

**Conditions of consent (draft)**

**Proposed development**      Demolition of existing buildings and structures, tree removal and the construction of a 2 storey building to accommodate students and athletes training at the proposed International Centre for Training Excellence Academy Type here

**Property description**      Lot 1 DP1145826, 81 Eastern Road, Rooty Hill

**1      Advisory Notes****1.1      Terminology**

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

**1.2      Scope of Consent**

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

**1.3      Other Approvals**

- 1.3.1      A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2      The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
- (a)      the removal of any tree(s) not indicated on the approved plans, and
  - (b)      any fence, retaining wall, land excavation or filling, advertising structure or other development not approved by the development application, and
  - (c)      demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
  - (d)      the installation of vehicular footway crossings servicing the development, and
  - (e)      Compliance with any requirements of Jemena.
- 1.3.3      This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.3.4      If any aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in

accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.

#### 1.4 **Services**

##### 1.4.1 The applicant is advised to consult with:

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

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

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

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

##### 1.4.2 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

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

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

- 1.4.4 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

## 1.5 Demolition

- 1.5.1 Where any work on an older building is proposed, the applicant should ascertain whether the building contains any contaminants that may present a potential health risk to humans (including asbestos, lead-based paint and the like) and apply appropriate precautions during the work. Further information regarding safe working methods may be obtained from the following organisations and publications (including those which may supersede such publications):

- (a) Safework NSW (Ph: 13 10 50) – “Short Guide to Working with Asbestos”,
- (b) NSW Office of Environment & Heritage (Ph: 9995-5000) – “A Guide to Keep Your Family Safe from Lead”, “A Renovators Guide to the Dangers of Lead”,
- (c) “Code of Practice for the Safe Removal of Asbestos” 2<sup>nd</sup> Edition– National Occupational Health and Safety Commission:2002 (2005),
- (d) Australian Standard 4361.1-1995 – Guide to Lead Paint Management (Industrial Applications),
- (e) Australian Standard 4361.2-2017 – Guide to hazardous paint management Lead paint in residential, public and commercial buildings, and
- (f) Australian Standard 2601-2001 – The demolition of structures.

## 1.6 Identification Survey

- 1.6.1 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.

## 1.7 Engineering Notes

- 1.7.1 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.

## 1.8 Payment of Engineering Fees

- 1.8.1 If the applicant wishes for Council to issue the Construction Certificate or Subdivision Works Certificate as nominated in the ‘Prior to Construction Certificate/Subdivision Works Certificate please:

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

## 1.9 Road Damage

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

# 2 GENERAL

## 2.1 Scope of Consent

- 2.1.1 This consent relates to the following drawings/details submitted to Council with the

Development Application, subject to compliance with any other conditions of this consent:

Drawing No.	Dated	Council's Trim No.
DA-A0000, Rev 2- Cover Sheet	28/08/20	D21/206986
DA-A0100, Rev 2- Masterplan Existing	28/08/20	D21/206986
DA-A0110, Rev 2- Masterplan	28/08/20	D21/206986
DA-A1010, Rev 2- Site Analysis	28/08/20	D21/206986
DA-A1015, Rev 2- Site Plan	28/08/20	D21/206986
DA-A1020, Rev 2- Site Plan Demolition	28/08/20	D21/206986
DA-A1050, Rev 2- Academy Accommodation Shadow Analysis	28/08/20	D21/206986
DA-A1200, Rev 2- General Arrangement - Floor Plan - AA - Level Ground	28/08/20	D21/206986
DA-A1210, Rev 2- General Arrangement - Floor Plan - AA - Level 1	28/08/20	D21/206986
DA-A1220, Rev 2- General Arrangement - Floor Plan - AA - Roof	28/08/20	D21/206986
DA-A2101, Rev 2- Elevation - North + East - AA	28/08/20	D21/206986
DA-A2102, Rev 2- Elevation - South + West - AA	28/08/20	D21/206986
DA-A3001, Rev 2- Building Sections 1, 2, 3 - AA	28/08/20	D21/206986
DA-A4000, Rev 2- External Materials & Finishes Schedule	28/08/20	D21/206986
DA-A5000, Rev 2- View 01	28/08/20	D21/206986
DA-A5001, Rev 2- View 02	28/08/20	D21/206986
DA-A5002, Rev 2- View 03	28/08/20	D21/206986

