

Annexure B – Consolidated Conditions

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

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| Modification Application No | s 4.55(8) Modification to SPP-20-00002 |
| Development | Amendment to the civil works on Roads 1, 2 and 3 and associated amendments to conditions approved by the NSW Land and Environment Court in <i>C&S Partners v Blacktown Council</i> [2021] NSWLEC 1700 on 18 November 2021 (Proceedings 2021/55619) |
| Site | Lot 13 in Deposited Plan 1190560 otherwise known as 971 Richmond Road, Marsden Park |
| Description of modification to the development consent | Amendment to the civil works on Roads 1, 2 and 3 and associated amendments to conditions approved by the NSW Land and Environment Court in <i>C&S Partners v Blacktown Council</i> [2021] NSWLEC 1700 on 18 November 2021 (Proceedings 2021/55619) |

Schedule of Modifications

| Date approved | Modification Application Number | Decision maker (Land and Environment Court or relevant council) | Proceedings Name and Number (if applicable) |
|-------------------|--|---|---|
| 26 September 2024 | Section 4.55(8) Modification to SPP-20-00002 | Land and Environment Court | IDP 971 Richmond Pty Ltd v Blacktown City Council - 2023/263506 |

Date of Determination 18 November 2021

Date from which consent takes effect 18 November 2021

The consolidated conditions of the development consent with all modifications is below.

0 DEFERRED COMMENCEMENT MATTERS

0.1 This development consent is not to operate until such time as:

- (i) An easement in gross for stormwater drainage has been created and registered. The creation is pursuant to Section 88B of the Conveyancing Act 1919 and registration with NSW Land Registry Services (LRS). The easement shall burden Lot 1, DP 1205982 and benefit Blacktown City Council.
- (ii) The extent of the easement shall encompass the drainage and associated channel and earthworks generally as shown on the approved engineering plan by Orion Consulting DA 200 Revision H.

0.2 All of the requirements listed in the above condition must be completed within 36 months of the date of this “Deferred Commencement” consent. Should these matters not be completed to Council’s satisfaction within this time period, this “Deferred Commencement” consent will lapse.

Note: These works will require a separate approval under the Local Government Act 1993 by Council as required by condition 6.3.1.

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 Environment Planning and Assessment Act 1979.

1.2 Scope of Consent

- 1.2.1 The applicant is advised that Council will not release the Occupation Certificate for the approved development until such time as the development has been completed in accordance with all of the conditions of consent, to Council's satisfaction.
- 1.2.2 The applicant is advised that Council will not release the Subdivision Certificate for the approved development until such time as the development has been completed in accordance with all of the conditions of consent, to Council's satisfaction.
- 1.2.3 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.
- 1.2.4 This development consent is limited to:
- (a) Staged development including demolition of existing structures, tree removal, dam dewatering, earthworks, civil and stormwater drainage works, road construction.

Development is in two stages:

- (b) Stage 1: Subdivision of 1 lot to create proposed Lot 1 zoned B4 for mixed use development with an area of 9698.9m²; proposed Lot 2 being a residue lot zoned R3 with an area of 3553.3m²; 1 lot for public roads (New Road 1, New Road 2, New Road 3, New Road 4); proposed Lot 3 being a residue lot zoned B4 and R3 with an area of 8106.1m².
- (c) Stage 2: Construction of a large mixed-use development within proposed Lot 1 comprising a series of 6 x 8 storey buildings proposed to contain:
 - (i) Total retail floor space with area of 2641m² for 14 commercial tenancies; a future Child Care Centre with GFA of 582.7m² and outdoor play area of 700m²; and a future Gymnasium with GFA of 404m² on the ground level
 - (ii) 236 residential units over 6 buildings (Blocks A – F) in the 7 storeys above the ground level retail and mixed-use development, with the following breakdown:
 - 43 x 1 bedroom units;

- 145 x 2 bedroom units;
- 38 x 3 bedroom units;
- 10 x 4 bedroom units; and

(iii) 502 car parking spaces across Basements 1 – 3 comprising:

- 347 residential parking spaces (being 273 occupier spaces, 48 residential visitor spaces and 26 residential accessible spaces);
- 104 commercial spaces (being 101 commercial spaces and 3 commercial accessible spaces);
- 17 gym spaces (being 16 gym spaces and 1 accessible space);
- 34 child care spaces (being 16 parent spaces, 17 staff spaces and 1 accessible space);

(iv) 2 car wash bays, 2 courier parking spaces, 12 electric vehicle charging stations, 110 bicycle spaces and 14 motorbike spaces.

(v) Associated landscaping, and street tree planting.

1.2.5 Should it be intended to subdivide the approved development into strata title allotments, Council will require the lodgement of a separate Development Application for consideration unless it is permitted under SEPP Exempt and Complying Development Codes 2008. Council advises that any new Development Application for Strata Subdivision will not be approved until such time as the approved development has reached practical completion and issues such as visitor car parking, internal and external boundary fencing, landscaping or any other works required in accordance with this Notice of Determination and all associated Construction Certificates have been fully completed to Council's satisfaction.

1.2.6 Separate development consent may be required from Council prior to the use of any created residue allotment. In this regard, the applicant shall be required to submit a Development Application for any intended lot usage.

1.2.7 Separate development consent may be required from Council prior to the use of each individual unit/the approved (building(s)). The applicant is advised to contact Council's Development Services Unit in this regard.

1.3 **Gymnasium - Separate Development Consent Required for Fit-out and Use**

1.3.1 Separate development consent is required from Council for the fit-out and use of the gymnasium. The applicant is advised to contact Council's Development Services Unit in this regard.

1.4 **Child Care Centre – Separate Development Consent Required for Fit-out and Use**

1.4.1 Separate development consent is required from Council for the fit-out and use of the child care centre. The applicant is advised to contact Council's Development Services in this regard.

1.5 **Other Approvals**

- 1.5.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.5.2 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.5.3 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, and any tree(s) located greater than 3 metres from the building perimeter, and
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
 - (c) the installation of vehicular footway crossings servicing the development, and
 - (d) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 1.5.4 Separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required for any crane used to construct this development 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.
- 1.5.5 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
- (a) the installation of a caravan, temporary structure, stormwater drainage in a public place, amusement device or other activity not being an exempt activity under Council's Local Approvals Policy adopted under the provisions of the Local Government Act 1993,
 - (b) the installation of a vehicular footway crossing servicing the development,
 - (c) the importation of any fill to the site.
- 1.6 **Services**
- 1.6.1 The applicant is advised to consult with:
- (a) Sydney Water Corporation Limited
 - (b) A recognised energy provider
 - (c) Natural Gas Company
 - (d) The relevant local telecommunications carrier
- regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).
- 1.6.2 All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, then follow the "Developing Your Land link or telephone 1300 082 746 for assistance.

- 1.6.3 All approved building construction plans attached to the Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. 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.
- 1.6.4 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.
- 1.6.5 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant recognised service provider.
- 1.6.6 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.
- 1.7 Environmental Health Matters**
- 1.7.1 The site will require remediation as it is affected by asbestos and heavy metal.
- 1.7.2 If the premises has an onsite sewage management system, this must be decommissioned in accordance with Section 68 of the Local Government Act 1993. The *Preliminary and Detailed Site Investigation Report*, prepared by Geotest Services (P32500.1_R01) dated 2 December 2019 indicates that a septic system is present.
- 1.7.3 If any food or public health related commercial activities are proposed, then a referral to Environmental Health for the use and fit out of the premises is required to provide conditions, plans, and to ensure compliance with the requirements of the:
- *Food Act 2003* and Regulations thereunder
 - Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
- 1.8 Dial Before You Dig**
- 1.8.1 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.
- 1.8.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.9 Telstra**

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

1.10 Street Tree Planting and Service Locations

- 1.10.1 Street tree and 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.
- 1.10.2 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.

1.11 Identification Survey

- 1.11.1 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.

1.12 Payment of Engineering Fees

- 1.12.1 If the applicant wishes for Council to issue the Construction Certificate or Subdivision Works Certificate as nominated in the 'Prior to Construction Certificate/Subdivision Works Certificate please:
- Complete application form
 - Submit all relevant plans produced by a suitably qualified person and in accordance with Councils Standards.

1.13 Demolition

- 1.13.1 Where any work on an older building is proposed, the applicant should ascertain whether the building contains any contaminants that may present a potential health risk to humans (including asbestos, lead-based paint and the like) and apply appropriate precautions during the work. Further information regarding safe working methods may be obtained from the following organisations and publications (including those which may supersede such publications):
- (a) NSW WorkCover Authority (Ph: 13 1050) – "Short Guide to Working with Asbestos"
 - (b) NSW Department of Environment and Conservation (Ph: 9995 5000) – "A Guide to Keep Your Family Safe from Lead", "A Renovators Guide to the Dangers of Lead"
 - (c) "Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission: 2002 (1988)

- (d) Australian Standard 4361.1-1995 – Guide to Lead Paint Management (Industrial Applications)
- (e) Australian Standard 4361.2-1998 – Guide to Lead Paint Management (Residential and Commercial Applications)
- (f) Australian Standard 2601-2001 – The Demolition of Structures.

1.14 Public Road Access

- 1.14.1 Public road access is required to be provided prior to the issue of the subdivision certificate. This plan of subdivision is not to be released until public road access is provided following the dedication of roads to Council, following completion of road works for connection to Grange Avenue.

1.15 Modification of Development Consent DA-15/02765

- 1.15.1 Pursuant to section 4.17(1)(b) and (5) of the *Environmental Planning and Assessment Act 1979*, Development Consent DA-15-02765 which was granted by the Land and Environment Court on 10 November 2016 is to be modified as necessary so that this Development Consent SPP-20-00002 and Development Consent DA-15-02765 are consistent insofar as this development consent relates to Road 2 and Road 3 and Development Consent DA-15-02765 relates to Road MC01.

Prior to the issue of any construction certificate, the applicant is to provide a written notice of modification in accordance with the requirements of s 4.17(5) of the *Environmental Planning and Assessment Act 1979* and s 67 of the *Environmental Planning and Assessment Regulation 2021*, providing details of the modification of Development Consent D-15/02765.

DA-15-02765 is to be amended in accordance with the schedule of amendments, which includes an explanatory note for each amendment, as shown at Appendix A of this consent.

1.16 Relationship to Development Consent DA-15-02765

- 1.16.1 If Road 3 is constructed per SP-20-00002, the land in the road reserve measured 18m from the eastern boundary may be dedicated as a 'road' pursuant to the *Roads Act 1993* without the need for compliance under the relevant conditions regarding construction of this road under DA-15-02765.

2 GENERAL

2.1 Scope of Consent

- 2.1.1 The development shall be in accordance with the following drawings/details submitted to Council with the Development Application except where amended by other conditions of this consent:

| Architectural Plans prepared by Architex Architects: | | | |
|--|-------|----------|---|
| Dwg No | Issue | Date | Details |
| 00 | F | 05.10.21 | Cover Sheet |
| 00a | F | 05.10.21 | Unit Breakdown + Solar + Cross Ventilation Calculations |
| 00c | A | 06.04.20 | Site Analysis |
| 01 | I | 15.07.21 | Subdivision Plan |
| 01a | F | 15.07.21 | Future Roads + Site Plan |

