

## Conditions of consent (draft)

<b>Proposed development</b>	Subdivision into 2 super lots with construction of 2 public roads and 7 x 5-storey residential flat buildings (308 apartments), associated basement car parking for 457 cars, with civil works and landscaping, over 3 stages.
<b>Property description</b>	Lot 66 DP 1202497, 60 Pelican Road, Schofields

### 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 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.3.3 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
  - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not approved in this DA, and
  - (c) demolition of any existing buildings and associated structures in accordance with the requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
  - (d) the installation of vehicular footway crossings servicing the development, and
  - (e) the use of any crane that swings over public air space. If a crane is used to

construct this development that swings over public air space, separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required.

## **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 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.

### **1.4.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at [www.1100.com.au](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.**

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.

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

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

- 1.5.1 Street tree planting must not impact on public utilities. The applicant should liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.
- 1.5.2 Street tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.

## **1.6 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 Payment of Engineering Fees**

- 1.7.1 If the applicant wishes for Council to issue the Construction 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.

# **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:

<b>Drawing Reference</b>	<b>Dated</b>
<b>Architectural Plans prepared by Design Corp Architects:</b>	
Site Plan, Sheet 5 Issue G	24/03/2023
Overall Basement Floor Plan, Sheet 6 Issue G	24/03/2023
Overall Ground Floor Plan, Sheet 7 Issue H	01/06/2023
Overall First – Fourth Floor Plan, Sheet 8 Issue G	24/03/2023
Ground Floor Plan, Sheet 9 Issue H	01/06/2023
First Floor Plan, Sheet 10 Issue G	24/03/2023
Second Floor Plan, Sheet 11 Issue G	24/03/2023
Third Floor Plan, Sheet 12 Issue G	24/03/2023
Fourth Floor Plan, Sheet 13 Issue G	24/03/2023
Roof Plan, Sheet 14 Issue G	24/03/2023
Site Elevations, Sheet 15 Issue G	24/03/2023
Building A Elevations, Sheet 16 Issue G	24/03/2023

Building B Elevations, Sheet 17 Issue G	24/03/2023
Building C Elevations, Sheet 18 Issue G	24/03/2023
Building D Elevations, Sheet 19 Issue G	24/03/2023
Building E Elevations, Sheet 20 Issue G	24/03/2023
Building F Elevations, Sheet 21 Issue G	24/03/2023
Building G Elevations, Sheet 22 Issue G	24/03/2023
Sections Sheet 23 Issue G	24/03/2023
Materials and Finishes - Lot 1 Sheet 47 Issue G	24/03/2023
Materials and Finishes - Lot 2 Sheet 48 Issue G	24/03/2023
Building Entries Sheet 49 Issue G	24/03/2023
Staging Plan Sheet 50 Issue G	24/03/2023
<b>Landscape Plans prepared by A Total Concept Landscape Architects &amp; Swimming Pool Designers</b>	
Sheet Nos. L/00 – L/16 (17 sheets)	20/02/2023
<b>Subdivision Plan prepared by SDG Pty Ltd Issue B</b>	<b>3/02/2022</b>

\*Unless modified by any condition of this consent.

## **2.2 Required Plan Amendments**

- 2.2.1 Notwithstanding any other condition of this consent, to ensure sufficient road access and drainage, this consent permits separate Construction Certificates and Occupation Certificates to be issued for the development approved in accordance with the staging plans included in Condition 2.1.1 of this consent, provided that all relevant conditions of consent relevant to each stage have been complied with prior to the release of the Construction Certificate or Occupation Certificate for the relevant stage. This shall include adequate road and drainage works.
- 2.2.2 Amended plans shall be submitted prior to a Construction Certificate, to demonstrate a minimum setback of 12m between the master bedroom of Apartment A004 and the courtyard area of Apartment B006 on the ground floor. The plans shall be submitted to the satisfaction of the Principal Certifying Authority.

## **2.3 Transport for NSW - General Terms of Approval**

- 2.3.1 A Green Travel Plan and Travel Access Guide encouraging the use of non-car dependent mode of transport is to be prepared and submitted to Council's Traffic Section for review and endorsement.

## **2.4 Services**

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

## **2.5 Suburb Name**

- 2.5.1 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: SCHOFIELDS

## **2.6 Other matters**

- 2.6.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate for each relevant stage being issued for the construction works.
- 2.6.2 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 unless otherwise approved in writing by Council.

## **2.7 Engineering Matters**

### **2.7.1 Design and Works Specification**

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

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

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.

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

- Path paving construction
- Final layer asphaltic concrete (AC) construction
- Maintenance of the construction works
- Removal of temporary infrastructure

These matters will be individually addressed within the consent

Note: A bond release inspection fee will apply.

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

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

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

Approval.

## **2.8.2 Other Necessary Approvals**

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

- Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)

## **2.8.3 Subdivision**

2.8.3.1 Principal Certifier - Blacktown City Council shall be the Principal Certifier for the proposed subdivision and issue the Subdivision Certificate.

## **2.8.4 Imported Fill Material**

2.8.4.1 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*). Validation of imported material will be required before release of any subdivision certificate.

# **3 PRIOR TO SUBDIVISION WORKS CERTIFICATE (ENGINEERING)**

## **3.1 General**

3.1.1 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.

3.1.2 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.

