

## Conditions of consent (draft)

<b>Proposed development</b>	S. 8.2 review of determination of SPP-17-00016 Integrated development proposing subdivision into 2 superlots, 1 residue lot, drainage works, temporary public road and public roads, and the construction of 4 residential flat buildings on the superlots containing 200 apartments, basement car parking, associated works demolition works and tree removal.
<b>Property description</b>	105 Cudgegong Road, Rouse Hill

### 1 Deferred Commencement Conditions

- 1.1 This development consent is not to operate until such time as:
- 1.1.1 The applicant is to demonstrate that there is a safe and legal conveyance of stormwater flows from the subject development to Council's existing drainage system/legal point of discharge. No downstream property is to be negatively impacted by stormwater conveyance from the subject site. Note this may require the applicant to conduct works within downstream properties subject to property owner consent and demonstration that the necessary easements to drain water and/or overland flow have been registered. These works will require a separate approval under the Local Government Act 1993 by Council.
- In accordance with the above, an easement (in gross) for stormwater drainage must be created and registered. The creation is under Section 88B of the Conveyancing Act, 1919 and registration with NSW Land Registry Services. The easement shall burden Lot 63 in DP 30186 and benefit Blacktown City Council. Note: This easement shall cover the extent of the interallotment drainage system.
- Pursuant to the above, an easement (in gross) for stormwater overland flow of stormwater has been created and registered. The creation is pursuant to Section 88B of the Conveyancing Act, 1919 and registration with Land Registry Services. The easement shall burden Lot 63 in DP 30186 and benefit Blacktown City Council. Note: This easement shall cover the extent of the swale drainage system.
- 1.1.2 Engineering plans are to be adjusted to include a temporary turning head where Road No.2 ends at approximate chainage 60.00 in order to circulate traffic. The temporary turning head is to be in accordance with Blacktown City Council's Engineering Guide for Development. This is likely to impact the development footprint for the building in Lot 1 A1 (East). Any implications to the staging of the development must be considered and agreed to by Council's Development Services Unit.
- 1.1.3 Additional information is to be submitted to Council to demonstrate that the stormwater tail out works along the southern end of Cudgegong road can adequately make a connection with the existing infrastructure downstream of the site with a free flowing outlet or connection into existing infrastructure that is compatible.
- 1.2 **Drainage Deferred Commencement conditions**
- 1.2.1 A minimum 2.5 m wide drainage easement-in-gross and restriction to user is to be provided over the drainage outlet over Lot 63 DP 30186 including the pipeline and

swale extents. The applicant shall submit documentary evidence of the registration of the drainage easement-in-gross and Restriction on the use of land to Council.

1.2.2 Amended drainage plans Series P1705812 from Martens are to be provided to address the following to the satisfaction of Council's Manager Asset Design;

- i. The following amendments are required on the plan PS01-A050 (G) to the various phases.

- 1) Phase 1 - Stage A1 - Subdivision & Construction of roads and drainage stage (with temporary legal access through RE1 land on lot 3 first)

At point A), after "4" add "AND CUDGEGONG ROAD"

- 3) OR Phase 1 - Stage B - Subdivision & Construction of roads and drainage stage (with temporary legal access through RE1 land on 95 Cudgegong Road or through 81/208203 first.)

At point A), after "4" add "AND CUDGEGONG ROAD"

- 6) Phase 4 – Ultimate - As advised by Council regional basin to the west provided downstream of Lot 1 together with trunk drainage connection through to basin, plus drainage line through 84 Tallawong Road constructed.

At point A) delete "ONLY" and add "AND THOSE PARTS OF LOT2 THAT DRAIN TO THE WEST."

- 7) Phase 5 – Stage A – As advised by Council regional basin to the east provided in Rouse Road with connection to Second Ponds Creek together with trunk drainage connection through to basin along Cudgegong and Rouse Roads.

At point A) delete "ONLY" and add "THAT DRAINS TO THE EAST."

- ii. Number all pits.
- iii. Number all Stormfilter Chambers.
- iv. The OSD Analysis Catchment strategy outlined in drawing E601 (D) is incorrect. This strategy shows the OSD requirements for the western half of Lot 2 being catered for in the OSD tank within the Lot 1 basement. This is incorrect. The discharge from the western half of Lot 2 is directed to pit 1A103-04 in Road 3. The discharge from Road 3 is directed to the proposed Road 3 Underground OSD detailed on drawing E102(E). This tank is currently designed for Road 3 only and not Road 3 and half of Lot 2. Firstly, the OSD tank arrangement within the basement of Lot 1 will need to be modified and at the very least the orifice sizes reduced if not the tank itself. Secondly the OSD for the western half of Lot 2 needs to be provided as an enlarged Road 3 Underground OSD, or a working alternative detailed.
- v. The OSD spreadsheet for Road 5 incorrectly states that filter cartridges are not used to manage water quality when they will be. Where the filter flow rate exceeds the 1.5 year flow then the configuration of the tank is to be amended to suit the requirements of Council's WSUD drawings A(BS)175M Sheet 23 and delete the small orifice.

- vi. Revised OSD spreadsheets are to be provided digitally to Council to account for the changes above. The printouts of the OSD spreadsheets shown on drawings E602(C) and E603(C) are to be amended.
- vii. On drawing no. PS01-E100 (J), amend the note adjacent to pit 1A203-07 by deleting "95 Cudgegong Road" and replace by "Phase 5 achieved".
- viii. On drawing no. PS01-E100 (J), within Lot 2 provide a bund along the boundary with 95 Cudgegong and Road 3 and provide a depressed pit and pipe inlet system in the corner near pit 1A103-04 to collect the site flows
- ix. On drawing no. PS01-E102 (E), review the stub pipe size downstream of pit 1A203-07 considering a combined 450 mm pipe upstream and a 450 mm pipe from Lot 2 (when OSD not operational).
- x. On drawing no. PS01-E102 (E), surface flows conveyed in the 150mm drainage line along Road1 frontage of Lot 1 building A1 at the western corner are bypassing water quality treatment. Reposition the unnamed pit next to pit 1A601-01 about 1 m clear of this pit and locally lower it. Redirect the 150 mm discharge pipe from 1A601-01 to pit 1A605-02 to be treated by the OceanGuard and then Stormfilter as per MUSIC.
- xi. Roof catchment plan on drawing no. PS01-EZ00 (A) shows that the non-trafficable roof area and the trafficable/vegetated communal roof area in Lot 1 are both directed to the rainwater tank. A split system is required to direct only the roof water from the non-trafficable roof area to the rainwater tank and the two trafficable roof area separately through 2 OceanGuards (as shown in MUSIC) to the Stormfilter chamber. The location of these OceanGuard pits is unclear.
- xii. The basement flows from Lot 1 lower ground floor 1 carpark shown on drawing no. PS01-E111 (C) (B) are treated in an OceanGuard installed in pit 1C601-02 as a type B OceanGuard treating surface flows and upstream pipe flows. Such types require a minimum clear depth of 500 mm from the invert of the upstream pipes to be treated, to the obvert of the outlet pipe. There is no drop through arrangement as detailed on the longsection on drawing E313(A) and at best this is only a Type A OceanGuard treating the local catchment. To treat this area OceanGuards would need to be placed in every pit. Detail what will be amended or if MUSIC revised.
- xiii. Clearly indicate the pits fitted with OceanGuards in the internal and external road drainage systems on the overall drainage layout plan shown on drawing no. PS01 – E102 (E).
- xiv. Line 612 on drawing no. PS01 – E314 (A) shows no OceanGuard fitted in pit 1A 612-02. The flows from the area collected in Line 612 is bypassing OceanGuard treatment.
- xv. Provide invert levels of the pit and all pipes installed with OceanGuard to which the roof flows from Lot 2 Building B1 are directed.
- xvi. Pits identified with Type B OceanGuards must show the pipe invert levels upstream inlets and outlets and confirm that that there is difference of 0.5 + D (m) between them.

- xvii. Road flows from line 1A205-01 - 1A204-01 are directed to the Lot 2 Stormfilter tank west of Road 4 boundary. Amend Lot 2 OSD Base Plan on drawing no. PS01 – E203 (E) deleting the pipe connection to Line 613 directed to the Stormfilter tank. Connect the pipe directly to the OSD tank.
- xviii. To treat the Road 5 flows prior to discharge to the Stormfilter chamber provide OceanGuards as pit baskets in pits 1A206-01, 1A206-02, 1A206-03 and 1A202-03.
- xix. MUSIC catchment plan is to be consistent with the drainage system design directing flows to each treatment device shown on plans. Catchment plan is to indicate which area is directed to the specific treatment device.
- xx. Provide a retaining wall along the south eastern boundaries of Lots 1 & 2, Road 3 and Road 4 or obtain permission to provide a batter in the adjacent land at 95 Cudgegong Road as the site is filled 100 to 500mm above the natural ground level of the adjacent property. Where the retaining wall is provided along the boundary with 95 Cudgegong Road raise the top of the wall a minimum of 150 mm above the internal finished levels. Where there is no filling provide a 150 kerb along the boundary.
- xxi. On drawing E210(B) at “Lot 1 (Permanent) Stormfilter Tank Section A-A” raise the level of the Stormfilter false floor by 200 mm to RL 58.86. Raise weir level by 200 mm to RL 59.63. Adjust Line 1A605 longsection inverts on drawing E313(A) at 1A601-01 and 1A605-01.

1.2.3 Revised MUSIC modelling is required to address the following.

- a. Review all areas bypassing OceanGuards including Lot 1 basement flows.
- b. Stormfilters require OceanGuards upstream to protect them from clogging prematurely. With the provision of OceanGuards in Road 5 review the number of cartridges required.
- c. Review MUSIC catchment plan at PS01 – E700 (G) as required due to changes above.

