping) within the 10 m riparian corridor.

- 8.16.3 Amended internal building drainage plans from SGC Consulting Engineers Series 20170259 – SW are to be provided to meet the requirements under Councils DCP Part J 2015 and Councils Engineering Guide for Development 2005. The amended plans must address the following;
- a) Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into detention tanks in accordance with Council's Engineering Guide for Development 2005.
 - b) 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.
 - c) Provide galvanised steps irons or ladders to all entries to the detention tanks.
- 8.16.4 Amended Civil Design Plans Series 20170259 – C from SGC Consulting Engineers to address the following:
- a) Provide Floodway Warning Signs for the overland flow path in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005 at the eastern end of the riparian corridor and on the R4 side of the fence every 30 – 40 m. Ensure one sign is placed opposite each of the two pedestrian entry points to the riparian corridor
- 8.16.5 An engineer registered with NER is to certify that the maximum depth of flows in Vardys Road at the driveway in the critical 1% AEP storm event is less than 200 mm.
- 8.16.6 Structural design certification is required by a Chartered structural engineer registered on NER, indicating that the structure has been designed to withstand all flood impacts prior to release of the Construction Certificate. The certificate should consider scour, impact of debris, hydrodynamic pressure, hydrostatic and buoyancy forces in a 1% AEP storm plus 500 mm event, a 1% AEP dam break and a PMF. Depths and velocities to be obtained from the Waller Creek Basin – Dam Break Study from Tilrox Pty Ltd
- 8.16.7 Due to the cut and/or fill exceeding 1.5 m, a desktop Groundwater Assessment Report is required for the site in accordance with section 4.6 of DCP 2015 Part J. Where there is the potential for interaction with groundwater, a Groundwater Management Plan must be prepared by a Geotechnical Engineer registered with NER.

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

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

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

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

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

- a) shall be preserved and protected from damage, and
- b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and

- c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

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.

9.5 **Construction Details**

- 9.5.1 Structural details of the nominated building component(s), prepared and/or certified by a professional engineer or other appropriately qualified person, shall be lodged with Council prior to commencing or erecting that portion of the approved development.

Nominated Component

- (a) Footing piers
- (b) Footing system
- (c) Floor slab
- (d) Structural concrete
- (e) Wall frame bracing
- (f) Roof trusses
- (g) Structural steelwork
- (h) Retaining walls

9.6 **Use of Crane**

- 9.6.1 Any crane used in the construction of this development must have approval under the Roads Act 1993 from Council to swing over public air spaces.
- 9.6.2 The crane used must be provided with a light in accordance with the requirements of the Civil Aviation Authority (CASA) requirement. This may require a separate approval from CASA.

10 **DURING CONSTRUCTION (GENERAL)**

10.1 **Environmental Health**

- 10.1.1 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014).
- 10.1.2 Any asbestos material is to be handled and treated in accordance with the SafeWork NSW document "Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos" dated March 2008.

10.2 **Aboriginal Heritage Matters**

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

10.3 **European Heritage**

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

10.4 **Local Police Matters**

- 10.4.1 The recommendations of the Quakers Police Local Area Command are to be

implemented during works with regard to ensuring safety and security, to ensure that a secure site is provided to nearby residents and users of the development.

10.5 Construction Traffic Management Plan

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

10.6 Amended Landscape Works

10.6.1 Landscape works and street tree planting are to be undertaken in accordance with the amended street tree plan and the approved landscape plans.

10.7 Site Contamination

10.7.1 Should any contaminated material be unearthed during the construction works, all works are to cease immediately and a suitably qualified environmental site contamination consultant is to investigate and report on the findings. Any recommended remediation and validation works are to be undertaken pursuant to Council's Contamination Lands Policy.

10.8 Other Matters

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

- a) The applicant is to ensure that validation for the entire subject site can be prepared by a certified suitably qualified Geoscientist in accordance with Council's Contamination Land Policy and to residential standards in NEPM 2013 Guidelines.
- b) The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
- c) Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
- d) Any fill material imported to the site shall be certified at the source by a suitably qualified consultant as VENM fill material, non-slightly saline and non-aggressive to concrete or steel. If the importation of fill is undertaken under a specific EPA exemption, relevant details of the EPA exemption shall be forwarded to Council prior to the importation of fill to the site. All VENM is also to be validated to residential standards in NEPM 2013 Guidelines.