3.1.3 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.	Sheet No.	Revision	Dated
SGC	20220131	CW1000	01	D	21/06/23
SGC	20220131	CW1001	02	D	21/06/23
SGC	20220131	CW1002	03	D	21/06/23
SGC	20220131	CW2000	04	D	21/06/23

SGC	20220131	CW2001	05	D	21/06/23
SGC	20220131	CW2002	06	D	21/06/23
SGC	20220131	CW2100	07	D	21/06/23
SGC	20220131	CW2101	08	D	21/06/23
SGC	20220131	CW2200	09	D	21/06/23
SGC	20220131	CW3000	10	D	21/06/23
SGC	20220131	CW3001	11	D	21/06/23
SGC	20220131	CW3100	12	D	21/06/23
SGC	20220131	CW3101	13	D	21/06/23
SGC	20220131	CW3102	14	D	21/06/23
SGC	20220131	CW3200	15	D	21/06/23
SGC	20220131	CW3201	16	D	21/06/23
SGC	20220131	CW3202	17	D	21/06/23
SGC	20220131	CW3301	18	D	21/06/23
SGC	20220131	CW3302	19	D	21/06/23
SGC	20220131	CW3303	20	D	21/06/23
SGC	20220131	CW3400	21	D	21/06/23
SGC	20220131	CW3401	22	D	21/06/23
SGC	20220131	CW4000	23	D	21/06/23
SGC	20220131	CW4100	24	D	21/06/23
SGC	20220131	CW4200	25	D	21/06/23
SGC	20220131	CW4201	26	D	21/06/23
SGC	20220131	CW5000	27	D	21/06/23

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

- 1) Amended engineering stormwater drawings are required from S&G Consultants Pty Ltd and be generally in accordance with project number 20220131, drawing number CW1000 to CW5000 revision D Addressing the following items:
  - a) Detail confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks in accordance with Council's Engineering Guide for Development 2005.
  - b) Provide on-site stormwater detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.
  - c) All proposed stormwater pipes shall have a 1% minimum fall gravity graded pipes.
  - d) The temporary OSD volume shall be amended so that the post development flows for the 1% AEP flows are limited to predevelopment flows. Note the post development flows depression storage shall be designed in accordance with table in section 10.2 of Blacktown City Council Engineering guide for development, the predevelopment

depression storage shall be in accordance with section 3.5.1 of Councils WSUD developer handbook.

- e) Basement drainage and pump out shall be designed in accordance with AS3500.3.
- 2) The proposed total 7x10kL rainwater tanks, 22 ocean guards, and 57 ZPG storm filters shall not be replaced with other product or smaller size unit.
- 3) Provide details for permanent coloured interpretive signage minimum A2 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 14 of Council's WSUD developer handbook and be approved by Council.

### **3.2 Subdivision Works Certificate Requirements**

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

- Road and drainage construction
- On-site stormwater detention
- Water quality treatment
- Earthworks
- Path Paving (within a subdivision).

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

### **3.3 Local Government Act Requirements**

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

- Any works within a Council reserve
- Any works on adjoining land (outside the subject site boundaries).

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

### **3.4 Roads Act Requirements**

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

- Any works within Council's road reserve
- Half width road construction
- Interface works between new roads and existing public roads.
- Drainage works along half width road and Manchester Drive
- Kerb inlet pit connections
- Path paving

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

### **3.5 Other Engineering Requirements**

3.5.1 If the estimated cost is \$250,000 or greater proof of long service levy payment is required.

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



- 3.5.3 Submit written permission from the affected property owner for any works proposed on adjoining land.
- 3.5.4 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.
- 3.5.5 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

### **3.6 Roads**

- 3.6.1 Submit a pavement report prepared and designed by a professional civil engineer with soil tests carried out by a registered NATA soils laboratory. The pavement design shall withstand the traffic loadings listed in this consent.

Note: The design CBR is to be confirmed on site prior to placement of any pavement. If actual CBR is less than design CBR, revised pavement design will be required.

- 3.6.2 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card.
- 3.6.3 Any approved design drawings must show a 5 m x 5 m splay for residential allotments at each street intersection.
- 3.6.4 Splays are to be adjusted to meet site specific intersection designs in accordance with Council's Engineering Guide for Development.
- 3.6.5 Proposed new roads shall be designed and constructed as follows:

Name	Width(m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Manchester Drive	18	21	3.5-11-3.5	5x10 <sup>5</sup>
Pelican Road (Half Width)	5.5	315	4.5-5.5	5x10 <sup>5</sup>

- 3.6.6 Half width road with a minimum 4.5 m width of pavement for the full road frontage of the development is required. These construction works include drainage, kerb and gutter, footway turfing, service adjustments and any other ancillary work necessary to make this construction effective.

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

- 3.6.7 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. The temporary turning area shall be constructed at the end of the half road within or adjacent to the subject site, unless alternate arrangements have been agreed in writing by Blacktown City Council.

### **3.7 Signage and Line Marking**

- 3.7.1 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. Must include but not be limited to:

- the entire site

### 3.8 Erosion and Sediment Control

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

### 3.9 Earthworks

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

### 3.10 On-Site Detention

- 3.10.1 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

- 3.10.2 The on-site detention system shall be generally designed to achieve the following:

- All systems shall use at least 2 orifice plates to control flows:
  - The 1.5-year ARI orifice shall be designed to convey a maximum of 40/L/s/ha
  - The 100-year ARI orifice shall be designed to convey a maximum of 190 L/s/ha
- Storage shall be provided as follows:
  - Volume up to 1.5-year ARI TWL = 300 m<sup>3</sup>/ha
  - Volume up to 100-year ARI TWL = 455 m<sup>3</sup>/ha
- Orifice flow rates will be adjusted for bypass with a maximum site bypass of 15% as per the following table:

Total OSD BYPASS (%)	ENVIRONMENTAL DISCHARGE (1.5 YEAR ARI ORIFICE) (L/s/ha)	ENVIRONMENTAL STORAGE (BELOW 1.5 YEAR ARI WEIR) (m <sup>3</sup> /ha)	FLOOD DISCHARGE (100 Year ARI ORIFICE (L/s/ha)	FLOOD STORAGE (BELOW EMERGENCY WEIR) (m <sup>3</sup> /ha)
0	40.0	300	190	455
2.5	38.5	300	176	455
5	37.0	300	162	455
7.5	35.5	300	148	455
10	34.0	300	134	455
12.5	32.5	300	120	455
15	31.0	300	106	455

- 3.10.3 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.