**1.3 Planning Deferred Commencement Conditions**

- 1.3.1 The applicant is to submit full amended architectural plans for all the proposed Residential Flat Buildings A1, A2, B1 and B2, showing all units which have proposed to remove all habitable space encroaching over the designated 12 m height of building development standard in the State Environmental Planning Policy (Sydney Region Growth Centres) height of building map. This will necessitate deletion of any encroachment of residential units accordingly.

The amended plans showing only residential units below the 12 m height plane are to be submitted to Council for approval under the delegated authority of the Regional Planning Panel

- 1.3.2 The applicant is to submit a current addendum report to the site contamination report dated 19 December 2016 prepared by a qualified geoscientist certifying that the subject land is still suitable for residential use under the National Environmental Protection Measures 2013.
- 1.4 The satisfaction of any of the above deferred commencement conditions may result in changes to the operational conditions in this consent. If so, then the Applicant must

lodge a modification application, seeking consent for those changes to be made to the development consent accordingly.

- 1.5 All of the requirements listed in the above conditions must be completed within 60 months of the date of this deferred commencement consent. Should these matters not be completed to Council's satisfaction within this time period, this consent will lapse.

## **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 Separate development consent may be required from Council prior to the use of each individual unit/the approved building(s). The applicant is advised to contact Council's Development Services Unit in this regard.
- 2.2.2 The applicant is advised that Council will not release the Subdivision Certificate for the approved development until such time as the development has been completed in accordance with all of the conditions of consent, to Council's satisfaction.
- 2.2.3 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

### **2.3 Other Approvals**

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

### **2.4 Services**

- 2.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) A 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](http://www.sydneywater.com.au), then follow the “Developing Your Land” link or call 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](http://www.1100.com.au) or call 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual’s responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 2.4.3 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra’s assets in any way, you are required to contact: Telstra’s Network Integrity Team on 1800 810 443.
- 2.4.4 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- 2.4.5 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

## 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.
- 2.6.2 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 in accordance with Council's Contamination Lands Policy.

## 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 Subdivision Works Certificate as nominated in the 'Prior Subdivision Works Certificate please:

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

## 2.9 Other Matters

- 2.9.1 This plan of subdivision is not to be released until Public Road access is provided.

## 2.10 Road Damage

- 2.10.1 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 The development shall be in accordance with the following drawings/details submitted to Council with the development application except where amended by other conditions of this consent or approved separately in the deferred commencement part of this consent.:

Drawing No.	Drawing Title	Prepared by:	Dated:
A100 Revision 2	Cover Page	Dreamscapes Architects	21/2019
A101 Revision 3	Site Analysis Plan	Dreamscapes Architects	07/03/2018
A102 Revision 4	Subdivision Layout	Dreamscapes Architects	08/12/2020
A103 Revision 5	Site Plan	Dreamscapes Architects	07/06/2021

A104 Revision 4	Indicative Stage Plan	Dreamscapes Architects	08/12/2020
A105 Revision 4	Demolition & Deep Soil Plan	Dreamscapes Architects	08/12/2020
DP Draft Issue C	Plan of Proposed Subdivision of Lot 81 In DP208203	Land Development Solutions	02/11/2021

### 3.2 **Services**

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

### 3.3 **Suburb Name**

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

Suburb: Rouse Hill

### 3.4 **Compliance with BASIX Certificate**

- 3.4.1 An amended BASIX Certificate shall be submitted. The plans and specifications must indicate compliance with the commitments listed in the amended BASIX Certificate.

### 3.5 **Engineering Matters**

#### 3.5.1 **Design and Works Specification**

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

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

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

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

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

- Path paving construction
- Final layer asphaltic concrete (AC) construction



- Maintenance of the construction works
- Removal of temporary infrastructure

These matters will be individually addressed within the consent

Note: A bond release inspection fee will apply.

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

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

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

### 3.5.2 **Other Necessary Approvals**

3.5.2.1 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)

### 3.5.3 **Subdivision**

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

### 3.5.4 **Imported Fill Material**

3.5.4.1 The only fill material that may be received at the development site is virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*),

### 3.5.5 **Other Matters**

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

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

### 3.5.6 **Drainage conditions**

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

3.5.6.2 Each year the registered proprietor/lessee is to provide to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) a report outlining all non-potable water used

annually and the percentage of non-potable reuse. For Lot 1 the design reuse supplied is 0.28 ML/yr at 94%. For Lot 2 the design reuse supplied is 0.21 ML/yr at 77%.

- 3.5.6.3 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site for the duration of the development:

*Required percentage reductions in post development average annual load of pollutants*

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

- 3.5.6.4 The developer is to maintain the temporary detention systems in Lots 1 & 2 and in the temporary access road and those are not to be removed, nor the positive covenants lifted, until the downstream regional Council detention and water quality basins are completed and the trunk and local drainage connections are constructed to enable the site flows to reach the basin.

### 3.6 **NSW Rural Fire Services**

- 3.6.1 The applicant must comply with the following conditions stated in the Bush Fire Safety Authority (ref D17/3711 DA17101909827 MA) issued by the NSW Rural Fire Services dated 25 July 2018 under Section 100B of the Rural Fires Act 1997 in the following terms:

### 3.7 **Asset Protection Zones**

- 3.7.1 The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:
- (a) At the issue of a subdivision certificate, and in perpetuity, the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

### 3.8 **Water and Utilities**

- 3.8.1 The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:
- (a) Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

### 3.9 **Access**

- 3.9.1 The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:
- (a) Public road access shall comply with section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.

### **3.10 Design and Construction**

3.10.1 The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following condition shall apply:

- (a) New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush-fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

### **3.11 Landscaping**

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

## **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 Footpath/Road Condition Assessment Fee**

4.2.1 A footpath/road condition assessment fee is to be paid prior to the issue of any Construction Certificate. The applicable fee will be charged in accordance with Council's Goods and Services Pricing Schedule.

Council will undertake an initial inspection of civil assets outside the development site. The applicant will be held liable for any damage arising from construction activities. Council will undertake reinstatement works and recover the costs from the applicant, which will be charged in accordance with Council's current Goods and Services Pricing Schedule in effect at the time of the work.

4.2.2 The payment of the Vehicular Crossing Application and Inspection Fee to Council's Maintenance Section under Sections 608 and 609 of the Local Government Act 1993. The fee is subject to periodic review and may vary at actual time of payment.

### **4.3 Development Control Plan**

4.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Growth Centres Development Control Plan 2018.

## **5 Prior To Construction Certificate (Recreation Planning Design)**

### **5.1 Recreation Planning and Design Requirements for Temporary Access Road**

5.1.1 The Applicant shall provide 1.8m wire mesh fencing at the perimeter of the RE1 Public Recreation zoned land to protect the RE1 land from illegal dumping and trespassing.

5.1.2 The Applicant must provide a \$200,000 bond to Council to ensure all works are performed according to Council's requirements, relevant standards and conditions.

- 5.1.3 The Applicant must reinstate the RE1 Public Recreation zoned land at the conclusion of temporary access road, including demolishing/removing the temporary access road, measures to make good the existing vegetation, re-lay turf, remove all road signs associated with the temporary access road and ensure the RE1 Public Recreation zoned land is free of contamination and rubbish.
- 5.1.4 The temporary access road is to be constructed in accordance with Council's engineering requirements and is required to provide construction and vehicular access to the benefit of 95 Cudgegong Road, Rouse Hill.
- 5.1.5 Council will accept only one temporary access road to service access from Cudgegong Road to 95 and 105 Cudgegong Road. Should construction commence for the temporary access road to 105 Cudgegong Road, a temporary access road to 95 Cudgegong Road is not permitted to be constructed and all construction and vehicular access to 95 Cudgegong Road is to be undertaken through the temporary access road at 105 Cudgegong Road.
- 5.1.6 The Applicant shall provide notification on 30 June annually to Council's Recreation Planning and Design's Landscape Architect, advising of the status of the temporary access road, the status of the development works, and the anticipated date of when the use of the temporary access road will conclude.
- 5.1.7 More trees shall be planted in the RE1 zone land to compensate for the loss of the trees proposed for removal. A revised landscape plan is to be submitted to our Open Space Infrastructure and Recreation Planning Design for their review and approval.

## 5.2 **Open Space requirements**

- 5.2.1 A revised landscape plan is to be submitted for review and approval prior to the issue of a Construction Certificate. The revised landscape plan is to include site preparation and planting details that includes street trees and the species to be planted in the RE1 zoned land should be from the Cumberland Plains Woodland species list. A vegetation maintenance manual is to be provided for the vegetation in the RE1 zoned land and this should cover the maintenance for 3 years and include the frequency and methods of maintenance.
- 5.2.2 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), by 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 at the end of street tree bond maintenance period for an inspection.
- 5.2.3 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 Council 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.

## 5.2.4 **Street tree planting**

The applicant must submit a Street Tree Plan detailing the proposed street tree planting and maintenance for the approved subdivision. The Street Tree Plan is to reflect the species palette in our Street Tree Guidelines and must include:

- cross-sections showing dimensions of tree pits
- species
- details of root protection barriers
- soil specifications
- location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities
- street tree maintenance

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

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

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

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

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

## **6 Prior To Construction Certificate (Planning)**

### **6.1 Approved Plans**

- 6.1.1 The Construction Certificate for these Residential Flat Buildings must only be based on the Council approved architectural plans signed off in the deferred commencement part of this consent by Council.

### **6.2 Landscape plans**

- 6.2.1 The ground level communal open space area is to include a BBQ area including furniture for all the residents' use.

### **6.3 Adaptable and Liveable Housing**

- 6.3.1 At least 10% of units must be adaptable and at least 20% of units must meet the Liveable Housing Guidelines silver level universal design features to meet Australian Standards. All adaptable units are to be provided with an accessible parking space in the building basement carpark.