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

10.9 Environmental Management

10.9.1 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.

11 DURING CONSTRUCTION (BUILDING)

11.1 Safety/Health/Amenity

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

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

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

11.1.3 Should the development work:

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

the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

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

11.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.

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

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

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

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

excavation or supporting works.

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

11.2 **Building Code of Australia Compliance**

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

11.3 **Surveys**

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

11.4 **Nuisance Control**

- 11.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the *Protection of the Environment Operations Act 1997*.
- 11.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

11.5 **Stormwater Drainage**

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

11.6 **Waste Control**

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

11.7 **Construction Inspections**

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

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

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

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

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

12 DURING CONSTRUCTION (ENGINEERING)

12.1 Notification of Works

- 12.1.1 A written notification of works must be submitted to Council’s Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum 5 business days prior to commencement of engineering works.

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

12.2 Insurances

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

12.3 Service Authority Approvals

- 12.3.1 Prior to the commencement for construction of footway crossings and driveways a clearance shall be obtained from the relevant telecommunications carriers and Endeavour Energy. The clearance shall notify that all necessary ducts have been provided under the proposed crossing.

12.4 Boundary Levels

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

12.5 Tree Protection and Preservation

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

- 12.5.2 Prior to commencement of engineering works that may disturb existing vegetation/trees, the site shall be inspected to identify and appropriately mark out any trees to be retained as well as determine areas that are to be left undisturbed. Proposed roads must be set-out onsite prior to this inspection. Note: Inspection must be carried out by Council's representative or an appropriately accredited private certifier. The applicant's representative must be present during this inspection.
- 12.5.3 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.
- 12.5.4 Council must be notified a minimum of 24 hours prior to the removal of any branches from existing trees which are to be retained. Subject to Council's direction, this work must be generally undertaken by a qualified Arborist.
- 12.6 **Soil Erosion and Sediment Control Measures**
- 12.6.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 12.6.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.
- 12.6.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.
- 12.7 **Filling of Land and Compaction Requirements**
- 12.7.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.
- 12.7.2 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 12.7.3 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 12.7.4 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but

not be limited to regularly wetting down of the site during the course of works being carried out in order to control windblown dust.

- 12.7.5 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 12.7.6 Trucks transporting cut and fill must have their loads covered and provisions of “shaker pads” and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 12.7.7 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.

12.8 **Filling in Contaminated Land**

- 12.8.1 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.
- 12.8.2 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.
- 12.8.3 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.

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

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

Where Council is appointed as the Principal Certifying Authority for the development, 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, Subdivision Works Certificate and Construction Certificate.

12.10 **Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993**

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

Inspections must be pre-booked with a minimum 48 hours' notice. Councils Development Overseers may be contacted on 02 9839 6586 between 6 am – 7:15

am, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

12.11 Public Safety

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

12.12 Site Security

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

12.13 Traffic Control

- 12.13.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a 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.
- 12.13.2 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 Roads and Maritime Services (RMS) accreditation and photo card to implement Traffic Control Plans.
- 12.13.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Roads and Maritime Services (RMS) Traffic Controller accreditation and photo card and carry it with them.
- 12.13.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Roads and Maritime Services (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.
- 12.13.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a person who holds a current Roads and Maritime Services (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.

12.14 Road Line Marking and Traffic Signage

- 12.14.1 Prior to the implementation of **any** road line marking and traffic signage required by this development the applicant shall acquire an approved subdivision work certificate and roads act approval 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 (if any) 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 subdivision work certificate and roads act approval for line marking and traffic signage.

12.15 Drainage Engineering Matters

- 12.15.1 All habitable ground floor building slab levels shall be checked and certified by a Registered Surveyor confirming that before pouring the concrete slabs:
- i. The floor level of units A007 and A008 are at or above RL 46.80 AHD.
 - ii. The floor level of units A011, A012, A013, A014, A015 and A016 are at or above RL 47.05.
 - iii. The floor level of units B005, B006, B007, B008, B009, B010, B011 and B012 are at or above RL 47.47.
 - iv. The basement carpark is fully sealed up to the 1% AEP dam break flood level as shown on the civil plans by SGC Consultants, except for the driveway entry.

