

Draft Conditions of Consent

Proposed Development:

Integrated development including demolition of an existing dwelling and outbuildings, Torrens title subdivision to create 3 super lots and construction and dedication of public roads, and the development of proposed Lot 1 in the subdivision for 2 shop-top housing buildings containing a total of 117 units over 8 ground floor commercial tenancies with 127 residential car parking spaces, 24 commercial car parking spaces and 24 visitor parking spaces in 2 basement levels with associated stormwater drainage works and landscaping

PART A

Deferred Commencement Matters

This Development Consent is not to operate until such time as:

1. Approval from the neighbouring owner for an inlet pipe and tail-in works on the adjoining property at 80/208203, is submitted to Council.
2. Amended XPSTORM modelling by Advent Consulting Engineers is to be submitted to address the following:
 - a) Justification needs to be provided as to why SCS method was used as it is unclear how this method works in Australia. If justification where it has been used in Australia cannot be provided please use Laurenson Method.
 - b) Roof Area catchments for node 33/2, 40/2 and 31/2 is out by 1 order of magnitude.
 - c) Amend weir widths to reflect what is shown on the plans.
 - d) Storages for the OSD tanks need to reflect the OSD spreadsheet.
3. The Amended stormwater plans by Advent Consulting Engineers Project No. 063017-001 is to be resubmitted to address the following requirements to the satisfaction of the Manager Asset Design:
 - a) On drawing C201(D) amend note 2 to say "ALL PITS WITH ENVIROPODS ARE TO BE FITTED WITH 200 MICRON ENVIROPODS".
 - b) On drawing C304(C) amend the rainwater tank size to nominate 45 kL below the overflow.
 - c) On drawing C308(D) amend the pit schedule to match what is shown on drawing C301 to C303, and C317 to C321.
 - d) On drawing C309(D) amend the OSD TANK 1 PLAN amend the note "PIPE CONNECTION.... PER A(BS)175M" to say "PIPE CONNECTION ...WITH NON RETURN FLAP VALVE, PIPE INVERT MINIMUM 150mm ABOVE FALSE FLOOR TO ALLOW FLAP TO CLOSE".
 - e) On drawing C309(D) there are insufficient access grates for the below ground detention tanks. Access grates to the below ground detention tank must be a minimum 900 mm by 900 mm and are positioned such that the maximum distance from any point in the tank to the nearest grate is not greater than 4 m.
 - f) On drawing C309(D) at Section A show the sealed impermeable baffle noted in OSD TANK 1 PLAN as "STORMFILTER CHAMBER HOOD" set 250mm off the wall and extend from 400mm below the Stormfilter chamber outlet weir to the underside of

tank. The Stormfilter outlet weir is to be set 770mm above the Stormfilter false floor level (895mm above the base). Provide levels on Stormfilter False Floor and weir.

- g) On drawing C309(D) at OSD TANK 1 PLAN amend the width of the Stormfilter chamber from "2.6" to "2.8"
- h) On drawing C312(D) amend the OSD Summary Sheet with "Filter Cartridge Design Flow" set to 14.4 l/s for Lot 1. Amend the OSD Summary Sheet with "Filter Cartridge Discharge with Additional Head" based on the Locked SW360 Orifice Plate Design.
- i) Replace each orifice in the detention tanks with the closest equivalent pipe size.

All of the requirements listed in Part A must be completed within 12 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.

PART B

1 ADVISORY NOTES

1.1 Terminology

- 1.1.1 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 109C of the Environmental Planning and Assessment Act 1979.

1.2 Scope of Consent

- 1.2.1 Separate development consent may be required from Council prior to the use of each individual unit/the approved building(s). The applicant is advised to contact Council's Development Services Unit in this regard.
- 1.2.2 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.3.3 If any aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.
- 1.3.4 Separate Council approval under the Roads Act 1993 is required for any crane used to construct this development that swings over public air space.

1.4 Services

- 1.4.1 The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) The relevant local telecommunications carrier

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

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to:

www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 1.4.2 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.
- 1.4.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.4 If any food or public health related commercial activities are proposed in the future, then a referral to Council's Environmental Health for the use and fit out of the premises is required to provide conditions.
- 1.4.5 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.4.6 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.
- 1.4.7 It is strongly recommended by NSW Police that the applicant liaises with Australia Post in relation to mailbox requirements. With mailbox facilities being installed within the foyer of the building or along the façade wall of the foyer front wall of building, arrangements must be made to purchase a key safe to facilitate access by Australia Post.
 - Australia Post (Nepean Delivery Facility — covers Rouse Hill) — (02) 4729 8600

1.5 **Tree Planting and Service Locations**

- 1.5.1 Street tree planting must not impact on public utilities. The applicant should liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.

Street tree planting must not interfere with street light spill. The applicant is to provide

documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.

1.6 Demolition

1.6.1 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 10 50) – “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), and
- f. Australian Standard 2601-2001 – The Demolition of Structures.

1.7 Identification Survey

1.7.1 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.

1.8 Engineering Notes

1.8.1 Any Construction Certificate covering Engineering Works must include and address the following:

- Design of specified Engineering Works as required by this consent.
- Any ancillary works necessary to make the construction effective

If both Building and Engineering works are required, separate construction certificates can be issued for the following works:

- Construction Certificate for Building Works
Construction Certificate for Engineering Works (As nominated in the ‘Prior to Construction Certificate (Engineering)’ section of the consent)

Works which require approval under the *Roads Act 1993* or *Local Government Act 1993* CAN NOT be privately certified. Examples of these works are, but not limited to:

- Works in public areas (i.e. Road Reserve, Public Reserves)
- Inter-allotment drainage (i.e. drainage outside the boundary of the land being developed)

Engineering works (as nominated in the ‘Prior to Construction Certificate (Engineering)’ section of the consent) can be included within a Construction Certificate for Building works, provided that:

- All Engineering Works are specifically mentioned on the Construction Certificate

- The Certifier holds relevant qualifications to issue a Construction Certificate for the Engineering works. Appropriate accreditation qualifications must be shown on Construction Certificate.
- 1.8.2 All works requiring approval under the *Roads Act 1993* or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate.
- 1.9 **Payment of Engineering Fees**
- 1.9.1 If the applicant wishes for Council to issue the Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)') the applicant must:
- Complete application form
 - Submit all relevant plans produced by a suitably qualified person and in accordance with Councils Standards.
- 1.9.2 If the applicant wishes for Council to undertake Construction inspections and issue a Compliance Certificate for engineering works, the applicant must:
- Complete application form
 - Submit all relevant plans produced by a suitably qualified person
 - If plans are privately certified, applicant must supply Construction Certificate covering the required works.
- 1.10 **Other Matters.**
- 1.10.1 This plan of subdivision is not to be released until Public Road access is provided. This may require the registration of the adjoining subdivision.