| | | | |
|-----|---|----------------|--|
| 01b | C | 15.07.21 | Lot 1 + Staging Plan |
| 02 | H | 05.10.21 | Overall Site Plan |
| 03 | F | 05.10.21 | Basement Level 3 |
| 04 | F | 05.10.21 | Basement Level 2 |
| 05 | G | 05.10.21 | Basement Level 1 |
| 06 | H | 05.10.21 | Level 1 / Ground Floor |
| 07 | H | 05.10.21 | Level 2 |
| 08 | G | 15.07.21 | Level 3 |
| 09 | G | 15.07.21 | Level 4 |
| 10 | H | 05.10.21 | Level 5 |
| 11 | H | 05.10.21 | Level 6 |
| 12 | H | 05.10.21 | Level 7 |
| 13 | H | 05.10.21 | Level 8 |
| 14 | H | 05.10.21 | Roof Plan |
| 15 | C | 15.07.21 | Level 02 – Block A |
| 16 | C | 15.07.21 | Level 03-04 Block A |
| 17 | C | 15.07.21 | Level 05 – Block A |
| 18 | C | 15.07.21 | Level 06-08 – Block A |
| 19 | C | 15.07.21 | Roof Level – Block A |
| 20 | C | 15.07.21 | Level 02 & 03-04 Block B |
| 21 | C | 15.07.21 | Level 05-07 & Roof Level – Block B |
| 22 | C | 15.07.21 | Level 02 – Block C |
| 23 | C | 15.07.21 | Level 03-04 – Block C |
| 24 | C | 15.07.21 | Level 05 – Block C |
| 25 | C | 15.07.21 | Level 06-08 – Block C |
| 26 | C | 15.07.21 | Roof Level – Block C |
| 27 | D | 05.10.21 | Level 02 – Block D |
| 28 | C | 15.07.21 | Level 03-04 – Block D |
| 29 | D | 05.10.21 | Level 05 – Block D |
| 30 | D | 05.10.21 | Level 06-08 – Block D |
| 31 | D | 05.10.21 | Roof Level – Block D |
| 32 | D | 05.10.21 | Level 02 – Block E |
| 33 | C | 15.07.21 | Level 03-04 – Block E |
| 34 | C | 15.07.21 | Level 05 – Block E |
| 35 | C | 15.07.21 | Level 06-08 – Block E |
| 36 | C | 15.07.21 | Roof Level – Block E |
| 37 | C | 15.07.21 | Level 02 – Block F |
| 38 | C | 15.07.21 | Level 03-04 – Block F |
| 39 | C | 15.07.21 | Level 05 – Block F |
| 40 | C | 15.07.21 | Level 06-08 – Block F |
| 41 | C | 15.07.21 | Roof Level – Block F |
| 42 | F | 05.10.21 | Elevations |
| 43 | G | 05.10.21 | Elevations 2 |
| 44 | G | 05.10.21 | Elevations 3 |
| 45 | F | 05.10.21 | 3D Building Height Plane |
| 46 | F | 05.10.21 | Section AA |
| 47 | F | 05.10.21 | Section BB |
| 48 | F | 05.10.21 | Section CC |
| 49 | F | 05.10.21 | Section DD |
| 50 | F | 05.10.21 | Section EE |
| 50a | C | 05.10.21 | Section FF |
| 51 | C | 05.10.21 | Driveway Sections |
| 52 | C | 05.10.21 | Site Details 1 |
| 53 | C | 05.10.21 | Site Details 2 |
| 53a | B | 05.10.21 | Site Details 3 |
| 53b | A | 15.07.21 | Site Details 4 Privacy Cone Diagram |
| 54 | A | 06.04.20 20 | Post-Adaptable Layouts |
| 55 | B | 15.07.21 | 3D Study – Block A |
| 56 | B | 15.07.21 | 3D Study – Block B |
| 57 | B | 15.07.21 | 3D Study – Block C |
| 58 | C | 05.10.21 | 3D Study – Block D |
| 59 | B | 15.07.21 | 3D Study – Block E |

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| 60 | B | 15.07.21 | 3D Study – Block F |
| 61 | B | 15.07.21 | 3D – Overalls |
| 62 | B | 15.07.21 | 3D – Overalls 2 |
| 63 | B | 15.07.21 | L2 – Solar Access & Cross-Ventilation Diagrams |
| 64 | B | 15.07.21 | L3 - Solar Access & Cross-Ventilation Diagrams |
| 65 | B | 15.07.21 | L4 - Solar Access & Cross-Ventilation Diagrams |
| 66 | B | 15.07.21 | L5 - Solar Access & Cross-Ventilation Diagrams |
| 67 | B | 15.07.21 | L6-7 - Solar Access & Cross-Ventilation Diagrams |
| 68 | B | 15.07.21 | L8 - Solar Access & Cross-Ventilation Diagrams |
| 69 | B | 15.07.21 | FSR Calculations |
| 70 | B | 15.07.21 | FSR Calculations 2 |
| 71 | B | 15.07.21 | Common Open Space & Deep Soil Diagrams |
| Landscape Plans prepared by A Total Concept Landscape Architects: | | | |
| L00 | C | 29/07/21 | Cover Sheet |
| L01 | C | 29/07/21 | Landscape Site Plan |
| L02 | C | 29/07/21 | Ground Floor/Level 1 Landscape Plan |
| L03 | C | 29/07/21 | Ground Floor/Level 1 Landscape Plan |
| L04 | C | 29/07/21 | Level 2 Landscape Plan |
| L05 | C | 29/07/21 | Level 2 Landscape Plan |
| L06 | C | 29/07/21 | Level 3 Landscape Plan |
| L07 | C | 29/07/21 | Roof & Level 8 Landscape Plan |
| L08 | C | 29/07/21 | Planting Schedule |
| L09 | C | 29/07/21 | Playground |
| L10 | C | 29/07/21 | Street Tree Layout Plan |
| L11 | C | 29/07/21 | Street Tree Details |
| L12 | C | 29/07/21 | Details & Specifications |

* Unless modified by any condition(s) of this consent.

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

- (a) Staged development including demolition of existing structures, tree removal, dam dewatering, earthworks, civil and stormwater drainage works, and road construction.

Development is in two stages:

- (b) Stage 1: Subdivision of 1 lot to create :
- proposed Lot 1 zoned B4 for mixed use development with an area of 9698.9m²;
 - proposed Lot 2 being a residue lot zoned R3 with an area of 3553.3m²;
 - 1 lot for public roads (New Road 1, New Road 2, New Road 3, New Road 4);
 - proposed Lot 3 being a residue lot zoned B4 and R3 with an area of 8106.1m².
- (c) Stage 2: Construction of a large mixed-use development within proposed Lot 1 comprising a series of 6 x 8 storey buildings proposed to contain:
- (i) Retail units at Ground Level, as follows (total retail GFA 2641m²) for 14 commercial tenancies:
- | | |
|------|--------------------|
| R101 | 142 m ² |
| R102 | 207 m ² |
| R103 | 98 m ² |
| R104 | 134 m ² |

| | |
|------|--------------------|
| R105 | 208 m ² |
| R106 | 132 m ² |
| R108 | 197 m ² |
| R109 | 159 m ² |
| R110 | 229 m ² |
| R111 | 189 m ² |
| R112 | 286 m ² |
| R113 | 194 m ² |
| R114 | 185 m ² |
| R115 | 281 m ² |

- (ii) a future Child Care Centre with GFA of 582.7m² and outdoor play area of 700m²;
- (iii) a future Gymnasium (R107) with GFA of 404m² on the ground level
- (iv) 236 residential units over 6 x 8 storey buildings (Blocks A – F) in the 7 storeys above the ground level retail and mixed-use development, with the following breakdown:
 - 43 x 1 bedroom units;
 - 145 x 2 bedroom units;
 - 38 x 3 bedroom units;
 - 10 x 4 bedroom units.

The unit mix across Blocks A-F is as follows:

- Block A (39 units)
 - 8 x 1 bedroom units
 - 25 x 2 bedroom units
 - 2 x 3 bedroom units
 - 4 x 4 bedroom units
 - Includes 7 Adaptable units
- Block B (30 units)
 - 6 x 1 bedroom units
 - 24 x 2 bedroom units
 - Includes 6 Silver level units
- Block C (35 units)
 - 6 x 1 bedroom units
 - 23 x 2 bedroom units
 - 6 x 4 bedroom units
 - Includes 4 Adaptable units
 - Includes 7 Silver level units
- Block D (48 units)
 - 9 x 1 bedroom units
 - 31 x 2 bedroom units
 - 8 x 3 bedroom units
 - Includes 4 Adaptable units
 - Includes 14 Silver level units
- Block E (42 units)
 - 7 x 1 bedroom units

- 21 x 2 bedroom units
- 14 x 3 bedroom units
- Includes 7 Adaptable units
- Block F (42 units)
 - 7 x 1 bedroom units
 - 21 x 2 bedroom units
 - 14 x 3 bedroom units
 - Includes 3 Adaptable units
 - Includes 8 Silver level units

(v) 502 car parking spaces across Basements 1 – 3 comprising:

- 347 residential parking spaces (being 273 occupier spaces, 48 residential visitor spaces and 26 residential accessible spaces);
- 104 commercial spaces (being 101 commercial spaces and 3 commercial accessible spaces);
- 17 gym spaces (being 16 gym spaces and 1 accessible space);
- 34 child care spaces (being 16 parent spaces, 17 staff spaces and 1 accessible space);

(vi) 2 car wash bays, 2 courier parking spaces, 12 electric vehicle charging stations, 110 bicycle spaces and 14 motorbike spaces.

(d) Associated infrastructure

(e) Landscaping and street tree planting.

2.1.3 This consent does not authorise the use of the land for Child Care purposes. The fit-out and use of the Child Care Centre is subject to a separate development application.

2.1.4 This consent does not authorise the use of the land for Gymnasium purposes. The fit-out and use of the Gymnasium is subject to a separate development application.

2.2 Tree Removal

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

2.2.2 Trees 1 and 3 are located on the neighbouring property and will have a high encroachment impact on their roots. As such trees 1 and 3 may be approved for removal as part of the development, however approval from the owners of trees 1 and 3 must be sought before tree removals are undertaken. Written confirmation from the owners of trees 1 and 3 must be presented to Council's Open Space Maintenance section before a construction certificate is issued. Should the owners of trees 1 and 3 not agree to the removal of trees 1 and 3, then trees 1 and 3 must be protected from development impacts and treated the same as trees 2 and 12-15.

2.3 Services

2.3.1 Low voltage electricity and telecommunications services for the approved

development shall be as per the requirements of the service provider, and reticulated underground.

- 2.3.2 The main information technology infrastructure must be provided in all streets and meet NBN Co. requirements.

2.4 Suburb Name

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

Suburb: Marsden Park

- 2.4.2 Any advertising of land sales in association with the approved development shall clearly indicate that the development is located in the following suburb. No other estate names shall be used in any advertisements or other promotional information:

Suburb: Marsden Park

2.5 Amended BASIX Certificate Requirement and BASIX Compliance

- 2.5.1 The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate number: 1090398M_03 dated 1 November 2021.

2.6 Engineering Matters

2.6.1 Design and Works Specification

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

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

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements **MUST** be submitted to Council with any application for 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.

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

- 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.

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

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

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

2.6.2 Other Necessary Approvals

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

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

2.6.3 Subdivision

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

2.6.4 Other Matters

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

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

2.7 Drainage Engineering – Water Quality

2.7.1 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the development site in perpetuity:

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 |

- 2.7.2 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.
- 2.7.3 Each year the registered proprietor/lessee is to provide to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au a report outlining all non-potable water used annually and the percentage of non-potable reuse. Design reuse supplied is 1.24ML/yr at 89%.
- 2.7.4 The temporary protection measures for the bioretention area are not to be removed, nor the filter area of the basin planted out, until a minimum of 90% of the upstream catchment draining to the basin is fully developed including landscaping as agreed with Council. Once 90% of the upstream catchment is developed as determined by the developer or where notified by Council, the bioretention basins must be completed within six (6) months.
- 2.7.5 The developer is to maintain the temporary detention basin and temporary water quality treatment measures and these measures are not to be removed, nor the positive covenants lifted, until the downstream regional Council detention basin including water quality measures are completed.
- 2.7.6 Provide a Temporary OceanGuard Maintenance Estimate from Ocean Protect for the cleaning of the OceanGuards every 3 months for 2 years and every 4 months thereafter for duration of the contract. Replacement of the filter bags must occur every 2 years and the full removal of the temporary OceanGuards and frames from the street pits on Road 3. At the end of the contract period of eight (8) years.
- 2.7.7 Provide a Stormwater Quality Improvement Device (SQID) Maintenance Estimate from Ocean Protect for the Stormfilter system and internal OceanGuards as per the supplier's maintenance schedule. The maintenance estimate is to be for a five (5) year period and include replacement of the stormfilters and OceanGuards at the end of the contract period.
- 2.7.8 A s4.55 modification of consent application is required where proprietary stormwater quality products are altered in the form of size, type or brand.

2.8 Signage

- 2.8.1 Entrance/exit points are to be clearly signposted and visible from the street.

- 2.8.2 Any other signage requires separate consent from Council, unless it is permitted pursuant to SEPP Exempt and Complying Development Codes 2008.

2.9 Cumberland Wood Plain Species

- 2.9.1 When landscaping the site, the use of indigenous species grown from local seed is preferred to provide a link to the remnant vegetation community of the locality and subject site. These local species are adapted to the local climate and soil conditions and provide natural resources for the local wildlife while performing an 'accent' function within the planting plan.

2.10 European Heritage

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

2.11 Aboriginal Heritage

- 2.11.1 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of Heritage NSW (Department of Premier and Cabinet) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

2.12 Imported "Waste Derived" Fill Material

- 2.12.1 The only waste derived fill material that may be received at the development site is:
- (a) virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*),
 - (b) any other waste-derived material the subject of a resource recovery exemption under cl.51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.
- 2.12.2 Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.
- ## 2.13 Other Matters
- 2.13.1 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 being issued for the construction works.
- 2.13.2 Any future substation or other utility installation, including easement impositions required to service the approved subdivision/development must not under any circumstances be sited on future or existing Council land, including, but not limited to road reservations, drainage land and/or public reserves. Any proposal to locate a

proposed substation, easement or other utility installation on Council land must be negotiated with and fully endorsed by the relevant Council Directorates.

