

Conditions of consent (draft)

1 ADVISORY NOTES

1.1 Terminology

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

1.2 Scope of Consent

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

1.3 Other Approvals

- 1.3.1 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development and not on the approved plans.

1.4 Services

- 1.4.1 The applicant is advised to consult with:

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

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

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

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

ascertain the Sydney Water requirements for the eventual operation of the approved use.

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

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

1.5 Identification Survey

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

1.6 Engineering Notes

1.6.1 All works requiring approval under the *Roads Act 1993* or *Local Government Act 1993* must be approved PRIOR to the Commencement of works.

2 GENERAL

2.1 Scope of Consent

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

Drawing No.	Dated	Council's File Enclosure No.
Cover Sheet Drawing No. DA00 Amendment 03	4 June 2019	29A
Site Analysis and Block Plan Drawing No. DA01 Amendment 03	4 June 2019	29B
Site and External Works Plan Drawing No. DA02 Amendment 03	4 June 2019	29C
Cut and Fill Plan Drawing No. DA03 Amendment 03	4 June 2019	29D
Ground Floor Plan Drawing No. DA04 Amendment 03	4 June 2019	29E
Roof Plan Drawing No. DA05 Amendment 03	4 June 2019	29F

Elevations and Sections Drawing No. DA06 Amendment 03	4 June 2019	29G
Soft landscaping and deep soil plan Drawing No. DA07 Amendment 2	4 June 2019	29H
External Colour Selection Drawing No. DA09 Amendment 03	4 June 2019	29J
Landscape Plan Drawing No. L01 Amendment No. 2	3 June 2019	29K

* Subject to any conditions of this consent.

2.2 Suburb Name

2.2.1 The land the subject of this consent is known to be located in the following suburb:

Suburb: Mount Druitt

3 PRIOR TO CONSTRUCTION WORK COMMENCING (GENERAL)

3.1 DA Plan Consistency

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

4 PRIOR TO CONSTRUCTION WORK COMMENCING (PLANNING)

4.1 Aesthetics/Landscaping

4.1.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.

4.1.2 Any bathroom or w.c. window in the external wall of the building shall be fitted with translucent glazing.

4.1.3 The development is to be constructed in accordance with the approved schedule of materials, finishes and colours.

4.2 Access/Parking

4.2.1 All new internal driveways and other new paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

4.2.2 Pedestrian access to parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.

4.3 BASIX certificate

4.3.1 All commitments listed in the BASIX Certificate No. 910782M dated 15 March 2018 shall be complied with.

4.4 Engineering Matters

4.4.1 Design and Works Specification

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (f) Blacktown City Council On Site Detention General Guidelines and Checklist
- (g) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook FOURTH Edition December 2005.

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements MUST be submitted to Council prior to works commencing.

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

4.5 **Other Necessary Approvals**

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

- Vehicular Crossing
- The construction of a stormwater inlet pit, drainage pipe section and associated works to connect to Councils existing road stormwater system along Frank Street, Mount Druitt.

4.6 **Other Matters**

4.6.1 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.

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

5.1 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 PRIOR TO CONSTRUCTION WORK COMMENCING (ENGINEERING)

6.1 General

- 6.1.1 All relevant conditions within the 'Prior to Construction Work commencing' section of this consent shall be satisfied.
- 6.1.2 All fees for Construction, *Roads Act 1993* and *Local Government Act 1993* approvals must be paid to Council prior to construction. All fees for Compliance Certificates must be paid to Council prior to any construction works commencing.
- 6.1.3 Construction engineering plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No.	Revision	Dated
Greenview Consulting	171243 DA	C01	5	04/06/2019
Greenview Consulting	171243 DA	C02	5	04/06/2019
Greenview Consulting	171243	C10	B	04/06/2019
Greenview Consulting	171243	C11	B	04/06/2019
Greenview Consulting	171243	C12	B	04/06/2019
Greenview Consulting	171243	C13	B	04/06/2019
Greenview Consulting	171243	C14	B	04/06/2019
Greenview Consulting	171243	C15	B	04/06/2019
Greenview Consulting	171243	C16	B	04/06/2019
Greenview Consulting	171243	C17	B	04/06/2019