2 **GENERAL**

2.1 **Scope of Consent**

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

Drawing Title.	Drawing No.	Revision	Dated
PROPOSED 3 LOT SUB-DIVISION PLAN	A-01	1	09.09.2017
SITE ANALYSIS	A-02	1	09.09.2017
HEIGHT ANALYSIS - PART 1	A-03	1	09.09.2017
HEIGHT ANALYSIS - PART 2	A-04	1	09.09.2017
SHADOW DIAGRAMS	A-05	1	09.09.2017
MATERIAL & FINISHES	A-06	1	09.09.2017
CONSTRUCTION SYSTEM DETAILS	A-07	1	09.09.2017
SECTIONAL DETAIL	A-08	1	09.09.2017
PERSPECTIVE VIEWS	A-09-A,B,C & D	1	09.09.2017
PRE & POST ADAPTABLE APARTMENT LAYOUTS	A-10	1	09.09.2017
LIVABLE UNIT DETAILS	A-11	1	09.09.2017

DEMOLITION PLAN	A-12	1	09.09.2017
COVER PAGE	L1-C	1	09.09.2017
LOT 1 - SITE/GROUND FLOOR PLAN	L1-00	1	09.09.2017
LOT 1 - LEVEL 1 PLAN	L1-01	1	09.09.2017
LOT 1 - LEVEL 2 PLAN	L1-02	1	09.09.2017
LOT 1 - LEVEL 3 PLAN	L1-03	1	09.09.2017
LOT 1 - ROOF PLAN	L1-04	1	09.09.2017
PROPOSED LOT 1 - UPPER BASEMENT PLAN	L1-05	1	09.09.2017
PROPOSED LOT 1 - LOWER BASEMENT PLAN	L1-06	1	09.09.2017
LOT 1 - COMMUNAL OPEN SPACE	L1-07	1	09.09.2017
PROPOSED LOT 1 - SECTIONS	L1-10	1	07.08.2017
PROPOSED LOT 1 - SECTIONS	L1-10A	1	07.08.2017
PROPOSED LOT 1,2,3 RAMP SECTION	L3 -10B	1	07.08.2017
PROPOSED LOT 1 - ELEVATIONS	L1-11	1	09.09.2017
PROPOSED LOT 1 - ELEVATIONS	L1-11A	1	09.09.2017
LOT 1 - BUILDING 'A' GROUND LVL PLAN	L1-A00	2	09.09.2017
LOT 1 - BUILDING 'B' GROUND LVL PLAN	L1-B00	2	09.09.2017
LOT 1 - BUILDING 'A' LVL 1 PLAN	L1-A01	2	09.09.2017
LOT 1 - BUILDING 'B' LVL 1 PLAN	L1-B01	2	09.09.2017
LOT 1 - BUILDING 'A' LVL 2 PLAN	L1-A02	2	09.09.2017
LOT 1 - BUILDING 'B' LVL 2 PLAN	L1-B02	2	09.09.2017
LOT 1 - BUILDING 'A' LVL 3 PLAN	L1-A03	2	09.09.2017
LOT 1 - BUILDING 'B' LVL 3 PLAN	L1-B03	2	09.09.2017
COVER SHEET	LOT 1 – 000	B	13.09.2017
TREE REMOVAL PLAN	LOT 1 – 0010	B	13.09.2017
LANDSCAPE PLAN 1 – GROUND LEVEL	LOT 1 – 101	C	13.09.2017
LANDSCAPE PLAN 1 - GROUND LEVEL (COLOUR)	LOT 1 – C101	C	13.09.2017

CONCEPT IMAGERY - GROUND LEVEL	LOT 1 – 102	C	13.09.2017
LANDSCAPE PLAN - ROOF LEVEL	LOT 1 – 103	C	13.09.2017
CONCEPT IMAGERY - ROOF LEVEL	LOT 1 – 104	B	13.09.2017
LANDSCAPE STREETSCAPE PLAN 1	LOT 1 – 107	B	13.09.2017
LANDSCAPE SECTIONS	LOT 1 – 501	B	13.09.2017
LANDSCAPE DETAILS	LOT 1 – 502	B	13.09.2017
LANDSCAPE SEPCIFICATION & PLANT SCHEDULE	LOT 1 – 503	C	13.09.2017

* All the plans are subject to relevant conditions of this consent

2.2 Services

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

2.3 Suburb Name

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

Suburb: Rouse Hill

2.4 Compliance with BASIX Certificate

- 2.4.1 All commitments listed in the BASIX Certificate number: 859998M shall be complied with.

2.5 Engineering Matters

2.5.1 Design and Works Specification

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

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

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

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

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

2.5.1.2 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

2.5.1.3 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.

2.5.1.4 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.

2.5.2 Other Necessary Approvals

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

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

2.5.3 Subdivision

2.5.3.1 Principal Certifying Authority - Blacktown City Council shall be the Principal Certifying Authority for the proposed subdivision and shall issue the Subdivision Certificate upon compliance with all conditions of this consent.

2.6 Other Matters

2.6.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.

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

2.6.3 Each year by the first business day on or after 1 September the registered proprietor/owners corporation is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices and rainwater tank in accordance with the approved maintenance schedule and details of all non-potable water used. 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.

2.6.4 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Part J of DCP 2015 for the entire site in 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

- 2.6.5 The Temporary Enviropod Removal Bond and Temporary Enviropod Maintenance Bond can only be refunded and the positive covenant for the maintenance of the Enviropods in the street pits can only be removed when the downstream regional basin is fully developed as agreed with Council.

3 PRIOR TO DEMOLITION WORKS

3.1 Safety/Health/Amenity

- 3.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.
- 3.1.2 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.
- 3.1.3 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.
- 3.1.4 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.
- 3.1.5 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- #### **3.2 Tree Protection**
- Any tree not located within the property boundary shall be effectively protected against damage.
- #### **3.3 Other Matters**
- 3.3.1 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
- WorkCover NSW contact number 131050, and email address contact@workcover.nsw.gov.au

3.4 **Heritage Matters**

- 3.4.1 If, during the course of subdivision works, the applicant or person acting on this consent become aware of any previously unidentified heritage object(s), all works likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of *the Heritage Act 1977*. Relevant works shall not recommence until written authorisation from the Heritage Council is issued.
- 3.4.2 If, during the course of subdivision works, the applicant or person acting on this consent become aware of any previously unidentified Aboriginal object(s), all works likely to affect the object(s) shall cease immediately and the NSW Office of Environment and Heritage informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from NSW Office of Environment and Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.
- 3.4.3 The recommendations of the Due Diligence Aboriginal Archaeological Assessment report prepared by Dominic Steele Consulting Archaeology and dated 3 August 2017 shall be implemented.

4 **DURING DEMOLITION WORKS**

4.1 **Safety/Health/Amenity**

- 4.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the works "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 4.1.2 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.
- 4.1.3 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.
- 4.1.4 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.
- 4.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 4.1.6 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.
- 4.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2002 (if applicable)
- 4.1.8 All plant and equipment used on the land shall be operated by a competent person.

Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.

4.2 Nuisance Control

- 4.2.1 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 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.

5 COMPLETION OF DEMOLITION WORKS

5.1 Final Inspection

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

5.2 Hazardous Materials and Waste

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

6 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

6.1 DA Plan Consistency

- 6.1.1 A Construction 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.

6.2 Blacktown Growth Centres Development Control Plan 2018

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

6.3 Lot Registration

- 6.3.1 The land to which this approval relates is to be identifiable with a Lot and Deposited Plan number and registered with NSW Land Registry Services, prior to release of any building Construction Certificate

6.4 Services/Utilities

- 6.4.1 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.