## 2.2 Services

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

## 2.3 Suburb Name

- 2.3.1 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: Rooty Hill

## **2.4 Engineering Matters**

### **2.4.1 Design and Works Specification**

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management

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

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

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

## **2.5 Other Matters**

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

2.5.2 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.

2.5.3 Any excavated material is to be removed from site and disposed of in an approved manner and location.

2.5.4 The registered proprietor/lessee 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 [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au).

2.5.5 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 the Blacktown ICTE Academy Accommodation rainwater tank the "Reuse Supplied" is 0.59 ML/yr with an agreed percentage reuse of 41%.

2.5.6 Council will not be responsible for any damage to the building, or its contents, or its operation and/or any injuries to the owners, occupants or visitors as a result of flooding.

2.5.7 The Floodway Warning Signs and Flood Management Plan are to be maintained for the life of the development.

## **3. PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)**

### **3.1 DA Plan Consistency**

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

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

- 3.2.1 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 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)**

### **4.1 Aesthetics/Landscaping**

- 4.1.1 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the photomontage and the external material and finishes schedule submitted with the application and held on Council's Trim File D21/206986 Building materials and finishes are to be finished with an anti-graffiti coating. Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans.

### **4.2 Tree Protection**

- 4.2.1 Prior to the issue of any Construction Certificate, a tree bond as per Council's Goods and Services Pricing Schedule is to be paid to Council. This bond is to ensure that the health and vigour of the trees to be retained is conserved during works on the site and that all measures available to the applicant are undertaken to ensure this occurs. The bond amount will be returned 12 months following the issue of the final occupation certificate and following the submission of a final report by the Applicant's project Arborist. The final assessment report is to be presented to Council to provide advice on the retained tree's health and structure and to decide on any Bond return to the applicant. The confirmation about the health and structure of the tree will be done following an inspection by an authorised officer from Council's Arboriculture section with the recommendations in the final report considered.

### **4.3 Services/Utilities**

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

### **4.4 Site Validation Report**

- 4.4.1 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)

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

### **5.1 Building Code of Australia Compliance**

5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

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

### **5.2 Site Works and Drainage**

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

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

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

5.2.4 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.

5.2.5 Should any proposed excavation associated with the development extend below the

level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:

- (a) Preserved and protected from damage, and
- (b) Underpinned and supported.

Such details shall accompany the Construction Certificate.

## 6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

### 6.1 General

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

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

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

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
NORTHROP	172772	DAC01.01	1	T1	18.12.20
		DAC01.11	2		
		DAC01.12	3		
		DAC02.01	4		
		DAC02.11	5		
		DAC03.11	6		
		DAC04.01	7		
		DAC04.21	8		
		DAC04.22	9		
		DAC04.31	10		
		DAC04.32	11		
		DAC07.01	12		

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

- i. The minimum dwelling habitable floor level is to be the higher of 500 mm above the highest adjacent 1% AEP flow level, or 225 mm above the finished ground surface adjacent to the dwellings, in accordance with Council's Engineering Guide for Development 2005.
- ii. Set all and external power points, air conditioning units and hot water systems at or above the dwelling habitable floor level.
- iii. An experienced Drainage Engineer registered with NER and supported by a DRAINS or other hydraulic modelling is to certify that the internal drainage system is capable of carrying the 5% AEP flows without surcharge at any pits.
- iv. A Flood Management Plan is to be prepared by an experienced Chartered hydraulic engineer registered on NER, to address emergency flood management of the site including the use as appropriate of warning signs, notices of procedures and depth gauges (if required). The Plan is to recommend to



evacuate or Shelter-in-place. The Plan is to incorporate maintenance free measures into the development to ensure the timely, orderly and safe evacuation of people from the area if required should a flood occur. Detail the evacuation route. Any requirements of the Plan are to be implemented prior to occupation. A colour laminated copy of the Flood Management Plan is to be permanently affixed within the building to the inside of each kitchen or laundry cupboard door and any community noticeboard.