### **3.11 Stormwater Quality Control (Roads)**

- 3.11.1 A permanent on lot 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](#) for treatment of stormwater runoff from the new roads.
- 3.11.2 A temporary 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](#) for treatment of stormwater runoff from the new roads.
- 3.11.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
- 3.11.4 Path paving is to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2010 and as follows:

Street Name	Side	Paving Width	Length
All Streets	Both Sides	1.5m	Full length

## **4 PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE**

### **4.1 Site Access**

- 4.1.1 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.
- 4.1.2 'NO PARKING' signs are required along the half width road, on both sides of the road, until the completion of full road width. This parking restrictions would facilitate two-way traffic movement. The signs and line marking plan be submitted to Council's Local Traffic Committee for approval before installation of the signs and occupation.

### **4.2 Road Damage**

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

### **4.3 Asset Management**

- 4.3.1 The manufacturer of the light poles/street name poles/bus shelters is to provide written certification that all structures have been black powder coated to the satisfaction of Council's Development Services Engineers prior to installation.

### **4.4 Consent Compliance**

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

## **4.5 Additional Inspections**

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

## **4.6 Fee Payment**

- 4.6.1 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.

## **4.7 Engineering Matters**

### **4.7.1 Surveys/Certificates/Works as Executed plans**

- 4.7.1.1 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 Construction Certificate plans for engineering works (including works under the Roads Act 1993 and the Local Government Act 1993 covered by this development application).
- 4.7.1.2 The Work-as-Executed (WAE) must confirm that the onsite detention system identification plate has been installed in accordance with Council's WSUD Standard Drawings A(BS)175M Sheet 20.
- 4.7.1.3 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.
- 4.7.1.4 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.
- 4.7.1.5 Written evidence is to be obtained from Transport for NSW (Roads and Maritime) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 4.7.1.6 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 including:
    - Compliance Certificate and test results
    - Delivery dockets
    - Summary of material deliveries as per template available on Council's website.

4.7.1.7 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.

4.7.1.8 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.

4.7.1.9 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.

4.7.1.10 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) Rigid pavements
- c) Non-standard stormwater pits
- d) Culverts and/or bridges

4.7.1.11 A certificate or letter signed by an appropriately qualified professional, indicating that all pre-cast pits/culverts have been specifically designed and manufactured for the project in accordance with the approved civil plans (specific reference required) and the necessary Australian Standards.

4.7.1.12 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).

#### **4.7.2 Easements/Restrictions/Positive Covenants**

4.7.2.1 Any covenant, 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.

4.7.2.2 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.

4.7.2.3 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.

4.7.2.4 Restrictions and positive covenants 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.

4.7.2.5 A restriction as to User with Council's standard wording must be placed on all filled lots.

4.7.2.6 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

#### **4.7.3 Dedications**

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

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

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

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

4.7.4.2 A maintenance security of 5% of the value of the subdivision 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.

#### **4.7.5 Inspections**

4.7.5.1 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.

#### **4.7.6 Inspection of Work**

4.7.6.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV after completion of road pavement construction works (excluding any deferred AC works) and the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of video footage of the inspections, a SEWRAT (or equivalent) report, and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

#### **4.7.7 Other Matters**

- 4.7.7.1 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. The temporary turning area shall be constructed at the end of the half road within or adjacent to the subject site, unless alternate arrangements have been agreed in writing by Blacktown City Council.

#### **4.8 Services**

- 4.8.1 The following documentary evidence shall accompany any Subdivision 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 a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.
  - c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

#### **4.9 Site Contamination**

- 4.9.1 Prior to the issue of a Subdivision Certificate, a site validation report confirming the suitability of the site for the proposed development is to be provided to Council for any imported fill used in the subdivision. The Validation Report shall be prepared by a qualified EPA recognised Geoscientist consultant engaged under the terms of Council's Contaminated Lands Policy and in accordance with National Environmental Protection (Assessment of Site Contamination) Measure 204.

#### **4.10 Salinity**

- 4.10.1 Prior to the issue of a Subdivision Certificate, certification from a suitably qualified consultant is to be provided to Council confirming the relevant salinity management measures were implemented during the subdivision works.

#### **4.11 Section 7.11 Contributions under Section 7.17 Directions**

- 4.11.1 Before the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works), whichever occurs first, contributions under Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid.

These payments contribute to the provision of the local infrastructure specified in the contribution/s plan specified below.

The amounts below are as at 23 August 2023. 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 and payments made by credit card attract a % surcharge as detailed in Council's Goods and Services Pricing Schedule.

#### **Section 7.11 contributions payable for Stage 1 (roads):**

<b>Contribution Item</b>	<b>Amount</b>
Stormwater Quantity Eastern Creek	\$246,106.00
Stormwater Quality Eastern Creek	\$8,877.00
Traffic Management	\$78,831.00
Total	\$333,814.00

Developable area: 0.4077 hectares (public roads only)

The Section 7.11 contribution(s) have been based on the total developable area and the potential additional population nominated above. 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.

The contribution(s) will be indexed according to index specified in the contributions plan.

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):

Section 7.11 Contributions Plan No. 20 – Riverstone and Alex Avenue Precincts

## **4.12 Special Infrastructure Contributions**

- 4.12.1 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 and Infrastructure before a Construction Certificate for each relevant stage/a Subdivision Certificate is issued in relation to any part of the development to which this consent relates.