6.5 Street Trees and Removal of Trees

- 6.5.1 Only trees located within the property boundary are approved for removal as indicated on Tree Removal Plan (Drawing Number Lot 1 – 0010, Revision B dated 13.09.2017).
- 6.5.2 29 trees located outside the property boundary of this development must be retained and protected as per AS:4970-2009 Protection of Trees on Development Sites and as per Appendix 5 and 6 of the Arboricultural Impact Assessment report dated 25 May 2018. Show all 29 trees to be protected are to be shown on the Construction Certificate plans or as a separate tree retention plan in the CC plans.
- 6.5.3 An amended Landscape Plan is to be submitted to and approved by Council's Project Officer for Civil and Open Space Infrastructure and must include the following details:
 - i. The street trees to be planted are to have an approximate spacing of 8 m.
 - ii. The location of the street trees is not to obstruct street lighting and vehicle sight lines.
 - iii. Planting and maintenance details including the use of root directors shall be installed to manufacturer's directions
 - iv. The nominated street tree species for each street is:
 - Tallawong Road – *Syncarpia glomolifera*
 - Northern Road – *Pyrus calleryana* 'chanticleer'
 - Eastern Road – *Tristaniaopsis laurina*
 - Southern Road – *Magnolia grandiflora* 'Little Gem'

6.6 Street Trees – Bonds, Services and Charges

- 6.6.1 The Applicant is to undertake the planting and maintenance of street trees to Council's satisfaction at no cost to Council (making any necessary Applications with Council or obtaining any necessary clearances from relevant Service Authorities), the Applicant is, subject to any alternative arrangements satisfactory to the Council, to lodge a tree bond of \$340.00 per tree and \$132.00 Inspection fee with Council to ensure the health and vigour of the tree/s. The bond shall be returned 12 months after the completion of the development (i.e. issue of final Occupation/Subdivision Certificate) if the trees are in a state of good health and vigour to Council's satisfaction.

The street tree bond amount will be applied following review and approval of the revised street tree plan. In accordance with Council's Good and Services Pricing Schedule, further assessment of the plans and future site inspection shall be levied by Council's Development Services Unit against the Developer for this purpose at a 2 hour period for a rate of \$188 per hour + GST.

6.7 NSW Local Police Requirements

- 6.7.1 It is strongly recommended by NSW Police that prior to the release of the Construction Certificate the applicant provides a detailed report to council, outlining the following security and or crime prevention measures.

Security Fencing:

- a) Fencing to private courtyards along the ground level shall be provided as either solid or palisade fencing (not horizontal slat fencing) to minimise opportunities for climbing.

Mailbox Facilities:

Developers have indicated that mailboxes for the site will be located externally, where the public can access the mailboxes. NSW Police wish the developer to be made aware that identity theft is a major and growing issue worldwide. It is a known fact that mail is often stolen from unit complex mail box facilities to aid Identity Theft. Quakers Hill PAC has recently experienced an increase in Mail Theft from unit complexes.

- b) The location of mailboxes. Secure mailboxes are required to be provided either along the façade wall of the foyer (i.e. similar to PO boxes where the mailbox is orientated outwards and is opened from inside the foyer) or located inside the building foyer.

Where mailboxes are located inside the building foyer, mailboxes will need to be situated near the foyer entry and applicants will be required to install a key safe from Australia Post to facilitate access.

Australia Post utilises any one of the following lock systems:

*CyberLock Box - Australia Post employee holds Cyber key to access Cyber Lock box which holds swipe card/FOB key that Australia Post employee uses to gain access into foyer/through front entry security gate.

*CyberLock Cylinder - Tube design goes into a wall so cannot be jimmied out and opened and contains swipe card/FOB key that Australia Post employee uses to gain access into foyer/through front entry security gate. Postal worker holds Cyber key to access the cylinder.

*Keypad Code - Australia Post to be provided with code for entry through front security gate.

Australia Post employees can and will use wide private pathways within the site, if safe to do so, to deliver the mail to unit foyers. Australia Post asks that the developer please contact them at the Nepean Delivery Facility to discuss all new letterbox placements to ensure their requirements are met.

- c) The location and number of CCTV cameras which shall be installed around the site. Cameras shall be provided within all carpark facilities, stairways, lifts, foyers, entry/exit points, loading bays, the waste room and mailbox facilities.
- d) Submission of a lighting plan is required with more information. This plan is required to show the location of lighting around all entry/exit points to the building, along all footpaths within the site, car parking areas and to the street number to facilitate identification of the site/building.

Basement Parking

Quakers Hill PAC have experienced an increase in Steal From Motor Vehicle offences from within unit complexes.

- e) It is highly recommended that each vehicle garage facility space is to be separated by steel welded mesh fencing, floor to ceiling and annotated on the plans. Open basement car parking is not recommended as this type of design will increase the risk of motor vehicle theft and steal from motor vehicle.
- f) The contents inside the vehicle garage facility must not be able to be visible from the outside.
- g) Each separate vehicle garage facility must have a lockable panel lift tilta door security door, in a well lit area with CCTV coverage. Bolt locks must also be installed at the bottom of the lift panel door. This should be nominated on the plans prior to the release of the Construction Certificate Stage.
- h) A central security roller shutter panel lift door must be installed at the entrance of the basement parking level.
- i) Security Roller Shutter and Security Steel Welded Mesh fencing from floor to ceiling must be installed separating visitors' parking from residents.
- j) A security plan is to be provided prior to the release of the Construction Certificate Stage. This plan should show the location, type and number of CCTV systems per block. The areas that should include;
- Building foyer, Mailbox Facility, Building entry and exit points, Basement carpark including bike storage area, lifts common, areas and waste rooms

- k) Bollards shall be shown on the plan at regular intervals along the entire length of the window shop frontages of the x4 commercial premises to prevent vehicle access to this area (ram raids) Bollards should be core drilled containing anti cutting substances.
- l) Plans have not indicated whether or not an ATM will be located in the commercial premises. In relation to ATM's, NSW Police strongly advise that the following CPTED Principles are adhered to:
 - The premises should be protected by 24 hour monitored back to base intruder alarm system.
 - ATM should have a seismic alarm fitted. This detects movement or vibration of machine.
 - Security measures should be above the minimum standards.
 - CCTV cameras should be installed covering the external face of the ATM (without the facility to view the ATM Pin Pad) and the rear of the machine in the technical room. Images from these cameras should be recorded.
 - Replace cash into the ATM with the premises locked and customers excluded.
- m) All access points into the site and to common areas shall be secured through the use of gates, roller doors or similar fitted with a security mechanism (i.e. swipe cards/keypad etc) to restrict access to authorised persons only. Security mechanism system used should be one that can be audited so that strata managers are able to see which residents are using the common area facilities (especially the rooftop communal areas).

7 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

7.1 Landscaping

7.1.1 A revised Landscape Plan shall be submitted to and approved by Council's Project Officer for Civil and Open Space Infrastructure prior to issue of a Construction Certificate. The amended Landscape Plan will include the following details:

- v. The street trees are to have an approximate spacing of 8 m.
- vi. The location of the street trees is not to obstruct street lighting and vehicle sight lines.
- vii. planting and maintenance details including the use of root directors shall be installed to manufacturer's directions
- viii. The nominated street tree species for each street is:
 - Tallawong Road – *Syncarpia glomolifera*
 - Northern Road – *Pyrus calleryana* 'chanticleer'
 - Eastern Road – *Tristaniopis laurina*
 - Southern Road – *Magnolia grandiflora* 'Little Gem'

7.2 NSW Rural Fire Service Requirements

- 7.2.1 Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- 7.2.2 Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
- 7.2.3 New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas –

2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

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

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

- 7.3.1 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](#).