13 PRIOR TO SUBDIVISION CERTIFICATE

13.1 General

- 13.1.1 The plan of subdivision for land zoned RE1, SP2 and R4 is not to be released until all works required by the Voluntary Planning Agreement (VPA) between Blacktown City Council and Tilrox Pty Ltd, Sassen Constructions Pty Limited and Sam Sassen & Sons Developments Pty Ltd dated 23/08/2016 are completed to Council's satisfaction and all performance criteria for the Vegetation Management Plan (VMP) for a period of 3 years after completion of the works and conditions 3.7.3 and 4.12.1 of this consent have been satisfied.
- 13.1.2 All performance criteria for the VMP period (3 years) must be complied with prior to the issue of a Subdivision Certificate for lands zoned SP2 and RE1.
- 13.1.3 A statement certifying such compliance must be provided by the author of the VMP or an equally qualified and experienced person.

13.2 Site Access

- 13.2.1 All lots shall have access from a dedicated public road. In this regard, the proposed half road shall be dedicated as public road free of cost to Council.
- 13.2.2 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on an existing and future public road.

13.3 Road Damage

- 13.3.1 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.

13.4 Subdivision Configuration

- 13.4.1 The plan of subdivision shall be a 2 stage subdivision. Stage 1 for the dedication of the half road of Evan Place and the completion of works within RE1 and SP2 zone required in this consent and prior to the issue of Construction Certificate for building works. Stage 2 for the subdivision of land to create lots for RE1, SP2 and R4 zones

shall only occur in accordance with this consent.

13.5 Security

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

13.6 Asset Management

- 13.6.1 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.

13.7 Roads and Maritime Services

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

13.8 Consent Compliance

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

13.9 Additional Inspections

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

13.10 Fee Payment

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

13.11 Engineering Matters

13.11.1 Surveys/Certificates/Works as Executed plans

- 13.11.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed, in a colour softcopy format (.PDF and .DWG). All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Subdivision Work Certificate plans for engineering works (including works under the *Roads Act 1993* and the *Local Government Act 1993* covered by this Development Application).
- 13.11.1.2 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished surface levels (FSL) for lot(s) required by this consent have

been achieved and/or have been maintained in accordance with those established at the time of creation of the lot. The certificate must acknowledge that works have been complete. All levels must be to Australian Height Datum (AHD).

- 13.11.1.3 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 13.11.1.4 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 13.11.1.5 Written evidence is to be obtained from the Roads and Maritime Services (RMS) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 13.11.1.6 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):
- a) Compaction certificates for fill within road reserves.
 - b) Compaction certificates for road sub-grade.
 - c) Compaction certificates for road pavement materials (sub-base and base courses).
 - d) 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 Council's website.
- 13.11.1.7 The applicant is to submit the certified approved line marking and traffic signage plan as required by this consent. This will require evidence to demonstrate that approvals have been obtained from the Local Traffic Committee and adoption by Council Ordinary Meeting. A final inspection report is to be included noting that all line marking and traffic signage works are complete.
- 13.11.1.8 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 Councils Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.
- 13.11.1.9 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.