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

### **5.1 DA Plan Consistency**



- 5.1.1 Any Construction Certificate or Subdivision Works Certificate for each stage of the development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

**5.2 Services / Utilities**

- 5.2.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) A “Notification of Arrangement” Certificate from Endeavour Energy, or any other recognised energy provider, stating that electrical services, including the provision of street lighting and padmount substation locations, have been made available 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.

**5.3 Blacktown Growth Centres Development Control Plan 2010**

- 5.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate for each relevant stage shall comply with the design criteria specified in Council's Growth Centres Development Control Plan 2010 (as amended in March 2022).

**5.4 Construction Traffic Management Plan**

- 5.4.1 Construction Traffic Management Plans (CTMP) detailing construction vehicle routes, parking, number of trucks, hours of access, access arrangements, road safety and traffic control is to be submitted to Council prior to the issue of any Construction Certificate.

**5.5 Construction Environmental Management Plan**

- 5.5.1 A Construction Environmental Management Plan (CEMP) is to be submitted to Council prior to the issue of any Construction Certificate for each relevant stage as required by clause 3.3 Construction Environmental Management of the Growth Centres Precincts DCP 2010.

The CEMP is to state that all construction activities shall be limited to between 7 am to 6 pm, Mondays to Fridays: 7 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

The CEMP is to include measures to ensure minimal disturbance is caused to neighbours, including dust management measures.

Specifically, for biodiversity matters, the CEMP shall show the staging of works to set out how clearing with will be minimised, vehicle access roads, stockpiling areas, tree protection barriers, operations machinery, cleaning protocols, a procedure for controlling the introduction and spreading of weeds and pathogens, including hygiene protocols and the arrangements for monitoring; erosion and sediment control and dust control.

The following must be included in the Plan:

- a) Construction Traffic Management Plan
- b) Erosion and Sediment Control Plan
- c) Construction Noise Management Plan
- d) Unexpected Finds Protocol

- e) Landscape Management Plan
- f) Community Consultation and Complaints Handling
- g) Demonstration of how road and building earthworks will not encroach or impact the mapped Biodiversity land to the north over Jerrralong Road

Construction works on site must not commence until the CEMP is approved by Council and/or Council's Biodiversity Officer.

## **5.6 Waste Matters**

- 5.6.1 The applicant must ensure that private roads and driveways etc are rated suitable for 24 tonne trucks. Confirmation must be submitted to Council's waste section and approved prior to the release of the Construction Certificate.
- 5.6.2 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. The information must be submitted to Council's waste section and approved prior to the release of the Construction Certificate.
- 5.6.3 The applicant must demonstrate to Council's satisfaction, that the proposed construction plans (with 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. The information must be submitted to Council's waste section and approved prior to the release of the Construction Certificate.
- 5.6.4 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.

## **5.7 NSW Local Police – Requirements**

### **5.7.1 CPTED Report**

2.7.2 The recommendations of CPTED report on page 15 as prepared by Think Planners and dated 25 October 2022 shall be complied with.

## **5.8 Other Matters**

- 5.8.1 Separate approval under the Roads Act 1993 is required for any crane used to construct this development that swings over public air space.

# **6 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)**

## **6.1 Section 7.11 Contributions under Section 7.17 Directions**

- 6.1.1 Before the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works), whichever occurs first, contributions under Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid.

These payments contribute to the provision of the local infrastructure specified in the contribution/s plan specified below.

The amounts below are as at 23 August 2023. 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 and payments made by credit card attract a % surcharge as detailed in Council's Goods and Services Pricing Schedule.

**Section 7.11 contributions payable for Stage 2 (Lot 2, Buildings A – C):**

Contribution Item	Amount
Stormwater Quantity Eastern Creek	\$498,550.00
Stormwater Quality Eastern Creek	\$17,989.00
Traffic Management	\$159,692.00
Open Space	\$2,138,941.00
Community Facilities	\$28,892.00
E2 Conservation Zone	\$92,151.00
Total	\$2,936,215.00

Additional population: 245.8 persons

Developable area: 0.8259 hectares

**Section 7.11 contributions payable for Stage 3 (Lot 1, Buildings D – G):**

Contribution Item	Amount
Stormwater Quantity Eastern Creek	\$366,050.00
Stormwater Quality Eastern Creek	\$13,206.00
Traffic Management	\$117,250.00
Open Space	\$2,877,737.00
Community Facilities	\$38,872.00
E2 Conservation Zone	\$123,980.00
Total	\$3,537,095.00

Additional population: 330.7 persons

Developable area: 0.6064 hectares

The Section 7.11 contribution(s) have been based on the total developable area and the potential additional population nominated above. 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.

The contribution(s) will be indexed according to index specified in the contributions plan.

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):

Section 7.11 Contributions Plan No. 20 – Riverstone and Alex Avenue Precincts

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

6.2.1 No construction certification must be issued unless all design verifications have been provided in accordance with Section 15 of *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. 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](#).

**6.3 Aesthetics, Streetscape and External Materials**

- 6.3.1 The reflectivity index of glass used in the external facades of the buildings are not to exceed 20%, 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. Details are to be provided as part of the Construction Certificate plans.
- 6.3.2 Any bathroom, w.c. or laundry windows in the external walls of the buildings shall be fitted with translucent glazing.
- 6.3.3 The development approved by Council is to be constructed in accordance with the external finishes shown on the approved External Materials Schedule.
- 6.3.4 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. This includes compliance with the Building Code of Australia.
- 6.3.5 External service fixtures and conduits are to be part of the overall appearance of the building, or are to be screened from view.
- 6.3.6 Windows in the residential apartments from above ground level through to the top floor level are to be fitted with a child safety mechanism to prevent accidental falls out of windows by persons such as children. Details of such safety mechanisms shall be shown on the Construction Certificate plans for each relevant stage and provided to the principal certifying authority/ principal certifier.
- 6.3.7 The individually coloured feature panels for each building are to be pre-mixed with each distinct building colour to reduce maintenance required by painting and increase longevity. This is to be shown on the Construction Certificate plans for each relevant stage.

