

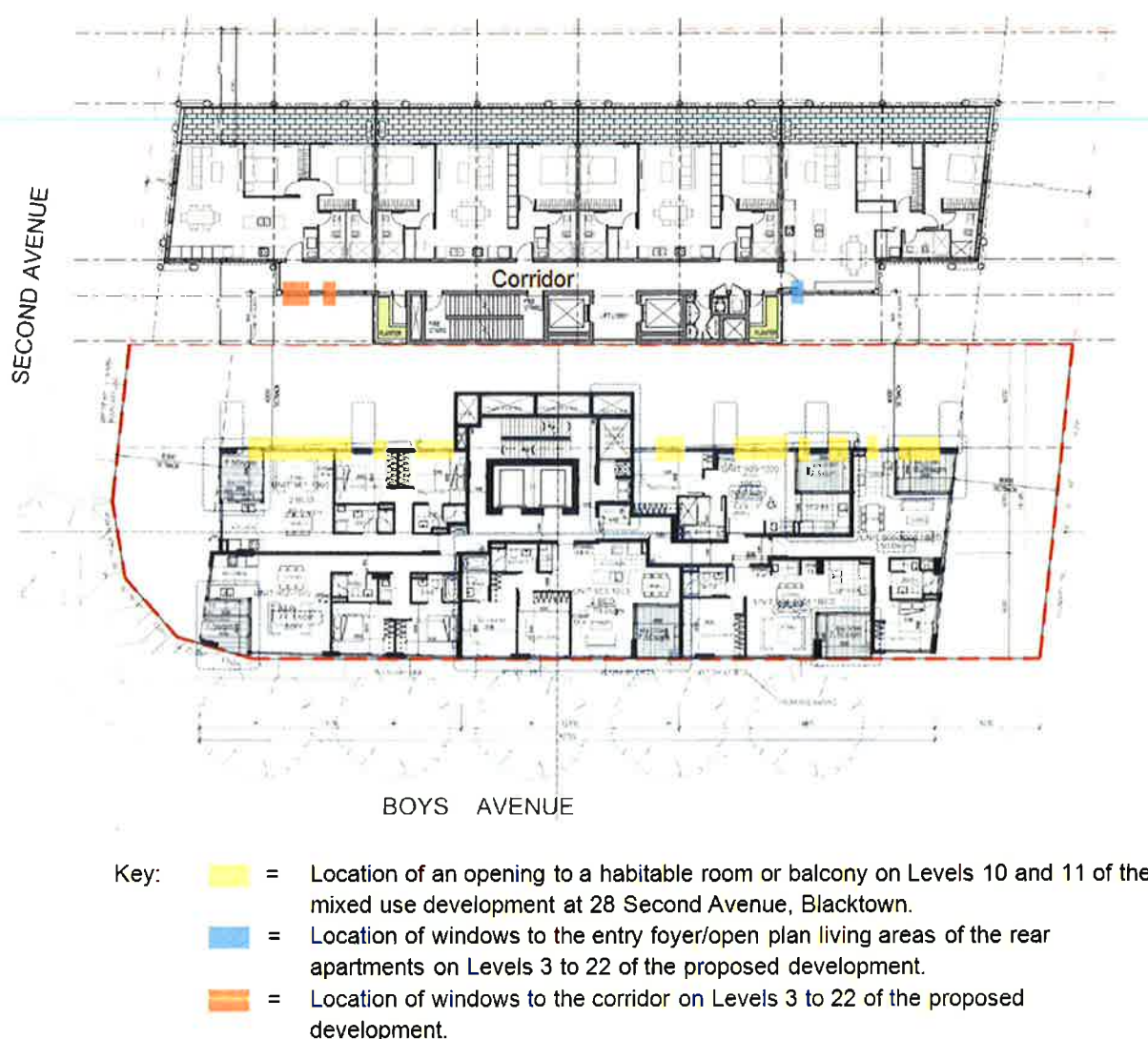


Figure 6: Analysis of the relationship between the window/balcony openings of the proposed development (above) and the adjoining mixed use development at 28 Second Avenue (below). The example shown is for Levels 10 and 11.

Acoustic privacy

The submitter has raised concern with regard to acoustic privacy impacts due to the close proximity of habitable rooms between the two developments. The proposed development comprises a blank wall for the majority of the western elevation, an unopenable window to the entry foyer/open plan living areas of the rear apartments on Levels 3 to 22 (3 metres from the shared boundary), and 2 unopenable windows to the access corridor (3 metres from the shared boundary). The orientation and design of the proposed building directs noise generating sources away from the objector's property and is not considered to result in acoustic privacy impacts.

Visual privacy and overlooking

The submitter has raised concern with regard to visual privacy and overlooking impacts due to the close proximity of habitable rooms between the two developments. The proposed development comprises a blank wall for the majority of the western elevation, an unopenable window to the entry foyer / open plan living areas of the rear apartments on Levels 3 to 22 (3 metres from the shared boundary), and 2 unopenable windows to the access corridor (3 metres from the shared boundary).

These windows are proposed in this location at our request due to the large extent of blank wall along the western façade of this building, to break up the building mass. These windows are proposed to be 'bronzed' glazing, to create a tinted and visually interesting effect. Although direct lines of sight can be achieved from these windows to the objector's development, it is recommended that the glazing of these windows is also translucent to ensure that the visual privacy of neighbouring apartments is protected. A condition of consent is recommended to be imposed to this effect.