- 13.11.1.10 Structural certification 'as built' by a qualified Engineer (NER) for all structural items approved by the scope of this consent. This relates to the following components:
- Retaining walls over 0.6 m in height
 - Rigid pavements
 - Non-standard stormwater pits
 - Culverts and/or bridges
- 13.11.1.11 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).
- 13.11.2 Easements/Restrictions/Positive Covenants**
- 13.11.2.1 Any easement or restriction created as a result of this consent must be in accordance with the following:
- Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
 - The standard format for easements and restrictions as accepted by NSW Land Registry Services (LRS).
- 13.11.2.2 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.
- 13.11.2.3 The creation of an Easement to Drain Water, with a minimum width and or variation width for the stormwater channel in accordance with Council's Engineering Guide for Development (current issue) free of cost to Council. The easement must be created under the *Conveyancing Act 1919* and have the lot(s) burdened and each and every lot upstream benefited.
- 13.11.2.4 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue)
- 13.11.2.5 The creation of easement(s), restriction and positive covenant related to accessing the proposed R4 zone and SP2 zone for maintaining the creek.
- 13.11.2.6 A public positive covenant as referred to in section 88E (2) of the *Conveyancing Act 1919*, specifying Blacktown City Council as the prescribed authority that is imposing the public positive covenant, must be registered and recorded on the title of proposed Lot 4 in the following terms:
- The land within the riparian buffer area on proposed Lot 4 must be maintained as a vegetated riparian buffer in perpetuity by the registered proprietor of proposed Lot 4 and the registered proprietor of Lot 4 must ensure that:
 - Any activity carried out on the land does not damage or otherwise have an adverse effect on the ecological, scientific, cultural or aesthetic values of the land;
 - All priority and environmental weeds must be continually suppressed and destroyed in perpetuity to a level that maintains ecological functionality of the land;
 - Maintenance access to the lands Zoned SP2 drainage under the Blacktown Local Environmental Plan 2015, must be provided in perpetuity by the registered proprietor.

13.11.2.7 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.

13.11.3 Dedications

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

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

13.11.4 Bonds/Securities/Payments in Lieu of Works

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

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

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

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

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

13.11.5 Inspections

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

13.11.6 Inspection of Work

13.11.6.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV after completion of road pavement construction works (excluding any deferred AC works) and 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.

13.11.7 Drainage Engineering Matters:

CONDITIONS REQUIRED TO BE SATISFIED PRIOR TO RELEASE OF SUBDIVISION CERTIFICATE

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

- a) all the signage and warning notices have been installed.
- b) the permanent habitat features have been provided as per the approved plan
- c) the rock riffles with permanent pools and sediment basins have been provided as per the approved plan.
- d) the rock scour protection and other rocks required for stabilisation of the channel have been correctly installed in the right locations and use the correct size rock.
- e) all the other requirements of the approved civil plans have been undertaken;

13.11.7 **Easements/Restrictions/Positive covenants**

13.11.7.2 Provide at no charge, a minimum 2.5 m wide a drainage easement with a Restriction as to User over the Council pipeline within proposed Lot 4 in favour of Council as per the Engineering Guide for Development. The Restriction to User and drainage easement must be registered with NSW Land Registry Services.

13.11.7.3 Provide at no charge, a variable width right-of-way within Lot 4 in favour of Council as per the Engineering Guide for Development. The right-of-way is to cover the area west of prolongation of the western boundary line 20 26' 55". The Restriction to User and drainage easement must be registered with NSW Land Registry Services. Alternatively dedicate this small corner of land to Council free of charge to minimise maintenance costs.

13.12 **Service Authority Approvals**

13.12.1 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.

13.13 **Site Contamination**

13.13.1 Prior to the release of any construction certificate, an EPA recognised certified 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. If required, a Remediation Action Plan (RAP) is to be prepared for the site in accordance with Environment Protection Authority's Guidelines and relevant Australian Standards.

13.14 **Residue Lot Restriction**

13.14.1 A Restriction as to User over proposed Lot 4 shall be created under Section 88B of the Conveyancing Act 1919 in the following terms:

No further development of the lot burdened is to take place unless it is approved by Development Consent. Such approval is likely to require, but not be restricted to,

construction of road and drainage works, the provision of lot fill and the payment of Section 7.11 Contributions.

NOTE: The final wording of the recital of the Restriction as to User is to be to Council's satisfaction.

14 PRIOR TO OCCUPATION CERTIFICATE

14.1 Voluntary Planning Agreement

14.1.1 Council acknowledges the executed Voluntary Planning Agreement known as Kingsgate Planning Agreement and dated 23/08/2016. Prior to the issue any Occupation Certificate, the applicant is to fulfil and provide evidence to demonstrate that all relevant requirements of the Kingsgate Planning Agreement including dedication of the SP2 and RE1 zoned land and Evan Road.