## **6.4 Fencing**

- 6.4.1 With regard to the treatment of any front fences or walls at the ground levels which are in the vicinity of the public domain / public footway, appropriate measures are to be in place to deter the potential for graffiti, such as landscaping which limits access, or a varied finish to these front fences/ walls and an anti-graffiti finish. These details are to be shown on the construction certificate plans to the satisfaction of the certifying authority.

## **6.5 Common Areas and Landscaping**

- 6.5.1 All landscaping, recreation features and furniture, bbq facilities, children's play equipment, pathways, ramps and fencing shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate for each relevant stage.

## **6.6 Access/Parking**

- 6.6.1 A total of 457 basement car parking spaces are required to be provided on site, on Lots 2 and 3, being 395 residential spaces and 62 visitor spaces. All car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Residential flat building (excluding width of pillar): 2.5 m x 5.4 m

Residential flat building (adjacent to solid wall): 2.7 m x 5.4 m

Disabled car space: 2.4 m x 5.4 m (plus shared zone)

- 6.6.2 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
- 6.6.3 Head room clearance at the basement must also comply with requirements of AS2890.1 for residential parking and AS2890.6 for disabled spaces and AS2890.2 for waste collection vehicle.
- 6.6.4 All the basement parking layout, ramps and driveway must comply with Australian Standard AS2890.1, AS2890.2, AS2890.3 and AS2890.6 in terms of dimensions, grade, sight distance, driveway width, ramp grade and manoeuvrability requirements both for passenger cars, bicycle parking and commercial vehicles as proposed to access the site. A compliance certificate with relevant Australian Standard must be obtained from a suitable qualified traffic professional before issuing a construction certificate.
- 6.6.5 The design of the car parking area is to ensure that all vehicles must enter and leave the development in a forward direction.
- 6.6.6 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 2.5m from the property boundary within the property and 2.0m along the property boundary (see Figure 3.3 AS2890.1) to ensure safety of pedestrians on footpath.

## **6.7 Adaptable Housing Units**

- 6.7.1 A minimum of 10% of the units within the total development are to be designed in accordance with the Australian Adaptable Housing Code (AS 4299-1995) which includes "pre-adaptation" design details to ensure visitability is achieved.

## **6.8 Floor to Ceiling Heights**

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

**6.9 Utilities, Services, Plant and Equipment**

- 6.9.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the units and communal open spaces with regard to visual, acoustic and odour impacts.
- 6.9.2 A "Notification of Arrangement" Certificate from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the relevant stage of the development.

**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 any 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 for each relevant stage.
- 7.2.2 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 Compliance with BASIX Certificate**

- 7.4.1 All commitments listed in BASIX Certificate 1325004M dated 24 October 2022 and prepared by BCA Energy shall be complied with at each relevant stage.

## **8 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)**

- 8.1 The recommendations made in the updated Preliminary Site Investigation Report, prepared by Geotesta Pty Ltd, dated 6 September 2023 are to be implemented and include:
- A data gap assessment to be carried out for the site prior to construction
- 8.2 Detailed Site Investigation (DSI) prepared by a suitably qualified environmental consultant who holds or is eligible to hold certification under the Certified Environmental Practitioner (Specialist Certification (CEnvP(SC))) or Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme shall be submitted to Council's Environmental Health Section for a separate approval.
- 8.3 All areas contaminated must be remediated. Upon completion of remediation an appropriately qualified environmental consultant must be prepare a validation report. The validation report must 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)
- 8.4 A site specific 'Unexpected Finds Protocol' is to be prepared, implemented and made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered, including asbestos.

## **9 PRIOR TO DEVELOPMENT WORKS COMMENCING**

**9.1 Safety/Health/Amenity**

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

Each toilet provided shall be:

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

- 9.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with the Environmental Planning and Assessment Regulation 2021 indicating:
- (a) the name, address and telephone number of the principal certifying authority for the work, and
  - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

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

- 9.1.3 Should the development work:

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

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

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

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

- 9.1.4 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate for each relevant stage shall be installed prior to the commencement of development works.
- 9.1.5 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 9.1.6 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.
- 9.1.7 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and



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

## 9.2 **Notification to Council**

- 9.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under the Environmental Planning and Assessment Regulation 2021, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

## 9.3 **Sydney Water Authorisation**

- 9.3.1 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.

## 9.4 **Adjoining Owners**

- 9.4.1 Written permission from the respective owner(s) must be obtained to:
  - (a) discharge stormwater onto adjoining owner's land.
  - (b) carry out works on adjoining land.
  - (c) drain the site across land owned by others.

A copy of such written permission shall be lodged with Council.

## 9.5 **Waste Matters**

- 9.5.1 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>

# 10 **DURING CONSTRUCTION (GENERAL)**

## 10.1 **Environmental Health**

- 10.1.1 The recommendations on pages 11 and 12 in the *DA Acoustic Assessment* prepared by Acouras Consultancy), dated 18 October 2022 are to be implemented and completed.
- 10.1.2 The recommendations on pages 7 - 13 in the Geotechnical Investigation Report, prepared by Alliance Geotechnical Pty Ltd dated 19 October 2022 are to be completed and implemented.
- 10.1.3 Potential dust sources on the land shall be minimised through the maintenance of vegetation cover and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.
- 10.1.4 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014)

## 10.2 **European Heritage**

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

## 10.3 **Aboriginal Heritage**

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

## 10.4 **Fencing**

- 10.4.1 All fencing details 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.