### **6.4 Access Report and Certification**

- 6.4.1 Prior to issue of a construction certificate, an Access Report is to be submitted to Council from an accredited Access Consultant certifying:
- that the accessible parking spaces meet Australian Standards.
  - that the adaptable dwellings are designed in accordance with AS 4299-19595 and are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).
  - that the universal accessibility of the site is in accordance with the Building Code of Australia.

### **6.5 Safety**

- 6.5.1 Prior to the issue of a Construction Certificate, a Crime Prevention Through Environmental Design (CPTED) report from an accredited consultant must be submitted for the final design of the proposal (in response to the conditions of consent) and the development is to comply with its recommendations.

## 6.6 Landscaping

- 6.6.1 All deep soil areas are to be vegetated with appropriate large trees. Vegetation planted on the site must be species selected from the Prescribed Trees and Preferred Species list at Appendix D of Blacktown City Council Growth Centres Precincts Development Control Plan 2010.

## 6.7 BASIX Certificate

- 6.7.1 An amended BASIX Certificate shall be submitted. The plans and specifications must indicate compliance with the commitments listed in the amended BASIX Certificate.

## 6.8 Section 7.11 Contributions under Section 7.17 Directions

The following monetary contributions under *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at 10 November 2021. 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 a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

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

### Stage 1

Contribution Item	Amount	Relevant C.P.
Stormwater Quantity		
First Ponds Creek Land	\$55,855.00	22
First Ponds Creek Works	\$45,867.00	22
Stormwater Quality		22
First Ponds Creek	\$10,540.00	22
Stormwater Quantity		
Second Ponds Creek Land	\$70,215.00	22
Second Ponds Creek Works	\$10,127.00	22
Stormwater Quantity		
Second Ponds Creek	\$14,011.00	22
<b>Total</b>	<b>\$206,615.00</b>	

Developable Area: First Ponds Creek:0.2572 hectares

Developable Area – Seconds Ponds Creek:0.2020 hectares

### Stage 2

Contribution Item	Amount	Relevant C.P.
Stormwater Quantity		
First Ponds Creek Land	\$104,496.00	22
First Ponds Creek Works	\$85,564.00	22
Stormwater Quality		
First Ponds Creek	\$19,661.00	22
Traffic Management		
First Ponds Creek Land	\$101,337.00	22

First Ponds Creek Works	\$565,768.00	22
Open Space		
First Ponds Creek Land	\$2,111,262.00	22
First Ponds Creek Works	\$644,021.00	22
Community Facilities		
Rouse Hill Land	\$8,217.00	22
Combined Precinct Facilities		
Community Facilities Land	\$15,846.00	22
E2 Conservation Zone Land	\$38,148.00	22
E2 Conservation Zone Works	\$13,694.00	22
<b>Total</b>	<b>\$3,707,714.00</b>	

Developable Area – First Ponds Creek: 0.47980

Additional Population: 183.1 persons

### **Stage 3**

<b>Contribution Item</b>	<b>Amount</b>	<b>Relevant C.P.</b>
Stormwater Quantity		
First Ponds Creek Land	\$5,972.00	22
First Ponds Creek Works	\$4,904.00	22
Stormwater Quality		
First Ponds Creek	\$1,127.00	22
Stormwater Quantity		
Second Ponds Creek Land	\$146,930.00	22
Second Ponds Creek Works	\$21,191.00	22
Stormwater Quality		
Second Ponds Creek	\$29,318.00	22
Traffic Management		
First Ponds Creek Land	\$93,589.00	22
First Ponds Creek Works	\$522,509.00	22
Open Space		
First Ponds Creek Land	\$1,949,833.00	22
First Ponds Creek Works	\$594,779.00	22
Community Facilities		
Rouse Hill Land	\$7,588.00	22
Combined Precinct Facilities		
Community Facilities Land	\$14,635.00	22
E2 Conservation Zone Land	\$35,231.00	22
E2 Conservation Zone Works	\$12,647.00	22
<b>Total</b>	<b>\$3,440,253.00</b>	

Developable Area: First Ponds Creek: 0.0275 hectares

Developable Area – Seconds Ponds Creek: 0.4227 hectares

Additional Population: 169.1 persons

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

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Information Centre, or viewed/downloaded at

[www.blacktown.nsw.gov.au](http://www.blacktown.nsw.gov.au):

S7.11 CP No. 22 – Rouse Hill (Works and Land)

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.

## **6.9 Special Infrastructure Contributions**

- 6.9.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning, Industry and Environment before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

### **More information**

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

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx>

## **6.10 Building Materials and Finishes**

- 6.10.1. 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.
- 6.10.2 The external walls of the building are to be free of plumbing and fixtures, service conduits/wiring and other building services.
- 6.10.3 The reflectivity index of glass used in the external facades of the building is not to exceed 20 per cent, must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. "Anti-glare" glazing is to be used to minimise any glare affect.
- 6.10.4 All bathrooms, WC or laundry windows in the external walls and the building shall be fitted with translucent glazing.
- 6.10.5 All details are to be provided as part of the Construction Certificate.

## **6.11 Aesthetics**

- 6.11.1 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent and must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.
- 6.11.2 Any bathroom, w.c. or laundry window in the external walls of the buildings shall be fitted with translucent glazing.

## **6.12 Fencing**

- 6.12.1 All other fencing details and materials are to be as per the approved plans. All fencing is to be provided at full cost to the developer and is to be constructed on top of any masonry retaining walls. The selected fencing material / design must also minimise /



eliminate the potential for graffiti attacks.

**6.13 Access and Parking**

- 6.13.1 A minimum of 245 car parking spaces are required to be provided within the site, being 205 resident spaces and 40 visitor car parking spaces, and all are to be designed having minimum internal clear dimensions in accordance with the Growth Centres Precincts DCP 2010.
- 6.13.2 Adequate pedestrian and bicycle access from the site is required to be provided to the adjoining road network. Provision for 72 bicycle spaces is required to be provided within the site.
- 6.13.3 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) is to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.
- 6.13.4 All internal driveways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

**6.14 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the Apartment Design Guide**

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

**6.15 Floor to Ceiling Heights**

- 6.15.1 All residential habitable rooms are to have a minimum ceiling height of 2.7 m measured from finished floor level to finished ceiling level. Service bulkheads are not to intrude into habitable spaces.

**6.16 Services/Utilities**

- 6.16.1 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 removal of any power poles and any provision of street lighting, to the development and provision of any substation.
  - (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.

**6.17 Contamination**

- 6.17.1 A site contamination validation report is to be submitted from a qualified Geoscientist confirming the site is suitable for residential use to NEPM 2013 Guidelines.

## **7 Prior To Construction Certificate (Building)**

### **7.1 Building Code of Australia Compliance**

7.1.1 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).

### **7.2 Site Works and Drainage**

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

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

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

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

7.2.4 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining 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.

### **7.3 Fire Services**

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

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

#### 7.4 Internal Works

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

#### 7.5 BASIX Certificate Compliance

- 7.5.1 An amended BASIX Certificate shall be submitted. The plans and specifications must indicate compliance with the commitments listed in the amended BASIX Certificate.

### 8 Prior to Construction Certificate/subdivision works certificate (Engineering)

#### 8.1 General

- 8.1.1 All relevant conditions within the 'Prior to Subdivision Work Certificate' section of this consent shall be satisfied before any 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 roads and road drainage systems as well as any engineering infrastructure required to serve the road and road drainage system, including temporary onsite stormwater detention (OSD) and Water sensitive Urban Design (WSUD) located on privately owned land.

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

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

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

Prepared By	Project No.	Drawing No.	Revision	Dated
Martens & Associates Pty Ltd	P1705812	PS01-A000	Q	15/10/2021
		PS01-A050	G	14/10/2021
		PS01-B300	F	14/10/2021
		PS01-B301	B	20/03/2020
		PS01-B310	B	27/05/2019
		PS01-C100	G	14/10/2021
		PS01-C500	K	14/10/2021
		PS01-D100	L	15/10/2021

		PS01-D200	I	10/12/2020
		PS01-D210	I	10/12/2021
		PS01-D215	K	14/10/2021
		PS01-D220	A	14/12/2021
		PS01-D225	B	15/10/2021
		PS01-E100	J	15/10/2021
		PS01-E101	E	15/10/2021
		PS01-E102	E	15/10/2021
		PS01-E103	D	15/10/2021
		PS01-E104	C	15/10/2021
		PS01-E110	C	15/10/2021
		PS01-E111	C	15/10/2021
		PS01-E112	C	15/10/2021
		PS01-EZ00	A	10/12/2021
		PS01-E200	E	15/10/2021
		PS01-E201	E	15/10/2021
		PS01-E202	D	15/10/2021
		PS01-E203	E	15/10/2021
		PS01-E204	E	15/10/2021
		PS01-E205	B	15/10/2021
		PS01-E210	B	15/10/2021
		PS01-E310	C	15/10/2021
		PS01-E311	B	10/12/2020
		PS01-E312	C	10/12/2020
		PS01-E313	A	10/12/2020
		PS01-E314	A	10/12/2020
		PS01-E315	A	10/12/2020
		PS01-E600	G	14/10/2021
		PS01-E601	D	14/10/2021
		PS01-E602	C	15/10/2021
		PS01-E603	C	15/10/2021
		PS01-E700	G	14/10/2021
		PS01-E701	E	14/10/2021

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

- i. Temporary road design of (Road No.5) through RE1 zoned land in Lot 802 in DP 1241791 now proposed Lot 3 in this subdivision is to be amended to ensure the road configuration satisfies all requirements of section 5.10 of Council's Engineering Guide for Development. This is to include but be limited to lighting, pedestrian management and clear zone requirements as detailed within the relevant Austroads standards. Where existing trees are required to be removed to meet the relevant clear zone requirements this is permissible subject to written concurrence from Council's Manager Recreation Planning and Design. A certificate from an appropriately qualified Traffic Engineer is required to verify these requirements have been met.
- ii. Prior to construction of all roads, a road safety Audit must be submitted to support the road configuration. This shall include consideration of the temporary Road No.5.
- iii. Council acknowledges the applicant's proposal to construct Cudgegong Road. It is noted that the section of Cudgegong Road fronting the development forms part of future regional infrastructure to be constructed under S7.11 contributions. See Contribution Plan CP22W Rouse Hill Works, Item RM1 (Traffic and Transport Management Facilities). The applicant may enter into a Work In Kind Agreement (WIK) to construct works, this will be the subject of a

separate approval. The design of this section of road must comply with Council's design for item RM1.