7.4 Aesthetics, Streetscape and External Materials

- 7.4.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.
- 7.4.2 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.
- 7.4.3 The development approved by Council is to be constructed in accordance with the schedule of materials, finishes and colours shown on the approved Materials & Finishes plan.
- 7.4.4 The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the Building Code of Australia.
- 7.4.5 All external walls and fences of this development must be finished with a non-flammable graffiti proof coating.
- 7.4.6 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.
- 7.4.7 Windows in the residential apartments from the first floor level through to the top floor level are to be fitted with a child safety mechanism to prevent accidental falls out of windows by persons such as children. Details of such safety mechanisms shall be shown on the Construction Certificate plans and provided to the principal certifying authority/principal certifier.

7.5 Common Areas and Landscaping

- 7.5.1 All common areas and landscaping shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate. The minimum pot sizes are to be 45 litres for medium sized plants and 100 litres for trees. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.
- 7.5.2 All landscaping, lawn areas, recreation features and furniture, bbq facilities, children's play areas, pathways, ramps and fencing shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate.

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

7.6 Fencing

- 7.6.1 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.
- 7.6.2 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 and with an anti-graffiti finish. These details are to be shown on the construction certificate plans to the satisfaction of the Certifying Authority.
- 7.6.3 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.

7.7 Access/Parking

- 7.7.1 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 Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.
- 7.7.2 All car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 – 2004 as follows:
Residential Flat Building (excluding width of pillar): 2.5m x 5.4m
Residential Flat Building (adjacent to solid wall): 2.7m x 5.4m
Disabled Car Space: 3.2m x 5.4m
- 7.7.3 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 7.7.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009 and AS1428.1 - 2009.
- 7.7.5 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network.

7.8 Adaptable Housing Units

- 7.8.1 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.

7.9 Floor to Ceiling Heights

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

7.10 Utilities, Services, Plant and Equipment

- 7.10.1 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.
- 7.10.2 The garbage and recycling storage areas 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.

- 7.10.3 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 noise criteria.
- 7.10.4 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.

8 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

8.1 Building Code of Australia Compliance

- 8.1.1 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).

- 8.1.2 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:

- (a) Part C
- (b) Part D
- (c) Part E
- (d) Part F
- (e) Part J

8.2 Site Works and Drainage

- 8.2.1 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.
- 8.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:
 - (a) be in accordance with Australian Standard 3500.3, and
 - (b) provide for drainage discharge to an existing Council drainage system, and
 - (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.
- 8.2.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.
- 8.2.4 Should any proposed excavation associated with the development extend below the

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

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

Such details shall accompany the Construction Certificate.

8.3 Fire Services

- 8.3.1 Where any external on-site fire hydrant or hydrant booster assembly is to be located within any building setback from a boundary, the hydrant or booster assembly shall be located or protected in accordance with the requirements of AS 2419.1.
- 8.3.2 Where any external on-site water storage tank is required by AS 2118.1 or AS 2419.1, details of the location and type of any proposed tank are to be submitted to and approved by Council prior to the issue of the relevant Construction Certificate.

8.4 Internal Works

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

8.5 BASIX Certificate Compliance

The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 859998M

9 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

9.1 General

- 9.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.
- 9.1.2 All fees for Construction, *Roads Act 1993* and *Local Government Act 1993* approvals must be paid to Council prior to the issue of any of the above certificates or approvals. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.
- 9.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No. and Rev.	Dated
Advent Consulting Engineers	063017-001	Refer to list below	06/07/18

Stormwater plans by Advent Consulting Engineers Project No. 063017-001 Drawing No.s C001 (Rev C), C002 (Rev B), C003 (Rev B), C101 (Rev C), C102 (B), C201 (Rev D), C202 (Rev B), C203 to C212 (Rev C), C300 (Rev C), C301 to C303 (Rev D), C304 (Rev C), C305 (Rev C), C306 (Rev B), C307 (Rev B), C308 to C310 (Rev D), C312 (Rev D), C313 (Rev D), C314 to C316 (Rev C), C317-C321 (Rev D), C 401 (Rev C), C402 (Rev B), C500-C502 (Rev D), and C503 (Rev B), Music models and the Stormwater management plan Ref 063017-001 Version D dated 6th July 2018.

- 1. Amended Drainage plans from Advent Consulting Engineers Project No. 063017-001 are required to address the following:
 - a) Detail Confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks, onsite detention tank and water quality

devices in accordance with Council's Engineering Guide for Development 2005.

- b) Provide galvanised or equivalent step irons or ladders for all entry points to the tanks.
 - c) The minimum grade for the base of the detention tank is to be 2% in accordance with Council's Engineering Guide for Development 2005. For larger tanks this can be in the form of a 2% cross-slope to a central "V" drain with 2% longitudinal slope along the "V" drain.
 - d) Design the roof-water system to convey all the roof flow to the rainwater tanks.
 - e) The minimum storage and dual alternating pump requirements for the basement garage is to satisfy AS/NZS 3500.3:2015 – Plumbing and Drainage Part 3: Stormwater Drainage.
 - f) Provide a basement design that ensures a minimum 0.5% slope to all surface inlet pits.
 - g) All pits within the proposed development must comply with the following. Pits 600 * 600 mm are limited to 600 mm maximum depth, pits 600 * 900 mm are limited to 900 mm depth and pits greater than 900 mm depth are all to be minimum 900 * 900 mm.
2. An experienced Drainage Engineer registered with NER and supported by a DRAINS or similar electronic hydraulic drainage model is to certify that the internal drainage system is capable of carrying the 100 year ARI flows (excluding the design bypass areas) to the detention tank through either piped or surface flows.
 3. Provide details for permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process for each lot. 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 is to be approved by Council.
 4. Provide a Temporary Enviropod Removal Estimate from Stormwater 360 for the full removal of the temporary Enviropods and frames from all the street pits surrounding the development.
 5. Provide a Temporary Enviropod Maintenance Estimate from Stormwater 360 for the cleaning and maintenance of all the temporary Enviropods in the street pits surrounding the development at maximum 4 monthly intervals for a minimum of 4 years.
 - a. For lot 1 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 flushing for the commercial units for lot 1 and landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:
 - i) a first flush or pre-treatment system (typically 0.2 litres / m² of roof area going to the tank),
 - ii) a pump with isolation valves and a warning light to indicate pump failure;
 - iii) a mains water direct tank top up with air gap for landscape watering,
 - iv) a solenoid controlled mains water bypass for toilet flushing only;

- v) flow meters on the mains water tank top-up line, the solenoid controlled mains water bypass line and the pump outflow line, to determine actual non-potable usage;
- vi) a timer and control box for landscape watering, allowing for seasonal variations;
- vii) how the system is designed to automatically achieve a minimum average landscape usage rate of 0.4 kL/yr/m² including increasing the frequency of watering by a minimum 50% above average for the hotter months, allowing for a minimum annual average usage of 322 KL/year for lot 1.
- viii) ensuring all the rainwater reuse pipes are coloured purple;
- ix) an inline filter and preferably an automatic backwash inline filter.
- x) fitting rainwater warning signs to all external taps using rainwater.