14.2 Road Damage

14.2.1 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.

14.3 Compliance with Conditions

14.3.1 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.

14.3.2 Prior to commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate from the Principal Certifier in accordance with the provisions of Section 6.9 of the Environmental Planning and Assessment Act 1979.

14.3.3 Prior to the issue of any Occupation Certificate, all subdivision works as nominated within this consent are to be completed to Council's Satisfaction and the final plan of subdivision must be registered with Land Registry Services NSW.

14.4 Service Authorities

14.4.1 A final written clearance shall be obtained from Sydney Water Corporation confirming all Sydney Water requirements have been met in relation to the proposed stormwater channel works.

14.5 Fee Payment

14.5.1 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.

14.6 Engineering Matters

14.6.1 Surveys/Certificates/Works as Executed plans

14.6.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A colour soft copy (on a CD/USB with file format .PDF and .DWG) 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.

- 14.6.1.2 The Work-as-Executed (WAE) plan must confirm that the On-site Stormwater Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines.
- 14.6.1.3 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) required by this consent have been achieved. The certificate must acknowledge that works and the construction of the floors have been complete. All levels must be to Australian Height Datum (AHD).
- 14.6.1.4 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished surface levels (FSL) for lot(s) required by this consent have been achieved and/or have been maintained in accordance with those established at the time of creation of the lot. The certificate must acknowledge that works have been complete. All levels must be to Australian Height Datum (AHD).
- 14.6.1.5 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-site Stormwater Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 14.6.1.6 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-site Stormwater Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 14.6.1.7 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 14.6.1.8 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 14.6.1.9 A site specific stormwater drainage maintenance schedule that is in accordance with Council's Water Sensitive Urban Design maintenance guidelines, signed and dated by the designer shall be submitted to the Principal Certifier.
- 14.6.1.10 Written evidence is to be obtained from the Roads and Maritime Services (RMS) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 14.6.1.11 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 Council's Civil Works Specification 8.1.4

- Compliance Certificate and Test Results
- Delivery Dockets
- Summary of Material deliveries as per template available on Councils

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

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

14.6.2 **Dedications**

14.6.2.1 Any land required for road widening relative to the slip lane from Vardys Road shall be dedicated at no cost to Council.

14.6.3 **Inspections**

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

14.6.4 **CCTV Inspection of Stormwater Drainage Structures**

14.6.4.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV after completion of road pavement construction works (excluding any deferred AC works) and 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 copy of the SEWRAT (or equivalent) report, and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

14.6.5 **Drainage Engineering Matters**

CONDITIONS REQUIRED TO BE SATISFIED PRIOR TO OCCUPATION

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

- a) all the requirements of the approved drainage plan have been undertaken;
- b) all the signage and warning notices have been installed;
- c) for OSD 1 tank, the minimum detention storage of 106 m³ has been provided below the 1.5 year weir and a total of 161 m³ has been provided below the 100 year emergency overflow weir;
- d) for OSD 2 tank, the minimum detention storage of 106 m³ has been provided below the 1.5 year and a total of 162 m³ has been provided below the 100 year emergency overflow weir;
- e) the orifice sizes of OSD tanks 1 and 2 match the approved construction certificate plans;

14.6.5.2 A Chartered Hydraulic Engineer registered with NER is to certify that all the requirements of the Flood Management Plan have been implemented including the installation of all signage and notices.

14.6.6 **Other Matters**

- 14.6.6.1 Where the Groundwater Assessment Report indicated the requirement for a Groundwater Management Plan, then a Chartered Geotechnical Engineer registered with NER, is to certify that all the requirements of the Groundwater Management Plan have been undertaken and that there is no adverse impact due to groundwater.
- 14.6.6.2 Provide maintenance requirements for the detention tanks in accordance with the Council's *WSUD Inspection and Maintenance Guidelines* available on Council's website. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it

14.7 **Compliance with Conditions**

- 14.7.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied for the relevant stage. 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.
- 14.7.2 Prior to commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.9 of the *Environmental Planning & Assessment Act 1979*.