## 10.5 **NSW Local Police – Requirements**

- 10.5.1 During construction stage all tools and building materials must be stored in strong rooms with tamper proof security systems.
- 10.5.2 Construction sites should be fenced with appropriate security fencing and locking devices.
- 10.5.3 The construction site is to have a CCTV surveillance monitoring system installed and used during the construction stage.

# 11 **DURING CONSTRUCTION (BUILDING)**

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

- 11.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 11.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with the Environmental Planning and Assessment Regulation 2021 indicating:
- (a) the name, address and telephone number of the principal certifying authority for the work, and
  - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- 11.1.3 Should the development work:
- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) involves the enclosure of a public place,
- the required hoarding, awning or protective barrier shall be maintained between the land and the public place.
- The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.
- 11.1.4 All measures specified in the Construction Certificate for each relevant stage to control soil erosion and sedimentation shall be maintained throughout development works.
- 11.1.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 11.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 11.1.7 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
  - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 11.1.8 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

## 11.2 **Building Code of Australia Compliance**

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

### 11.3 **Surveys**

11.3.1 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.

11.3.2 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.

### 11.4 **Nuisance Control**

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

11.4.2 The hours of any offensive noise-generating development works shall be limited to between 7 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.

### 11.5 **Waste Control**

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

11.5.2 The applicant must provide evidence of tipping dockets for all demolition and construction waste generated onsite.

11.5.3 The applicant must ensure all litter is managed onsite by ensuring waste receptacles are covered when not in use.

### 11.6 **Construction Inspections**

11.6.1 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.

#### 11.7 Footpath/Road Condition Assessment Fee

- 11.7.1 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.

#### 11.8 Other Matters (Drainage Condition)

- 11.8.1 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).
- 11.8.2 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Part J of DCP 2015 for the entire site in for the duration of the development:

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

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	85
Total Phosphorous	65
Total Nitrogen	45
Total Hydrocarbons	90

- 11.8.3 The temporary OSD tank and other temporary drainage structures as identified on approved plans shall be decommissioned once the downstream drainage infrastructure are completed.

## 12 DURING CONSTRUCTION (ENGINEERING)

### 12.1 Notification of Works

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

### 12.2 Insurances

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

**12.3 Boundary Levels**

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

**12.4 Soil Erosion and Sediment Control Measures**

- 12.4.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with approved Erosion and Sediment Control Plan.
- 12.4.2 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

**12.5 Filling of Land and Compaction Requirements**

- 12.5.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.
- 12.5.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version).
- a) Compaction certificates for fill within road reserves.
  - b) Compaction certificates for road sub-grade.
  - c) Compaction certificates for road pavement materials (sub-base and base courses).
  - d) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
  - e) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4
    - Compliance Certificate and Test Results
    - Delivery Dockets
    - Summary of Material deliveries as per template available on Council's website

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

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

- 12.5.3 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.

- 12.5.4 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.
- 12.5.5 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.
- 12.5.6 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 12.5.7 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.
- 12.6 Filling in Contaminated Land**
- 12.6.1 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.
- 12.6.2 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.
- 12.7 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**
- 12.7.1 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.
- 12.8 Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993**
- 12.8.1 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. Council's 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).

## **12.9 Public Safety**

- 12.9.1 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.

## **12.10 Traffic Control**

- 12.10.1 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) required by the approved Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current Roads and Maritime Services (RMS) accreditation and photo card to implement Traffic Control Plans.
- 12.10.2 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2009.
- 12.10.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Roads and Maritime Services (RMS) Traffic Controller accreditation and photo card and carry it with them.
- 12.10.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Roads and Maritime Services (RMS) accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2009.
- 12.10.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a person who holds a current Roads and Maritime Services (RMS) accreditation to prepare a Work Zone Traffic Management Plan. This Plan must satisfy all the requirements of AS 1742.3 – 2009 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

## **12.11 Powder Coated Furniture**

- 12.11.1 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.

## **12.12 Road Line Marking and Traffic Signage**



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

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

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

### **12.13 Other Matters (Drainage)**

- 12.13.1 The installation of storm filters, ocean guard baskets shall be undertaken in accordance with product specifications and instructions.

## **13 PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

### **13.1 Compliance with Conditions**

- 13.1.1 An Occupation Certificate for each stage shall not be issued until such time as all relevant conditions to each stage of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of a stage of the development prior to compliance with all relevant consent conditions to each stage, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 13.1.2 Prior to commencement of the occupation or use of the whole or any part of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.10 of the Environmental Planning and Assessment Act 1979.

### **13.2 Fire Safety Certificate**

- 13.2.1 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).

### **13.3 Fee Payment**

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

### **13.4 Road Damage**

- 13.4.1 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.

### **13.5 Service Authorities**

- 13.5.1 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 Certifier to the Construction Certificate being issued. The Section 73 Certificate which clearly states that water and sewer services are available to the development 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.

### **13.6 Temporary Facilities Removal**

- 13.6.1 Any temporary facilities provided during construction and/or development works shall be removed from the land prior to the issue of an Occupation Certificate.

### **13.7 Salinity**

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

### **13.8 Environmental Health**

- 13.8.1 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.
- 13.8.2 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that the ventilation system has been installed and is operating in accordance with Australian Standard 1668.2:2002 The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control.