- iv. A temporary turning head is to be included where Road No.2 ends at approximate chainage 60.00 in order to circulate traffic. The temporary turning head is to be in accordance with Blacktown City Council's Engineering Guide for Development.

## **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:

- Road and drainage construction
- Temporary on-site stormwater detention
- Temporary water quality treatment (Ocean Guards inlet pits) in Roads
- Earthworks
- 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 tanks
- Water quality treatment (on-lot permanent)

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 on adjoining land (outside the subject site boundaries)
- Inter-allotment drainage on adjoining land i.e. works in Lot 63 in DP 30186.
- Swale construction on adjoining land i.e. works in Lot 63 in DP 30186.

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 i.e. Cudgegong Road reserve
- Half width road construction, stormwater drainage and associated works along frontage of Cudgegong Road.

Note: Council acknowledge the applicant's proposal to construct Cudgegong Road. It is noted that the section of Cudgegong Road fronting the development forms part of future regional infrastructure to be constructed under S7.11 contributions. See Contribution Plan CP22W Rouse Hill Works, Item RM1 (Traffic and Transport Management Facilities). The applicant may enter into a Work In Kind Agreement (WIK) to construct works, this will be the subject of a separate approval. The design of this section of road must comply with Councils design for item RM1.

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 All street name poles, light poles and bus shelters shall be black powder coated in accordance with Blacktown City Council's Engineering Guide for Development. Ensure this is noted on the construction plans.
- 8.6.5 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.
- 8.7.3 Any approved design drawings must show a 5 m x 5 m splay for residential allotments at each street intersection.
- 8.7.4 Proposed new roads shall be designed and constructed as follows:

Name	Width(m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Road 1 (half road)	18m	185.00	3.5 - 5.5	5 x 10 <sup>5</sup>
Road 2 (half road)	18m	85.00	3.5 - 5.5	5 x 10 <sup>5</sup>
Road 3	18m	85.00	3.5 - 11 - 3.5	5 x 10 <sup>5</sup>
Road 4	18m	85.00	3.5 - 11 - 3.5	5 x 10 <sup>5</sup>

- 8.7.5 Proposed temporary roads shall be designed and constructed as follows:

Name	Width(m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Road 5 (temporary access)	11	105	1-7-3	5 x 10 <sup>4</sup>

Note: Temporary road design of (Road No.5) through RE1 zoned land in Lot 802 in DP 1241791 (now proposed Lot 3 in this subdivision) is to be amended to ensure the road configuration satisfies all requirements of section 5.10 of Council's Engineering Guide for Development. This is to include but be limited to lighting, pedestrian management and clear zone requirements as detailed within the relevant Austroads standards. Where existing trees are required to be removed to meet the relevant clear zone requirements this is permissible subject to written concurrence from Councils Manager

Recreation Planning and Design. A certificate from an appropriately qualified Traffic Engineer is required to verify these requirements have been met.

- 8.7.6 Council acknowledge the applicant's proposal to reconstruct the existing roads as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Cudgegong Road (half Road)	20m	Full length fronting lot	4.5 x 10 x 5.5	5 x 10 <sup>5</sup>

It is noted that the section of Cudgegong Road fronting the development forms part of future regional infrastructure to be constructed under S7.11 contributions. See Contribution Plan CP22W Rouse Hill Works, Item RM1 (Traffic and Transport Management Facilities). The applicant may enter into a Work In Kind Agreement (WIK) to construct works, this will be the subject of a separate approval. The design of this section of road must comply with Council's design for item RM1.

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

## 8.8 Drainage

- 8.8.1 Drainage from the site must be connected into Council's existing drainage system.
- 8.8.2 Provide inter-allotment drainage lines for lots that do not drain directly to a public road. The design shall include pipeline long-sections and identify location and levels of services.
- 8.8.3 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.

## 8.9 Signage and Line Marking

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

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

## 8.10 Special inter-allotment drainage requirements under the Local Government Act

- 8.10.1 The following items must be satisfied under the *Local Government Act 1993* prior to issuing of any Subdivision Work Certificate/Construction Certificate:
- (a) Evidence of the creation and registration of an appropriately wide easement in gross (to the benefit of Blacktown City Council) for stormwater drainage line, outlet and swale works.
  - (b) Construction of the inter-allotment drainage line and swale on adjoining Lot 63 in DP 30186 required to drain the development, and a satisfactory final inspection by Council.
  - (c) A Registered Surveyor must provide evidence that all pipes and associated structures lie wholly within any easement, and provide a Works-As-Executed plan

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

**8.11 Erosion and Sediment Control**

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

**8.12 Earthworks**

- 8.12.1 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 8.12.2 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.
- 8.12.3 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)

**8.13 Temporary On-Site Detention (Built Form Stage – Conversion of Basins to Tanks as part of Phase 2 and 3))**

- 8.13.1 On-site 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
- 8.13.2 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.
- 8.13.3 The following documents shall be submitted to accompany the on-site 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 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 detention summary details

**8.14 Stormwater Quality Control (Temporary Roads)**

- 8.14.1 Stormwater quality treatment system shall be designed in accordance with Council's Engineering Guide for Development and DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management.

**8.15 Stormwater Quality Control (Permanent on-lot)**



- 8.15.1 Stormwater quality treatment system shall be designed in accordance with Council's Engineering Guide for Development and DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management.
- 8.16 **Temporary On-Site Detention Basins (Subdivision Stage – Prior to Built Form of Residential Flat Buildings - Phase 1)**
- 8.16.1 A temporary on-site detention system in accordance with Council's Engineering Guide for Development. This design shall limit the post-developed flows in accordance with the parameters set out in Council's WSUD Standard Drawings A(BS)175M OSD Requirements - Sheet 20.
- 8.16.2 Submit the following certificates which are to be prepared by a registered engineer (NER):
- Certification that the structures associated with the temporary on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
  - Certification that the temporary on-site detention system will perform to meet the temporary on-site detention requirements.
- 8.16.3 The following documents shall be submitted to accompany the temporary on-site detention design:
- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
  - S3QM Certificate OSD detailed design submission and calculation summary sheet
  - A maintenance schedule that is signed and dated by the designer
- 8.17 **Vehicular Crossings**
- 8.17.1 Plans to demonstrate the construction a commercial and industrial vehicular crossing to Council's standard A(BS)103S.
- 8.18 **Footpaths**
- 8.18.1 Path paving s 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.
- 8.18.2 Construct shared user paths (including signage and linemarking) in accordance with Part 6A (Paths for Walking and Cycling) 2017 of Austroads "Guide to Road Design" and the RMS NSW Bicycle Guidelines – July 2005.
- 8.19 **Drainage conditions**
- 8.19.1 Amended drainage plans from Martens are to be provided to meet the requirements under Council's DCP Part J 2015 and Council's Engineering Guide for Development 2005 to the satisfaction of Council's Manager Asset Design. The amended plans must address the following;
- i. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into temporary detention tanks and Stormfilter chambers in accordance with Council's Engineering Guide for Development 2005.

- ii. 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.
  - iii. Fully detailed hydraulic plans are required from either Martins or the hydraulic consultant to show the roof water drainage from the non-trafficable roof area to the rainwater tanks in Lots 1 & 2. Show a minimum roof area of 2080 m<sup>2</sup> to rainwater tank 1 (55 m<sup>3</sup>) and a minimum roof area of 1300 m<sup>2</sup> to rainwater tank 1 (20 m<sup>3</sup>).
  - iv. Provide a Stormwater Management Report detailing all documentation that identifies the correct locations, types, models, and model numbers of assets that form the WSUD systems installed on the property (Lot 1 & Lot 2). *The WSUD systems are the On-Site Detention, Rainwater Tanks, Stormfilter Systems and OceanGuards.*
- 8.19.2 An engineer registered with NER is to certify that the maximum depth of flows in the roadway in the critical 1% AEP storm event is less than 200 mm.
- 8.19.3 Provide details for permanent interpretive signage minimum A1 size to be installed for Lots 1 and 2 for Phase 2 and 3 to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices and rainwater tanks and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail are to be approved by Council.
- 8.19.4 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.
- 8.19.5 An experienced chartered hydraulic engineer or irrigation specialist is to prepare and certify a detailed Landscape Watering Plan for non-potable water uses (landscape watering) separately for Lot 1 and Lot 2 and that all Sydney Water requirements have been satisfied. The plan is to show the non-potable pipe and tank arrangement including:
- i. a first flush or pre-treatment system to the rainwater tank;
  - ii. a pump with isolation valves and a warning light to indicate pump failure;
  - iii. a mains water direct tank top up with air gap for landscape watering,
  - iv. flow meters on the mains water tank top-up line and the pump outflow line, to determine actual non-potable usage;
  - v. a timer and control box for landscape watering;
  - vi. how the system is designed to automatically achieve a minimum average usage rate at 0.4 kL/yr/m<sup>2</sup> to achieve a minimum annual usage of 284 kL/yr for Lot 1 and 272 kL/yr for Lot 2. Spray irrigation of turf is permitted.
  - vii. Design the system to increase the frequency of watering by a minimum 50% above average for the hotter months and reducing by 50% below average for the cooler months.
  - viii. ensuring all the non-potable reuse pipes and taps are coloured purple;

- ix. an inline filter and preferably an inline automatic backwash filter sized to protect the elements of the irrigation system such as drip irrigation.
- x. Provide non-potable water taps to each private courtyard at ground level.
- xi. fitting warning signs to all external taps using non-potable water.