14.8 **Temporary Facilities Removal**

- 14.8.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 14.8.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 14.8.3 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.
- 14.8.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 14.8.5 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.

14.9 **Fee Payment**

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

14.10 **Fire Safety Certificate**

- 14.10.1 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).

14.11 Other Matters

- 14.11.1 Retaining wall(s) and/or other effective methods to retain excavated or filled ground (other than those site works which may be Exempt Development under an Environmental Planning Instrument), together with any associated groundwater drainage system, shall be constructed and/or provided in accordance with the plans attached to the Construction Certificate.

14.12 Street Tree Planting

- 14.12.1 The applicant is to undertake street tree planting and maintenance along the frontage of the development site to improve the amenity of the streetscape. Street tree planting must be approved before an Occupation Certificate is issued.
- 14.12.2 The applicant must obtain clearances from relevant service authorities.
- 14.12.3 The applicant will be required to pay a bond per tree as indicated in the current goods and services pricing schedule to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), to Council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed to request a practical completion inspection and end of street tree bond maintenance inspection.
- 14.12.4 The applicant will also be required to pay an inspection fee and a landscaping assessment fee as indicated in the current goods and services pricing schedule. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification.
- 14.12.5 Prior to the issue of any Occupation Certificate, all required street tree planting and payments of bonds are to be completed to the satisfaction of Council's Project Officer Civil and Open Space Infrastructure.

14.13 Road Damage

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

14.14 Service Authority Approvals

- 14.14.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Occupation 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 Endeavour Energy, stating that electrical services, including the provision of street lighting, have been made available to the development.
- c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

14.15 Road Damage

- 14.15.1 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.

14.16 Fee Payment

- 13.16.1 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.

14.17 Engineering Matters

14.17.1 Easements/Restrictions/Positive Covenants

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

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

- 14.17.1.2 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. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services

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

- 14.17.1.4 A public positive covenant as referred to in section 88E(2) of the *Conveyancing Act 1919*, specifying Blacktown City Council as the prescribed authority that is imposing the public positive covenant, must be registered and recorded on the title of proposed Lot 4 in the following terms:

- The land within the riparian buffer area on proposed Lot 4 must be maintained as a vegetated riparian buffer in perpetuity by the registered proprietor of proposed Lot 4 and the registered proprietor of Lot 4 must ensure that:
- Any activity carried out on the land does not damage or otherwise have an adverse effect on the ecological, scientific, cultural or aesthetic values of the land;
- All priority and environmental weeds must be continually suppressed and destroyed in perpetuity to a level that maintains ecological functionality of the land;
- Maintenance access to the lands Zoned SP2 drainage under the Blacktown Local Environmental Plan 2015, must be provided in perpetuity by the registered proprietor.

- 14.17.1.5 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue).
- 14.17.1.6 Each of the proposed lots serviced by the existing inter-allotment drainage easements shall have this burden and benefit created pursuant to Section 88B of the Conveyancing Act 1919.
- 14.17.1.7 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.
- 14.17.2 **Inspections**
- 13.17.2.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.
- 14.18 **Waste Matters**
- 14.18.1 As the development will be serviced by private waste and recycling contractors, residents are unable to access Council's household clean up service, or garbage and recycling service. These must be provided by the Owners Corporation. A Section 88B must be listed on the title to this effect prior to issue the Occupation Certificate and must contain the following:
- The registered proprietor of the Burdened Lot, or where the Burdened Lot includes a Strata Scheme, the Owners Corporation of the Burdened Lot:
 - Is responsible for providing all waste and recycling services for the residents of the building or Strata Scheme
 - Must ensure waste and recycling services, and bulky waste collections for the residents of the building or Strata Scheme are to be provided and undertaken by a private waste and recycling contractors (not Blacktown City Council);
 - Must not access Council's household clean up service or waste/recycling service
 - Indemnifies Council in respect of any claim regarding the non-provision by Blacktown City Council of waste services.
 - This positive public covenant cannot be released, varied or modified without the prior written consent of the Prescribed Authority.
- 14.19 **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**
- 14.19.1 No occupation certification must be issued unless all design verifications have been provided in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000. A certifying authority must not issue an occupation certificate for the residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of [State Environmental Planning Policy No 65—Design Quality of Residential Flat Development](#).