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

- i. The proposed design shall ensure that in the event of any surcharge from the internal stormwater pit and pipe system, the conveyance of stormwater overland is directed towards Council's existing road network and not through downstream properties and that no property is negatively impacted for all storm events up to Q100.
- ii. The proposed development shall ensure all stormwater is drained into Council's existing stormwater network within Frank Street via a gravity fed system.
- iii. A Structural Engineer (registered with NER) shall design the proposed boundary pit 1 & proposed gully pit in Frank Street in accordance with the relevant Australian Standards.
- iv. The proposed on site detention system shall be amended to function in accordance with Council's Standard Drawing A(BS)175M this includes but is not limited to the controls set out in sheets 20 and 22.
- v. The proposed internal driveway shall be designed and constructed in accordance with Australian Standard 2890.1:2004 and shall ensure that any pedestrian movement anticipated within the driveway is facilitated in a safe manner. Note the design shall ensure that vehicles can enter and exit in a forward direction.

- vi. Where the proposed new stormwater pipe section disrupts existing vehicular crossings along Frank Street, all vehicular crossings are to be reinstated to the satisfaction of Council's Development Supervisor and generally in accordance with Council Standard Drawing A(BS)102S.
- vii. The proposed vehicular crossing shall be in accordance with Council Standard Drawing A(BS)102S with a minimum width of 5.50 m at the street alignment.
- viii. The redundant vehicular crossing at the western side of the property frontage shall be replaced with Council's standard kerb and gutter, with the footway area restored with turf and made safe in accordance with Council's specification.

6.2 Roads Act Requirements

6.2.1 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:

- The construction of a stormwater inlet pit, drainage pipe section and associated works to connect to Council's existing road stormwater system along Frank Street, Mount Druitt.
- Vehicular crossing.
- Replace redundant layback.

6.3 Other Engineering Requirements

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

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

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

6.4 Roads

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

6.4.2 Replace 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.

6.5 Drainage

6.5.1 Drainage from the site shall be connected into Council's existing drainage system. In this regard a new standard Council kerb inlet pit in Frank Street is to be constructed. The Applicant shall provide a pit and pipe system within Frank Street in order to facilitate the collection of stormwater runoff from the proposed site via gravity fed system.

The Stormwater Design shall be generally in accordance with Civil Stormwater Design Plans No: 171243 Preliminary, drawings: C10-C17 inclusive, Rev B dated

4/6/2019 as prepared by Greenview Consulting. The work will require Council approval under Section 138 of the Roads Act 1993.

- 6.5.2 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.

6.6 Erosion and Sediment Control

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

6.7 Earthworks

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

6.8 On-Site Detention

- 6.8.1 Provide an on-site detention system in accordance with Council's Engineering Guide for Development.

- 6.8.2 The development site is within the following catchment and on-site detention system shall be designed to achieve the following:

Catchment	Event (Yrs)	Site Storage Requirement (m ³ /ha)	Permissible Site Discharge (l/s/ha)
Blacktown City Council Catchment	1.5	300	40
Blacktown City Council Catchment	100	455	190

- 6.8.3 The engineering drawings approved under this consent are not to be used for construction. The Construction drawings shall be generally in accordance with the approved drawings however any significant variation to the on-site detention design shall require a section 4.55 application.

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

- Certification 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.
- Certification that the on-site stormwater detention system will perform to meet the on-site stormwater detention requirements.

- 6.8.5 The following documents shall be submitted to accompany the on-site detention design in accordance with the design and construction specification:

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

6.9 Stormwater Quality Control

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

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

6.10 Vehicular Crossings

6.10.1 Construct a residential vehicular crossing to Council's standard A(BS)102S but thickened to 150mm and reinforced with SL82 reinforcing fabric with a minimum width of 5.50 meters at the street alignment.

6.11 Footpaths

6.11.1 The footway area being fully turfed in an appropriate manner to be free draining to the street and of neat appearance.

7 PRIOR TO DEVELOPMENT WORKS

7.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

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

This condition does not apply to:

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

7.1.3 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.

7.1.4 All soil erosion and sedimentation control measures shall be installed prior to the commencement of development works.

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

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

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

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

7.2 **Notification to Council**

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

7.3 **Tree Protection**

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

7.4 **Sydney Water Authorisation**

7.4.1 Sydney Water Corporation's approval shall be obtained to verify that the development meets the Corporation's requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

OR

The approved plans are to be submitted to a Sydney Water Customer Centre or Quick Check Agent, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For Quick Check Agent details, please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.