### **13.9 Street Tree Planting**

- 13.9.1 Prior to the issue of the final Occupation Certificate for each stage, all required street tree planting and payments of bonds are to be completed to the satisfaction of Council's Open Space section.
- 13.9.2 Any tree planting (and maintenance) along the frontage of the development site to improve the amenity of the streetscape must be approved before an Occupation Certificate is issued.
- 13.9.3 Additional trees may be requested following assessment of the development's configuration.
  - Trees must be of a minimum container size of 100 litres with root barriers.
  - The applicant must obtain clearances from relevant service authorities.

- The applicant will be required to pay a bond per tree as indicated in Council's 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 certificate), by Council if the trees are maturing satisfactorily.

13.9.4 The applicant is responsible for notifying Council's Open Space Infrastructure Officer when the trees have been installed to request a practical completion inspection and at the end of street tree bond maintenance period for an inspection.

13.9.5 The applicant will also be required to pay 2 inspection fees and a landscaping assessment fee as indicated in the current goods and services pricing schedule. Council's Open Space Infrastructure Officer will inspect all street trees 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.

### **13.10 Engineering Matters**

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

13.10.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A colour soft copy 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 stamped Construction Certificate plans for engineering works.

13.10.1.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines.

13.10.1.3 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.

13.10.1.4 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. Note the certification must acknowledge the part of the tank where the proposed building structure encroaches and that this has been taken into consideration.

13.10.1.5 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.

13.10.1.6 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.

13.10.1.7 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.

### **13.11 Inspections**

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

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

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

### **13.13 Other Matters (Drainage)**

- 13.14.1 Written evidence is to be provided that the registered owner/ owners corporation have entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the stormfilters, oceanguards, rainwater tank and OSD tank. 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).

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

- 13.15.1 A Chartered Civil Engineer registered with NER, is to certify that:
- a. All the requirements of the approved drainage plans have been undertaken;
  - b. A minimum 7x10 m<sup>3</sup> rainwater tanks have been provided and connected to a total of 3448m<sup>2</sup> of roof area.
  - c. The 5% AEP and 1% AEP OSD volume has been provided in accordance with the construction certificate plans.
  - d. The interpretative water quality sign is correctly installed
  - e. All (other) signage and warning notices have been correctly installed.

### **13.15 EASEMENTS/RESTRICTIONS/POSITIVE COVENANTS**

- 13.16.1 Prior to the issue of the Occupation certificate, the applicant shall submit to Council documentation that identifies the correct locations, types, models, and model numbers of assets that form the WSUD system 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.
- 13.16.2 Prior to the issue of the Occupation certificate, the Applicant shall provide a Maintenance schedule for the WSUD system 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 for approval.
- 13.16.3 Prior to the issue of the Occupation certificate, the applicant shall provide a Positive covenant and Restriction on the use of land over the WSUD system 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 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.

13.16.4 The items that are to be covered by instruments are 7x10kL rainwater tanks, 22 ocean guards, 57 ZPG storm filters and a temporary OSD tank.

13.16.5 The Applicant shall enter into a Maintenance Agreement with a maintenance contractor for the WSUD system installed on the property. The Maintenance Agreement is to be in accordance with the Maintenance schedule approved by Council. The maintenance contractor is to possess the qualifications and licences, if any, required to undertake the maintenance works in accordance with Council and New South Wales policy and legislation. The Maintenance Agreement must be maintained for the life of the development. The Applicant shall submit a copy of the executed Maintenance agreement to Council for approval. The Maintenance Agreement can be replaced with an alternative Maintenance Agreement of the same or better standard. In the event that the Applicant enters into a replacement Maintenance Agreement the Applicant must, as soon as practically possible, forward a copy to Council.

### **13.16 Waste Matters**

13.16.1 The applicant must demonstrate that the onsite communal bulky waste storage and collection point is properly:

- Sign-posted stating its specific use as a bulky items collection point
- Sign-posted 'no parking' at any time
- Line-marked and painted as a special collection bay for bulky items.

The information must be submitted to Council's waste section and approved prior to the release of the Occupation Certificate.

13.17.2 A Community Management Agreement/Strata Management Agreement be submitted to Council's waste section and approved prior to the release of the Occupation Certificate. It must:

- indicate 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.
- indicate 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.
- indicate the method of communication to new tenants and residents regarding the waste management service and collection system for the complex.
- clearly outline the requirement for the building manager to maintain and display consistent signs on all bins and in all communal bin storage areas.
- clearly outline the requirement for the building manager to arrange for the prompt removal of dumped rubbish from the site
- include the updated (and approved) waste management plan as lodged with the development application on 20th March 2023

13.17.3 The applicant must provide to Council satisfaction, proof of installation of 'GIVE WAY' signs along the exiting side of the 2 driveways and 'GIVE WAY' line markings on the

exiting driveway pavements. This must be submitted to Council's Traffic section for approval prior to the release of the Occupation Certificate.

### **13.18 Other Matters**

- 13.18.3 All landscaping, recreation features and furniture, bbq facilities, children's play equipment, pathways, ramps and fencing shall be completed in accordance with the approved landscaping design plans.
- 13.18.4 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 13.18.5 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.
- 13.18.6 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.
- 13.18.7 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.
- 13.18.8 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.
- 13.18.9 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 13.18.10 Head room clearance at the basement ramp must comply with requirements of AS2890.1 (Section 5.3) for a Disabled Vehicle, and meet AS2890.1 – Appendix C for the disabled parking space and access to the lift.
- 13.18.11 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 13.18.12 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.
- 13.18.13 A roller shutter and card-key system is to be installed at the entry/exit points of the basement car park.
- 13.18.14 Basement storage areas are to have quality doors/cages and lock sets to restrict unauthorised access. These are recommended to be constructed of an appropriately robust steel welded mesh to be used in lieu of chain link wire. Consider the use of 'over the bonnet' metal fully enclosed and lockable storage containers.
- 13.18.15 Bicycle racks are to be provided on site.
- 13.18.16 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 unless otherwise approved in writing by Council.