Ventilation

The submitter has objected to the nil setback of this proposed development due to its impact on the ventilation to the future occupants at 28 Second Avenue, as it will diminish their amenity and access to ventilation. The development at 28 Second Avenue which is currently under construction comprises window and door openings to apartments from Level 4 and above which provide natural ventilation. The ventilation diagram for the development at 28 Second Avenue (JRPP-14-02593) indicates that the corner apartments within the development achieve natural ventilation by relying on inflows from wind for the windows facing north and south. This development does not obstruct those flows as shown in the figure below.



VENTILATION DIAGRAM: LEVEL 11-23

Figure 7: Extract from the Ventilation Diagram for the development at 28 Second Avenue, which demonstrates the natural cross ventilation for Levels 11-23 (Source Tony Owen Architects).

The subject application is accompanied by a Qualitative Wind Assessment prepared by SLR Consulting dated April 2017 which explains the characteristics of the Sydney region wind climate as follows:

Sydney is affected by 2 primary wind seasons:

- Summer winds occur mainly from the north-east, south-east and south.
 - While north-east winds are the more common prevailing wind direction (occurring typically as offshore land-sea breezes), south-east and south winds generally provide the strongest gusts during summer.
- Winter/early Spring winds occur mainly from the west and the south.
 - West quadrant winds (south-west to north-west) provide the strongest winds during winter and in fact for the whole year.

The following figure is the Annual Sydney Wind Rose for years 2005-2009, which shows the stronger winds in dark blue from the north-east, south and west.

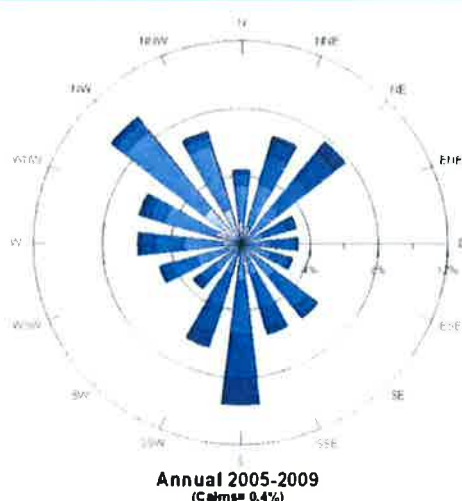


Figure 8: Annual Sydney Wind Rose for years 2005-2009

Refer to the aerial view below which demonstrates the orientation of the subject site and objector's site relative to the above prevailing wind directions.



Figure 9: Aerial view of the subject site (outlined in red) and the submitter's site at 28 Second Avenue to the west (on the corner of Second Avenue and Boys Avenue).

The number and location of openings which contribute to natural cross ventilation for the development at 28 Second Avenue are not blocked or reduced as a result of this development. The building footprint of the tower at 28 Second Avenue features a centrally located services core which has a reduced setback to the shared boundary of 2.8 metres. The proposed development has a similar layout, with a nil setback to the shared boundary. The culmination of these building footprints creates a corridor between the two buildings, with a pinch point between their service cores which is centrally located along their shared boundary.

For the northern portion of the development at 28 Second Avenue, ventilation is expected to continue to be provided to these window and balcony openings on its eastern elevation from the north and north-eastern prevailing winds, in particular given the proposed development is gradually stepped away from this elevation. Any winds from a eastern direction would not be expected to be directly available to 28 Second Avenue, given any form of similar permissible redevelopment at the subject site.

For the southern portion of the development at 28 Second Avenue, ventilation is expected to continue to be provided to these window and balcony openings on its southern and western elevations from the southern prevailing winds.

In the context of redevelopment of a high density CBD with varied allotment sizes and dimensions, it is anticipated that neighbouring developments will impact on each other to varying degrees.

Solar access

The allotment at 28 Second Avenue is orientated so as to predominantly benefit from solar access from the north and the west, as demonstrated in the shadow diagrams which accompanied their DA:

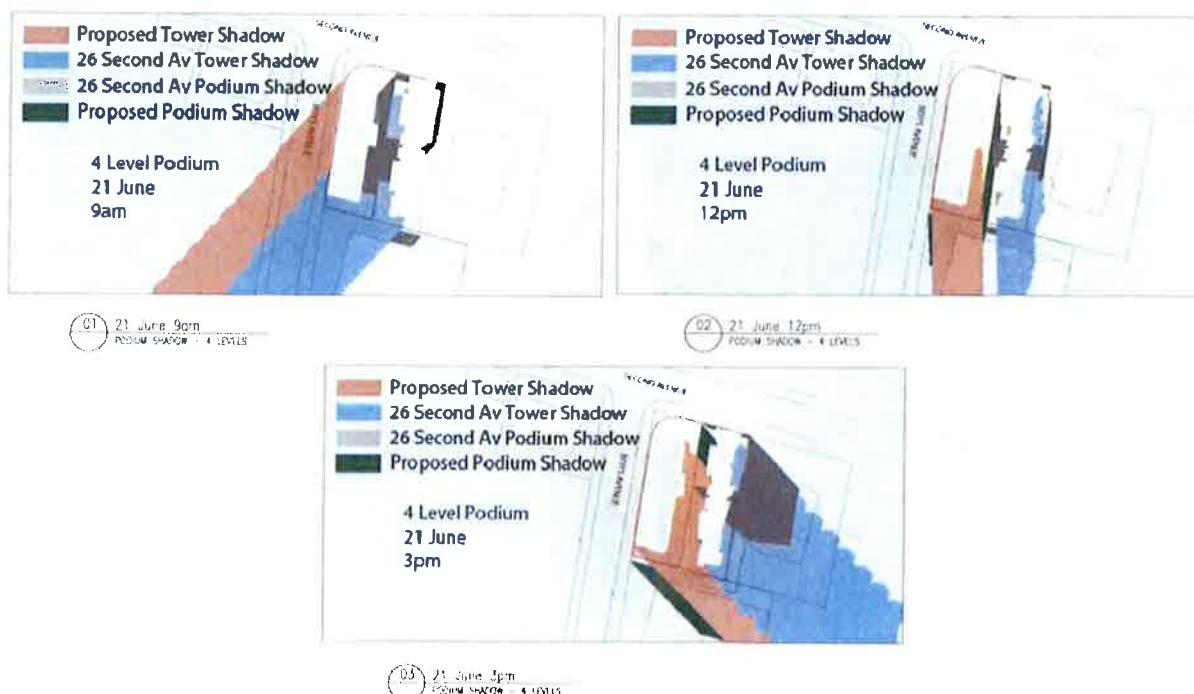


Figure 8: Extract from the Shadow Diagrams for JRPP-14-02593 for the mixed use development at 28 Second Avenue, Blacktown (Source: Tony Owen Architects, dated December 2014).

As demonstrated in the above figure, it is anticipated that the redevelopment of 28 Second Avenue will overshadow the majority of the building at 28 Second Avenue at 9 am at midwinter. By midday, neither of the developments overshadow each other at midwinter. From approximately 1 pm onwards at midwinter, the development at 28 Second Avenue begins to overshadow the subject site.

The proposed Shadow Diagrams provided at **Attachment 5** indicate that the proposed development will overshadow the adjoining site at 28 Second Avenue in the morning throughout the year, however the shadow impacts are clear of 28 Second Avenue by midday. However, this overshadowing is minimal.

Amenity

The submitter objects to the reduced setback and presentation of the western elevation and blank wall effect of the proposed development, and the resulting loss of amenity for the future occupants at 28 Second Avenue.

Of the 106 apartments at 28 Second Avenue, 6 are solely east facing (located on levels 5 to 10). A further 40 apartments are also east facing, however their primary orientation is either to the north, or to the south and west. The following figure identifies the location of these 6 apartments which are solely east facing and their relationship with the proposed development.

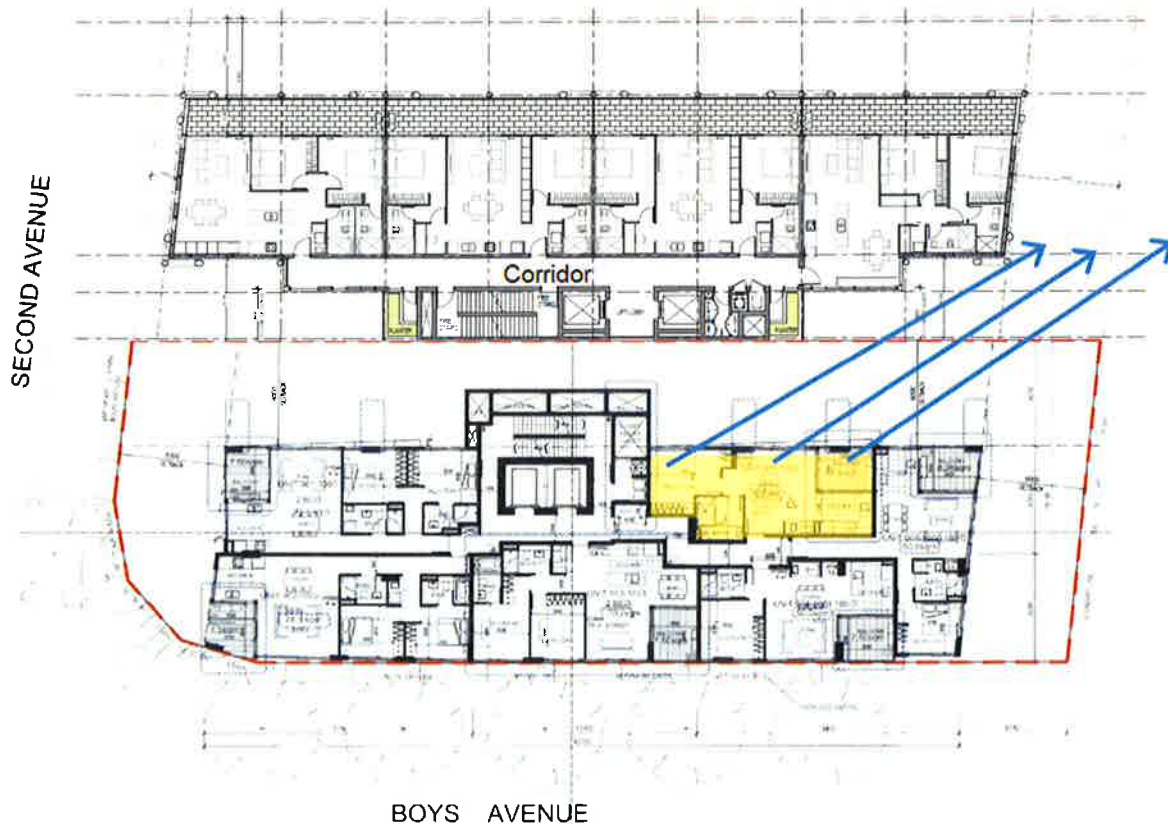


Figure 9: Analysis of the orientation of the 6 apartments (highlighted in yellow) on Levels 5 to 10 within the development at 28 Second Avenue, Blacktown which are single aspect to the west. The potential view lines, which are clear of the proposed development, are demonstrated by the blue lines.

The presentation of the proposal as viewed from these 6 apartments is shown in the figure below.