- v. Provide details for permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail are to be generally in accordance with Section 13 of Council's WSUD developer handbook and be approved by Council.
- vi. Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
  - (i) star dual-flush toilets;
  - (ii) 3 star showerheads;
  - (iii) 5 star taps (for all taps other than bath outlets and garden taps);
  - (iv) 3 star urinals; and
  - (v) 3 star water efficient washing machines and dishwashers are to be specified.
- vii. An experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses on the site including all toilet/urinal flushing and landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:
  - (i) a first flush or pre-treatment system (typically 0.2 litres / m<sup>2</sup> of roof area going to the tank for a first flush),
  - (ii) a pump with isolation valves;
  - (iii) a solenoid controlled mains water bypass;
  - (iv) flow meters on the solenoid controlled mains water bypass line and the pump outflow line, to determine non-potable usage and actual percentage reuse;
  - (v) an inline filter and preferably an automatic backwash inline filter;
  - (vi) a control panel with warning light to indicate pump failure;
  - (vii) a timer and control box for landscape watering of any landscape beds
  - (viii) an irrigation watering plan allowing accounting for seasonal variations;
  - (ix) providing a minimum tank size of 96 kL;

- (x) ensuring all the rainwater reuse pipes and taps are coloured purple.
  - (xi) fitting rainwater warning signs to all external taps using rainwater.
- viii. Amended Engineering plan by Northrop Job No, 172772 are to be provided to meet the requirements under Councils DCP Part J 2015 and Councils Engineering Guide for Development 2005. The amended plans must address the following:
- ix. Setting the minimum dwelling habitable floor level to AHD to be the higher of 500 mm above the highest adjacent 1% AEP flow level or 225 mm above the finished ground surface adjacent to the dwelling. Note that the highest adjacent 1% AEP flood level will be the higher of the 2014 or 2021 Eastern Creek flood models.
  - x. Provide three Floodway Warning adjacent to the overland flow path adjacent to the eastern and southern boundary of development in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.
  - xi. The eaves roof gutters are to be designed to collect the minimum of the 20 year ARI storm. Any box gutters are to be designed to collect the minimum of the 100 year ARI storm. Details of gutter and downpipe designs are to be provided.
  - xii. Detail the roof downpipe and drainage system to demonstrate that a minimum 884 m<sup>2</sup> of roof area is directed to the minimum 96 KL rainwater tank.
  - xiii. Provide pre-treatment to the rainwater tank.
  - xiv. Where the downpipes cannot grade by gravity to the rainwater tank, charge line cleanout pits are to be provided at the low point of all charge line systems for the above ground rainwater tanks to facilitate cleaning of the system. The pit is to be a minimum of 2 m away from any upstream connection. The charge line pipes are to use PVC, solvent welded, with all exposed pipes fully painted. The charge line outlet is to have a 5 mm dribble hole and sealed screw cap.
  - xv. Provide a new inlet pit at the low point near the north-east corner and discharging to pit 03/51.
  - xvi. All inlet pits are to be clearly detailed on the drainage plans with OceanGuards (minimum 9) and are to be shown in a pit schedule.
  - xvii. OceanGuards treating only surface flows require a minimum clear depth of 550 mm below the grate to any inlet or outlet pipe obvert. OceanGuards treating surface flows and upstream pipe flows 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. Where these pits are treating upstream pipe flows the inverts of all pipes in and out of the pit are to be shown.
  - xviii. All OceanGuards are to be clearly notated as "200 micron OceanGuards".
  - xix. The number of 690mm Stormfilter cartridges need to be clearly shown on the plans as 6.
  - xx. There are insufficient access points for the below ground Stormfilter chamber. Access points must be a minimum 900mm by 900mm and are positioned such that the maximum distance from any point in the tank to the nearest access is not greater than 2m. Weld metal mosquito screens over where there are grates.