- 2.13.3 All new and replacement boundary fencing associated with this development is to be at full cost to the parties acting on this consent.

2.14 **Traffic Matters – Public Road Access**

- 2.14.1 This plan of subdivision is not to be released until lawful vehicular access is provided to Grange Avenue (Richmond Road is access denied). This is to occur either via:

- The construction and dedication of the full extent of New Road 3 as a public road under the Roads Act 1993 connecting to Grange Avenue shown on the approved engineering plans as set out in this consent; or
- The full physical construction of the New Road 3, dedication of all roads- within the subject site and an easement in gross in favour of Council on the terms set out in Part 1 Schedule 4A of the Conveyancing Act 1919 is to be registered and in place across the portion of New Road 3 that is contained within 999 Richmond Road and 223-225 Grange Avenue (known as new Road 1 on DA-15-02765). The easement will enure until such time as the easement site will be dedicated as a public road.

Alternatively access is to be provided through the adjoining subdivisions and this will necessitate the construction of the roads and registration of the adjoining subdivisions under **DA-15-02765** and **JRPP-16-02971** prior to the release of this subdivision certificate.

2.15 **Deleted**

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

3.1 **DA Plan Consistency**

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

3.2 **Lot Registration**

- 3.2.1 The land to which this approval relates is to be identifiable with a Lot and Deposited Plan number and registered with the NSW Land Registry Services (LRS).

3.3 **Services/Utilities**

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

or that arrangements have been made for the provision of services to the development.

3.4 Deleted

3.5 NSW Local Police Requirements – Crime Prevention

3.5.1 A comprehensive Safer by Design Report is required to be prepared by a suitably qualified Security Consultant and submitted to the NSW Local Police for their written approval. This Report is to address how all CPTED measures will be met. The Security Consultant preparing this Report is also recommended to consult with Quakers Hill Local Area Command in relation to the recommendations sought by Police prior to submitting the Safer by Design Report. The recommendations of the report are to be included on the Construction Certificate plans and documentation.

3.6 External Authority – Transport for NSW Requirements

3.6.1 TfNSW provides concurrence in accordance with section 138 of the Roads Act 1993 for the removal of redundant driveways and reinstatement of kerb and gutter on Richmond Road and requests the following conditions to be complied with prior to the granting of a Construction Certificate:

1. The redundant driveways on the Richmond Road boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Richmond Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au.

Detailed design plans of the reinstatement of kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Documents should be submitted to Development.Sydney@rms.nsw.gov.au. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

2. TfNSW has previously acquired a strip of land (known as Lot 24 DP 1190560) for road along the frontage of the subject property, as shown by blue colour on the attached Aerial — "X". The subject property is also affected by prior approved road widening, as shown by pink colour on the attached Aerial — "Y". All buildings and structures, together with any improvements integral to the future use of the site, including the proposed retaining wall and batter along Richmond Road, should be wholly within the freehold property (unlimited in height or depth), and clear of land required for road.
3. The proposed retaining walls and batters located along Richmond Road are to be contained wholly within the development site and are to be designed and constructed so that TfNSW is not responsible for ongoing maintenance costs. Any maintenance access would need to be provided from the local road network.
4. All vehicles are to enter and leave the site via the local road network. No vehicles are allowed, for both construction and operation activities, to access the site directly from Richmond Road. A construction work zone will not be permitted on Richmond Road.

5. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to:

development.sydney@transport.nsw.gov.au .

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

6. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Richmond Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

For any questions on the requirements of TfNSW, please contact Mr. Felix Liu on 8849 2113 or email development.sydney@rms.nsw.gov.au

3.7 Deleted

3.8 Tree Removal and Protection and Tree Bonds

- 3.8.1 Council's Arboricultural section agrees to the removal of trees numbered 4-11 as indicated in the Arboricultural Impact Assessment (AIA) by Eco Logical Australia Pty Ltd, Report Reference 19SUT/14895, dated 31 January 2020. They are located within the site in a position where they cannot be retained due to the proposed infrastructure and bulk earthworks, or where encroachment will have an adverse impact on the roots and crown for viability and stability, or they are in poor condition and/or health.
- 3.8.2 The remaining trees indicated in the Arboricultural Impact Assessment Report by Eco Logical Australia Pty Ltd, dated 31 January 2020 are to be retained in situ and are to be protected as detailed in section 4 of the Arboricultural Impact Assessment. Tree protection measures are also to be implemented in line with Australian Standard AS: 4970-2009 'Protection of Trees on Development Sites', and installed prior to construction commencing.
- 3.8.3 Trees 1 and 3 are located on the neighbouring property and will have a high encroachment impact on their roots. As such trees 1 and 3 may be approved for removal as part of the development however approval from the owners of trees 1 and 3 must be sought before tree removals are undertaken. Written confirmation from the owners of trees 1 and 3 must be present to Council's Open Space Maintenance section before a construction certificate is issued. Should the owners of trees 1 and 3 not agree to the removal of trees 1 and 3, then trees 1 and 3 must be protected from development impacts and treated the same as trees 2 and 12-15.
- 3.8.4 Trees 2, 12-15 should have a monetary tree preservation bond placed on them. These trees' Structural Root Zone encroach into the construction area, and special attention for their preservation should be afforded to them. The Applicant who has benefit of the development is to pay a tree preservation bond, as per Council's Goods and Services Pricing Schedule, to ensure the retention and protection in line with AS: 4970-2009 'Protection of Trees on Development Sites'.

3.8.5 The bond amount will be returned 12 months following the issue of the final occupation certificate following the submission of the final report by the Applicant's Project Arborist indicating the trees are in good health, and this is confirmed following an inspection by an authorised officer from Council's Tree Management section.

3.8.6 Two inspection fees as per Council's Goods and Services Pricing Schedule will be applicable for the authorised officer to inspect the tree protection measures implemented prior to construction commencing, and following a request for the return of the tree preservation bond as noted above.

3.9 Environmental Health Matters

3.9.1 The recommendations provided in the *Preliminary and Detailed Site Investigation Report*, prepared by Geotest Services, Report P32500.1_R01, dated 2 December 2019, shall be implemented.

3.10 Site Contamination and Remediation

3.10.1 All areas potentially contaminated / contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with:

- The implemented Remedial Action plan approved by NSW EPA Site Auditor
- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (2020)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995)
- National Environment Protection Council (NEPC) National Environmental Protection 'Assessment of Site Contamination Measure' (2013)

3.10.2 A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use.

3.10.3 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).

3.11 Environmental Health Unit - Acoustic Attenuation

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

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

- 3.11.2 A certificate must be provided by a qualified acoustic engineer stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:
- (a) does not exceed an L_{Aeq} sound pressure level of 5dB(A) above the ambient background noise level when measured
 - at the most affected point on or within any residential property boundary or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates
 - (b) cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10 pm and 7 am.

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

3.12 **Salinity**

- 3.12.1 The recommendations and additional assessments detailed in the *Preliminary Salinity Assessment Report* prepared by Geotest Services (Report Reference P32500.2 and dated 9 December 2019) are to be identified on the Construction Certificate plans and implemented during design and construction of the development. Note: Final validation will be required prior to the release of an Occupation Certificate.

3.13 **Construction Traffic Management Plan**

- 3.13.1 A Construction Traffic Management Plan 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.

3.14 **Construction Environmental Management Plan**

- 3.14.1 A Construction Environmental Management Plan is to be submitted to Council prior to the issue of any Construction Certificate as required by clause 3.3 *Construction Environmental Management* of the Blacktown City Council Growth Centre Precincts Development Control Plan 2018.

3.15 **Other Matters**

- 3.15.1 The Construction Certificate plans are to show any existing/proposed substations, kiosks, sewer man holes and/or vents affecting any lot / units, including corner lots / units in accordance with the Blacktown City Council Growth Centre Precincts Development Control Plan 2018.
- 3.15.2 The Construction Certificate plans are to show that the construction and layout of the footpath system provides for continuous disabled and pram access movement in terms of crossing points, including to nearby public transport services.

- 3.15.3 All mail boxes are to accord with the requirements of Australia Post with regard to location, access and size. The letterbox system is to be vandal resistant and secure. Appropriate sight lines are to be provided for vehicles using the mail box waiting bay for safety purposes.

3.16 Sustainable Waste Matters

- 3.16.1 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>
- 3.16.2 The applicant must ensure that roads and driveways etc are rated suitable for 24 tonne trucks.
- 3.16.3 The applicant must ensure the approved bin collection points for all bins for the whole site are shown on the stamped approved plans to Council's satisfaction with each bin indicated.
- 3.16.4 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.
- 3.16.5 Temporary truck turning heads must be provided in the form of a cul de sac to Council's satisfaction where the surrounding road network is not yet completed. Hammerheads are not accepted. Design must be in accordance with the Council's engineering guide for the development and cater for 11m long, heavy rigid vehicles with 25m turning circles.
- 3.16.6 The applicant must provide an updated waste management plan to the satisfaction of Council that reflects all changes made throughout the joint reporting process. The waste management plan must include all requirements addressed in the waste management report (Tab 8) as submitted with the application.
- 3.16.7 Deleted
- 3.16.8 The applicant must ensure staging considers site access and waste collection.

3.17 Agreement to Enter Upon and Carry Out Works

- 3.17.1 Prior to issue of the construction certificate, sufficient evidence is to be submitted to Council, to meet Council's full satisfaction of written agreement from the owners of adjoining land to enter upon and carry out battering works and / or retaining walls on the adjoining land, and outside of the road reserve.

3.18 Water Management Act 2000 Requirements

- 3.18.1 Prior to issue of the construction certificate the applicant is to contact Water NSW to ensure that all requirements under the Water Management Act 2000 and Water Management Regulation have been met.

3.19 External Authority – TfNSW (Sydney Metro) Requirements

TfNSW provides concurrence in accordance with clause 6.10 of Appendix 12 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 subject to the following conditions:

3.19.1 Noise and Vibration

Prior to issuing a Construction Certificate for the development, the Certifier must ensure that the recommendations of the acoustic assessment report, prepared by Acouras Consultancy in November 2019, are incorporated in the construction drawings and documentation.

3.19.2 Electrolysis

Prior to the issue of a Construction Certificate, the Applicant is to engage an electrolysis expert to prepare a report on the electrolysis risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the electrolysis report to control that risk. A copy of the electrolysis report is to be provided to the Certifier with the application for a Construction Certificate. Prior to issuing a Construction Certificate for the development, the Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation.

3.19.3 Design

Prior to the issue of a Construction Certificate, the Applicant must ensure that the development incorporate appropriate anti-graffiti measures, and obtain written confirmation from TfNSW that such measures have been incorporated.

The roots and foliage of trees planted beside the corridor as part of the development must not impact on the corridor or future operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of TfNSW. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from TfNSW that this condition has been satisfied.

3.19.4 Construction

No work is permitted within the corridor, or any easements which benefit TfNSW, at any time, unless the prior approval of, or an Agreement with, TfNSW has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from TfNSW that this condition has been satisfied.

No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the corridor, TfNSW property or easements. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from TfNSW that this condition has been satisfied.

3.19.5 Drainage

The Applicant must ensure that all drainage from the development is adequately disposed of and managed and must ensure that no drainage is discharged into the

corridor unless prior written approval has been obtained from TfNSW. The Certifier must not issue a Construction Certificate or final Occupation Certificate for the development unless this condition has been satisfied.

3.19.6 Costs

All TfNSW costs associated with the review of plans, designs and legal must be borne by the applicant.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Section 7.11 Contributions under Section 7.17 Directions

- 4.1.1 The following monetary contributions pursuant to *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as **21 October 2021**. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

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

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

Stage 1 – Proposed Lot 4 (if required)

| Contribution Item | Amount | Relevant C.P. |
|--|---------------------|---------------|
| Stormwater Quantity Bells Creek | \$204,859.00 | 21 |
| Stormwater Quality Bells Creek | \$5,598.00 | 21 |
| Traffic Management Marsden Park Precinct | \$57,282.00 | 21 |
| Total | \$267,739.00 | |

These contributions are based upon the following parameters as specified in the Contributions Plan.

Total Developable Area: 0.3342 hectares

Total Stormwater Quality Developable Area: 0.0836 hectares

Stage 1 - Roads

| Contribution Item | Amount | Relevant C.P. |
|--|---------------------|----------------------|
| Stormwater Quantity Bells Creek | \$528,514.00 | 21 |
| Stormwater Quality Bells Creek | \$14,436.00 | 21 |
| Traffic Management Marsden Park Precinct | \$147,783.00 | 21 |
| Total | \$690,733.00 | |

These contributions are based upon the following parameters as specified in the Contributions Plan.