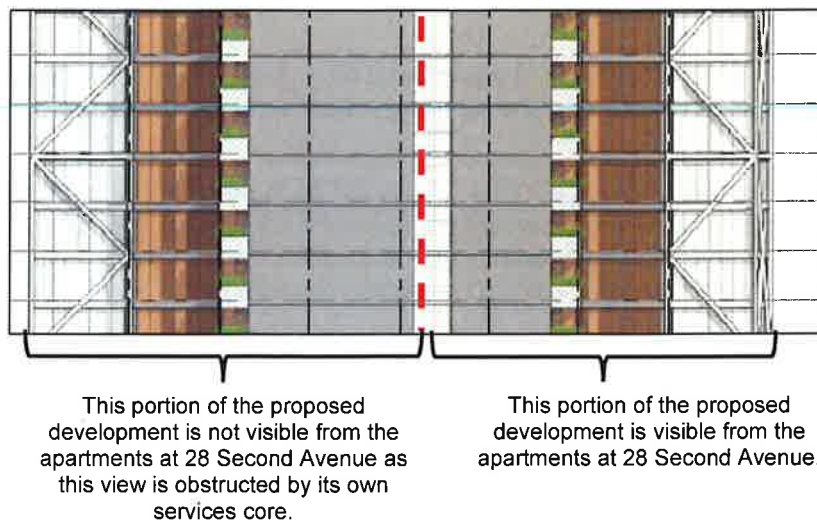


Figure 10: Outlook of the proposed development as viewed from the 6 single aspect (east facing) apartments on Levels 5 to 10 within the development at 28 Second Avenue, Blacktown.

The outlook from these 6 single aspect apartments is a mix of finishes and materials with a gradually increasing setback, being 2.8 m to the services core (concrete panel rendered in a mid-grey colour), 9 m to apartments (concrete panel rendered in a brown colour and a bronze glazed window element) and 10.7 m to further setback apartments (panels in tones of grey and silver and external steel structures to provide articulation).

Although there are only a small number of apartments at 28 Second Avenue which do not benefit from a secondary outlook away from the subject site (only 6 out of 106 apartments), consideration is to be given as to the impact of this reduced setback on their amenity and sense of openness. These 6 apartments were designed to have their windows and balcony directly to the east, with the expectation that the outlook from their windows and balcony is the 9 storey mixed use development on the subject site approved under DA-13-01143 as shown in the figure below.

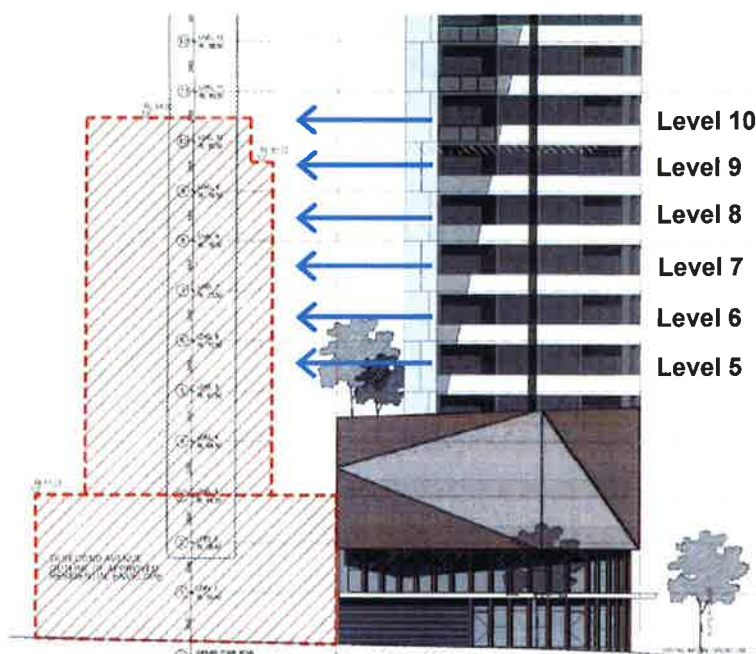


Figure 11: Extract from the approved North Elevation plan showing the relationship between the development at 28 Second Avenue and the building envelope approved in DA-13-01143 on the subject site.

When considered in light of the previously approved development on the subject site (DA-13-01143), the building separation to these 6 east facing apartments at 28 Second Avenue ranges from 10 m to 12 m. This application reduces this building separation from 2.8 m to 10.7 m. We acknowledge that this reduced building separation distance will appear visually closer from the perspective of these 6 east facing apartments.

However, should a development be proposed on the subject site which satisfies the minimum building separation with a setback to the shared boundary of 6 m, the western elevation of such a development would reasonably include window openings and balconies, similar to that already approved on the site in DA-13-01143 as shown in the figure below.



Figure 12: Extract from the approved West Elevation plan showing the windows and balconies at a setback of 6 m from the shared boundary as approved in DA-13-01143 on the subject site.

In comparison, the proposed development orientates its outlook away from the development at 28 Second Avenue and improves its level of visual and acoustic privacy. On balance, the reduced setback of the proposed development is considered satisfactory as the visual and acoustic privacy of the future occupants at 28 Second Avenue is protected, and the western elevation of the proposed development provides an interesting mix of materials and finishes which is gradually stepped away from the shared boundary to provide an interesting visual appearance.

However, given the strong concerns raised by the submitter and in consultation with our City Architect, we consider it appropriate to impose further amendments to the proposal including:

Required amendment	Reason for amendment
Increasing the setback of the core from nil to 100 mm to the western boundary. Decorating the western elevation of the core with a pattern panelling system.	To provide space for construction access to enable the patterned finish of the western elevation of the core.
Relocating the core approximately 6 metres to the north.	To open up the outlook looking south-east for the apartments in 28 Second Avenue which have a single outlook towards this development.
Incorporating additional fire rated glass blocks along the western elevation of the fire stair.	To break up the appearance of the building's core.