- xxi. Provide step irons or ladders to all access points in the Stormfilter chamber and rainwater tank.
- xxii. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the Stormfilter Chamber and Rainwater tank, in accordance with Council's Engineering Guide for Development 2005.
- xxiii. Provide energy dissipaters on all the inlets to the Stormfilter chamber
- xxiv. Provide a sealed impermeable baffle, or hood set 250 mm upstream of the Stormfilter weir and extending from the sealed underside of the tank to 400 mm below the top of the weir for the 690 mm Stormfilter cartridge to, to contain floatables including oil. The Stormfilter weir level is to be set 770 mm above the false floor.
- xxv. The minimum length of the Stormfilter weir (L) is to be changed to 1.12m to provide a maximum velocity of 0.4 m/s under the baffle during peak flow.
- xxvi. The internal pipe network is to be designed in accordance with the current Council's Engineering Guide for Development to carry the 5% AEP storm flows

## 6.2 Construction Certificate Requirements

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

- drainage construction
- Water quality treatment
- Earthworks

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

## 6.3 Other Engineering Requirements

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

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

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

## 6.4 Drainage

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

6.4.1 The existing depression/watercourse through the site must be piped and/or channelled to contain stormwater discharges up to the 1% A.E.P. (100 year Average Recurrence Interval) event.

6.4.2 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

## 6.5 Erosion and Sediment Control

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

## 6.6 **Earthworks**

- 6.6.1 Proposed lots must be filled so that the ground levels behind the building are a minimum of 500mm above the designed 100-year average recurrence interval flood level.
- 6.6.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.

## 6.7 **Stormwater Quality Control**

- 6.7.1 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.
- 6.7.2 Bio-retention basin(s) to be designed in accordance with Council's Water Sensitive Urban Design standard drawings and Council's Engineering Guide for Development and DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management<sup>7</sup>

## 7. **PRIOR TO DEVELOPMENT WORKS**

### 7.1 **Safety/Health/Amenity**

- 7.1.1 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.  
Each toilet provided shall be:
  - (a) a standard flushing toilet, or
  - (b) a temporary on-site toilet which is regularly maintained and the waste disposed to an approved sewerage management facility.
- 7.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
  - (a) the name, address and telephone number of the principal certifying authority for the work, and
  - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

  - (a) building work carried out inside an existing building, or
  - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 7.1.3 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 7.1.4 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.

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

## 7.2 **Notification to Council**

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

## 7.3 **Home Building Act**

- 7.3.1 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.

## 7.4 **Sydney Water Authorisation**

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

OR

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

## 8 **PRIOR TO DEMOLITION WORKS**

### 8.1 **Safety/Health/Amenity**

- 8.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message

shall be fixed to the fencing at appropriate places to warn the public.

- 8.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

- 8.1.3 Should the demolition work:

- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
- (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (c) involve the enclosure of a public place,

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

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

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

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

Each toilet provided shall be:

- (a) a standard flushing toilet, and
- (b) connected:
  - (i) to a public sewer, or
  - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
  - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

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

## 8.2 **Tree Protection**

Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage.

- 8.2.1 Tree protection measures are also to be implemented in line with Australian Standard AS4970-2009 Protection of trees on development sites and installed before construction commences

## 8.3 **Other Matters**

- 8.3.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The

letter shall be distributed at least 2 days prior to the intended work and include the following information:

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

## **9 DURING CONSTRUCTION (BUILDING)**

### **9.1 Safety/Health/Amenity**

9.1.1 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.