## 8.20 **Tree preservation**

8.20.1 A Tree Retention Plan shall be included with any Construction Certificate indicating:

- a. the trees to be retained
- b. all areas to be left undisturbed and to be cordoned off from construction works.

These trees/areas are to be identified and marked by an Arboricultural impact Assessment Report and the applicant before the start of any earthworks, but after the road centrelines have been pegged and/or permanently marked.

All trees to be retained on site are to be protected in line with Australian Standard 4970 - Protection of Trees on Development Sites.

Any tree not approved for removal or more than 3m from the building perimeter is to be effectively protected against damage.

Details must be provided to show how the developer can decommission any median feature and road verge landscaping and reinstate landscaping suitable to Blacktown City at handover.

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

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

## 9 **Prior to Construction Certificate (waste)**

- 9.1 The removal of asbestos from the site and its transportation to its final destination is to be undertaken in accordance with the NSW Environment Protection Authority's WasteLocate online system for tracking asbestos waste. Upon completion of the transportation, the WasteLocate consignment number is to be submitted to Council. For more information, please refer to the following link:  
<https://www.epa.nsw.gov.au/your-environment/waste/transporting-asbestos-waste-tyres>.
- 9.2 The applicant must ensure that roads and driveways etc are rated suitable for 24 tonne trucks.
- 9.3 The applicant must ensure the approved bin collection points for all bins for the whole site are shown on the stamp approved plans to Council's satisfaction with each bin indicated.
- 9.4 Access for collection vehicles must be designed in accordance with the dimensions indicated on the approved architectural plans, CAD files and vertical clearances (as per Australian Standards), showing adequate truck entry and exit and in all manoeuvring areas to Council's satisfaction. As per another consent condition for site, truck access on the ramp needs further review.
- 9.5 The applicant must demonstrate to Council's satisfaction, that the proposed construction plans (with particular respect to the services and piping infrastructure

secured to the basement ceilings), do not encroach the required 4.5m headroom allowance for truck access as per Australian Standards 2890.2. This 4.5m headroom allowance must be achievable clear of all eaves, overhangs, balconies, services (including sprinklers, pipes etc), and at the roller door entry point. Failure to comply may impact the ability for waste collection vehicles to safely access the development to service its waste and recycling bins.

- 9.6 The applicant must provide to Council's satisfaction, the sections for the vertical clearance and headroom checks for the trucks as requested by our external consultant. These were never provided and be the DWG files.
- 9.7 The applicant must clarify to Council's satisfaction, how the concerns raised by our external engineering consultant regarding disruption to oncoming traffic flow as the truck is using the full width of the ramps on entry and exit from Road 1, will be rectified.

## 10 Prior to Construction Certificate (Environmental Health)

- 10.1 Recommendations outlined in *Acoustic Report, prepared by Acoustic, Vibration and Noise Pty Ltd, report no. 2019-015, dated 11 February 2019* must be carried out.
- 10.2 A qualified acoustic engineer must certify that the buildings have been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

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

- 10.3 A certificate must be provided by a qualified acoustic engineer stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:
- does not exceed an  $L_{Aeq}$  sound pressure level of 5dB (A) above the ambient background noise level when measured
    - at the most effected point on or within any residential property boundary or
    - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
  - 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.

- 10.4 A Construction Environment 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.

- 10.5 All areas contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with;
- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (2020)
  - NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995).
  - NSW Environmental Protection Authority's Contaminated Sites: Guidelines for NSW Site Auditor Scheme 3<sup>rd</sup> edition (2017)
  - National Environment Protection Council (NEPC) 1999 *National Environment Protection (Assessment of Site Contamination Measure)* as amended 2013
  - NSW Environment Protection Authority's *Waste Classification Guidelines, Part 1: Classifying Waste* (2014)
- 10.6 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.

## **11 Prior To Development Works Commencing(building)**

### **11.1 Safety/Health/Amenity**

- 11.1.1 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.

- 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 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.

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.

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) 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.

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

11.1.5 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.

11.1.6 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.

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

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

11.2 **Notification to Council**

11.2.1 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.

11.3 **Home Building Act**

11.3.1 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.

#### **11.4 Sydney Water Authorisation**

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

OR

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

#### **11.5 Open Space requirements**

- 11.5.1 An updated Arboricultural Impact Assessment report, with a site specific tree management plan, must be submitted for review and approval by the tree management section prior to works commencing.

#### **11.6 Tree protection**

- 11.6.1 Any tree not approved for removal or more than 3m from the building perimeter is to be effectively protected against damage.

### **12 During Construction (General)**

#### **12.1 Street Trees – Bonds, Services and Charges**

##### **12.1.1 Street tree planting**

- 12.1.1.1 Street trees are to be installed with a council approved root control device, approval for the root control device can be provided by Project Officer Open Space Infrastructure.

- 12.1.1.2 The applicant is to undertake street tree planting and maintenance along the frontage of the development site to improve the amenity of the streetscape must be approved before a Subdivision Certificate is issued.

- 12.1.1.3 Trees are to be planted at a minimum spacing of approximately 8 metres, taking into account vehicle sightlines and street light spill.

- 12.1.1.4 Trees must be of a minimum container size of 100 litres with root directors installed to manufacturer's specifications.
- 12.1.1.5 The applicant must obtain clearances from relevant service authorities.
- 12.1.1.6 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), by 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 at the end of street tree bond maintenance period for an inspection.
- 12.1.1.7 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 Council 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
- 12.1.1.8 The applicant is to install a timber edging min. 200mm x 50mm along property boundary within 800mm wide garden bed, a finished surface level is same as the adjoining RE1 land.
- 12.1.1.9 The ongoing maintenance of the screening plantings will be incorporated into the body corporate maintenance. Should access to this be required through the RE1 land then they will need to liaise with the Open Space Maintenance section for any access.

## **12.2 Services**

- 12.2.1 Basement car park vents must not to be visually prominent. All services, including substations, pump rooms, mechanical equipment, garbage storage rooms and other service rooms must be concealed within service areas located in the basement car parks or out of view from units, communal open space and the public domain.
- 12.2.2 External walls are to be free of plumbing & fixtures, wall mounted air conditioning, and service conduits / wiring. Air conditioning units must be located in basements, or fully integrated into the building design.

## **12.3 Building Materials and Finishes**

- 12.3.1 The development is to be constructed in accordance with the approved materials, finishes and colours.

## **12.4 Aesthetic**

- 12.4.1 The development is to be constructed in accordance with the approved external colour schedules and colour schemes.

# **13 During Construction (Building)**

## **13.1 Safety/Health/Amenity**

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



- 13.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment 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.
- 13.1.3 Should the development work:
- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) involves the enclosure of a public place,
- the required hoarding, awning or protective barrier shall be maintained between the land and the public place.
- The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.
- 13.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 13.1.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 13.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 13.1.7 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
  - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 13.1.8 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.
- 13.2 **Building Code of Australia Compliance**
- 13.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

### 13.3 **Surveys**

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

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

### 13.4 **Nuisance Control**

13.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

13.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am 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.

### 13.5 **Stormwater Drainage**

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

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

### 13.6 **Waste Control**

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

### 13.7 **Construction Inspections**

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

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

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

## **14 During Construction (Engineering)**

### **14.1 Notification of Works**

- 14.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum 5 business days prior to commencement of engineering works.
- 14.1.2 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.

### **14.2 Insurances**

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

### **14.3 Service Authority Approvals**

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

### **14.4 Boundary Levels**

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

### **14.5 Tree Protection and Preservation**

- 14.5.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 14.5.2 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.

- 14.5.3 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.

**14.6 Soil Erosion and Sediment Control Measures**

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

**14.7 Filling of Land and Compaction Requirements**

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

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

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

- 14.7.2 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.

- 14.7.3 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.
- 14.7.4 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 wind blown dust.
- 14.7.5 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.
- 14.7.6 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.
- 14.7.7 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.
- 14.8 **Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**
- 14.8.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved Subdivision Work certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under *Part 4A of the Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).
- Where Council is appointed as the Principal Certifying Authority for the development, compliance certificates issued by accredited certifiers in lieu of council inspections will only be accepted by prior agreement or by Council request. All compliance certificate(s) must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Subdivision Work Certificate.
- 14.9 **Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993**
- 14.9.1 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 24 hours' notice. Councils Development Overseers may be contacted on 02 9839 6586 between 6 am – 7 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).
- 14.10 **Public Safety**
- 14.10.1 The applicant is advised that all works undertaken are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe

any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

**14.11 Site Security**

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

**14.12 Traffic Control**

- 14.12.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2009.
- 14.12.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current Roads and Maritime Services (RMS) accreditation and photo card to implement Traffic Control Plans.
- 14.12.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Roads and Maritime Services (RMS) Traffic Controller accreditation and photo card and carry it with them.
- 14.12.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified 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.
- 14.12.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a person who holds a current 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.

**14.13 Powder Coated Furniture**

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

**14.14 Road Line Marking and Traffic Signage**

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

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

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

#### **11.15 Drainage conditions**

- 14.15.1 Prior to construction commencing, where Road 5 will be constructed over the RE1 land within 105 Cudgegong Road, provide a minimum 7 m wide right-of-way in gross (free of charge) over this future access road - Road 5 and the extension of Road 4 to the boundary with Lot 79 DP 208203 (95 Cudgegong Road) to provide legal access. The right-of-way in gross must be registered with NSW Land Registry Services prior to construction commencing on any roadway.
- 14.15.2 The 200 micron OceanGuards installed in pits in Lot 1, Lot 2 and where Road 5 is constructed in Lot 3 supplied by Ocean Protect are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.
- 14.15.3 The 690 Stormfilter cartridges in the two Stormfilter tanks in Lot 1 and the two Stormfilter Chambers in Lot 2 supplied by Ocean Protect are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.
- 14.15.4 Where Road 5 is constructed, the four 690 Stormfilter cartridges for the temporary road Stormfilter chamber in Lot 3 supplied by Ocean Protect are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.
- 14.15.4 The 200 micron OceanGuards in the street pits are not to be reduced in size nor replaced with an alternate manufacturer's product.