Required amendment	Reason for amendment
Treating all west facing windows to be tinted and translucent.	To ensure these windows allow for light to pass through, but not detailed shapes.
Deletion of the planter boxes on all levels along the building's core.	To reduce the length of the core by approximately 4 metres.

These requirements are proposed be imposed as deferred commencement conditions.

Impact of the setbacks on the structural integrity of the adjoining development

The application is accompanied by a Geotechnical Investigation Report prepared by JK Geotechnics, dated 8 June 2016. This report comprises drilling, sampling and in-situ testing of the site. This investigation considered geology and subsurface conditions of the site, the ground materials of the site including existing fill, residual clay materials and shale bedrock and an absence of groundwater seepage. The report provides principal geotechnical findings, issues and recommendations to be considered in the planning, design and construction considerations for the development as follows:

- “1. Prior to demolition or excavation commencing, dilapidation reports are to be compiled on adjoining or neighbouring structures.
2. The excavation will be carried through fill and residual soils as well as through shale bedrock. Hard rock excavation conditions will be encountered in the lower shale profile below depths of around 7 m to 8 m. Most of the bedrock profile will require the use of rock excavation equipment, which may transmit vibrations through the rock mass that could affect adjoining buildings. Vibration effects on adjoining structures must be considered.
3. The proposed basement will extend to the site boundaries and, therefore, will be in close proximity to the neighbouring buildings to the west (where a multi-level building with deep basement is under construction), east and south. The basement excavations will require support by anchored or propped shoring pile walls, over both the soil sections and the shale of variable quality, preferably down to below the lowest excavation level.
4. Groundwater is not expected to be a significant issue since groundwater was not observed in BH2 at all and not much evidence of groundwater seepage was noticed within the excavation (which was around 7 metres deep) being carried out in the adjoining property (No. 28) to the west on the days of the fieldwork. Also, in our opinion the groundwater level measured in BH1 well does not represent a groundwater table as such but rather the presence of perched or transitory water within the rock mass that is moving to greater depths. Further consideration of the groundwater is recommended during the later detailed design and construction stages of the proposed development.
5. The only competent foundation for the proposed building is the shale bedrock. We recommend footings be founded uniformly into the shale of at least medium strength, which is expected to occur below the proposed lowest basement level.
6. The residual clays are considered to be highly reactive, i.e. similar to Class H2 clays in AS2870-2011.
7. A waste classification will need to be assigned to any soil excavated from the site prior to off-site disposal. Subject to the appropriate testing, material can be classified as Virgin Excavated Natural Material (VENM), General Solid, Restricted Solid or Hazardous Waste. If the natural soil has been stockpiled, classification of this soil as Excavated Natural Material (ENM) could also be undertaken. However, the criteria for ENM are more stringent and the cost associated with attempting to meet these criteria

may be significant. In this respect, reference must be made to a separate report, Ref. E29344K, which has been prepared by our specialist division Environmental Investigation Services (EIS)."

The report also states that the detailed structural design of the proposed development will be undertaken prior to the issue of any Construction Certificate, at which point further detailed investigations will be undertaken by the Applicant.

It is recommended that a condition of consent is imposed on any consent issued requiring the submission of a report prepared by a suitably qualified structural engineer prior to the issue of any Construction Certificate. This report is to verify that the proposed development is structurally sound, and appropriate measures are to be implemented in the design, excavation and construction of this development to protect the structural integrity of the adjoining property at 28 Second Avenue.

Subject to the imposition of this condition of consent, we consider that the issue raised with regard to the impact of the development on the structural integrity of the adjoining building is capable of being resolved.

Impact of construction scaffolding on the adjoining site

The Applicant acknowledges that should they be required to obtain an easement for access over adjoining sites to enable the erection of scaffolding within adjoining sites, specifically 28 Second Avenue, that they will be responsible for requesting that easement for access from the relevant property owner(s). This is an issue which is the responsibility of the person acting on the consent during the construction stage of the development.

It is recommended that a condition of consent is imposed requiring a Construction Management Plan to be submitted to Council which details the construction methodologies of this development and any requirements for accessing adjoining properties, and evidence of agreement from the affected adjoining property owner(s) to permit construction access within their site, prior to the issue of any Construction Certificate.

Subject to the imposition of this condition of consent, we consider that the issue raised with regard to construction scaffolding within the adjoining site is capable of being resolved given the agreement of the Applicant to obtain permission for this temporary site access.

Non-compliant site dimensions

Clause 5.3.1 of BDCP 2015 requires a minimum site width of 30 metres. The width of the site is 18.29 metres along the Second Avenue (northern) boundary, which is a shortfall of 11.71 metres.

The DCP also states "notwithstanding this, development must have regard to existing, adjacent sites which could become isolated as a consequence of that development. In these instances the developer will need to demonstrate how those sites not incorporated in the Development Application could be redeveloped successfully on their own in compliance with the provisions of the DCP." The redevelopment of this site does not constrain the redevelopment of any surrounding sites.

As previously stated, the historical development of the CBD has been undertaken in a piecemeal manner and has been influenced by certain factors, including the specific needs of landowners and a broad range of site areas and dimensions. The varied dimensions of the sites in the CBD requires us to consider if the redevelopment of each site forces an adjoining site to become isolated and unable to be redeveloped successfully. The adjoining site to the west, 28 Second Avenue, is already nearing completion and its redevelopment is not hindered. The adjoining site to the east, 22 Second Avenue, has a width of approximately 37 m, and is capable of being redeveloped successfully on its own. The property to the south, 23 First Avenue, has frontage to both Boys Avenue and First Avenue of approximately 55 m and is capable of being redeveloped

successfully on its own. Refer to **Figure 6** below which demonstrates the relationship between the subject site and the adjoining properties.