Total Developable Area: 0.8622 hectares

Total Stormwater Quality Developable Area: 0.2156 hectares

Stage 2 – 6 x 8 storey mixed use building

| Contribution Item | Amount | Relevant C.P. |
|--|-----------------------|----------------------|
| Stormwater Quantity Bells Creek | \$594,532.00 | 21 |
| Stormwater Quality Bells Creek | \$16,237.00 | 21 |
| Traffic Management Marsden Park Precinct | \$166,243.00 | 21 |
| Open Space | \$3,911,890.00 | 21 |
| Community Facilities | \$119,736.00 | 21 |
| E2 Conservation Zone | \$153,163.00 | 21 |
| Aquatic Facility | \$201,556.00 | 21 |
| Total | \$5,163,357.00 | |

These contributions are based upon the following parameters as specified in the Contributions Plan.

Total Developable Area: 0.9699 hectares

Total Stormwater Quality Developable Area: 0.2425 hectares

Additional Population: 456.7 persons

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Customer Information Centre. Alternatively, Contributions Plans may be downloaded from Council's website:

Section 7.11 CP No. 21 – Marsden Park

Should the final plan of survey indicate any change in the total developable area and total stormwater quality developable area, or should amendments change the potential additional population, the information for this Section 7.11 Contribution(s) will be adjusted accordingly.

4.2 Special Infrastructure Contributions

- 4.2.1 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 is issued in relation to any part of the development to which this consent relates.

More information

Information about the special infrastructure contribution can be found on the Department of Planning and Environment's website: <http://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding>

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

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

4.4 Verification Acoustic Report to Validate Structural Details of Roof Slab

- 4.4.1 Prior to issue of construction certificate the applicant is to submit a verification report from a qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS). The verification report is to validate that the consultant has reviewed all the structural details relating to the roof slab over the future Gymnasium and the future Child Care Centre which separates it from the residential components above, to validate that the roof slab will meet the requirements of the Environmental Protection Authority's Industrial Noise Policy 2017, and verify that no noise will

emanate to the residential units above from these future uses. This is to be provided to Council's Environmental Health Unit and Development Assessment section for their joint review.

- 4.4.2 The recommendations provided in the amended acoustic report shall be implemented. At the time of lodgement of development applications for the fit out and use of the future Child Care Centre and future Gymnasium, a further acoustic assessment is to be carried out looking at the activities associated with the future Child Care Centre and future Gymnasium. This is to ensure that the acoustic consultant has reviewed all the structural details relating to the roof slab over the future Gymnasium and the future Child Care Centre which separates it from the residential components above, to validate that the roof slab will meet the requirements of the Environmental Protection Authority's Industrial Noise Policy 2017. This is to be submitted to Council's Environmental Health Unit for their review prior to issue of any construction certificate.

4.5 **Necessary Plan Amendments**

- 4.5.1 The following plan amendments shall be included on or addressed by any Construction Certificate relating to the approved development:

- (a) Deleted
- (b) Deleted
- (c) Within the common rooms, flexible use is to be afforded for residents with power and data connection available to be able to be used as a hot desk area for residents. The required commons rooms are at no time to be alienated for use by the strata corporation.
- (d) No stopping signs are required to be replaced with Yellow Line Marking on the road pavement on New Road 1.

4.6 **Deleted**

4.7 **Aesthetics and Streetscape**

- 4.7.1 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent and must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. "Anti-glare" glazing is to be used to minimise any glare affect. Details are to be provided as part of the Construction Certificate plans.

- 4.7.2 The construction certificate plans are to demonstrate that the windows in the development satisfy the following:

- (a) Any bathroom, w.c. or laundry window in the external walls of the buildings are fitted with translucent glazing.
- (b) All windows in the residential units on floor level 1 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 plans and provided to the principal certifying authority/principal certifier.

4.7.3 The development approved by this consent is to be constructed in accordance with the approved Materials and Finishes Plan, with the materials, finishes and colours indicated on the photomontage and the external material and finishes schedule submitted with the application. Building materials and finishes are to be finished with an anti-graffiti coating. Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans.

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

4.8 **Access Report**

4.8.1 All recommendations within the Access Report prepared by Vista Access Architects (Reference Number 19242) dated 15 October 2021 must be complied with.

4.9 **Building Matters - Internal Works**

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

4.10 **Fencing**

4.10.1 All fencing details and materials are to be as per the approved plans. All fencing is to be provided at full cost to the developer and is to be constructed on top of any masonry retaining walls.

4.10.2 With regard to the treatment of any front fences or walls at the ground level which is in the vicinity of the public domain / public footway, appropriate measures are to be in place to deter the potential for graffiti on these front fences or walls, such as landscaping which limits access to these front fences or walls, or a varied finish to these front fences / walls (such as horizontal metal slats set on a masonry base with piers at regular intervals) and with an anti-graffiti finish. These details are to be shown on the construction certificate plans to the satisfaction of the Certifying Authority.

4.10.3 Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti. All fencing which is visible from the public domain is not permitted to be continuous, closed board, or the like.

4.11 **Common Areas and Landscaping**

4.11.1 All common areas and landscaping shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate.

4.11.2 All landscaping, lawn areas, recreation features and furniture, bbq facilities, pathways and ramps shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate.

4.11.3 The basement deep soil areas which relate to the above tree plantings are to be provided to ensure the viability of these trees.

- 4.11.5 Rainwater collection and reuse is to be provided in the plant irrigation system for the site.

4.12 Access and Parking

- 4.12.1 502 car parking spaces are required to be provided on site, being 347 resident spaces (being 273 occupier spaces, 48 residential visitor spaces and 26 residential accessible spaces), 104 commercial spaces (being 101 commercial spaces and 3 commercial accessible spaces), 17 gym spaces (being 16 gym spaces and 1 accessible space) and 34 child care centre spaces (being 16 parent spaces, 17 staff spaces and 1 accessible space), and all 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): 2.4m x 5.4m

Residential Flat Building (adjacent to solid wall): 2.7m x 5.4m

Disabled Car Space: 4.8m x 5.4m (including shared zone)

- 4.12.2 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network.
- 4.12.3 A minimum of 110 bicycle parking spaces are to be provided within the development.
- 4.12.4 A minimum of 12 electric vehicle charging stations are to be provided across the development.
- 4.12.5 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in accordance with Australian Standards 2890.1 and AS 2890.2.
- 4.12.6 Adequate sight distance is required to be provided for both pedestrian and vehicular movement at the proposed driveway in accordance with Section 3.2.4 AS 2890.1 and Figure 3.2 of AS 2890.1 to ensure safety of pedestrians on the footpath system and motor vehicles along the new driveway.
- 4.12.7 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009 and AS1428.1 - 2009.
- 4.12.8 All internal roads/driveways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 4.12.9 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 4.12.10 The following car parking spaces shall be provided:

- Buildings A, B and C: 161 car parking spaces (including 129 resident parking, 11 resident adaptable parking and 21 resident visitor parking)
- Buildings D, E and F: 341 car parking spaces, being 186 residential (including 15 accessible spaces, 27 visitor spaces and 144 resident parking spaces), 17 car spaces for the gym, 34 car spaces for childcare and 104 commercial car spaces

Total car spaces within Buildings A, B, C is 161 spaces

Total car spaces within Building D, E, F is 341 spaces

Total car spaces within the development is 502 spaces, and 2 courier/loading spaces, 2 car wash bays, 110 bicycle parking, 14 motorbike parking, and 12 electric vehicle charging bays.

- 4.12.11 The design of the car parking area is to ensure that all vehicles must enter and leave the development in a forward direction.

4.13 **Adaptable Housing Units**

- 4.13.1 A minimum of 10% of the units within each residential flat building are to be designed in accordance with the Australian Adaptable Housing Code (AS 4299-1995) which includes “pre-adaptation” design details to ensure visitability is achieved.

4.14 **Floor to Ceiling Heights**

- 4.14.1 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.

4.15 **Services, Plant and Equipment**

- 4.15.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the streetscape presentation, apartments and communal open space areas with regard to visual, acoustic and odour impacts.
- 4.15.2 The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.
- 4.15.3 Written evidence is to be provided to Council from an appropriately qualified acoustic consultant stating that all plant and equipment have been selected to meet the project
- 4.15.4 Any required substation as part of the development is required to be located on private property and incorporated into the design of the building or landscaping of the development.

4.16 **Mailboxes**

- 4.16.1 The plans are to demonstrate that adequate mail boxes are provided in the residential lobbies.
- 4.16.2 All mail boxes are to accord with the requirements of Australia Post with regard to location, access and size. The letterbox system is to be vandal resistant and secure.
- 4.16.3 Appropriate sight lines are to be provided for vehicles using the mail box waiting bay for safety purposes.

4.17 **Other Matters**

- 4.17.1 The proposed development works are to ensure compliance with the requirements with the Access provisions of the NCC(BCA) 2019 and the Access to Premises Standard.

5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

5.1 Building Code of Australia Compliance

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

5.2 Site Works and Drainage

- 5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 5.2.2 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.
- 5.2.3 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:
- (a) Preserved and protected from damage, and
 - (b) Underpinned and supported.

Such details shall accompany the Construction Certificate.

5.3 Amended BASIX Certificate Requirement and BASIX Compliance

- 5.3.1 The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate number: 1090398M_03 dated 1 November 2021.

6 PRIOR TO CONSTRUCTION CERTIFICATE/SUBDIVISION WORKS CERTIFICATE (ENGINEERING)

6.1 General

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

6.1.2 Where this consent requires both subdivision and building works to be undertaken, no construction certificate for building works is to be issued until all subdivision works have been completed to the satisfaction of Council, and the Subdivision Certificate issued. This includes future public infrastructure such as roads and road drainage systems as well as any engineering infrastructure required to serve the road and road drainage system, including temporary onsite stormwater detention (OSD) and Water sensitive Urban Design (WSUD) located on privately owned land.

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

6.1.3 The engineering drawings referred to below are not for construction. The Construction Certificate/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

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

| Prepared By | Project No. | Set No. | Sheet No. | Revision | Dated |
|------------------|-------------|---------|-----------|----------|------------|
| Orion Consulting | 19-35 | 1 | DA 000 | L | undated |
| Orion Consulting | 19-35 | 1 | DA 001 | L | undated |
| Orion Consulting | 19-35 | 1 | DA 001A | A | 30/08/2024 |
| Orion Consulting | 19-35 | 1 | DA 002 | L | 17/05/2024 |
| Orion Consulting | 19-35 | 1 | DA 003 | J | 07/08/2023 |
| Orion Consulting | 19-35 | 1 | DA 004 | L | 17/05/2024 |
| Orion Consulting | 19-35 | 1 | DA 005 | J | 07/08/2023 |
| Orion Consulting | 19-35 | 1 | DA 006 | J | 07/08/2023 |
| Orion Consulting | 19-35 | 1 | DA 007 | J | 07/08/2023 |
| Orion Consulting | 19-35 | 1 | DA 100 | L | 17/05/2024 |
| Orion Consulting | 19-35 | 1 | DA 101 | K | 05/04/2024 |
| Orion Consulting | 19-35 | 1 | DA 102 | J | 07/08/2023 |
| Orion Consulting | 19-35 | 1 | DA 200 | L | 17/05/2024 |
| Orion Consulting | 19-35 | 1 | DA 201 | K | 05/04/2024 |

| | | | | | |
|------------------|-------|---|--------|---|------------|
| Orion Consulting | 19-35 | 1 | DA 210 | J | 07/08/2023 |
| Orion Consulting | 19-35 | 1 | DA 211 | J | 07/08/2023 |
| Orion Consulting | 19-35 | 1 | DA 212 | J | 07/08/2023 |
| Orion Consulting | 19-35 | 1 | DA 213 | K | 05/04/2024 |
| Orion Consulting | 19-35 | 1 | DA 214 | J | 07/08/2023 |
| Orion Consulting | 19-35 | 1 | DA 300 | K | 05/04/2024 |
| Orion Consulting | 19-35 | 1 | DA 301 | K | 05/04/2024 |
| Orion Consulting | 19-35 | 1 | DA 302 | J | 07/08/2023 |
| Orion Consulting | 19-35 | 1 | DA 400 | L | 17/05/2024 |
| Orion Consulting | 19-35 | 1 | DA 401 | K | 05/04/2024 |
| Orion Consulting | 19-35 | 1 | DA401B | B | 17/05/2024 |
| Orion Consulting | 19-35 | 1 | DA 402 | K | 05/04/2024 |
| Orion Consulting | 19-35 | 1 | DA 403 | K | 05/04/2024 |
| Orion Consulting | 19-35 | 1 | DA 404 | K | 05/04/2024 |
| Orion Consulting | 19-35 | 1 | DA 405 | K | 05/04/2024 |
| Orion Consulting | 19-35 | 1 | DA 406 | K | 05/04/2024 |
| Orion Consulting | 19-35 | 1 | DA 407 | L | 17/05/2024 |
| Orion Consulting | 19-35 | 1 | DA 408 | K | 05/04/2024 |
| Orion Consulting | 19-35 | 1 | DA 410 | J | 07/08/2023 |
| Orion Consulting | 19-35 | 1 | DA 420 | B | 05/04/2024 |
| Orion Consulting | 19-35 | 1 | DA 421 | B | 05/04/2024 |
| Orion Consulting | 19-35 | 1 | DA 422 | B | 05/04/2024 |
| Orion Consulting | 19-35 | 1 | DA 423 | B | 05/04/2024 |
| Orion Consulting | 19-35 | 1 | DA 430 | B | 05/04/2024 |
| Orion Consulting | 19-35 | 1 | DA 450 | K | 05/04/2024 |
| Orion Consulting | 19-35 | 1 | DA 900 | A | 05/04/2024 |

6.2 Subdivision Works/Construction Certificate Requirements

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

- Road and drainage construction
- On-site stormwater detention
- Water quality treatment
- Earthworks
- Inter-allotment drainage (created within the subject lot)
- Path Paving (within a subdivision)

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

6.3 Local Government Act Requirements

6.3.1 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)
- Inter-allotment drainage on adjoining land

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

6.4 Roads Act Requirements

6.4.1 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
- Kerb inlet pit connections or construction
- Vehicular crossings
- Path Paving

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

6.5 Other Engineering Requirements

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

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

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

6.5.4 Submit written evidence from Sydney Water indicating compliance with all necessary requirements.

6.5.5 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.