9.2 **Construction Certificate Requirements**

9.2.1 Under the *Environmental Planning and Assessment Act 1979* a Construction Certificate for engineering work 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)

9.3 **Local Government Act Requirements**

9.3.1 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

9.4 **Roads Act Requirements**

9.4.1 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

9.5 **Other Engineering Requirements**

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

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

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

- 9.5.4 Submit written evidence from the Roads and Maritime Services indicating compliance with all necessary requirements.
- 9.5.5 Submit written evidence from Sydney Water indicating compliance with all necessary requirements.
- 9.5.6 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.
- 9.5.7 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.
- 9.6 Roads**
- 9.6.1 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.
- 9.6.2 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 suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer.
- 9.6.3 Any approved design drawings must show a 5m x 5m splay for residential allotments at each street intersection.
- 9.6.4 Splays are to be adjusted to meet site specific intersection designs in accordance with Council's Engineering Guide for Development.
- 9.6.5 Proposed new roads shall be designed and constructed as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Rd 1	18	240	3.5, 5.5	5 X 10 ⁵
Rd 2	18	90	3.5, 5.5	5 X 10 ⁵
Rd 3	18	240	3.5, 5.5	5 X 10 ⁵

NOTE: 1) For Staging of road construction, Temporary Turning Heads, with 8.5 m radius shall be provided at the end of any "no through Road" and be totally contained within the property/site area. Restrictions shall be created under Section 88B of the *Conveyancing Act 1919* for a "Right of Way" over Temporary turning heads.

- 9.6.6 Existing roads shall be designed and re-constructed as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Tallawong Rd	20.1	140	4.55, 5.5	1 X 10 ⁷

NOTE:

- 1) Provide a "Median strip" within Tallawong Rd, commencing near the intersection of Rd 1 and terminating past the proposed vehicular crossing, to address the reduced stagger distance with the ILP road on the Western side of Tallawong Rd. Recommendations of the amended Traffic Safety Audit by: TEF Consulting, Ref: 17033Let 04, dated: 18/04/2018 shall be implemented.
- 2) Council's preliminary centreline design for Tallawong Road (being a Collector Road) shall be implemented. Intersecting roads for this subdivision shall be designed in accordance with Council's preliminary road centreline design.
- 3) Intersection details and adjusted alignment of ILP Rd 1, must comply with Council requirements specified in the Engineering Guide for Developments. In this regard, final/ultimate design at the North Eastern corner of the site must be shown on the

Engineering Plans, with alternatives for any temporary road construction for this development.

9.7 Drainage

- 9.7.1 Drainage from the site must be connected into Council's existing drainage system.
- 9.7.2 Provide inter-allotment drainage lines for lots that do not drain directly to a public road. The design shall include pipeline long-sections and identify location and levels of services.
- 9.7.3 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.
- 9.7.4 Where the internal driveway cannot be drained to an internal pit a grated trench drain shall be provided at the property boundary.

9.8 Erosion and Sediment Control

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

9.9 Earthworks

- 9.9.1 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.
- 9.9.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 9.9.3 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.
- 9.9.4 Retaining walls shall be a maximum single height of 1.2m (600mm cut + 600mm fill). Where a retaining wall is proposed that is more than 1.2m in height, a terraced solution shall be provided. Terraces should not exceed 900mm 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.

9.10 Stormwater Quality Control

- 9.10.1 Provide a stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 9.10.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 4.55 application.
- 9.10.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
- 9.10.4 Bio-retention basins to be designed in accordance with "Stormwater Biofiltration Systems. Adoption Guidelines. Planning, design and implementation. Version 1 June 2009. Facility for Advancing Water Bio-filtration", as a lined, standard biofiltration system.

9.11 Temporary On-Site Detention

- 9.11.1 Provide a temporary on-site detention system in accordance with Council's Engineering Guide for Development. This design shall limit the post-developed flows to the pre-developed flows for the 2 to 100 year ARI storm events.
- 9.11.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the

approved DA plans however any significant variation to the temporary on-site detention design shall require a section 4.55 application.

9.11.3 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.

9.11.4 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.
- OSD detailed design submission and calculation summary sheet
- A maintenance schedule that is signed and dated by the designer

9.12 Vehicular Crossings

9.12.1 Construct a commercial and industrial vehicular crossing to Council's standard A(BS)103S.

9.13 Footpaths

9.13.1 The construction of path paving is to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2010.

Proposed locations and widths are to be approved by Blacktown City Council's Co-ordinator Engineering Approvals. Cycleways/ shared pathways are to include line marking and signposting in accordance with the requirements of Austroads "Guide to Road Design" Part 6A and the Roads and Maritime Services NSW Bicycle Guidelines November 2003.

10 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

10.1 Environmental Management

10.1.1 The Recommendations provided in the Acoustic Assessment Report, prepared by NG Child & Associates, report no. CA17/126/1002, dated 31 August 2017 shall be implemented.

10.1.2 The recommendations provided in the Preliminary Site Assessment, prepared by NG Child & Associates, report no. CA17/126/1001 shall be implemented.

10.1.3 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 B(A)

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

- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (1997)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995).

- Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (1992).

10.1.5 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 LAeq sound pressure level of 5dB (A) above the ambient background noise level when measured
 - at the most effected point on or within any residential property boundary or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
- 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 10pm and 7am.

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

10.1.6 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act (NSW) 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014).

11 PRIOR TO DEVELOPMENT WORKS COMMENCING

11.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

11.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment 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.

11.1.3 Should the development work:

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

a hoarding or protective barrier shall be erected between the work site and the public

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

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

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

- 11.1.4 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.
- 11.1.5 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 11.1.6 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.
- 11.1.7 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
 - (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

11.2 Notification to Council

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

11.3 Tree Protection

- 11.3.1 Only trees within the property boundary are approved for removal. The 29 trees located within the adjacent properties in the future road reserves outside the property of the development must be retained and protected as per AS:4970-2009 Protection of Trees on Development Sites and as per Appendix 5 and 6 of the Arboricultural Impact Assessment report dated 25 May 2018. An area around where the 29 trees are situated will be cordoned off to effectively protect them against damage.

11.4 Home Building Act

- 11.4.1 The construction of *residential building work* within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the NSW Home Building Compensation Fund "Statement of Cover" under Part 6 of that Act,

- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under Part 3 of the Act, the number of the owner-builder permit.

11.5 Sydney Water Authorisation

- 11.5.1 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 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.

11.6 Removal of Dams

- 11.6.1 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.

11.7 Protection of Fauna

- 11.7.1 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.

11.8 Use of Crane

- 11.8.1 Any crane used in the construction of this development must have approval under the Roads Act 1993 from Council to swing over public air spaces.
- 11.8.2 The crane used must be provided with a light in accordance with the requirements of the Civil Aviation Authority (CASA) requirement. This may require a separate approval from CASA.

12 DURING CONSTRUCTION (BUILDING)

12.1 Safety/Health/Amenity

- 12.1.1 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.
- 12.1.2 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.
- 12.1.3 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.

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

12.1.5 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.

12.1.6 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.

12.1.7 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.

12.1.8 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

12.2 **Building Code of Australia Compliance**

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

12.3 **Surveys**

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

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

12.4 **Nuisance Control**

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

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

12.4.3 The hours of any offensive noise-generating development works shall be limited to

between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

12.5 Stormwater Drainage

- 12.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:
- (a) the floor level being a minimum 225 mm above the adjoining finished ground level, and/or
 - (b) being drained to an effective drainage system.

12.6 Waste Control

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

12.7 Construction Inspections

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

The critical stage inspection “(f)” must be carried out by the Principal Certifying Authority. Any inspection conducted by an accredited other than the nominated PCA for the project must be verified by way of a Compliance Certificate issued for the relevant works.

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

12.8 NSW Local Police Requirements

- (a) Throughout the length of the construction works, the site is to be appropriately secured to prevent unauthorised access.
- (b) Security Patrols and CCTV Surveillance Systems are to be temporarily installed during this phase.
- (c) Construction periods are to reflect the hours of proposed works.
- (d) Traffic Management plan is to be adhered to during construction.