14.20 Adaptable Housing Units

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

14.21 Environmental Management

- 14.21.1 The applicant shall submit to Council a Waste Minimisation Program prepared by a suitably qualified person.
- 14.21.2 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.
- 14.21.3 The recommendations provided in the Noise Acoustic Assessment prepared by Acoustic Consulting Engineers Pty Ltd, reference no. 160786-02L-DD Rev01, dated 1 April 2019 must be carried out.

14.22 Fencing and Retaining Structures

- 14.22.1 A 1.2 m high open type metal palisade boundary fencing shall be provided between the SP2 drainage zone and along the edge of the riparian zone to the north and west between the Residential Flat Building site and the edge of the riparian 10 m buffer and another palisade fence at the edge of the riparian corridor and the creek boundaries. All fencing is to be provided at full cost to the developer and is to be constructed on top of any masonry retaining walls. Details of the fencing are to be submitted to and approved by Council prior to the erection of the fence.

14.23 Other Matters

- 14.23.1 All landscaping, pavements, pathways, internal/external signage, recreation features and furniture, children's play equipment, and lighting shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.
- 14.23.2 All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.
- 14.23.3 Vandal proof and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.
- 14.23.4 All mail boxes are to accord with the requirements of Australia Post with regard to location, access and size. The letterbox system is to be vandal resistant and secure, and located within each building.
- 14.23.5 All power boards should be housed within a locked cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.
- 14.23.6 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 14.23.7 Head room clearance at the basement ramps must comply with requirements of AS 2890.1 (Section 5.3) for a Disabled Vehicle, and meet AS 2890.1 – Appendix C for the disabled parking space and access to the lift.

- 14.23.8 The basement ceilings are to be light in colour, and preferably painted white, to enhance lighting illumination.
- 14.23.9 A roller shutter and card-key system, or similar, is to be installed at the entry/exit point and secure areas within each of the basement carparks.
- 14.23.10 Basement storage areas are to have quality doors/cages and lock sets to restrict unauthorised access. These are recommended to be constructed of an appropriately robust steel welded mesh to be used in lieu of chain link wire.
- 14.23.11 Head height clearance throughout all traffic circulation, car parking and service vehicle areas must comply with requirements of AS 2890.1-2004, AS 2890.2-2018 and AS 2890.6-2009 as appropriate.
- 14.23.12 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 14.23.13 Car parking and loading facilities shall be in place and accessible via new public roads prior to the issue of any Occupation Certificate.
- 14.23.14 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves and also not on drainage zoned land.
- 14.24 NSW Local Police Matters**
- 14.24.1 Details of the future Body Corporate or owners contact details are to be forwarded to NSW Local Police, Quakers Hill Local Area Command.
- 14.24.2 A copy of the Evacuation Plan for the development is to be forwarded to the NSW Local Police, Quakers Hill Local Area Command.
- 14.24.3 The recommendations of the Quakers Police Local Area Command are to be satisfied and implemented accordingly, to the satisfaction of NSW Police with regard to CCTV, lighting, graffiti resistant materials, information for emergency services, measures for secure access, and mailboxes prior to issues of any Occupation Certificate.
- 14.25 Graffiti Management Plan**
- 14.25.1 A 'Graffiti Management Plan' is to be submitted for the separate approval of Council. The Plan is to address the following issues:
- a) Methods to minimise the potential for graffiti;
 - b) Management/notification procedures for the 'early' removal of graffiti no later than 48 hours after detection. Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s;
 - c) Annual review of any 'management agreement' for the removal of graffiti to ensure the property is maintained at its optimum level; and
 - d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.
- 14.26 Total Maintenance Plan**
- 14.26.1 A 'total' maintenance plan is to be prepared for the site and it to ensure:
- a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, driveways, pathways, soft and hard landscaping, children's play equipment, fencing, security systems, mail boxes, lighting, waste storage and loading areas, feature entry signage, parking signage, business

identification signage and services are regularly inspected and maintained at optimum levels at all times.