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

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

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

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

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

9.1.6 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.

### **9.2 Building Code of Australia Compliance**

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

### **9.3 Surveys**

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

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

level.

#### 9.4 **Nuisance Control**

- 9.4.1 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.
- 9.4.2 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

#### 9.5 **Stormwater Drainage**

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

#### 9.6 **Waste Control**

- 9.6.1 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.

#### 9.7 **Construction Inspections**

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

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

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

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



## **10 DURING CONSTRUCTION (ENGINEERING)**

### **10.1 Notification of Works**

- 10.1.1 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.
- 10.1.2 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.

### **10.2 Insurances**

- 10.2.1 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.

### **10.3 Service Authority Approvals**

- 10.3.1 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.

### **10.4 Tree Protection and Preservation**

- 10.4.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 10.4.2 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.
- 10.4.3 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.
- 10.4.4 Council must be notified a minimum of 24 hours prior to the removal of any branches from existing trees which are to be retained. Subject to Council's direction, this work must be generally undertaken by a qualified Arborist.

### **10.5 Soil Erosion and Sediment Control Measures**

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

10.5.2 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.

10.5.3 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.

## 10.6 **Filling of Land and Compaction Requirements**

10.6.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.

10.6.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version).

- (a) 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.
- (b) 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.

10.6.3 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.

10.6.4 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.

10.6.5 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.

- 10.6.6 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.
- 10.6.7 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.
- 10.6.8 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.

#### 10.7 **Filling in Contaminated Land**

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

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

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

Where Council is appointed as the Principal Certifying Authority for the development, compliance certificates issued by accredited certifiers in lieu of council inspections will only be accepted by prior agreement or by Council request. All compliance certificate(s) must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction Certificate.

#### 10.9 **Public Safety**

- 10.9.1 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.

#### 10.10 **Site Security**

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

## **10.11 Traffic Control**

- 10.11.1 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.
- 10.11.2 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.
- 10.11.3 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.
- 10.11.4 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.
- 10.11.5 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.

## **10.12 Other Matters - Drainage**

- 11.12.1 All required ground floor building slab levels shall be checked and certified by a Registered Surveyor confirming that all minimum floor levels have been achieved before pouring the concrete slabs or installation of flooring.
- 10.12.2 All air conditioning units, all external power points and the hot water service are to be set at or above the habitable floor level for the proposed dwellings.
- 10.12.3 The 200 micron OceanGuards and 690 mm high Stormfilter cartridges supplied by Ocean Protect are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.
- 10.12.4 A plumber licensed with NSW Fair Trading is to undertake flow testing of the non-potable water reuse system to certify that all the toilets are capable of being supplied by rainwater and that there is no cross mixing, or cross contamination with the potable water supply.

## **11 DURING DEMOLITION WORKS**

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

- 11.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the works "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing

at appropriate places to warn the public.

- 11.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 11.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 11.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 11.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 11.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable SafeWork NSW requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2005 (if applicable)
- 11.1.8 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 11.1.9 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 11.1.10 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- 11.1.11 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.

## **11.2 Nuisance Control**

- 11.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the demolition works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 11.2.2 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7 am and 6 pm, Monday to Friday, and 8 am to 1 pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.
- 11.2.3 The waste material sorting, storing 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 the demolition works.

## **12 PRIOR TO OCCUPATION CERTIFICATE**

### **12.1 Road Damage**

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

### **12.2 Compliance with Conditions**

- 12.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than “Operational” conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than “Operational” conditions, may render the applicant/developer liable to legal proceedings.
- 12.2.2 Prior to commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate from the Principal Certifier in accordance with the provisions of Section 6.9 of the Environmental Planning and Assessment Act 1979.