### **15 During Construction (Waste)**

- 15.1 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.
- 15.2 The applicant must provide to Council's satisfaction, evidence of tipping dockets for all demolition and construction waste generated onsite.
- 15.3 The applicant must ensure all litter is managed onsite by ensuring waste receptacles are covered when not in use.

### **16 During Construction (Environmental Health)**

- 16.1 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 (NSW) 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014)
- 16.2 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.

- 16.3 Recommendations provided in *Acoustic Report, prepared by Acoustic, Vibration and Noise Pty Ltd, report no. 2019-015, dated 11 February 2019* must be carried out.
- Recommendations outlined in *Stage 2 Detailed Site Investigation, prepared by Alliance Geotechnical Pty Ltd, report no. 2718-ER-1-2, dated 19 December 2016* must be carried out.
- 16.4 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, an Unexpected Finds Protocol (UFP) is to be submitted to Council for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.

## **17 During Construction (NSW POLICE)**

- 17.1 A security guard shall be on site outside business hours including public holidays and weekends, from the day construction commences until completion.
- 17.2 Suitable traffic control and safety messages shall be incorporated throughout the construction process to increase safety to motorists and minimise risk.
- 17.3 During construction stage all tools and building materials must be stored in strong rooms with tamper proof security systems.
- 17.4 Lighting should be installed and operated on the grounds during construction.
- 17.5 **Territorial Re-enforcement**
- A perimeter fence shall be erected around the property.
  - Fences must be fitted with locks and maintained in good condition.
  - Ambulance, Fire Brigade and Police must be able to access the site in an emergency.
- 17.6 **Surveillance:**
- The application incorporates casual surveillance within the construction plan with a focus on avoiding any potential hidden areas within the car park and building surrounds. The building's entrances must be visible from the surrounding roads and not be obstructed by landscaping.
  - All planting of landscaping to be regularly maintained to a height that allows clear sight lines and to prevent concealment points within the car park and building surrounds.

## **18 Prior To Occupation Certificate (Planning)**

- 18.1 **Compliance with Conditions**
- 18.1.1 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.



- 18.1.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Sections 6.9 and 6.10 of the Environmental Planning & Assessment Act 1979.

## 18.2 **Service Authorities**

- 18.2.1 A final written clearance shall be obtained from Sydney Water Corporation, Energy provider and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc.) has not previously been issued.
- 18.2.2 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of any Occupation Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or call 13 20 92 for assistance. Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.
  - (b) A "Notification of Arrangement" Certificate from energy provider, or any other recognised energy provider, stating that arrangements have been made with the servicing authority for electrical services, including the provision of street lighting, to the development.
  - (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

## 18.3 **Temporary Facilities Removal**

- 18.3.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 18.3.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 18.3.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 18.3.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 18.3.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate

approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

#### **18.4 Landscaping/Car Parking**

- 18.4.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 18.4.2 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 18.4.3 All landscaping, recreation features and furniture, bbq facilities, children's play equipment and clothes drying facilities shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.
- 18.4.4 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.
- 18.4.5 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.
- 18.4.6 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.
- 18.4.7 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 18.4.8 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.
- 18.4.9 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 18.4.10 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 18.4.11 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

#### **18.5 Total Maintenance Plan**

- 18.5.1 A "total" maintenance plan is to be prepared for the site. The plan is to ensure the following:
  - (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, landscaping, the communal open space areas, gymnasium, security systems, mail boxes, lighting, loading areas and services are regularly inspected and maintained at optimum levels at all times.
  - (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially

increasing the opportunity for graffiti or anti-social behaviour. Any unwanted “junk mail” is to be collected on a regular basis and disposed of as necessary.

- (c) The proposed development is always under the control of a fulltime Building Manager.

A copy of the plan is to be submitted to Council for separate approval prior to the release of any Occupation Certificate.

#### **18.6 Graffiti Management Plan**

- 18.6.1 A “Graffiti Management Plan” is to be submitted for the separate approval of Council. The Plan is to address the following issues:

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

#### **18.7 Mailboxes**

- 18.7.1 Mail boxes are to be located in lobbies, or within the front fence, perpendicular to the street.

#### **18.8 Acoustics**

- 18.8.1 The development is to comply with AS2107-2000 Acoustics.

#### **18.9 Landscaping**

- 18.9.1 A landscape architect must certify that the landscaping, including medium/large trees have been provided around the perimeter of the site in accordance with the landscape plan and consent conditions.

#### **18.10 Children’s Play Area**

- 18.10.1 Childproof fencing with secure gates must be provided around all children’s play areas.

#### **18.11 TV antenna**

- 18.11.1 A master TV antenna shall be installed on the roof.

#### **18.12 Fencing**

- 18.12.1 Decorative front fences (including any masonry retaining wall above the natural ground level) shall be of a maximum 1 metre in height from the finished ground level.
- 18.12.2 Any proposed fence/side boundary fence/landscape element on either side next to the proposed driveways must not exceed 900mm in height for a length of 2.5 metres from the property boundary within the property and 2 metres along the property boundary (see Figure 3.3 AS2890.1) to ensure safety of pedestrians on footpath.
- 18.12.3 Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti. All fencing which is visible from the public domain is not permitted to be continuous, closed board, or the like.

## **19 Prior To Occupation Certificate (Building)**

### **19.1 Compliance with Conditions**

- 19.1.1 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.
- 19.1.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.9 and 6.10 of the Environmental Planning & Assessment Act 1979.

### **19.3 Fire Safety Certificate**

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

### **19.4 Fee Payment**

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

## **20 PRIOR TO OCCUPATION CERTIFICATE (ENGINEERING)**

### **20.1 Road Damage**

- 20.1.1 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.

### **20.2 Fee Payment**

- 20.2.1 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.

### **20.3 Engineering Matters**

#### **20.3.1 Surveys/Certificates/Works As Executed plans**

- 20.3.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Subdivision Work Certificate plans for engineering works.
- 20.3.1.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with Council Standard Drawings A(BS)175M.
- 20.3.1.3 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.

- 20.3.1.4 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.
- 20.3.1.5 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.
- 20.3.1.6 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 20.3.1.7 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 Council's website.
- 20.3.1.8 The applicant is to submit the certified line marking and traffic signage plan as required by this consent. This will require evidence to demonstrate that approvals have been obtained from the Local Traffic Committee and adoption by Council Ordinary Meeting. A final inspection report is to be included noting that all line marking and traffic signage works are complete.
- 20.3.1.9 This development requires separate approvals under the Roads Act 1993 and / or Local Government Act 1993. Prior to the issue of an Occupation Certificate, the applicant must obtain written confirmation from Council that these works have been completed to its satisfaction.
- 20.3.1.10 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.
- When Council has been nominated or defaulted as the nominee for engineering compliance. Final inspections can be arranged through Council's Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.
- 20.3.2 **Easements/Restrictions/Positive Covenants**
- 20.3.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or

restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:

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

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

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

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

20.3.2.5 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Council's Engineering Guide for Development (current issue).

20.3.2.6 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.

#### 20.3.3 **Bonds/Securities/Payments in Lieu of Works**

20.3.3.1 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.

20.3.3.2 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.

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

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

#### 20.3.4 **Inspections**

20.3.4.1 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.

#### **20.3.5 CCTV Inspection of Stormwater Drainage Structures**

20.3.5.1 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.

#### **20.3.6 Drainage conditions**

##### **20.3.6.1 SURVEYS/CERTIFICATES/WORKS AS EXECUTED PLANS**

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

- i. all the requirements of the approved drainage plan have been undertaken;
- ii. all the signage and warning notices have been installed;
- iii. the minimum detention storage of 255 m<sup>3</sup> has been provided below the 1.5 year weir and a total of 387 m<sup>3</sup> has been provided below the 100 year emergency overflow weir for Lot 1 OSD tank;
- iv. the minimum detention storage of 167 m<sup>3</sup> has been provided below the 1.5 year and a total of 254 m<sup>3</sup> has been provided below the 100 year emergency overflow weir for Lot 2 OSD tank,
- v. the minimum detention storage of 37 m<sup>3</sup> has been provided below the 1.5 year and a total of 55 m<sup>3</sup> has been provided below the 100 year emergency overflow weir for the OSD tank for Road 3 in Lot 1;
- vi. the orifice sizes of Lot 1, Lot 2 and the OSD tank for Road 3 in Lot 1 match the approved construction certificate plans;
- vii. a minimum 55 KL rainwater tank for Lot 1 has been provided collecting roof water from a minimum of 2080 m<sup>2</sup> of the roof area;
- viii. a minimum 20 KL rainwater tank for Lot 2 has been provided collecting roof water from a minimum of 1300 m<sup>2</sup> of the roof area;
- ix. the interpretative water quality signs have been correctly installed;
- x. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations;
- xi. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

20.3.6.1.2 Ocean Protect is to certify for the installation of the 200 micron OceanGuard and Stormfilters that for Lot 1 and Lot 2:

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

- ii. The '200 micron' OceanGuards have been installed in all the street pits;
- iii. The minimum numbers of 200 micron OceanGuards for Lot 1 and Lot 2 as per the approved plan;
- iv. the minimum numbers of 690mm high Stormfilter cartridges for the two Stormfilter tanks in Lot 1 and for the two Stormfilter tanks in Lot 2 have been installed as per the approved plan;
- v. all the Stormfilter tanks include a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables for the 690 mm cartridges;
- vi. the Stormfilter weir lengths for the four Stormfilter chambers for Lot 1 and Lot 2 match the approved plan;
- vii. metal mosquito proof screens have been provided over all grated accesses into the Stormfilter tanks;
- viii. energy dissipaters have been provided on the inlets to each of the Stormfilter chambers as per the approved plan and
- ix. a maintenance contract has been entered into for the maintenance of the Stormfilters.