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 five (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 \$20,000,000.00 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.
- 13.5.3 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.
- 13.5.4 Council must be notified a minimum of 24 hours prior to the removal of any branches from existing trees which are to be retained. Subject to Council's direction, this work must be generally undertaken by a qualified Arborist.

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) Submission of compaction certificates for fill within road reserves.
- b) Submission of compaction certificates for road sub-grade.
- c) Submission of compaction certificates for all road pavement materials.
- d) Submission of 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) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)

Note: Council's Works Specification (Civil) requires road pavement and pipe bedding materials be sourced from approved suppliers. A listing of these materials and approved stockpile numbers can be found on Council's webpage.

The above documentation shall be submitted at the prior to Subdivision and/or Occupation certificate stage 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 to NEPM 2013 Guidelines.

- 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, only compliance certificates issued by accredited certifiers will be accepted. 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**
- 13.10.1 All inspection(s) required by this consent for any engineering works that are approved under the *Roads Act 1993* must be made by Council's Development Overseers.
- Inspections must be pre-booked with a minimum twenty-four (24) hours notice. Councils Development Overseers may be contacted on 02 9839 6586 between 7 am – 8 am and 12.30 pm - 1.30 pm, 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 suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.
- 13.13.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.
- 13.13.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 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 RMS accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups.

The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2002.

- 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 suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 – 2002 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

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 Other Matters

- 13.15.1 The minimum thirty (30) 200 micron Enviropods and nine (9) 690 mm high Stormfilter cartridges for lot 1 supplied by Stormwater 360 and the 200 micron Enviropods installed in all the street pits are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

14 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

14.1 Environmental Management

- 14.1.1 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act (NSW) 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014).
- 14.1.2 The Recommendations provided in the Acoustic Assessment Report, prepared by NG Child & Associates, report no. CA17/126/1002, dated 31 August 2017 shall be implemented.
- 14.1.3 A 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.
- 14.1.4 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.
- 14.1.5 Councils Environmental Health Section must be notified prior to 4pm on the business day prior to any controlled discharge from any temporary drainage basin outside of standard business hours (9am to 5pm, Monday to Friday), or, 1 hour prior to any controlled discharge from any temporary drainage basin during standard business hours.
- 14.1.6 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.
- 14.1.7 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.

- 14.1.8 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.
- 14.1.9 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with:
- NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites (1997)
 - NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995).
 - Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (1992).
- 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.
- 14.1.10 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.

15 PRIOR TO OCCUPATION CERTIFICATE

15.1 Road Damage

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

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

15.2 Compliance with Conditions

- 15.2.1 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.
- 15.2.2 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.

15.3 Fire Safety Certificate

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

15.4 Environmental Management

- 15.4.1 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.
- 15.4.2 The installation of any grease arrestor shall comply with the requirements of the Sydney Water Corporation. A copy of the Corporation's Trade Waste Agreement, shall be submitted to Council.

15.5 NSW Police Force Requirements

15.5.1 It is strongly recommended by NSW Police that prior to the release of the Occupation Certificate the applicant provides a detailed report to council outlining the following security and or crime prevention measures.

- (a) Installation of all required CCTV around the site. Cameras shall monitor carpark facilities, stairways, lifts, foyers, entry/exit points, loading bays, the waste room and mailbox facilities. Appropriate signage shall be installed at the site to notify occupants and visitors that CCTV cameras are present.
- (b) All lighting details shown on the submitted lighting plan shall be installed at the site. This includes lighting around all entry/exit points to the building, along all footpaths within the site, car parking areas and to the street number to facilitate identification of the site/building.
- (c) The building/site shall be provided with building identification (i.e. street number, block number) which must be installed near the entry of the building and visible from the street to facilitate easy identification of the site for emergency services.
- (d) All fencing shall be installed around the site preventing unauthorised access. Access points into the site and common areas shall be secured through the use of gates, roller doors or similar and fitted with a security mechanism (i.e. swipe card, keys, etc.) to restrict access to authorised persons only. Auditable keypad/swipe card system implemented
- (e) It should also be noted that the latch/locking mechanism for the gates inside the development, should not be within the arm reach of any person externally.
- (f) Mailboxes shall be located either along the façade wall of the foyer (i.e. similar to PO boxes where the mailbox is orientated outwards and is opened from inside the foyer) or located inside the building foyer. Where mailboxes are located internally within the foyer, the applicant is required to purchase and install a key safe (preferably cylindrical) from Australia Post. This key safe shall be located near the building intercom or other suitable location near the entry. To purchase a key safe contact Australia Post:
 - Australia Post (Nepean Delivery Facility) — (02) 4729 8600
- (g) Where sites have multiple buildings, a site plan shall be provided near each building entry. This plan shall show the location and name/number of each building on-site to orientate people.
- (h) All ground floor units shall be fitted with motion sensor lighting.
- (i) Patio bolt locks (or similar) installed to any sliding door and any open able window along the ground level.
- (j) Core drilled bollards containing anti cutting substances are installed at regular intervals along the entire length of the window shop frontages of the x4 commercial premises to prevent vehicle access to this area (ram raids).
- (k) *Important* Police to be afforded the opportunity to inspect the development with Blacktown City Council prior to Construction Certificate Stage.

15.6 Landscaping/Car Parking

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

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

15.6.3 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of

occupants and other people resorting to the land at night.

15.6.4 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.

15.6.5 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.

15.6.6 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

15.7 **Fee Payment**

15.7.1 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.

15.8 **Fire Safety**

15.8.1 Smoke alarm/s complying with the provisions of the Environmental Planning and Assessment Amendment (smoke alarms) Regulation, 2006, shall be installed in the existing residential portion of the building.

15.9 **Bush Fire Prone Land**

15.9.1 The various construction standards and features required to protect the building from bush fire shall be provided in accordance with Australian Standard 3959-2009 - Construction of Buildings in Bushfire-Prone Areas.

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

15.10.1 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.

15.11 **Adaptable Housing Units**

15.11.1 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.

15.12 **Street Tree Planting**

15.12.1 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 Project Officer Civil and Open Space Infrastructure.

15.12 **Graffiti Management Plan**

15.12.1 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.

15.13 Total Maintenance Plan

15.13.1 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, pathways, through site links, soft and hard landscaping, children’s play equipment, fencing, 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.

15.14 Acoustic Verification

15.14.1 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 Other Matters

- 15.15.1 All landscaping, recreation features and furniture, bbq facilities, children’s play equipment and lighting shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.
- 15.15.2 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 15.15.3 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.
- 15.15.4 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.
- 15.15.5 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.
- 15.15.6 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.
- 15.15.7 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 15.15.8 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 15.15.9 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.

- 15.15.10 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.
- 15.15.11 The basement ceiling is to be light in colour to enhance lighting illumination.
- 15.15.12 A roller shutter and card-key system, or similar, is to be installed at the entry/exit points of the basement carpark.
- 15.15.13 All commercial parking spaces provided in the basement will be used only for the ground level shops and not for the residential component of the building.
- 15.15.14 Basement storage areas are to have quality doors/cages and lock sets to restrict unauthorised access. These are recommended to be constructed of an appropriately robust steel welded mesh to be used in lieu of chain link wire.
- 15.15.15 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.

15.16 **Services / Utilities**

- 15.16.1 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.
- 15.16.2 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.
- 15.16.3 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.