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

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

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

14.28 **Environmental Management**

14.28.1 The recommendations provided in Traffic Noise Impact Assessment, prepared by Rodney Stevens Acoustics, report no. R170441R1, dated 17 November 2018 must be implemented.

15 **OPERATIONAL (PLANNING)**

15.1 **Specific Uses**

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

a) Granted consent by this Council Notice of Determination

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

15.1.3 The hours of operation and noise levels from the common areas are to be appropriately managed to ensure that the occupiers of the buildings are not adversely affected by noise and vibrations, in particular not prior to 8 am and not after 10 pm daily.

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

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

15.2 **Access, Parking and Loading**

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

15.2.2 All vehicles are to enter and exit the site in a forward direction.

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

15.2.4 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.6.

15.3 **Landscaping**

15.3.1 All landscaped areas provided in accordance with the approved landscaping design

plan shall be maintained at all times in a suitable manner.

- 15.3.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.

- 15.3.3 The management of vegetation, gardens, planter boxes, the communal areas, fencing, decking, BBQ area, lighting and other similar areas is to be incorporated within the future strata management plan once the development is occupied.

15.4 **Lighting and Security**

- 15.4.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 15.4.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 15.4.3 The maintenance of all external lighting is to be managed by way of an annual service agreement to ensure the security of the building and persons within are not compromised from dark or uncontrolled public areas.
- 15.4.4 Appropriate safety and security measures are to be implemented at all times. These security measures are to be adapted in consultation with the Local Police to respond to the specific security concerns experienced by the development during operation.

15.5 **Emergency Procedures**

- 15.5.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed throughout the development for staff, customers and the general public and emergency services at all times to the satisfaction of Council.

15.6 **Graffiti Removal**

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

15.7 **Total Maintenance Plan**

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

15.8 **Waste Matters**

- 15.8.1 The Owner or Owner's Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.
- 15.8.2 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 15.8.3 Waste and recycling collections undertaken by private contractor are to be provided by the Owner or Owner's Corporation
- 15.8.4 The Owner or Owner's Corporation must ensure that bulky waste items such as lounges and fridges etc are collected by private contractors directly from the site. These items must not be presented at the kerbside for collection.
- 15.8.5 Ongoing management of waste for the site must be in accordance with the waste requirements outlined in the approved waste management plan as submitted with the development application. This includes but is not limited to:

- separation or caging of waste equipment onsite from residents (such as chute discharge points or storage areas for bin movement aides etc), to prevent injury or damage
 - provision and maintenance of suitable signage in all areas with waste facilities such as bin storage areas, waste chute rooms on each floor, chute discharge points, bin collection points, loading bays or any other relevant area accessible to residents, cleaners and/or building management staff
 - separated bin storage areas and associated waste management equipment for commercial and residential components of a development if applicable
 - provision of bin movement aids such as bin tugs and trolleys if suggested for the site
 - engagement of a building manager and/or caretaker onsite to manage the waste system if suggested for the site. This includes prompt removal of illegal dumping onsite.
- 15.8.6 A building manager must be engaged in perpetuity and for the life of the development to:
- manage bins and bulky waste onsite
 - clean bins and the waste room(s)
 - 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
 - install and maintain relevant waste management signage onsite.
- 15.8.7 The owner or a Community Management Agreement/Strata Management Agreement must:
- clearly outline that no bins are to be located or placed in the approved collection points outside the scheduled collection time for that area
 - clearly outline a requirement for the appointment of a building manager/caretaker to manage bulky waste onsite in accordance with the approved waste management plan.
 - clearly outline the responsibility for maintenance of the waste collection points and ensuring they are clear and unobstructed prior to collection times.
 - clearly outline the requirement for the building manager to arrange for the prompt removal of dumped rubbish from the site
 - clearly outline the requirement for the building manager to maintain and display consistent signage on all bins and in communal bin areas
 - clearly outline the method of communication to new tenants and residents regarding the waste management services and collection system for the complex
 - include the approved waste management plan.

15.9 Environmental Management

- 15.9.1 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.

- 15.9.2 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.
- 15.9.4 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.