### **12.3 Temporary Facilities Removal**

- 12.3.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 12.3.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 12.3.3 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.
- 12.3.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 12.3.5 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.

### **12.6 Fire Safety Certificate**

- 12.6.1 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).

### **12.7 Other Matters**

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

#### **12.7.2 Service Authorities**

- 12.7.2.1 The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.
- 12.7.2.2 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.
- 12.7.2.3 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 telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.
- (b) A "Notification of Arrangement" Certificate from 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.

## **12.8 Fee Payment**

- 12.8.1 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.

## **12.9 Engineering Matters**

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

- 12.9.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 12.9.1.2 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) required by this consent have been achieved. The certificate must acknowledge that works and the construction of the floors have been complete. All levels must be to Australian Height Datum (AHD).
- 12.9.1.3 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished surface levels (FSL) for lot(s) required by this consent have been achieved and/or have been maintained in accordance with those established at the time of creation of the lot. The certificate must acknowledge that works have been complete. All levels must be to Australian Height Datum (AHD).
- 12.9.1.4 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.

- 12.9.1.5 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.
- 12.9.1.6 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.
- 12.9.1.7 The applicant is to submit the certified line marking and traffic signage plan as required by this consent. This will require evidence to demonstrate that approvals have been obtained from the Local Traffic Committee and adoption by Council Ordinary Meeting. A final inspection report is to be included noting that all line marking and traffic signage works are complete.
- 12.9.1.8 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

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

#### **12.10.2 Easements/Restrictions/Positive Covenants**

- 12.10.2.1 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 Lands Title Office.
- 12.10.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control devices/system and outlet works.
- 12.10.2.3 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the overland flow-path.
- 12.10.2.4 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.

#### **12.10.3 Inspections**

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

#### **12.10.4 Other Matters -Drainage**

- 12.10.4.1 A Chartered Hydraulic Engineer registered with NER is to certify that all the requirements of the flood modelling report and Flood Management Plan have been implemented including the installation of all signage and supporting notices.



12.10.4.2 A registered surveyor is to certify that:

- i. all electrical switches and power points externally are above the habitable floor level,
- ii. the air conditioning unit (if fitted) and hot water service are all above the habitable floor level,
- iii. the minimum finished habitable floor level for the proposed dwellings is the higher of 500 mm above the highest adjacent 1% AEP flow level, or 225 mm above the finished ground surface adjacent to the dwellings (tolerance -0.025 to +0.2 m).

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

- i. all the requirements of the approved drainage plan have been undertaken;
- ii. the rainwater tank has been provided as per the approved construction certificate plans collecting all of the roof area;
- iii. the interpretative water quality sign has been correctly installed;
- iv. all other signage and warning notices have been installed;
- v. A minimum 96 KL rainwater tank has been provided collecting roof water from a minimum 884 m<sup>2</sup> of roof area;
- vi. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations; and

12.10.4.4 Ocean Protect is to certify for the installation of the 200 micron OceanGuards and Stormfilters that:

- i. They are installed in accordance with the Ocean Protect standard operational guidelines and production drawings;
- ii. A minimum of 9 x 200 micron OceanGuards have been installed;
- iii. 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
- iv. The Stormfilter weir length is a minimum of 1.12 m;
- v. The Stormfilters have a minimum flow rate of 9.6 l/s at standard weir height;
- vi. Metal mosquito proof screens have been welded over all grated accesses into the Stormfilter tank;
- vii. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber; and
- viii. A maintenance contract has been entered into for the maintenance of the Stormfilter cartridges.

12.10.4.5 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that:

- i. All the non-potable water uses are being supplied by rainwater;
- ii. All the requirements of the detailed Non-Potable Water Supply & Irrigation Plan have been installed to the required locations.