15.17 **Salinity**

- 15.17.1 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."

16 **PRIOR TO SUBDIVISION CERTIFICATE**

16.1 **Section 7.11 Contributions under Section 94E Directions**

- 16.1.1 The following monetary contributions under Section 7.11 of the Environmental Planning & Assessment Act 1979 must be paid.

Under the Section 94E Direction issued by the Minister for Planning on 4 March 2011, Council must not impose a condition of development consent under Sections 7.11 (1) or 7.11 (3) or the Act requiring the payment of a monetary contribution exceeding \$40,000 for each dwelling authorised by the development consent, or in the case of a development consent that authorises the subdivision of land into residential lots, exceeding \$40,000 for each residential lot authorised to be created by the development consent. The Section 7.11 contributions payable below have been assessed in accordance with this Direction:

No. of intended dwellings: 117

Contribution: \$4,680,000

Payment of this amount must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) 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.

Notes In complying with the Minister's Section 94E Direction, the applicant is advised that Council may not be in a position to provide all of the facilities listed in the applicable contributions plan due to the potential shortfall of contributions to be received as a result of the \$40,000 per dwelling/lot limit.

The amounts below are the INDEXED contributions as at the date of this consent which, if not for the Ministerial Direction, would have applied to this consent. These amounts have been supplied for your information.

Contribution Item	Amount	Relevant C.P
Stormwater Quantity First Ponds Creek Land	\$ 200,609	22L
Stormwater Quantity First Ponds Creek Works	\$ 169,255	22W
Stormwater Quality First Ponds Creek	\$ 40,681	22W
Traffic Management Rouse Hill Land	\$ 109,653	22L
Traffic Management Rouse Hill Works	\$ 648,604	22W
Open Space Rouse Hill Land	\$ 2,690,521	22L
Open Space Rouse Hill Works	\$ 1,367,699	22W
Community Facilities Rouse Hill Land	\$ 140,559	22L
Combined Precinct Facilities Community Facilities Land	\$ 18,840	22L
Combined Precinct Facilities E2 Conservation Zone Land	\$ 47,629	22L
Combined Precinct Facilities E2 Conservation Zone Works	\$ 16,935	22W

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

Number of intended dwellings/apartments: 117

Developable Area: 0.974 hectares

Additional Population: 208.9 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:

S.7.11 CP No. 22 Rouse Hill (Works and Land).

The Section 7.11 contribution(s) have been based on the total developable area, the site's road frontage and the potential additional population nominated below. Should the

final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

- 16.1.2 Any Compliance Certificate issued for the payment of Section 7.11 Contributions shall be accompanied by a letter from Council acknowledging that the correct Section 7.11 Contributions have been paid for that particular development or stage of development.

16.2 **Site Access**

- 16.2.1 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.

NOTE: 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.

16.3 **Road Damage**

- 16.3.1 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.

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.

16.4 **Easements/Restrictions**

- 16.4.1 A Restriction as to User over proposed Lots 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.

16.5 **Security**

- 16.5.1 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.

16.6 **Asset Management**

- 16.6.1 An amount of \$880.00 per light pole is to be paid to Council for the ongoing maintenance of each black powder coated light pole to be installed in this subdivision and is to be paid prior to the release of the Subdivision Certificate. This rate is adjusted annually and the actual amount charged will be in accordance with Council's adopted fees and charges at the time of payment.

The number of light poles within the subdivision is to be included with the Subdivision Certificate application together with a copy of the approved street lighting plan. Any enquiries regarding this fee are to be directed to the Civil Maintenance Section of the City Assets Directorate.

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.

16.7 **Service Authority Approvals**

- 16.7.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Subdivision Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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. 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.
 - (b) A Notification of Arrangement Certificate from Integral Energy, stating that electrical services, including the provision of street lighting, have been made available to the development.
 - (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

16.8 Consent Compliance

- 16.8.1 A Subdivision Certificate is to be issued first to create the 3 residue lots and roads or part thereof before any building construction certificate is issued for the shop top housing.

16.9 Additional Inspections

- 16.9.1 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.

16.10 Fee Payment

- 16.10.1 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.

16.11 Final Plans

- 16.11.1 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.
- 16.11.2 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.

16.12 NSW Rural Fire Service Requirements

At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

16.13 Site Contamination

- 16.13.1 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 to NEPM 2013 guidelines Residential 'A' standard. The Validation Report shall be prepared by an EPA recognised suitably accredited geoscientist engaged under the terms of Council's Contaminated Lands Policy.

16.14 Special Infrastructure Contributions

- 16.14.1 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 94EE 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 Subdivision 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>

16.15 General

- 16.15.1 The demolition of all buildings and structures must be carried out in accordance with Australian Standard 2601 – 2001.

16.16 Engineering Matters

16.16.1 Surveys/Certificates/Works As Executed plans

- 16.16.1.1 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 hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 16.16.1.2 The Work-as-Executed (WAE) must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Council.
- 16.16.1.3 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished surface levels (FSL) for lot(s) required by this consent have been achieved and/or have been maintained in accordance with those established at the time of creation of the lot. The certificate must acknowledge that works have been complete. All levels must be to Australian Height Datum (AHD).
- 16.16.1.4 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. In this regard, the Engineer is to certify that:
- all the requirements of the approved drainage plan have been undertaken;
 - the minimum detention storage of 195 m³ has been provided for Lot 1 below the 1.5 year ARI overflow weir;
 - the minimum detention storage of 297 m³ has been provided for Lot 1 below the 100 year ARI emergency overflow weir;
 - the outlet control pipe size from the detention tanks match the approved construction certificate plans;
 - the rainwater tank has been provided collecting all of the roof area;
 - a minimum 45 m³ rainwater tank has been provided for lot 1 below the overflow level.
 - all the signage and warning notices have been installed;

- 16.16.1.5 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.
- 16.16.1.6 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.
- 16.16.1.7 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. In this regard, the Engineer is to certify that:
- a. The interpretative water quality sign has been correctly installed for each lot
 - b. Any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
 - c. A copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.
 - d. All the signage and warning notices have been installed;
- 16.16.1.7.1 Applicant shall submit documents from Stormwater 360 certifying the installation of the 200 micron Enviropods and Stormfilters:
- i. are installed in accordance with the Stormwater 360 standard operational guidelines and production drawings;
 - ii. A minimum of thirty 200 micron Enviropods have been installed in lot1;
 - iii. 200 micron Enviropods have been installed in all the street pits
 - iv. The Stormfilter tank includes a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 690 mm cartridges;
 - v. The Stormfilter weir length is a minimum of 3.7 m for OSD tanks 1;
 - vi. The Stormfilters have a minimum flow rate of 14.4 l/s at standard weir height for tank 1;
 - vii. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank;
 - viii. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.
- 16.16.1.7.2 Applicant shall provide maintenance schedule for each of the proposed Stormwater Quality Improvement Devices. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The maintenance schedule is to contain a requirement that either the filter cartridges are to be replaced no later than two years after the date of installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's WSUD Handbook. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it
- 16.16.1.7.3 Applicant shall 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 Enviropod and Stormfilters. The maintenance contract is to contain a requirement that all maintenance on the Stormfilter cartridges must be undertaken by Stormwater 360. 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, but can be replaced with an alternative contract of the same standard.