Given the Applicant has demonstrated that the adjoining sites are being, or are capable of being, redeveloped successfully on their own, we do not object to the redevelopment of this site in isolation, or to the reduced width.

This site is not isolated by tower developments on both sides, however, given the adjoining site to the east at 22 Second Avenue is existing housing owned by NSW Land and Housing Corporation, it virtually isolates this site. This is due to the potential sale of 22 Second Avenue being highly dependent on an Expression of Interest or tender process, the Applicant being successful in winning the tender and incorporating 22 Second Avenue into this development site. This approach is very difficult given the Government's lengthy land sale process.

Therefore we support this proposed standalone redevelopment of this narrow site.



Figure 6: Aerial photo of the site and immediate surrounds, demonstrating the dimensions of the sites (Source: Nearmaps, January 2018).

Cross-ventilation

Of the proposed 90 apartments, 40 (44 %) achieve natural cross ventilation, being the corner apartments only. The remainder of the apartments have windows and doors which open to each apartment's balcony to the east.

Section 4B Natural ventilation of the ADG includes the following design criteria:

1. At least 60% of apartments are naturally cross ventilated in the first 9 storeys of the building. Apartments at 10 storeys or greater are deemed to be cross ventilated only if

any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.

2. Overall depth of a cross-over or cross-through apartment does not exceed 18 m, measured glass line to glass line.”

The first 9 storeys of the development consists of 28 apartments, 24 (50%) of which are corner apartments and are naturally cross ventilated. This is a shortfall of 3 apartments (10%).

Above the first 9 storeys, 50% of the apartments are cross-through (corner) apartments which do not exceed a depth of 18 metres, and all apartments consist of open balconies with openable doors to all open plan living rooms and all bedrooms which allow for adequate natural ventilation and which cannot be fully enclosed. This is consistent with the design criteria of the ADG.

Therefore, the proposal is consistent with the ADG design criteria for natural ventilation, with the exception of 3 apartments. We consider this to be a minor departure from the ADG, in particular given the apartments achieve a comfortable indoor environment for residents. The departure from the ADG design criteria is supported in this instance.

Moreover, we consider the concerns raised in the public submissions to be resolved through the careful design of this proposal and to be capable of being managed by conditions of consent. Therefore the concerns raised in the public submissions are not considered sufficient to warrant the refusal of this application.

Development Description: Construction of a 23 storey mixed use development comprising 55 sqm retail space, 98 sqm commercial space, 90 residential units, 103 car parking spaces within 5 basement levels, drainage works and associated landscaping.

Property Description: Lot 80 DP 11158 26 Second Avenue, BLACKTOWN

PART 1

Deferred Commencement Matters

The following are deferred commencement conditions imposed under Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*.

Under Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, the Applicant must satisfy the following deferred commencement conditions of consent prior to the development consent becoming operative:

- 1.1 This Development Consent is not to operate until such time as the following matters are satisfied:
 - a) Increasing the setback of the core from nil to 100 mm to the western boundary.
 - b) Decorating the western elevation of the core with a pattern panelling system.
 - c) Relocating the core approximately 6 metres to the north.
 - d) Incorporating additional fire rated glass blocks along the western elevation of the fire stair to break up the appearance of the building's core.
 - e) Treating all west facing windows to be tinted and translucent.
 - f) Deletion of the planters boxes on all levels along the building's core to reduce the length of the core by approximately 4 metres.
- 1.2 Evidence that will enable the Council to be satisfied of the matters above must be provided to Council within 60 months of the date of this determination. If it is not provided by this time, the consent will lapse under section 4.53(6) of the Act.
- 1.3 The consent will not become operative until the Council gives written notification to the applicant that the requirements of Conditions 1.1 and 1.2 have been satisfied and thereafter, the consent will become operative from the date of that notification subject to the conditions set out below.

PART 2

1 ADVISORY NOTES

1.1 Terminology

- 1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the *Environmental Planning and Assessment Act 1979*.
- 1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 6.4 of the *Environmental Planning and Assessment Act 1979*.

1.2 Scope of Consent

- 1.2.1 The granting of this consent does not imply or confer compliance with the requirements of

the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

1.3 Other Approvals

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

1.3.2 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

1.3.3 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary development not approved by this consent, including:

- (a) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
- (b) the erection of any advertising sign, not being 'Exempt Development' within the State Environmental Planning Policy (Exempt and Complying Development) 2008, and
- (c) the use or fit-out of any shop or commercial premises not being 'Exempt Development' within the State Environmental Planning Policy (Exempt and Complying Development) 2008, and
- (d) the installation of a vehicular footway crossing servicing the development.
- (e) 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) A recognised energy provider
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

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

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, 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 recognised service provider.
- 1.4.4 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.
- 1.4.5 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.

1.5 Tree Planting and Service Locations

- 1.5.1 Street tree and tree planting must not impact on public utilities. The applicant shall 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.

Tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.

1.6 Identification Survey

- 1.6.1 The applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.

1.7 Engineering Notes

- 1.7.1 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.

1.7.2 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.

1.8 Payment of Engineering Fees

1.8.1 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.

1.8.2 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.