7.5 Construction Details

- 7.5.1 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

8 DURING CONSTRUCTION (BUILDING)

8.1 Safety/Health/Amenity

- 8.1.1 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.

- 8.1.2 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 Regulation 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.

- 8.1.3 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.

- 8.1.4 All measures to control soil erosion and sedimentation shall be maintained throughout development works.
- 8.1.5 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.
- 8.1.6 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.
- 8.1.7 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, 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.
- 8.1.8 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.
- 8.2 **Building Code of Australia Compliance**
- 8.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 8.3 **Surveys**
- 8.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.
- 8.4 **Nuisance Control**
- 8.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 8.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 8.5 **Stormwater Drainage**
- 8.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:
- (a) the floor level being a minimum 225mm above the adjoining finished ground

- level where possible. Where not possible ensure surface runoff is directed away from the building by suitably grading the surfaces, and/or
- (b) being drained to an effective drainage system.

8.6 Waste Control

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

8.7 Tree Protection

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

8.8 Construction Inspections

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

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

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

9 DURING CONSTRUCTION (ENGINEERING)

9.1 Notification of Works

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

9.2 Insurances

- 9.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council's Engineering Approvals Team. This shall be submitted prior to commencement of engineering works required by this consent that are carried out on Council controlled lands such as roads, drainage reserves and parks. This

includes Public Liability Insurance with a minimum of \$20,000,000.00 Indemnity and Workers Compensation.

9.3 Service Authority Approvals

- 9.3.1 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.

9.4 Soil Erosion and Sediment Control Measures

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

9.5 Inspection of Engineering Works - Roads Act 1993

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

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

9.6 Public Safety

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

9.7 Site Security

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

9.8 Traffic Control

- 9.8.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS)

accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.

- 9.8.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.
- 9.8.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 9.8.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified RMS accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2002.
- 9.8.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 – 2002 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

10 PRIOR TO OCCUPATION

10.1 Road Damage

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

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

10.2 Compliance with Conditions

- 10.2.1 The building shall not be occupied 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.

10.3 Service Authorities

- 10.3.1 A final written clearance shall be obtained from Sydney Water Corporation, Endeavour Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.
- 10.3.2 The following documentary evidence shall be obtained prior to Occupation:
 - (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the “Building Plumbing and Developing” Section of the website www.sydneywater.com.au, then follow the

“Development 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 occupation of the development.

10.3.3 Surveys/Certificates/Works As Executed plans

- 10.3.3.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the approved plans for engineering construction.
- 10.3.3.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Council.
- 10.3.3.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 10.3.3.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 10.3.3.5 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council’s DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 10.3.3.6 The submission to Council of any 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.

10.3.4 Easements/Restrictions/Positive Covenants

- 10.3.4.1 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.

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

10.3.4.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government – Land Registry Services over the Stormwater Quality Control devices/system including Rainwater Tanks and outlet works. The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage by the first business day on or after 1 September each year.

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

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

10.3.4.6 A restriction as to user shall be registered against the title of the property, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to the following only:

- (a) Seniors or people who have a disability;
- (b) People who live within the same household with seniors or people who have a disability;
- (c) Staff employed to assist in the administration of and provision of services to housing provided under this approval.

In accordance with the definitions of Seniors under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

10.3.5 **Inspections**

10.3.5.1 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.

10.3.6 **CCTV Inspection of Stormwater Drainage Structures**

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

10.4 **Fire Safety Certificate**

10.4.1 An interim or final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and

Class 10 building(s).

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

10.5 Landscaping/Car Parking

- 10.5.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

- 10.5.2 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.

- 10.5.3 All dwellings, fencing, landscaping, clotheslines, TV antennae, hot water systems, mailboxes and driveways are to be completed in accordance with the approved plans and conditions of consent to prior to Occupation.

10.6 BASIX

- 10.6.1 All commitments listed in the BASIX Certificate 910782M dated 15 March 2018 shall be complied with.

11 Operational (Planning)

11.1 Access/Parking

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

11.2 General

- 11.2.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.

- 11.2.2 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

- 11.2.3 All garbage bins shall be appropriately stored at individual dwellings and screened from public view.

11.3 Landscaping

- 11.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.