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

6.6 Roads

6.6.1 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.

6.6.2 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.

6.6.3 Any approved design drawings must show a 5 m x 5 m splay for residential allotments at each street intersection.

6.6.4 Proposed new roads shall be designed and constructed as follows:

| Name | Reserve Width (m) | Length (m) | Formation (m) | Traffic Loading N (E.S.A) |
|--------|-------------------|------------|---------------------|---------------------------|
| Road 1 | 15.5 var | | 3.0 - 9.0 - 3.5 var | 5 x 10 ⁵ |
| Road 2 | 9.0 (half) | | 3.5 - 5.5 (half) | 5 x 10 ⁵ |
| Road 3 | 18.0 | | 3.5 - 11.0 - 3.5 | 5 x 10 ⁵ |
| Road 4 | 9.0 (half) | | 3.5 - 5.5 (half) | 5 x 10 ⁵ |

6.6.5 Indicate the replacement the redundant layback and footway crossing with Transport for NSW (TfNSW) standard kerb and gutter on Richmond Road. The footway area shall be restored with turf in accordance with TfNSW 's and Council's specifications.

6.6.6 Staging of road construction may 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.

6.7 Drainage

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

6.8 Signage and Line Marking

- 6.8.1 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.

6.9 Erosion and Sediment Control

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

6.10 Earthworks

- 6.10.1 Proposed lots must be filled so that the ground levels behind the building are a minimum of 500mm above the designed 100-year average recurrence interval flood level.
- 6.10.2 Batters are not to exceed a grade of 1V5H and are to be stabilised with topsoil, turf and vegetation unless otherwise approved on the engineering plans.
- 6.10.3 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.
- 6.10.4 Retaining walls shall be a maximum single height of 1.2 m (600 mm cut + 600 mm fill). Where a retaining wall is proposed that is more than 1.2 m in height, a terraced solution shall be provided. Terraces should not exceed 900 mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.
- 6.10.5 Show on plan adjacent to road cross sections approximate quantities of road materials required for construction. (i.e. Densely Graded Subbase and Densely Graded Base)

6.11 Stormwater Quality Control

- 6.11.1 Stormwater quality treatment system shall be designed in accordance with Council's Engineering Guide for Development and DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#).
- 6.11.2 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
- 6.11.3 Bio-retention basin(s) to be designed in accordance with Council's Water Sensitive Urban Design standard drawings and Council's Engineering Guide for Development and DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#).

6.12 Temporary On-Site Detention

- 6.12.1 A temporary on-site detention system in accordance with Council's Engineering Guide for Development. This design shall limit the post-developed flows in

accordance with the parameters set out in Council's WSUD Standard Drawings A(BS)175M OSD Requirements - Sheet 20.

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

- Certification that the structures associated with the temporary on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- Certification that the temporary on-site detention system will perform to meet the temporary on-site detention requirements.

6.12.3 The following documents shall be submitted to accompany the temporary on-site detention design:

- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
- S3QM Certificate OSD detailed design submission and calculation summary sheet
- A maintenance schedule that is signed and dated by the designer

6.12.4 Further subdivision or development over the temporary basin will require Council approval. Decommissioning works shall be undertaken in accordance with the Council's Engineering Guide for Development (Current Version) and Temporary Basin Removal Procedure. Council will be the PCA for these works which will include inspections by Council's Development Inspectors.

6.13 Vehicular Crossings

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

6.13.2 Where the payment of a contribution in lieu of construction of a vehicular crossing(s) has been accepted by Council, a temporary crossing(s) must be constructed to serve the development. The temporary crossing(s) shall consist of 100 mm of road base finished with a 25 mm asphaltic concrete or equivalent emulsion seal.

6.14 Footpaths

6.14.1 Path paving s to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2020 and as follows:

| Street Name | Side | Paving Width | Length |
|-------------|------------|--------------|---------------|
| Road 1 | South Side | 1.5m | Chg 110 - 276 |
| Road 1 | North Side | 1.5m | Chg 225 - 270 |
| Road 3 | East Side | 1.5m | Chg 0 - 290 |
| Road 4 | West Side | 1.5m | Chg 0 - 107 |

6.14.2 Construct shared user paths (including signage and linemarking) in accordance with Part 6A (Paths for Walking and Cycling) 2017 of Austroads "Guide to Road Design" and the RMS NSW Bicycle Guidelines – July 2005, as follows:

| Street Name | Side | Cycle-way Width | Length |
|-------------|------------|-----------------|------------|
| Road 1 | East Side | 2.5m | Full block |
| Road 1 | North Side | 2.5m | Full block |
| Road 2 | South Side | 2.5m | Full block |
| Road 3 | West Side | 2.5m | Full block |

6.15 Drainage

6.15.1 Engineering plans by Orion Consulting revision I and J, undated and dated 21.10.21 respectively are to be amended generally as follows:

- a. Road 3, pits 15/1, 15/2, 02/1 to 02/6 inclusive, 13/1 and 14/1 are to have temporary OceanGuard pit inserts.
- b. Dwg. 405 and Dwg. 406 (Rev. I)
 - i. There are inconsistencies with Dwg. 406, section 1 and Dwg. 405 in relation to the subsoil drainage outlet. The bioretention subsoil drainage is to discharge independently of any control pit.
- c. The rainwater overflow pipe is to contain a HDPE flap valve.
- d. Basement ramp crest entry levels are to be 0.3m min above the road gutter invert level.
- e. Road 4 is to have a maximum ponding of 200mm without overtopping the temporary retaining wall.
- f. Rainwater outlets type SPS truflo can be proposed for stormfilter tank 2 catchment paved area rather than 600SQ pits in public corridor.
- g. An updated stormwater management report is required.
- h. Provide roof overflows as per AS3500.3.
- i. Show planter Drains on Roof where proposed by Architect plans (dated 15.07.21).
- j. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the Stormfilter Chamber and rainwater tank in accordance with Council's Engineering Guide for Development 2005.
- k. Provide Floodway Warning Signs for the above ground detention areas in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.

6.15.2 Building levels are to be designed against intrusion of overland runoff between public corridors and external areas. Refer the AS3500.3 section 5. Either slope areas away from internal floors, suggest suitable drainage or propose level differences.

6.15.3 An experienced Drainage Engineer registered with NER and supported by a DRAINS or other hydraulic modelling is to certify that the internal drainage system is capable of carrying the 5% AEP flows without surcharge.

- 6.15.4 A Chartered Civil Engineer registered with NER must certify that for the ultimate design the maximum depth of flow in the gutter is less than 200 mm for all 1% AEP storm events;
- 6.15.5 A Chartered Structural Engineer, registered with NER, must certify the structural design for pier footings adjacent to Stormfilter tanks to be founded a minimum of 300mm below the underside of the tanks. The depth of piers away from the tanks will be subject to the zone of influence.
- 6.15.6 Provide details for permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail are to be generally in accordance with Section 13 of Council's WSUD developer handbook and be approved by Council.
- 6.15.7 Revised Landscape plans are required in accordance with the Council's WSUD Standard Drawings A(BS)175M Sheet 12 that include appropriate species for the bioretention system. Planting within the filter area should incorporate several growth forms, including shrubs and tufted plants and be densely planted (tufted plants at a minimum of 10 plants per square metre) to ensure plant roots occupy all parts of the media. To ensure diversity and disease resistance a minimum of 10 different species is required planted as a matrix. No mulch is permitted over the bioretention however jutemat is accepted. Where the banks of the basin are turfed a minimum 200 mm wide concrete mowing strip is required adjacent to the bioretention to minimise grass intrusion into the bioretention.
- 6.15.8 Revised drainage plans are required to show how the filter media can be protected once the subdivision is completed, but allowing partial treatment during construction of the site. The final transition layer and filter media is not to be installed and instead geotextile is to be placed over the top of the gravel layer followed by 150 mm of coarse sand or temporary filter media and washed turf. Provide temporary fencing around the bioretention basin. This temporary protection measure for the bioretention area is not to be removed, nor the final filter media added, nor the filter area of the basin planted out, until a minimum of 90% of the upstream catchment draining to the basin is fully developed, including landscaping.
- 6.15.9 Provide a Bioretention Construction Estimate for the:
- Removal and disposal of the geotextile and temporary protection measures from the bioretention areas;
 - Addition of 100 mm of transition layer and 400 mm of filter media;
 - Undertaking hydraulic conductivity testing on the filter media in the basin;
 - Planting of appropriate bioretention species;
 - Certification by a Horticulturalist that the planting within the bioretention area is of the same quality in type and quantity as per the construction certificate approved landscape plan;
 - Cleaning the silt/litter arrestor pits.

- 6.15.10 Development shall incorporate water efficient fixtures such as taps, showerheads, and toilets. The fixtures must be rated to at least AAA under the National Water Conservation Rating and Labelling Scheme.
- 6.15.11 An experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses on the site including all toilet/urinal flushing and landscape watering and that all Sydney Water requirements have been satisfied. This applies to the commercial levels only. The plan is to show the rainwater pipe and tank arrangement including:
- a. a first flush or pre-treatment system (typically 0.2 litres / m² of roof area going to the tank for a first flush),
 - b. a pump with isolation valves;
 - c. a solenoid-controlled mains water bypass;
 - d. **flow meters** on the solenoid-controlled mains water bypass line and the pump outflow line, to determine non-potable usage and actual percentage reuse;
 - e. an inline filter and preferably an automatic backwash inline filter;
 - f. a control panel with warning light to indicate pump failure;
 - g. a timer and control box for landscape watering and
 - h. an irrigation watering plan allowing for a minimum of 340kL/yr and accounting for seasonal variations;
 - i. providing a minimum tank size of 200kL;
 - j. ensuring all the rainwater reuse pipes and taps are coloured purple.
 - k. fitting rainwater warning signs to all external taps using rainwater.
- 6.15.12 An experienced irrigation specialist is to prepare and certify a detailed Landscape Watering Plan for non-potable landscape watering of the commercial floor levels. The plan is to show the irrigation layout based on non-potable water supply point from the rainwater tank, including:
- a. isolation valve for maintenance or during water restrictions
 - b. a timer and control box for landscape watering, allowing for seasonal variations and split systems
 - c. designed to automatically achieve a minimum average usage rate of 340kL/yr at (0.4 kL/yr/m²) including increasing the frequency of watering by a minimum 50% above average for the hotter months and reducing for the cooler months
 - d. ensuring all the reuse pipes and taps are coloured purple
 - e. fitting warning signs to all external taps using non-potable water
- 6.15.13 Provide a Temporary OceanGuard Maintenance Estimate from Ocean Protect for the cleaning of the OceanGuards every 3 months for 2 years and every 4 months thereafter for duration of the contract. Replacement of the filter bags must occur every 2 years and the full removal of the temporary OceanGuards and frames from the street pits surrounding the development. At the end of the contract period of eight (8) years.

- 6.15.14 Provide a Stormwater Quality Improvement Device (SQID) Maintenance Estimate from Ocean Protect for the Stormfilter systems and OceanGuards as per Councils approved maintenance schedule.