- iii. The flow meters have been installed on the pump outflow and the solenoid controlled mains water bypass to determine non-potable usage and actual percentage of reuse;
  - iv. The initial flow meter readings are detailed in the certificate;
  - v. The pumps, alarms and all other systems are working correctly; and
  - vi. The water from at least one garden tap and ten toilets (five from each level) have been tested to show no chlorine residual.
  - vii. Rainwater warning signs are fitted to all external taps using rainwater.
  - viii. A signed, works-as-executed Non-Potable Water Supply & Irrigation Plan is to be provided to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au)
- 12.10.4.6 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- i. 4 star dual-flush toilets;
  - ii. 3 star showerheads;
  - iii. 5 star taps (for all taps other than bath outlets and garden taps);
  - iv. 3 star urinals; and
  - v. 3 star Water efficient washing machines and dishwashers have been used.
- 12.10.4.7 Provide a Restriction to User and Positive Covenant over the Stormwater Quality Improvement Devices in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate.
- 12.10.4.8 Provide maintenance requirements for each of the proposed water quality devices generally in accordance with the Council's WSUD Inspection and Maintenance Guidelines available on Council's website. Where a proprietary device is not included within this guideline provide these separately in accordance with the manufacturer's requirements. The maintenance schedule is to contain a requirement that either the filter cartridges are to be replaced no later than three years after the date of installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's WSUD developer handbook. The filter cartridge must be replaced/refurbished by the filter manufacturer. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.
- 12.10.4.9 Provide written evidence that the registered owner/lessee has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Rainwater tank, OceanGuards and Stormfilter cartridges. The contract must contain a clause that the replacement Stormfilter cartridges must be obtained from Ocean Protect. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) . This

maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard.

### **13 COMPLETION OF DEMOLITION WORKS**

#### **13.1 Final Inspection**

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

#### **13.2 Hazardous Materials and Waste**

- 13.2.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the SafeWork NSW under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2002 – Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be lodged with Council.
- 13.2.2 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling.

### **14 OPERATIONAL (PLANNING)**

#### **14.1 General**

- 14.1.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
- 14.1.2 No goods or materials shall be stored, displayed for sale or manufactured at any time outside the building.
- 14.1.3 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 14.1.4 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 14.1.5 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 14.1.6 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 14.1.7 Any nuisance created by the use of any aerial or transmitting or receiving equipment associated with the development shall be addressed to the satisfaction of the Spectrum Management Agency.
- 14.1.8 No nuisance or interference with the amenity of the area shall be created by reason of any process or operation on the land causing the emission of noise, dust, smoke or any polluted discharge whatsoever. Note: The Protection of the Environment Operations Act 1997 requires Council to investigate complaints where only one person complains.
- 14.1.9 Arrangements shall be made for an effective refuse removal service.

## **14.2 Landscaping**

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

## **14.3 Use of Premises**

- 14.3.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 14.3.2 The development shall not be used or converted for use for any purpose other than that:
- (a) Granted consent by Council's Notice of Determination, or
  - (b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

## **14.4 Emergency Procedures**

- 14.4.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed on the premises for both public and staff information at all times to the satisfaction of Council.

## **14.5 Lighting and Security**

- 14.5.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 14.5.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 14.5.3 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.
- 14.5.4 Sightlines must be kept free from obstructions. If a lack of natural surveillance occurs this would quickly encourage anti-social behaviour and criminal offences specifically malicious damage to the area. The 'fear of crime' would also no doubt increase if there is sign of malicious damage, rubbish, broken bottles etc. around the development. Regular maintenance and up-keep of the site must therefore be adhered to.

## **14.6 Waste**

- 14.6.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 14.6.2 All waste generated on site must be disposed of in accordance with the approved Waste Management Plan.
- 14.6.3 The entire waste entry driveway including area outside the loading dock are to be kept unobstructed and free of any vehicle parking and any other obstructions so it is always freely available for use by the waste delivery trucks. The Strata Management are responsible for enforcing this requirement.

## **14.7 Graffiti Removal**

- 14.7.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed no later than 48 hours after detection.