2 GENERAL

2.1 Scope of Consent

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

Drawing Reference:	Dated:
Plans prepared by Conrad Gargett:	
A0000 Cover Sheet, Revision 9	02/05/2017
A1000 Site Plan, Revision 4	24/03/2017
A2101 Level B5 General Arrangement Plan, Revision 9	24/03/2017

Drawing Reference:	Dated:
A2102 Level B4 General Arrangement Plan, Revision 10	24/03/2017
A2103 Level B3 General Arrangement Plan, Revision 10	24/03/2017
A2104 Level B2 General Arrangement Plan, Revision 12	24/03/2017
A2105 Level B1 General Arrangement Plan, Revision 13	24/03/2017
A2110 Level Ground General Arrangement Plan, Revision 17	21/08/2017
A2111 Level 01 General Arrangement Plan, Revision 10	24/03/2017
A2112 Level 02 General Arrangement Plan, Revision 10	24/03/2017
A2113 Level 03 General Arrangement Plan, Revision 6	24/03/2017
A2114 Level 04-11 General Arrangement Plan, Revision 6	24/03/2017
A2121 Level 12-21 General Arrangement Plan, Revision 10	24/03/2017
A2122 Level 22 General Arrangement Plan, Revision 9	24/03/2017
A3000 North and South Elevations, Revision 9	21/08/2017
A3001 East and West Elevations, Revision 10	21/08/2017
A3500 Sections, Revision 5	21/08/2017
A6101 Key Plan - Adaptable Apartments, Revision 2	31/10/2016
A9500 Materials and Finishes, Revision 3	31/10/2016
Landscape Plans prepared by Conrad Gargett:	
L0001 Landscape Ground Floor Plan, Issue A	06/10/2016
L0001 Landscape Level 01 Plan, Issue A	06/10/2016
L0001 Landscape Level 02 Plan, Issue B	10/11/2016
L0001 Landscape Level 22 Plan, Issue A	06/10/2016
L0001 Plant Palette, Issue A	06/10/2016
L0001 Landscape Character & Materials Finishes, Issue A	06/10/2016

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

2.2 Necessary Plan Amendments

2.2.1 Amended architectural plans are to be submitted to Council which satisfy the following amendments to the satisfaction of Council's Manager Development Assessment, and be included on the construction certificate documentation:

- i. Increase the setback of the core from nil to 100 mm to the western boundary from Level 1 through to the roof level;
- ii. Relocate the core of the building (including the lifts, lift lobby, fire stairs and associated services) at least 6 metres to the north to open up the outlook looking south-east for the apartments in 28 Second Avenue which have a single outlook towards this development;
- iii. Decorate the western elevation of the core with a pattern panelling system;
- iv. Incorporate additional fire rated glass blocks along the western elevation of the fire stair to break up the appearance of the building's core;
- v. Treat all west facing windows to be tinted and translucent;
- vi. Delete the planters boxes on all levels next to the building's core; and
- vii. The external steel structure decorative elements are to be yellow in colour.

2.3 Services

2.3.1 Low voltage electricity and telecommunications services for the approved development shall be as per the requirements of the service provider, and reticulated underground.

2.4 Suburb Name

2.4.1 The land the subject of this consent is known to be located in the following suburb. This

suburb name shall be used for all correspondence and property transactions:

Suburb: Blacktown

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

Suburb: Blacktown

2.5 Compliance with BASIX Certificate

- 2.5.1 All commitments listed in BASIX Certificate 774875M dated 16 November 2016 shall be complied with.

2.6 Engineering Matters

2.6.1 Design and Works Specification

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (e) Blacktown City Council On Site Detention General Guidelines and Checklist
- (f) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook Handbook THIRD Edition December 1999.

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

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

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

- 2.6.1.2 Prior to release of any bond securities held by Council for civil engineering works, the payment of a bond release inspection fee in accordance with Council's Goods and Services Pricing Schedule must be made.
- 2.6.1.3 Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council controlled lands (i.e. Roads, drainage reserves, parks, etc.)

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

2.6.2 Other Necessary Approvals

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

- Vehicular Crossing
- Works on or occupation of existing public roads

2.7 Other Matters

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

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

3.1.1 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.

3.2 Caltex Requirement: Safety Management Study

3.2.1 With regard to the pipeline infrastructure under Second Avenue, a Safety Management Study (SMS) is to be carried out in consultation with Caltex Australia Petroleum Pty Ltd and must be conducted to comply with AS 2885 'Pipelines – Gas and Liquid Petroleum' and the Pipelines Regulation. Any recommendations from this Study are to be incorporated into the design of this development and included in the construction certificate documentation.

3.3 Construction Traffic Management Plan

3.3.1 A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of any Construction Certificate.

3.4 Construction Environmental Management Plan

3.4.1 Prior to the release of any Construction Certificate, an appropriately qualified person is to prepare a comprehensive Construction Environmental Management Plan (CEMP). The CEMP is to be submitted to Council for separate approval.

The operational measures at a minimum should include the following:

- (a) Proposed schedule of works
- (b) Proposed hours of work
- (c) Noise and vibration controls
- (d) Salinity Management Plan
- (e) Erosion and Sedimentation Control Plan
- (f) Hazardous building materials survey
- (g) Waste and materials re-use on-site

- (h) Community response and management procedure outlining the course of action to be undertaken following receipt of a complaint
- (i) Proposed means of controlling of any activity that could potentially cause a pollution incident as defined by the Protection of the Environmental Operations Act 1997.
- (j) Dust (air quality) management strategy noting that any stockpiled soil is to be stored on plastic sheeting in an area that is securely bunded with a silt fence and hay bales to prevent surface-water run-off. Plastic sheeting must be placed over the stockpile to minimise wind-blown dust.
- (k) Construction methodologies of this development and any requirements for accessing adjoining properties. Where construction access is needed over adjoining properties, evidence of written agreement from the affected adjoining property owner(s) to permit construction access within their site is to be submitted to Council's Manager Development Assessment.

3.5 Mail Boxes

- 3.5.1 All mail boxes are to accord with the requirements of Australia Post with regard to location, access and size. The letterbox system is to be vandal resistant and secure.