- 16.16.1.8 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 all road pavement materials.
 - d) Contour lot fill diagram and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
 - e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)
- 16.16.1.9 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.
- When Council has been nominated or defaulted as the nominee for engineering compliance. Final inspections can be arranged through Council's Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.
- 16.16.2 **Easements/Restrictions/Positive Covenants**
- 16.16.2.1 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 Land Registry Services (LRS).
- 16.16.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - 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.
- 16.16.2.2.1 Provide a Restriction to User and Positive Covenant over the Stormwater Quality Improvement Devices and Rainwater Tanks in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with prior to the final occupation certificate.
- 16.16.2.2.2 Provide a Positive Covenant over the Temporary Enviropods 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 by the first business day on or after 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.
- 16.16.2.3 Restrictions and positive covenant must be endorsed by Council and lodged with NSW Government - Land Registry Services (LRS) over the overland flow-path. Documentary evidence of this LRS lodgement shall be submitted to Council.

- 16.16.2.4 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.
- 16.16.3 **Dedications**
- 16.16.3.1 Dedication at no cost to Council of 5m x 5m splay corners on allotments at each street intersection.
- 16.16.4 **Bonds/Securities/Payments in Lieu of Works**
- 16.16.4.1 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.
- 16.16.4.2 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.
- This period commences at the release of the final plan of subdivision (Issue of Subdivision Certificate). This maintenance period may be extended to allow for the completion of necessary maintenance or outstanding minor works.
- 16.16.4.3 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.
- 16.16.4.4 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.
- In this regard Bonds to Council are required for the Temporary Enviropod Removal within the street pits equal to 200% of the Temporary Enviropod Removal Estimate, as well as a Temporary Enviropod. Maintenance Bond to Council for the maintenance of the Temporary Enviropods within the street pits equal to 200% of the Temporary Enviropod Maintenance Estimate.
- 16.16.5 **Inspections**
- 16.16.5.1 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.
- 16.16.6 **Inspection of Work**
- 16.16.6.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV on completion of the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of a DVD of the inspection, a hard copy printout of the SEWRAT (or equivalent) report and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

17 **OPERATIONAL (PLANNING)**

17.1 **Access/Parking**

- 17.1.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 17.1.2 All loading and unloading operations shall take place at all times wholly within the

confines of the land.

- 17.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 - 2009 and 2890.1– 2009.

17.2 **Specific Uses**

- 17.2.1 The approved development shall comply with the requirements of the following definitions contained within State Environmental Planning Policy (Sydney Region Growth Centres) 2006:

‘residential flat building’ means ‘a building containing 3 or more dwellings, but does not include an attached dwelling, a manor home or multi dwelling housing.’

‘shop top housing’ means one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

‘neighbourhood shop’ means retail premises used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

‘retail premises’ means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

17.3 **Storage**

- 17.3.1 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.

17.4 **General**

- 17.4.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
- 17.4.2 No goods or materials shall be stored, displayed for sale or manufactured at any time outside the building.
- 17.4.3 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 17.4.4 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.
- 17.4.5 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 17.4.6 No goods, materials or trade wastes are to be stored at any time outside the building on either the internal vehicular driveway, car parking area, landscaping or footpath, other than in approved garbage receptacles.
- 17.4.7 No nuisance or interference with the amenity of the area shall be created by reason of any process or operation on the land causing the emission of noise, dust, smoke or any polluted discharge whatsoever. Note: The Protection of the Environment Operations Act 1997 requires Council to investigate complaints where only one person complains.

17.5 **Landscaping**

- 17.5.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 17.5.2 Regular maintenance and up-keep of the site must be undertaken to the site to ensure that sightlines are kept free from obstructions.

- 17.5.3 The management of vegetation, gardens, planter boxes, communal areas, fences, decking, BBQ area, children's play equipment, lighting and other similar areas is to be incorporated within the future strata management plan once the development is occupied.
- 17.6 Use of Premises**
- 17.6.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 17.6.2 The development shall not be used or converted for use for any purpose other than that:
- (a) Granted consent by Council's Notice of Determination, or
 - (b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.
- 17.6.3 A separate application for development consent shall be lodged with Council for any proposed fit out of a commercial unit (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 State Environment Planning Policy (Exempt and Complying Development Codes) 2008.
- 17.6.4 The hours of operation and noise levels from the communal outdoor areas are to be appropriately managed to ensure that the occupiers of the buildings are not adversely affected by noise, in particular not prior to 8am and not after 10pm daily.
- 17.7 Emergency Procedures**
- 17.7.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed on the premises for both public and staff information at all times to the satisfaction of Council.
- 17.8 NSW Police Service Requirements**
- (a) All security measures required by this consent to be installed are required to be appropriately maintained and in good working order.
 - (b) Contact details for the Body Corporate and Building Manager must be forward to the NSW Police once the Body Corporate is formed and in the event of any changes to these contact details.
 - (c) Security management plan and evacuation plan to be forwarded to Riverstone Police Station.
- 17.9 Waste matters**
- 17.9.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 17.9.2 Council requires the strata manager to sign the 'Agreement for Onsite Waste Collection' form (attached) before any bin collections can commence onsite.
- 17.9.3 Access for collection vehicles must be designed in accordance with approved architectural plans, CAD files and vertical clearances as per Australian Standards.
- 17.9.4 The Owners Corporation will be responsible for ensuring that clear access is provided to Council collection trucks entering the property.
- 17.9.5 Applicant is to ensure roads and driveways etc are rated for at least 24 tonne trucks.
- 17.9.6 The applicant must demonstrate physical treatment to the loading bay in the form of lockable and removable bollards, to maintain truck turning areas. Access to the loading

bay must be coordinated by the building manager. This is required prior to the release of the occupation certificate.

17.9.7 The applicant must update the waste management plan to include:

- (a) bin servicing by Council; not private contractors as suggested. Council can now provide this service.
- (b) That the physical treatment to the loading bay will be in the form of removable, lockable bollards; not light weight, mobile and pliable traffic barriers.

17.9.8 The Strata Management Agreement should:

- (a) indicate the requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan.
- (b) indicate responsibility for maintenance of the waste system (including any bin movement aides) and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times.
- (c) include the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.
- (d) include a copy of the amended and approved waste management plan as submitted with the development application in November 2017.

17.10 **Clothes Drying**

17.10.1 The hanging/drying of clothes on balconies (where visible from a public place) is prohibited. If the development is to be strata subdivided, a clause is to be included in the Strata Management Statement (or similar) prohibiting the drying of clothes on balconies (where visible from a public place).

17.11 **Lighting and Security**

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

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

17.11.3 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.

17.12 **Adaptive Reuse Plans**

17.12.1 The adaptive reuse plans titled Potential Conversion Of Commercial Tenancies Into Residential Units, C1 TO C7 (Drawing numbers C-R 1A and C-R 1B) shall be revised in order to illustrate full compliance with the Apartment Design Guide and shall be submitted to council for approval.

17.13 **Graffiti Removal**

17.13.1 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.

17.14 **Total Maintenance Plan**

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

18 **OPERATIONAL (ENVIRONMENTAL HEALTH)**

18.1 **Environmental Management**

18.1.1 The Recommendations provided in the Acoustic Assessment Report, prepared by NG Child & Associates, report no. CA17/126/1002, dated 31 August 2017 shall be

implemented.

- 18.1.2 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environment Protection Authority's Noise Policy for Industry (2017) and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.
- 18.1.3 A post commissioning report 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 centre operating to validate the Acoustic reports findings.
- 18.1.4 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 10pm and 7am.
- 18.1.5 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.
- 18.1.6 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.
- 18.1.7 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.
- 18.1.8 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.