20.3.6.1.3 An experienced irrigation specialist, is to certify for Lot 1 and Lot 2 that:

- i. All the non-potable landscape water uses are being supplied by rainwater;
- ii. All the requirements of the detailed Landscape Watering Plan have been installed to the required locations;
- iii. The flow meters have been installed on the pump outflow and the mains water supply to the rainwater tank to determine non-potable usage and actual percentage of reuse;
- iv. The initial flow meter readings are detailed in the certificate;
- v. For the 55 KL rainwater tank in Lot 1, the automatic timer has been set up for time and frequency to deliver 0.4 kL/m<sup>2</sup>/year on average for a minimum of 284 kL/yr and the system has been designed for twice the average rate in summer and half the rate in winter;
- vi. For the 20KL rainwater tank in Lot 2, the automatic timer has been set up for time and frequency to deliver 0.4 kL/m<sup>2</sup>/year on average for a minimum of 272 kL/yr and the system has been designed for twice the rate in summer and half the rate in winter;
- vii. The pumps, alarms and all other systems are working correctly;
- viii. Non-potable water taps have been provided to each private courtyard at ground level.
- ix. For each lot, the water from at least four garden taps, or sample points for the landscape watering system have been tested to show no chlorine residual;
- x. Rainwater warning signs are fitted to all external taps using rainwater;
- xi. A signed, works-as-executed Landscape Watering Plan is to be provided to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au)



#### **20.3.6.2 EASEMENTS/RESTRICTIONS/POSITIVE COVENANTS – Prior to Occupation**

- 20.3.6.2.1 Provide a 2.5 m wide and variable drainage easement-in-gross with a Restriction to User along the full length of the drainage line and OSD tank from Road 3 to Road 2 in accordance with the requirements of the Council's Engineering Guide for Development 2005. The Restriction to User and drainage easement must be registered with NSW Land Registry Services.
- 20.3.6.2.2 Prior to the issue of the Occupation certificate for Lot 1 and Lot 2, the applicant shall provide a Positive covenant and Restriction on the use of land over the WSUD systems installed on the property (Lot 1 & Lot 2). The Positive Covenant and Restriction on the use of land is to be accordance with Appendix F of Council's Engineering Guide for Development. The Positive covenant and Restriction on the use of land is to be endorsed by Council and lodged with New South Wales Land Registry Services. The applicant shall submit documentary evidence of the lodgement and execution of the Positive covenant and Restriction on the use of land to Council prior to the issue of the final Occupation certificate. *The WSUD systems are the On-Site Stormwater Detention, Rainwater tanks, Stormfilter Systems and OceanGuards.*

#### **20.3.6.3 OTHER MATTERS – Prior to Occupation**

- 20.3.6.3.1 Prior to the issue of the Occupation certificate for Lot 1 and Lot 2, the applicant shall submit to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) documentation that identifies the correct locations, types, models, and model numbers of assets that form the WSUD systems installed on the property (Lot 1 & Lot 2). The documentation is to include the final version of the Stormwater management report and certified and signed stormwater Works-as-executed plans. *The WSUD systems are the On-Site Stormwater Detention, Rainwater Tanks, Stormfilter Systems and OceanGuards.*
- 20.3.6.3.2 Prior to the issue of the Occupation certificate, the Applicant shall provide a Maintenance schedule for the WSUD systems installed on the property (Lot 1 & Lot 2). The Maintenance schedule is to be prepared in accordance with the Maintenance schedule template and WSUD inspection and maintenance guidelines available on Council's website. The Applicant shall submit the Maintenance schedule to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) for approval. *The WSUD systems are the On-Site Stormwater Detention, Rainwater Tanks, Stormfilter Systems and OceanGuards.*
- 20.1.6.3.3 Provide written evidence that the registered owner/lessee has entered into and prepaid a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Stormfilter and OceanGuards. The maintenance contract is to contain a requirement that all maintenance or replacement of the filter cartridges is undertaken by Ocean Protect and either the filter cartridges are replaced no later than three years after the date of installation, or a flow test is to be undertaken on the filter cartridges in accordance with Council's WSUD developer handbook. This maintenance contract cannot be cancelled. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details and evidence of payment of the whole contract to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au).
- 20.1.6.3.4 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.

## **21 Prior to Occupation Certificate (Waste)**

- 21.1 Should Council provide a waste service to this site, the elected strata manager must sign our 'Onsite Waste Collection Agreement Form' (attached) before collections can occur onsite. For Council to service this site, our collection schedules must be accommodated.
- 21.2 A Community Management Agreement/Strata Management Agreement is required and to Council's satisfaction which:
- i. indicates a requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan. This includes placement of bins out for collection and their return to the storage areas following servicing.
  - ii. indicates the responsibility for maintenance of the garbage collection system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times including providing access to the loading bay prior to bin servicing.
  - iii. indicates the method of communication to new tenants and residents regarding the waste management service and collection system for the complex.
  - iv. clearly outlines the requirement for the building manager to maintain and display consistent signs on all bins and in all communal bin storage areas.
  - v. clearly outlines the requirement for the building manager to arrange for the prompt removal of dumped rubbish from the site.
  - vi. includes the updated (and approved) waste management plan as lodged with the development application.
- 21.3 The applicant must demonstrate to Council's satisfaction that completed construction of the basement area achieves the required 4.5m headroom allowance (as per Australian Standards 2890.2) for the trucks entire travel path. This 4.5m headroom allowance must be achievable clear of all eaves, overhangs, balconies, services (including sprinklers, pipes etc), and at the roller door entry point. Failure to comply may impact the ability for waste collection vehicles to safely access the development to service its waste and recycling bins.

## **22 Prior to Occupation (Environmental Health)**

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

## **23 Prior to Occupation Certificate (NSW POLICE)**

### **23.1 Building Design**

- The orientation of the buildings must allow for easy natural surveillance between the street, neighbouring property and surrounding buildings.
- There must be adequate steps taken to ensure that person(s) cannot utilise the design of the building to climb from the outside.
- The entry / exit points to the building are secured and access granted with the

- use of a security swipe card or other electronic security system.
- Alcoves or recesses must be monitored by CCTV and lighting.
- Garage bays must be locked to restrict unauthorised access.
- There must be a 'Rapid Removal Policy' for graffiti.
- Graffiti resistant materials shall be used in the construction (masonry garden walls and fencing).
- A sound reducing physical barrier in the form of a sound proof wall or similar to reduce noise from the licensed venue.

## 23.2 **Car park**

- The CCTV shall be installed throughout both the above and underground car park and be to the standard recommended below.
- That the lighting is of a white light or similar that best reflects surfaces and supports CCTV recordings.
- The walls and ceilings are painted white or of a light coloured concrete to enhance light.
- The residential car parks facility area shall be restricted to non-residents by way of security gates.

## 23.3 **CCTV**

- Appropriate CCTV footage shall be installed in the car park as a crime prevention strategy and shall be of a quality that records at a minimum rate of 10 frames per second as a storage aspect ratio of 720 x 480 pixels being medium resolution.
- Any footage recorded shall have the correct time and date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- A copy of footage required by police shall be reproduced on compact disk, DVD, USB memory stick.
- Those recordings shall be retained for a period of 30 days before being reused or destroyed.
- Immediate access to the CCTV system and the ability to review recordings shall be granted to NSW Police Officers.
- Any footage shall be reproduced upon request by any member of the New South Wales Police force within a reasonable time, a reasonable time being within 12 hours after being requested.

## 23.4 **Lighting**

- A security lighting maintenance program shall be put in place to ensure all lights are kept in working condition.
- Security lighting must be installed and operating.
- Lighting must be sufficient to support images obtained from CCTV footage.
- Light switches for all lights must be located in a secure area within the premises.
- The power board must be enclosed in a cabinet room.
- Entry and exit points including stair wells, walkways, garbage bin holding points and letter boxes must be well illuminated.

## 23.5 **Landscaping**

- Vegetation must be kept and maintained at a suitable level to give clear sight lines and prevent concealment points.

## **24 Prior to Subdivision Certificate (engineering)**

### **24.1 Site Access**

- 24.1.1 All lots shall have access from a dedicated public road. In this regard, all proposed roads shall be dedicated as public road free of cost to Council.
- 24.1.2 Evidence of a temporary Right of Carriageway as an easement in gross (under schedule 4A Part 1) benefitting Blacktown City Council shall be provided over the entirety of the temporary access Road No.5 and all associated infrastructure.

### **24.2 Easements/Restrictions**

- 24.2.1 In the event that subdivision precedes construction of buildings on any of the lots, Council will require the lodgement of a Section 88B Instrument to ensure that development proceeds in accordance with this consent. The restriction should contain a provision that it may not be extinguished or altered except with the consent of the Council of the City of Blacktown.

### **24.3 Asset Management**

- 24.3.1 A fee is to be paid to Council for the ongoing maintenance of the black powder coated light poles, street name poles and bus shelters proposed in this subdivision. This amount is based on Council's Goods and Services Schedule (Current) and is to be paid prior to the release of the Subdivision Certificate. Any enquiries regarding this fee are to be directed to the Maintenance Section of the City Assets Directorate.
- 24.3.2 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.