6.16 Consistency with DA-15-02765

- 6.16.1 Should construction of Road 3 occur in accordance with DA-15-02765 and JRPP-16-02971 prior to the works commencing for Road 3 under this consent, the civil engineering plans are to be amended to provide consistency with the approved construction design for Road 3 under DA-15-02765 and JRPP-16-02971 and lodged with Council and approved by the Manager Asset Design prior to the issue of a construction certificate.

7 PRIOR TO DEVELOPMENT WORKS

7.1 Demolition Conditions

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

7.2 Dial Before You Dig

- 7.2.1 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 7.2.2 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.
- 7.2.3 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

7.3 Sydney Water Authorisation

- 7.3.1 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, or telephone 1300 082 746 for assistance.

7.4 Natural Areas Team Matters – Dam Dewatering Plan for Removal of Dam

- 7.4.1 The document put forward for a Dam Dewatering Plan (DDP) by Ecological Australia dated 27 July 2021 is approved.
- 7.4.2 The Dam Dewatering Plan prepared by Ecological Australia Dated 27 July 2021 must be complied with.
- 7.4.3 All activities are to be compliant with the ANZECC guidelines, with particular reference to discharge limits, monitoring, and notification of potential pollution incident conditions.
- 7.4.4 Within 7 days of the works, the aquatic ecologist is to provide a report on the works, to be provided to Council through the Natural Areas Team.
- 7.4.5 Any dam on site shall be de-watered in stages. All native fauna located within and surrounding the dam shall be collected by an appropriately qualified and licensed ecologist. Any captured native fauna shall be relocated to a suitable location managed by the applicant or as nominated by Council. Details shall be submitted to Council, including photographs, surveys and diary entries of species found and details of relocation.

7.5 Protection of Fauna

- 7.5.1 It is the responsibility of the developer to ensure that the removal of hollow-bearing trees or trees containing nests is conducted with due regard to any fauna present. In the event that fauna is evident an ecologist shall be engaged on-site to undertake appropriate relocation any fauna.

7.6 Tree Protection

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

8 PRIOR TO DEMOLITION WORKS

8.1 Safety/Health/Amenity

- 8.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the works "DANGER – DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.
- 8.1.2 A sign shall be erected in a prominent position on the land indicating the name of the

person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

8.1.3 Should the demolition work:

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

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

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

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

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

Each toilet provided shall be:

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

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

8.2 **Tree Protection**

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

8.3 **Other Matters**

8.3.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 2 days prior to the intended work and include the following information:

- date/s, hours and duration of the works

- contact name and phone number of the applicant
- contact name and phone number of the licensed demolisher
- SafeWork NSW contact number 13 1050, and email address contact@safework.nsw.gov.au

8.4 Environmental Health Matters - Remediation

- 8.4.1 The recommendations provided in the *Preliminary and Detailed Site Investigation Report*, prepared by Geotest Services, Report P32500.1_R01, dated 2 December 2019, shall be implemented.
- 8.4.2 A Hazardous Materials Survey should be prepared for the site prior to the demolition of any onsite structures. Control measures outlined in the report are to be implemented during demolition of structures.

9 DURING DEMOLITION WORKS

9.1 Safety/Health/Amenity

- 9.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the words "DANGER – DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 9.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 9.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 9.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 9.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 9.1.6 Any excavation and/or backfilling associated with the demolition 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.
- 9.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable SafeWork NSW requirements including the Code of Practice for the Safe Removal of Asbestos – National Occupational Health and Safety Commission 2005 (if applicable).
- 9.1.8 The removal of asbestos from the site and its transportation to its final destination is to be undertaken in accordance with the NSW Environment Protection Authority's WasteLocate online system for tracking asbestos waste. Upon completion of the

transportation, the WasteLocate consignment number is to be submitted to Council. For more information, please refer to the following link: <https://www.epa.nsw.gov.au/your-environment/waste/transporting-asbestos-waste-tyres>

- 9.1.9 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.

9.2 Nuisance Control

- 9.2.1 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7 am and 6 pm, Monday to Friday, and 8 am to 1 pm, Saturdays, with no demolition work being undertaken on Sundays or public holidays.

10 COMPLETION OF DEMOLITION WORKS

10.1 Final Inspection

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

10.2 Hazardous Materials and Waste

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

10.3 Safety/Health/Amenity

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

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

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

This condition does not apply to:

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

10.3.3 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.

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

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

10.3.6 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.

10.3.7 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.

10.4 Notification to Council

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

10.5 Sydney Water Authorisation

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

OR

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

11 DURING CONSTRUCTION (BUILDING)

11.1 Safety/Health/Amenity

- 11.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 11.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
 - (a) the name, address and telephone number of the principal certifying authority for the work, and
 - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- 11.1.3 Should the development work:
 - (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the enclosure of a public place,

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

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

- 11.1.4 All measures specified in the Construction Certificate 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 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 11.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 11.1.7 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
 - (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 11.1.8 Building and construction materials, plant, equipment and the like shall not be placed or stored at any time on Council's footpath, roadway or any public place.
- 11.2 **Building Code of Australia Compliance**
- 11.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 11.3 **Nuisance Control**
- 11.3.1 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.
- 11.3.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 11.4 **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.

12 DURING CONSTRUCTION (GENERAL)

12.1 Environmental Health Matters

- 12.1.1 Any asbestos material is to be handled and treated in accordance with the WorkCover document *"Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos"* dated March 2008.
- 12.1.2 The Construction Environment Management Plan should be in place and must include specific advice on how water treatment and dewatering will be undertaken in accordance with the Blue Book, as well as demonstrating the discharged water complies with ANZECC water quality guidelines.
- 12.1.3 When basins are required to be pumped out, the necessary dosing must occur within 24 hours of the conclusion of each storm event and the basin must be drained within 36 to 48 hours if gypsum is used.
- 12.1.4 Council's Environmental Health Section must be notified prior to 4 pm on the business day prior to any controlled discharge from any temporary drainage basin outside of standard business hours (9 am to 5 pm, Monday to Friday), or, 1 hour prior to any controlled discharge from any temporary drainage basin during standard business hours.
- 12.1.5 Any water discharging from the premises is to be sampled at 30 minute intervals from the discharge point for the entire period that water is leaving the site.
- 12.1.6 If any sample is recorded above the parameters in the plan, the discharge will need to cease immediately and Council's Environmental Health Section must be notified by telephone at the time of detection and followed up in writing.
- 12.1.7 If no adverse results are identified that require immediate notification, the results must still be submitted to Council's Environmental Health Section at the completion of the required controlled discharges.

12.2 Sustainable Waste Matters

- 12.2.1 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 development works.
- 12.2.2 The applicant must provide evidence of tipping dockets for all demolition and construction waste generated onsite.
- 12.2.3 The applicant must ensure all litter is managed onsite by ensuring waste receptacles are covered when not in use.

12.3 European Heritage

- 12.3.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and Heritage NSW (Department of

Premier and Cabinet) shall be notified immediately in accordance with section 146 of the *Heritage Act 1977*. Relevant works shall not recommence until written authorisation from Heritage NSW (Department of Premier and Cabinet) is issued.

12.4 Aboriginal Heritage

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

12.5 Construction Traffic Management Plan

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

12.6 External Authority - Transport for NSW Requirements

- 12.6.1 No modifications may be made to the approved design without the consent of Transport for NSW (TfNSW).
- 12.6.2 TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

13 DURING CONSTRUCTION (ENGINEERING)

13.1 Notification of Works

- 13.1.1 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.
- 13.1.2 A notification of works flyer (letter drop) is to be provided to all residential housing, businesses and organisations adjacent to any engineering works approved by this consent. This is for works undertaken on Council controlled lands such as roads, drainage reserves and parks. The notification of works flyer must contain details of the proposed works, locality map of works, contact details and the anticipated time period. A signed copy of the notice is to be provided to Council's Engineering Approvals Team and is to show the date of the letter drop as well as highlight the area that received the notification.

13.2 Insurances

- 13.2.1 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.

13.3 Service Authority Approvals

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

13.4 Boundary Levels

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

13.5 Tree Protection and Preservation

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

- 13.5.2 Prior to commencement of engineering works that may disturb existing vegetation/trees, the site shall be inspected to identify and appropriately mark out any trees to be retained as well as determine areas that are to be left undisturbed. Proposed roads must be set-out onsite prior to this inspection. Note: Inspection must be carried out by Council's representative or an appropriately accredited private certifier. The applicant's representative must be present during this inspection.

13.6 Soil Erosion and Sediment Control Measures

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

13.7 Filling of Land and Compaction Requirements

- 13.7.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works

Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.

13.7.2 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.

- 13.7.3 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.
- 13.7.4 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.
- 13.7.5 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.
- 13.7.6 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 13.7.7 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.

- 13.7.8 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.

13.8 Filling in Contaminated Land

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

13.9 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979

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

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

13.10 Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993

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

Inspections must be pre-booked with a minimum 24 hours' notice. Councils Development Overseers may be contacted on 02 9839 6586 between 6 am – 7 am, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

13.11 Public Safety

- 13.11.1 The applicant is advised that all works undertaken are to be maintained in a safe condition at all times. Council may at any time and without prior notification make

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

13.12 **Site Security**

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

13.13 **Traffic Control**

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

13.14 **Powder Coated Furniture**

- 13.14.1 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.

13.15 **Road Line Marking and Traffic Signage**

- 13.15.1 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.

13.16 Drainage Engineering Matters

- 13.16.1 Building levels are to be designed against intrusion of overland runoff between public corridors and external areas. Refer the AS3500.3 section 5. Either slope areas away from internal floors, suggest suitable drainage or propose level difference.

13.17 Water Quality

- 13.17.1 The 200-micron OceanGuards and/or Stormfilter cartridges supplied by Ocean Protect as detailed on the approved drainage plan 450 (Rev. J) are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.
- 13.17.2 Provide certification prior to placement of the liner for the bioretention that the minimum filter area has been achieved excluding all pits and scour protection and that the base is free of rocks and debris.
- 13.17.3 Provide certification prior to placement, that the bioretention filter media ex-bin has:
- A minimum hydraulic conductivity as defined by ASTM F1815-11 of 250 mm/hr (actual, not predicted)
 - A maximum hydraulic conductivity as defined by ASTM F1815-11 of 700 mm/hr (actual, not predicted)
 - A pH between 5.5 to 7.
 - An Orthophosphate content < 20 mg/kg
 - A Total Nitrogen content < 900 mg/kg
 - Is not hydrophobic.
- 13.17.4 Provide certification prior to placement in the bioretention basin, that the transition layer material ex-bin:
- Is a clean, washed well-graded coarse sand or coarse sand blend containing little or no fines (< 2%), and
 - ii. Satisfies the bridging criteria $D_{15}(\text{transition layer}) \leq 4 \times D_{85}(\text{filter media})$ where: D_{15} is the 15th percentile particle size in the transition layer material (i.e., 15% of the sand is smaller than D_{15} mm), and D_{85} is the 85th percentile particle size in the filter media.
 - iii. Satisfies the hydraulic conductivity criteria $D_{15}(\text{transition layer}) \geq D_{15}(\text{filter media}) \times 3$.
- 13.17.5 Provide certification prior to placement in the bioretention basin, that the drainage layer material ex-bin:

- a. Is a clean washed 5-7 mm gravel, such as washed screenings.
 - b. Satisfies the bridging criteria $D_{15}(\text{drainage layer}) \leq 4 \times D_{85}(\text{transition layer})$ where: $D_{15}(\text{drainage layer})$ is the 15th percentile particle size in the drainage layer material (i.e., 15% of the gravel is smaller than D_{15} mm), and $D_{85}(\text{transition layer})$ is the 85th percentile particle size in the transition layer material.
 - c. Satisfies the hydraulic conductivity criteria $D_{15}(\text{drainage layer}) \geq D_{15}(\text{transition layer}) \times 3$.
- 13.17.6 No fertiliser or additional nutrient material or mulch is to be provided to the bioretention basin filter area during planting of the tubestock, or at any time.
- 13.17.7 The filter media in the bioretention area is not to be installed nor bioretention plants installed until all the building works, retaining walls and driveways have been completed.
- 13.17.8 A plumber licensed with NSW Fair Trading is to undertake flow testing of the non-potable water reuse system to verify that commercial toilet levels are capable of being supplied by rainwater and that there is no cross mixing with the potable water supply.

14 PRIOR TO SUBDIVISION CERTIFICATE

14.1 Site Access

- 14.1.1 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.
- 14.1.2 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on a future public road. Any proposal to locate a proposed substation or other utility installation on a future public road shall be negotiated with and fully endorsed by the relevant Council Directorates.
- 14.1.3 A temporary Right of Carriageway as an easement in gross (under schedule 4A Part 1) benefitting Blacktown City Council shall be provided over the following nominated lot(s) for the temporary turning head and an appropriate restriction and positive covenant on the use of the land shall be created, under Section 88B of the *Conveyancing Act 1919*, covering this requirement.