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

13.19.3 No occupation certification must be issued unless all design verifications have been provided in accordance with Section 43 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 , 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.

### **13.20 Car Parking**

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

13.20.4 Signage is to be installed indicating the location of the visitor parking spaces.

### **13.21 Adaptable Housing Units**

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

### **13.22 Acoustic Verification**

13.22.3 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.

### **13.23 Graffiti Management Plan**

13.23.3 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.

### **13.24 Total Maintenance Plan**

13.24.3 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.

### **13.25 Site Contamination**

13.25.3 Prior to the issue of the Occupation Certificate, an EPA recognised accredited geoscientist is to validate the site as suitable for residential development in accordance with the strict residential use criteria as set out in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.

### **13.26 NSW Local Police – Requirements**

#### **13.26.3 Signage**

13.26.1.1 The street number must be prominently displayed at the front entrance of each unit block to comply with the Local Government Act, 1973 Section 124, Order 8. The street and unit complex number must be visible at night.

13.26.1.2 Warning signs shall be strategically posted around the perimeter of the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime. Example. 'Warning, trespassers will be prosecuted' or 'Warning, these premises are under CCTV electronic surveillance'.

#### **13.26.4 CCTV Surveillance System**

13.26.2.1 CCTV surveillance system is to be installed throughout the residential unit complex development including around the perimeter of the buildings, stairways, lifts, foyers, entry/exit points driveways, loading bays, the waste room, mailbox facilities common areas and the basement level carpark of each block. Footage must be kept for 28 days to give the police a suitable time frame with their investigations.

#### **13.26.5 Lighting**

13.26.3.1 All lighting sources should be compatible with requirements of any CCTV surveillance system installed and should be mounted as high as possible and still provide the illumination required.

#### **13.26.6 Basement Parking**

13.26.4.1 A "Park Smarter" signage is to be placed on the walls of each basement car parking areas to warn motorist to secure their vehicle and property. NSW Police will require an access code or fob key entry into the building in case of an emergency that requires entry to carparking and unit areas.

### ~~13.27 Traffic requirements~~

~~13.27.1 Construction of the half width road of the future road on the southern boundary/ fronting SP2 drainage reserve must be completed and confirmation to be submitted to Council's Traffic Engineering Section for a separate approval unless alternate arrangements have been agreed in writing by Blacktown City Council.~~

## **14 OPERATIONAL (PLANNING)**

### **14.1 Access/Parking**



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

457 basement car parking spaces, being 395 residential spaces and 62 visitor spaces are to be available for use at all times.

- 14.1.2 At no time are the designated visitor car parking spaces permitted to be leased or sold for residential car parking.

## **14.2 General**

- 14.2.1 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.

- 14.2.2 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.

## **14.3 Landscaping**

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

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

- 14.3.3 The management of vegetation, gardens, planter boxes, communal areas, fences, BBQ areas, children's play equipment, lighting and other similar areas is to be incorporated within the future building management plan once the development is occupied.

## **14.4 Clothes Drying**

- 14.4.1 The hanging/drying of clothes on balconies (where visible from a public place) is prohibited. A clause is to be included in the Plan of Strata Management prohibiting the drying of clothes on balconies (where visible from a public place).

## **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 or apartments within the development.

- 14.5.2 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 by dark or uncontrolled public areas.

## **14.6 Emergency Procedures**

- 14.6.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed throughout the development for public information at all times to the satisfaction of Council.

## **14.7 Graffiti Removal**

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

## **14.8 Total Maintenance Plan**

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

## **15 OPERATIONAL (ENVIRONMENTAL HEALTH)**

### **15.1 Environmental Management**

- 15.1.1 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 Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration
- 15.1.2 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 15.1.3 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 15.1.4 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 15.1.5 A post commissioning report must be produced by an 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) within 3 – 6 months of the proposed development operating to validate the Environmental Noise Impact Assessment's findings. The report is to be submitted to Council's Environmental Health Section for review.

## **16 OPERATIONAL (WASTE)**

### **16.1 Waste Matters**

- 16.1.1 The Owner(s) Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.
- 16.1.2 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 16.1.3 Ongoing management of waste for the site must be in accordance with the waste requirements outlined in the approved waste management plan as submitted with the development application. This includes but is not limited to:
  - separation or caging of waste equipment onsite from residents (such as chute discharge points or storage areas for bin movement aides etc), to prevent injury or damage.
  - provision and maintenance of suitable signage in all areas with waste facilities such as bin storage areas, waste chute rooms on each floor, chute discharge points, bin collection points, loading bays or any other relevant area accessible to residents, cleaners and/or building management staff.

- separated bin storage areas and associated waste management equipment for commercial and residential components of a development if applicable.
  - provision of bin movement aids such as bin tugs and trolleys if suggested for the site. 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.
- 16.1.4 The Lease or Community Management Statement, Strata Management Statement, 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.
- 16.1.5 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
- 16.1.6 Clean ups will only occur from the communal bulky waste collection point if they comply with Council requirements for household clean ups. If discarded items fail to comply, or the communal collection point is poorly managed, it is the responsibility of the strata/body corporation (and at their cost), to have these items removed from the site and disposed of appropriately. The information must be outlined in the Plan of Management and development By-laws.
- 16.1.7 No bulky waste items must be presented to a perimeter street frontage unless it belongs to an individual lot that has suitable truck access for a heavy rigid vehicle. The information must be outlined in the Plan of Management and development By-laws.