### **24.4 Consent Compliance**

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

### **24.5 Fee Payment**

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

### **24.6 Engineering Matters**

#### **24.6.1 Surveys/Certificates/Works As Executed plans**

- 24.6.1.1 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, in a colour softcopy format (.PDF). 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).
- 24.6.1.2 The Work-as-Executed (WAE) must confirm that the On Site Detention system identification plate has been installed in accordance with Council's WSUD Standard Drawings A(BS)175M.
- 24.6.1.2 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to

meet the on-site stormwater detention requirements in accordance with the approved design plans.

- 24.6.1.3 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 24.6.1.4 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.
- 24.6.1.5 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.
- 24.6.1.6 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 Council's Civil Works Specification 8.1.4
    - Compliance Certificate and Test Results
    - Delivery Dockets
    - Summary of Material deliveries as per template available on Council's website.
- 24.6.1.7 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.
- 24.6.1.8 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.
- Where Council has been nominated or defaulted as the nominee for engineering compliance, final inspections can be arranged through Council's Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.
- 24.6.1.9 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.
- 24.6.1.10 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:

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

24.6.1.11 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).

#### 24.6.2 **Easements/Restrictions/Positive Covenants**

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

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

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

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

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

24.6.2.5 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Council's Engineering Guide for Development (current issue).

24.6.2.6 A restriction is to be imposed on the encroachment for Road no.2 temporary turning head into the future internal Lot 1, this is to include an easement in gross benefitting Blacktown City Council.

24.6.2.7 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.

#### 24.6.3 **Dedications**

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

#### 24.6.4 **Bonds/Securities/Payments in Lieu of Works**

24.6.4.1 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 Subdivision Work Certificate for the work.

24.6.4.2 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.

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

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

Note in this regard, outstanding works bonds will be required for;

- The future removal of the temporary Road No.5 and all associated works in land zoned RE1 on lot 802 in DP 1241791.
- Removal of all temporary stormwater quality devices within the road reserve.

#### 24.6.5 Inspections

24.6.5.1 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.

#### 24.6.7 Inspection of Work

24.6.7.1 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.

#### 24.6.8 Drainage conditions

##### 24.6.8.1 SURVEYS/CERTIFICATES/WORKS AS EXECUTED PLANS - Subdivision Certificate

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

- i. all the requirements of the approved subdivision drainage plan have been undertaken;
- ii. all the signage and warning notices have been installed.
- iii. for the temporary basin in Lot 1, the minimum detention storage of 297 m<sup>3</sup> has been provided below the 1.5 year weir and a total of 450 m<sup>3</sup> has been provided below the 100 year emergency overflow weir;

- iv. for the temporary basin in Lot 2, the minimum detention storage of 124 m<sup>3</sup> has been provided below the 1.5 year and a total of 188 m<sup>3</sup> has been provided below the 100 year emergency overflow weir;
  - v. for the temporary OSD tank in Road 5, the minimum detention storage of 34 m<sup>3</sup> has been provided below the 1.5 year and a total of 52 m<sup>3</sup> has been provided below the 100 year emergency overflow weir;
  - vi. the orifice sizes of the temporary OSD basins and temporary OSD tank match the approved construction certificate plans;
  - vii. the 200 micron OceanGuards have been installed in all the street pits as per the manufacturer's recommendations including the inlets pits in Road 5 (if constructed).
- 24.6.8.1.2 Where Road 5 is constructed, then Ocean Protect is to certify for the installation of the 200 micron OceanGuards and Stormfilters in Roads 1, 2, 3, 4 and 5 that:
- 24.6.8.1.3 They are installed in accordance with the Ocean Protect standard operational guidelines and production drawings;
- 24.6.8.1.4 The 200 micron OceanGuards have been installed in every street pit;
- 24.6.8.1.5 For Road 5 the Stormfilter tank includes a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 690 mm cartridges;
- 24.6.8.1.6 The Stormfilters in Road 5 have a minimum flow rate of 6.4 l/s at standard weir height;
- 24.6.8.1.7 Metal mosquito proof screens have been provided over all grated accesses into the Stormfilter tank; and
- 24.6.8.1.8 Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.
- 24.6.8.1.9 A maintenance contract has been entered into for the maintenance of the Stormfilter cartridges
- 24.6.8.2 EASEMENTS/RESTRICTIONS/POSITIVE COVENANTS - Subdivision Certificate**
- 24.6.8.2.1 Where Road 5 is constructed under this consent, provide a Restriction to User, right-of-way in gross and easement for services-in-gross over Road 5 and the drainage line under Road 5 in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User, right-of-way in gross and easement for services-in-gross must be registered with NSW Land Registry Services.
- 24.6.8.2.2 Where Road 5 is not constructed under this consent, provide a Restriction to User and a minimum 2.5 m wide and variable easement for services-in-gross over the drainage line from Road 4 through to Cudgegong Road in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and easement for services-in-gross must be registered with NSW Land Registry Services.
- 24.6.8.2.3 Prior to the issue of the Subdivision certificate, the applicant shall provide a Positive Covenant and Restriction on the use of land over the WSUD systems installed on the property. The Positive covenant and Restriction on the use of land is to be accordance with Appendix F of Council's Engineering Guide for Development. *The*



*WSUD systems are the On-Site Stormwater Detention and if Road 5 constructed, OceanGuards and Stormfilter Systems.*

### **24.6.8.3 OTHER MATTERS - Subdivision Certificate**

- 24.6.8.3.1 Prior to the issue of the Subdivision certificate, the applicant shall submit to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) documentation that identifies the correct locations, types, models, and model numbers of assets that form the WSUD systems installed on the property. The documentation is to include the final version of the Stormwater management report and certified and signed stormwater Works-as-executed plans. *The WSUD system is the On-Site Stormwater Detention.*
- 24.6.8.3.2 Prior to the issue of the Subdivision certificate, the Applicant shall provide a Maintenance schedule for the WSUD systems installed on the property. The Maintenance schedule is to be prepared in accordance with the Maintenance schedule template and WSUD inspection and maintenance guidelines available on Council's website. The Applicant shall submit the Maintenance schedule to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) for approval. *The WSUD systems are the On-Site Stormwater Detention, and if Road 5 constructed, OceanGuards and Stormfilter Systems.*
- 24.6.8.3.3 Written evidence is to be provided that the developer/owner has entered into and prepaid a minimum six (6) year signed and endorsed maintenance contract with Ocean Protect for the maintenance of the 200 micron OceanGuards after installation in Roads 1, 2, 3 and 4 and Road 5 (if constructed), in accordance with the following:
- i. an initial inspection of the site to verify the number of OceanGuards and that the OceanGuards are all correctly installed and not damaged.
  - ii. where OceanGuards are missing, not properly installed or damaged, include the cost of rectification.
  - iii. Provision for 4 cleans per year for the first 2 years;
  - iv. Provision for 3 cleans per year thereafter;
  - v. replacement of the 200 micron bags at 2 and 4 years;
  - vi. complete removal of the temporary OceanGuards and their associated frames from the street pits at the end of the 6 year period;
  - vii. the estimate shall include allowances for CPI and a 15% allowance for possible damage to the devices by third parties.
  - viii. Report annually on maintenance undertaken to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au).
  - ix. Forward a copy of the signed and endorsed contract and evidence of payment of the whole contract price to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au). This contract cannot be cancelled.

## **25 Operational (Planning)**

### **25.1 Use of Premises**

- 25.1.1 The development shall not be used for any purpose other than that granted consent by this Notice of Determination.

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

## **25.2 Access / Parking**

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

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

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

## **25.3 Landscaping**

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

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

25.3.3 The management of vegetation, gardens, communal areas, fences, lighting and other similar areas is to be incorporated within the future strata management plan once the development is occupied.

## **25.4 Storage**

25.4.1 No goods, materials, or trade waste shall be stored, displayed for sale or manufactured at any time outside the buildings on either the internal driveway / road, car parking areas, landscaping or footpaths, other than the approved garbage areas.

## **25.5 Lighting and Security**

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

25.5.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

25.5.3 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.

# **26 Operational (Waste)**

26.1 The Owners Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.

26.2 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.

26.3 Waste and recycling collections undertaken by private contractor are to be provided by the Owners Corporation.

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

- The registered proprietor of the Burdened Lot, or where the Burdened Lot includes a Strata Scheme, the Owners Corporation of the Burdened Lot:
    - Is responsible for providing all waste and recycling services for the residents of the building or Strata Scheme
    - Must ensure waste and recycling services, and bulky waste collections for the residents of the building or Strata Scheme are to be provided and undertaken by a private waste and recycling contractors (not Blacktown City Council);
    - Must not access Council's household clean up service or waste/recycling service
    - Indemnifies Council in respect of any claim regarding the non-provision by Blacktown City Council of waste services.
    - This positive public covenant cannot be released, varied or modified without the prior written consent of the Prescribed Authority.
- 26.5 The applicant 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.
- 26.6 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.
  - provision of bin movement aids such as bin tugs and trolleys if suggested for the site. Adequate storage for both the bin tug and trolley attachment must be shown on the architectural drawings.
  - 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.
- 26.7 The Community Management Statement, Strata Management Statement, the Total Maintenance Plan and/or Plan of Management (whichever is relevant to this site), must be provided to each tenant and/or owner occupier upon occupation of the site, and for every subsequent lease renewal and/or change in ownership of every lot in perpetuity.
- 26.8 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

## **27 Operational (Environmental Health)**

- 27.1 Recommendations outlined in *Stage 2 Detailed Site Investigation*, prepared by Alliance Geotechnical Pty Ltd, report no. 2718-ER-1-2, dated 19 December 2016 must be carried out.
- 27.2 Recommendations outlined in *Acoustic Report*, prepared by Acoustic, Vibration and Noise Pty Ltd, report no. 2019-015, dated 11 February 2019 must be carried out.
- 27.3 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environment Protection Authority's Noise Policy for Industry (2017) and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.
- 27.4 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.
- 27.5 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.
- 27.6 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.