Nominated Lot: 2

14.2 Road Damage

- 14.2.1 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.

14.3 Easements/Restrictions

- 14.3.1 A Restriction as to User over proposed Lot 2 shall be created under Section 88B of the *Conveyancing Act 1919* in the following terms:

No further development of the lot burdened is to take place unless it is approved by

Development Consent. Such approval is likely to require, but not be restricted to, construction of road and drainage works, the provision of lot fill and the payment of Section 7.11 Contributions.

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

14.4 **Security**

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

14.5 **Asset Management**

- 14.5.1 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.

14.6 **Consent Compliance**

- 14.6.1 A Subdivision Certificate shall not be issued until all conditions of this consent have been satisfied.
- 14.6.2 A Subdivision Certificate for the relevant subdivision stage shall not be issued until all conditions of this consent relevant to the stage have been satisfied.

14.7 **Additional Inspections**

- 14.7.1 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.

14.8 **Fee Payment**

- 14.8.1 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.

14.9 **Engineering Matters**

14.9.1 **Surveys/Certificates/Works As Executed plans**

- 14.9.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed, 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).
- 14.9.1.2 The Work-as-Executed (WAE) must confirm that the On Site Detention system identification plate has been installed in accordance with Council's WSUD Standard Drawings A(BS)175M Sheet 20.

- 14.9.1.3 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.
- 14.9.1.4 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.
- 14.9.1.5 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 14.9.1.6 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 14.9.1.7 Written evidence is to be obtained from the Transport for NSW (TfNSW) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 14.9.1.8 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):
- a) Compaction certificates for fill within road reserves.
 - b) Compaction certificates for road sub-grade.
 - c) Compaction certificates for road pavement materials (sub-base and base courses).
 - d) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
 - e) Applicant to submit material compliance documentation in accordance with Councils Civil Works Specification 8.1.4
 - Compliance Certificate and Test Results
 - Delivery Dockets
 - Summary of Material deliveries as per template available on Council's website.
- 14.9.1.9 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.
- 14.9.1.10 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

When Council has been nominated or defaulted as the nominee for engineering compliance. Final inspections can be arranged through Councils Coordinator of Engineering Approvals contactable on (02) 9839 6000. A final inspection request form and checklist must be completed by the applicant prior to the final inspection.

- 14.9.1.11 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.
- 14.9.1.12 Structural certification 'as built' by a qualified Engineer (NER) for all structural items approved by the scope of this consent. This relates to the following components:
- a) Retaining walls over 0.6 m in height
 - b) Non-standard stormwater pits
- 14.9.1.13 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.
- 14.9.1.14 A Certificate shall be submitted by a suitably qualified geotechnical engineer verifying that any fill material imported to site is virgin excavated natural material (VENM) or (ENM).
- 14.9.2 Easements/Restrictions/Positive Covenants**
- 14.9.2.1 Any easement or restriction created as a result of this consent must be in accordance with the following:
- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
 - (b) The standard format for easements and restrictions as accepted by NSW Land Registry Services (LRS).
- 14.9.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the on-site detention storage areas and outlet works. Documentary evidence of this LRS lodgement shall be submitted to Council.
- 14.9.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control devices/system and outlet works. Documentary evidence of this lodgement shall be submitted to Council.
- 14.9.2.4 Restrictions and positive covenant must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the overland flow-path. Documentary evidence of this LRS lodgement shall be submitted to Council.
- 14.9.2.5 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.

14.9.3 Dedications

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

14.9.4 Bonds/Securities/Payments in Lieu of Works

- 14.9.4.1 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.

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

- (a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)
- (b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

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

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

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

14.9.5 Inspections

- 14.9.5.1 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.

14.9.6 Inspection of Work

- 14.9.6.1 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.

14.10 Drainage Engineering Matters

14.10.1 Surveys/Certificates/Works as Executed Plans

14.10.1.1 A Registered Surveyor is to submit certification that all drainage lines and associated structures lie wholly within the created drainage easement.

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

- a. all the requirements of the approved drainage plan have been undertaken;
- b. the temporary bioretention protection system has been installed comprising a minimum 1.0 mm HDPE liner, un-socked slotted PVC subsoil lines laid at 0.5% with minimum 50 mm cover, a gravel layer (minimum 250mm), geotextile layer, 150 mm filter media and turf to enable construction of a future minimum filter media area of 380m² for the bioretention basin clear of pits, flow spreaders and scour protection.
- c. The sediment traps have been provided as part of the scour protection to each of the discharge outlet into the bioretention.
- d. the minimum detention storage of 755 m³ has been provided below the 50% AEP weir and a total of 1146 m³ has been provided below the 1% AEP emergency overflow weir;
- e. the orifice size matches the approved construction certificate plans;
- f. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.
- g. Temporary OceanGuards are installed in accordance with the Ocean Protect standard operational guidelines and production drawings;
- h. An OceanGuard maintenance contract has been entered into.

14.10.2 **Easements/Restrictions/Positive Covenants**

14.10.2.1 Provide a Restriction to User and Positive covenant over the basin including the bioretention basin with sediment pit in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.

14.10.2.2 Provide a Positive Covenant over the Temporary OceanGuards in the Street Pits generally in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include cleaning at maximum 4 monthly intervals and the submission of an annual report on water treatment before 1 September each year. The Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate and include a sunset clause releasing the covenant once the regional water quality facility is provided as agreed with Council.

14.10.3 **Securities/Payments in Lieu of Works**

14.10.3.1 Pay to Council a Bioretention Construction Security equal to 150% of the Bioretention Construction Estimate. The Bioretention Construction Estimate is not to be released until:

- a. Practical completion of the bioretention basin. Practical Completion is defined as removal of any temporary protection measures, installation of the transition layer, filter media and planting out of the basin; and

- b. A Geotechnical Engineer has undertaken insitu Saturated Hydraulic Conductivity Testing of the bioretention system in accordance with Practise Note 1 of the FAWB guidelines. Test points are to be spatially distributed. Where the hydraulic conductivity of the soil differs from the rate specified in MUSIC of 100 mm/hr (tolerance -0% to + 400%), remediation works will be required over the whole filter area to restore the conductivity and the test repeated in different locations until the hydraulic conductivity is achieved. A Geotechnical Engineer is to then certify that in accordance with Practise Note 1 of the FAWB guidelines, the Saturated Hydraulic Conductivity is within tolerance to the rate specified in MUSIC for the bioretention system; and
 - c. After the hydraulic conductivity has been certified by the Geotechnical Engineer, a Horticulturalist that has relevant tertiary qualifications and technical knowledge with a minimum of five (5) years demonstrated experience is to certify that the planting within the bioretention area including bank areas, is of the same quality in type and quantity as per the construction certificate approved landscape plans, that any plants lost have been replaced, the area is free of rubbish and that any areas of scour or disrepair have been restored.
 - d. The gross pollutant and bioretention sediment traps have been cleaned and cleaning docket provided
- 14.10.3.2 Written evidence is to be provided that the developer has entered into a minimum eight (8) year signed and endorsed maintenance contract with Ocean Protect and prepaid all of the Temporary OceanGuard Maintenance Estimate for the maintenance of the OceanGuards within the street pits. Forward a copy of the signed and endorsed contract and maintenance contractor details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.

14.11 Sustainable Waste Matters

- 14.11.1 The applicant must demonstrate to Council's satisfaction, that completed construction of the basement area achieves the required 4.5m headroom allowance (as per Australian Standards 2890.2) for the trucks entire travel path. This 4.5m headroom allowance must be achievable clear of all eaves, overhangs, balconies, services (including sprinklers, pipes etc), and at the roller door entry point. Failure to comply may impact the ability for waste collection vehicles to safely access the development to service its waste and recycling bins.
- 14.11.2 Temporary truck turning heads must be provided to Council's satisfaction in the form of a cul de sac where the surrounding road network is not yet completed. Hammerheads are not accepted. Design must be in accordance with the Councils engineering guide for the development and cater for 11m long, heavy rigid vehicles with 25m turning circles. Evidence must be provided in the form of swept paths and AutoCAD files in DWG format and 1:1 scale for the trucks entire travel path.
- 14.11.3 An easement or public positive covenant is required to Council's satisfaction over lots that adjoin the required temporary turning heads which aim to provide safe truck access and turning around the site. These easements or public positive covenants can only be released, varied or modified by Council and must not be released, varied or modified until the surrounding road network is completed and waste collection vehicles can move around the site in a forward direction

14.12 Traffic Matters – Public Road Access

14.12.1 This plan of subdivision is not to be released until lawful vehicular access is provided to Grange Avenue (Richmond Road is access denied). This is to occur either via:

- The construction and dedication of the full extent of New Road 3 as a public road under the Roads Act 1993 connecting to Grange Avenue shown on the approved engineering plans as set out in this consent; or
- The full physical construction of the New Road 3, dedication of all roads- within the subject site- and an easement in gross in favour of Council on the terms set out in Part 1 Schedule 4A of the Conveyancing Act 1919 is to be registered and in place across the portion of New Road 3 that is contained within 999 Richmond Road and 223-225 Grange Avenue (known as new Road 1 on DA-15-02765). The easement will enure until such time as the easement site will be dedicated as a public road.

Alternatively access is to be provided through the adjoining subdivisions and this will necessitate the construction of the roads and registration of the adjoining subdivisions under **DA-15-02765** and **JRPP-16-02971** prior to the release of this subdivision certificate.

14.13 **Final Plans**

14.13.1 The submission of a final plan of subdivision, together with 7 exact copies and the appropriate fee. The final plan of subdivision will not be released until all conditions of this determination have been complied with.

14.13.2 Where any permanent control marks are placed in accordance with the Survey Practice Regulation 1990 in the preparation of the plan, 2 copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision.

14.14 **Septic Tank**

14.14.1 The septic tank is to be decommissioned in accordance with condition 1.7.2.

14.15 **Subdivision Configuration**

14.15.1 The boundaries and configuration of the subdivision shall be generally consistent with the corresponding zone boundaries of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

15 **PRIOR TO OCCUPATION CERTIFICATE**

15.1 **Compliance with Conditions**

15.1.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

15.1.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation

Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

- 15.1.3 An Occupation Certificate shall not be issued until all conditions of this consent have been satisfied.

15.2 Fire Safety Certificate

- 15.2.1 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).

15.3 Site Requirements

- 15.3.1 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 15.3.2 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.
- 15.3.3 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 15.3.4 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 15.3.5 Any temporary builder's sign or other site information sign shall be removed from the land.

15.4 Road Damage

- 15.4.1 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.

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

15.5 Fee Payment

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

15.6 Engineering Matters

15.6.1 Road Damage

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

15.6.2 **Compliance with Conditions**

15.6.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

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

15.6.2.3 An Occupation Certificate shall not be issued until all conditions of this consent, other than "operational" conditions, have been satisfied.

15.6.3 **Service Authorities**

15.6.3.1 The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.

15.6.3.2 A final written clearance shall be obtained from Sydney Water Corporation, Energy provider and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc.) has not previously been issued.

15.6.4 **Temporary Facilities Removal**

15.6.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.

15.6.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.

15.6.4.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.

15.6.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.

15.6.4.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

15.7 **Fee Payment**

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

15.8 Engineering Matters

15.8.1 Surveys/Certificates/Works As Executed plans

- 15.8.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 15.8.1.2 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.
- 15.8.1.3 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) required by this consent have been achieved. The certificate must acknowledge that works and the construction of the floors have been complete. All levels must be to Australian Height Datum (AHD).
- 15.8.1.4 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished surface levels (FSL) for lot(s) required by this consent have been achieved and/or have been maintained in accordance with those established at the time of creation of the lot. The certificate must acknowledge that works have been complete. All levels must be to Australian Height Datum (AHD).
- 15.8.1.5 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.
- 15.8.1.6 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.
- 15.8.1.7 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 15.8.1.8 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 15.8.1.9 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.

- 15.8.1.10 Written evidence is to be obtained from the Transport for NSW (TfNSW) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 15.8.1.11 The applicant is to submit the certified line marking and traffic signage plan as required by this consent. This will require evidence to demonstrate that approvals have been obtained from the Local Traffic Committee and adoption by Council Ordinary Meeting. A final inspection report is to be included noting that all line marking and traffic signage works are complete.
- 15.8.1.12 This development requires separate approvals under the Roads Act 1993 and / or Local Government Act 1993. Prior to the issue of an Occupation Certificate, the applicant must obtain written confirmation from Council that these works have been completed to its satisfaction.

15.8.2 **Easements/Restrictions/Positive Covenants**

- 15.8.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
 - (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
 - (b) The standard format for easements and restrictions as accepted by the NSW Land Registry Services (LRS).
- 15.8.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control devices/system and outlet works.
- 15.8.2.3 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

15.8.3 **Bonds/Securities/Payments in Lieu of Works**

- 15.8.3.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.
- 15.8.3.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.
 - (a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)
 - (b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

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

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

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

15.8.4 **Inspections**

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

15.8.5 **CCTV Inspection of Stormwater Drainage Structures**

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

15.9 **Drainage Engineering Matters**

15.9.1 **Surveys/Certificates/Works as Executed Plans**

15.9.1.1 A Registered Surveyor is to submit certification that all drainage lines and associated structures lie wholly within the created drainage easement.

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

- a. a minimum 200m³ rainwater tank has been provided collecting non-trafficable roof water from a minimum 2975m² of roof area as per the engineering plans;
- b. the interpretative water quality sign has been correctly installed;
- c. all (other) signage and warning notices have been installed;
- d. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
- e. Building levels have been designed against intrusion of overland runoff between public corridors and external areas as per AS3500.3 section 5. Either external floor levels have been sloped away from internal floors and/or

suitable drainage has been installed and/or level difference has been constructed.

- f. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

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

- a. They are installed in accordance with the Ocean Protect standard operational guidelines and production drawings;
- b. A minimum of seven (7) x 200-micron OceanGuards have been installed;
- c. A minimum of four (4) x 310mm high stormfilters and fourteen (14) x 460mm high stormfilters installed;
- d. The Stormfilter tank includes a baffle as per the approved plans;
- e. The Stormfilter weir length is a minimum of as per the approved plans.
- f. The 310 high Stormfilters have a minimum flow rate of 2.8L/s at standard weir height;
- g. The 460 high Stormfilters have a minimum flow rate of 15.4L/s at standard weir height;
- h. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and
- i. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.
- j. A maintenance contract has been entered into for the maintenance of the Stormfilter cartridges.

15.9.1.4 An experienced irrigation specialist, is to certify that:

- a. All the non-potable landscape water uses are being supplied by rainwater;
- b. All the requirements of the detailed Landscape Watering Plan have been installed to the required locations.
- c. The automatic timer has been set up for time and frequency to deliver 340kl/year on average and the system has been design will adjust for twice the rate in summer and half the rate in winter.
- d. The pumps, alarms and all other systems are working correctly; and
- e. The water from at least two garden taps, or two sample points for the landscape watering system have been tested to show no chlorine residual.
- f. Rainwater warning signs are fitted to all external taps using rainwater.
- g. A signed, works-as-executed Landscape Watering Plan is to be provided to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au

15.9.1.5 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the AAA under the National Water Conservation Rating and Labelling Scheme.

15.9.2 Easements/Restrictions/Positive Covenants

- 15.9.2.1 Provide a Restriction to User and Positive Covenant (Water Sensitive Urban Design System) over the stormfilter tank and OceanGuards in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.

15.9.3 **Securities/Payments in Lieu of Works**

- 15.9.3.1 Written evidence is to be provided that the developer has entered into a minimum five (5) year signed and endorsed maintenance contract with Ocean Protect and prepaid all of the Stormfilter and OceanGuards Maintenance Estimate for the development. Forward a copy of the signed and endorsed contract and maintenance contractor details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled after the contract period, but can be replaced with an alternative contract of the same standard.
- 15.9.3.2 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 at WSUD@blacktown.nsw.gov.au for approval.
- 15.9.3.3 Provide written evidence that the registered owner/lessee has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the rainwater tank. 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. This maintenance contract cannot be cancelled after the contract period, but can be replaced with an alternative contract of the same standard.

15.10 **Services / Utilities**

- 15.10.1 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "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.
- 15.10.2 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 development.

- 15.10.3 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.
- 15.10.4 If required, the applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.
- 15.11 **Salinity**
- 15.11.1 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."
- 15.12 **Sustainable Waste Matters**
- 15.12.1 The development is to be completed in accordance with the waste requirements of Condition 3.11.
- 15.12.2 Should Council provide a waste service to this site, the elected strata manager must sign our 'Onsite Waste Collection Agreement Form' on behalf of all lot owners (and stamped using the common seal), before collections can occur onsite.
- 15.12.3 A Community Management Agreement / Strata Management Agreement is required and to Council's satisfaction which:
- i. Indicates a requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan. This includes placement of bins out for collection and their return to the storage areas following servicing.
 - ii. Indicates the responsibility for maintenance of the garbage collection system and bin cleaning, and ensures waste collection points are clear and unobstructed prior to collection times including providing access to the loading bay prior to bin servicing.
 - iii. Indicates the method of communication to new tenants and residents regarding the waste management service and collection system for the complex.
 - iv. Clearly outlines the requirement for the building manager to maintain and display consistent signs on all bins and in all communal bin storage areas.
 - v. Clearly outlines the requirement for the building manager to arrange for the prompt removal of dumped rubbish from the site.
 - vi. Includes the updated and approved waste management plan as lodged with the development application.
- 15.12.4 Applicant is to ensure roads and driveways etc are rated for at least 24 tonne trucks.
- 15.13 **Street Tree Planting, Bonds and Inspection Fees**
- 15.13.1 Prior to the issue of the final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to the satisfaction of Council's Maintenance Section.

- 15.13.2 The applicant is to undertake the planting and maintenance of street tree/s to Council's satisfaction at no cost to Council (making any necessary Applications with Council or obtaining any necessary clearances from relevant Service Authorities).
- 15.13.3 The applicant will be required to pay a bond per street tree as indicated in Council's Goods and Services Pricing Schedule to ensure the health and vigour of the street tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate) to Council if the street trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed to request a practical completion inspection and end of street tree bond maintenance inspection.
- 15.13.4 The applicant will also be required to pay an inspection fee and a landscaping assessment fee as indicated in Council's Goods and Services Pricing Schedule. A Blacktown City representative will inspect all street trees and landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to not be adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification.
- 15.13.5 Prior to the issue of any Occupation Certificate, all required street tree planting and payments of bonds are to be completed to the satisfaction of Council's Project Officer, Civil and Open Space Infrastructure.
- 15.14 **Landscaping**
- 15.14.1 All landscaping shall be completed in accordance with any approved landscaping design plan approved by Council. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 15.14.2 All public domain landscaping shall be inspected by Council during the establishment period (between practical date of completion and formal handover). Elements deemed by Council not to be adequately performing shall be removed, substituted or repaired by the developer within 60 days of written notification.
- 15.15 **Environmental Health Matters - Certification**
- 15.15.1 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.
- 15.15.2 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*.
- 15.16 **Site Contamination**
- 15.16.1 A final site contamination Validation Report confirming the suitability of the site for the proposed development is to be endorsed by Council prior to the release

of the final plan of subdivision. The Validation Report shall be prepared by a consultant engaged under the terms of Council's Contaminated Lands Policy. All land the subject of this consent, including land that is to be dedicated to Council is required to be validated to the stricter residential standard in the National Environmental Protection Assessment of Site Contamination) Measure 1999 as amended 2013 (NEPM).

15.17 Other Matters

- 15.17.1 All landscaping, recreation features and furniture, bbq facilities, clothes drying facilities and lighting shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.
- 15.17.2 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 15.17.3 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.
- 15.17.4 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.
- 15.17.5 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. Letterboxes should not be located directly facing the street but should be located further back within the setback to deter mail theft.
- 15.17.6 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.
- 15.17.7 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 15.17.8 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 15.17.9 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.
- 15.17.10 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.
- 15.17.11 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.

- 15.17.12 A roller shutter and card-key system is to be installed at the entry/exit points of the basement car park.
- 15.17.13 Should any basement storage areas be provided, they 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.
- 15.17.14 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves and also not on drainage zoned land.
- 15.17.15 Trading must not commence until an Occupation Certificate for the development has been issued.
- 15.18 **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**
- 15.18.1 No occupation certification must be issued unless all design verifications have been provided in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000. A certifying authority must not issue an occupation certificate for the residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.
- 15.19 **Adaptable Housing Units**
- 15.19.1 Certification from a qualified Access Consultant confirming that the Adaptable Housing Units are capable of being modified when required by the occupants in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) is to be submitted to Council.
- 15.20 **NSW Local Police Matters**
- 15.20.1 An appropriately qualified Security Consultant is to provide written verification to the satisfaction of the PCA that the recommendations of the comprehensive Safer by Design Report which has been approved by the NSW Local Police are incorporated into the construction and operation of the development.
- 15.20.2 Details of the Body Corporate are to be forwarded to NSW Local Police, Quaker Hill Local Area Command.
- 15.20.3 A copy of Evacuation Plan for the development is to be forwarded to the NSW Local Police, Quaker Hill Local Area Command.
- 15.21 **Graffiti Management Plan**
- 15.21.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council. The Plan is to address the following issues:

- (a) Methods to minimise the potential for graffiti;
- (b) Management/notification procedures for the “early” removal of graffiti no later than 48 hours after detection. Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s;
- (c) Annual review of any “management agreement” for the removal of graffiti to ensure the property is maintained at its optimum level; and
- (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

15.22 **Total Maintenance Plan**

15.22.1 A “total” maintenance plan is to be prepared for the site. The plan is to ensure the following:

- (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, through site links, soft and hard landscaping, security systems, mail boxes, lighting, bulky waste storage and loading areas, feature entry signage, parking signage and services are regularly inspected and maintained at optimum levels at all times.
- (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted “junk mail” is to be collected on a regular basis and disposed of as necessary.
- (c) The development is managed by a Site / Strata / Building Manager.

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

15.23 **Relationship to Other Development**

15.23.1 Any occupation certificate for future development approved on lots within the approved subdivision may only be released once both full Roads 1, 2, 3 and 4 have been constructed and dedicated, to ensure that adequate and safe public road access arrangements have been provided.

16 **OPERATIONAL (PLANNING)**

16.1 **Use of Premises**

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

- (a) Granted consent by Council’s Notice of Determination, or
- (b) Which is “Exempt Development” under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or

Council planning instrument.

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

16.1.3 The hours of operation and noise levels from the Common Rooms and communal open spaces are to be appropriately managed to ensure that the occupiers of the buildings are not adversely affected by noise and vibrations, in particular not prior to 8am and not after 8pm daily.

16.1.4 The Common Rooms are not permitted to be accessed by the general public and are not permitted to operate as a commercial purpose.

16.2 Access / Parking

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

16.3 Storage

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

16.4 Landscaping

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

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

16.4.3 The management of vegetation, gardens, planter boxes, communal areas including the Common Rooms, fences, decking, BBQ area, lighting and other similar areas is to be incorporated within the future strata management plan once the development is occupied.

16.5 Open Space Maintenance – Street Tree Establishment

16.5.1 The Project Officer for Civil and Open Space Infrastructure, must be notified when street trees have been planted so practical completion can be given on the street tree planting and the 12 month maintenance period can commence.

16.5.2 The applicant is to maintain the street trees for a 12 month establishment period, to the satisfaction of Council's Project Officer, Open Space Maintenance.

16.6 Sustainable Waste Management and Collection

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

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

16.6.3 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.
- physical treatment and line marking of the loading area to prevent unauthorised parking.
- 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.

16.6.4 The 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 commencement of the site, and for every subsequent lease renewal and/or change in ownership of every lot in perpetuity.

16.7 **Storage**

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

16.8 **Lighting and Security**

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

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

16.8.3 The maintenance of all external lighting is to be managed by way of an annual service agreement to ensure the security of the building and persons within are not compromised from dark or uncontrolled public areas.

16.9 **Emergency Procedures**

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

16.10 **Graffiti Removal**

16.10.1 Removal of any graffiti, visible from any public road or place, is the responsibility of

the property owner/s. All graffiti must be removed no later than 48 hours after detection. The approved Graffiti Management Plan is to be adhered to at all times.

16.11 Total Maintenance Plan

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

16.12 Environmental Health Matters - General Operational Requirements

16.12.1 The recommendations provided in the acoustic report shall be implemented.

16.12.2 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.

16.12.3 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.

16.12.4 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.

16.12.5 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 amended Acoustic report's findings. The report is to be submitted to Council to review. If the post commissioning report identifies further acoustic attenuation requirements then they shall be submitted to Council for approval. Upon approval these requirements shall be implemented within 3 months. This is to ensure that all uses at ground level are able to meet the requirements of the Environmental Protection Authority's Industrial Noise Policy 2017, and verify that no noise from any commercial use will emanate to the residential units above from these uses.

16.12.6 To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10 pm and 7 am.

16.12.7 All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

16.13 General

16.13.1 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.