3.6 Waste Matters

- 3.6.1 The Construction Certificate plans and documentation must demonstrate that:
- a. the manoeuvring space for the turntable area achieves clearance for an 8.8 metre medium rigid vehicle plus 10% for the 'clearance zone'.
 - b. The path of travel of the waste collection vehicles are designed in accordance with the relevant Australian Standards, including vertical clearance.
 - c. The path of travel of the waste collection vehicles is rated for 8.8 metre long medium rigid vehicles and at least 24 tonne trucks.
 - d. The bulky waste storage area is to be amended to ensure that it is an open and usable space. The support beam in the centre of this room may prevent convenient use of this space and is to be relocated.

3.7 NSW Police Matters

- 3.7.1 The following recommendations provided by the NSW Police are to be included in Construction Certificate documentation:

Surveillance:

- a. The location of CCTV surveillance cameras are to be shown on the plans, paying particular attention to those areas susceptible to anti-social behaviour and criminal activity. This includes the proposed communal open space area, any common area, driveway, car park and roof top areas. The exterior coverage should capture all entrances and exits and the immediate vicinity of the building.
- b. Closed Circuit Television Systems (CCTV), Management and Operation shall be in accordance to AS:48006.1 and Applications Guidelines —AS 4806.2.

Lighting:

- c. Lighting at the perimeter of the property shall be vandal resistant, at all entry/exits points, along the street frontage, at the common areas and driveway.
- d. Possible entrapment spots such as the storage units, waste/rubbish bin areas shall be lit with vandal-resistant and energy saving lighting.
- e. The ceiling of the car park shall be light in colour, preferably painted white. This will enhance the lighting operating in this space.

Barriers

- f. Blank surfaces on the external parts of the building shall be treated with vandal resistant paint or other means to discourage graffiti.
- g. Glass along the street frontage is to be re-enforced with shatter resistant film or laminated glass to control access.
- h. Security control systems are to be installed to all main entry doors minimise break and enter offences and unauthorised access to residential apartments, common spaces and the car park.
- i. Appropriate safety fencing/mechanisms are to be installed at the perimeter of the rooftop area to prevent accidental falls, and death or injury. The fence is to be clear of items (such as planter boxes) which can be used as a natural ladder.

3.8 Acoustic matters

- 3.8.1 The recommendations provided in the DA Stage: Environmental Noise Assessment prepared by Koikas Acoustics Pty Ltd, dated August 2016, shall be implemented.
- 3.8.2 A qualified acoustic engineer must certify that the building has been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

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

A certificate must be provided by a qualified acoustic engineer stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:

- a) does not exceed an L_{Aeq} sound pressure level of 5dB (A) above the ambient background noise level when measured
 - at the most 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.

3.9 Awning

- 3.9.1 The awning over the public footpath is to achieve a minimum clearance of 3 metres from the finished footpath level and the underside of the awning. The materials and finishes of the awning, including the underside of the awning, are to be of a high quality finish. Downpipes are to be integrated into the building façade and are not to be exposed as they are highly susceptible to being damaged. Lighting is to be provided to the underside of the awning to complement the existing street lighting and provide safe lighting levels across the footpath. Lighting is to be recessed into the awning.

- 3.9.2 Certification is to be provided by a NPER engineer as to the structural integrity of the awning and compliance with the BCA and other relevant standards with regard to the awning over the public footpath.

3.10 Contamination and Remediation

- 3.10.1 Prior to excavation works commencing and prior to the issue of any Construction Certificate an Asbestos Management Plan for the site is to be prepared as recommended in the Stage 2 Environmental Site Assessment prepared by Environmental Investigation Services and dated March 2017.
- 3.10.2 A final site contamination Validation Report confirming the suitability of the site for the proposed development is to be submitted to Council prior to the issue of any Construction Certificate for building works. The Validation Report shall be prepared by a consultant engaged under the terms of Council's Contaminated Lands Policy.

3.11 Utilities and Services

- 3.11.1 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.
- 3.11.2 A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Section 7.11 Contributions

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

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

Contribution Item	Amount	Relevant C.P.
Flood Mitigation	\$ 2,224.00	19
Stormwater Quality	\$ 8,785.00	19
Traffic Management Medium to High Density	\$ 127,239.00	19
Traffic Management All Residential Development	\$ 178,023.00	19
Open Space Medium to High Density	\$ 615,584.00	19
Open Space All Residential Development	\$ 170,527.00	19

Community Facilities	\$ 44,599.00	19
Local Road Construction	\$ 43,259.00	19
Streetscape Facilities	\$ 161,697.00	19
Traffic Management Residential Development	\$ 157,791.00	19
Traffic Management Commercial/Office Development	\$ 11,850.00	19
Traffic Management Retail Development	\$ 19,619.00	19

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

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Customer Information Centre. Alternatively, Contributions Plans may be downloaded from Council's website: S.94 CP No. 19 - Blacktown Growth Precinct.

The Section 7.11 Contribution(s) have been based on the total developable area, additional population, number of apartments, lineal frontage and/or retail/commercial/office area nominated below. Should the final plan of survey indicate any change in the total developable area, or should amendments change the potential additional population or other parameters, the information for this Section 7.11 Contribution(s) will be adjusted accordingly.

Number of intended dwellings/apartments:	90 apartments
Total Developable Area:	.0992 hectares
Additional Population:	177 persons
Lineal frontage:	18.29 metres
Commercial/office gross floor area:	98 square metres
Retail gross floor area:	55 square metres

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

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

4.3 **Aesthetics, Streetscape and External Materials**

- 4.3.1 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent and must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.
- 4.3.2 Any bathroom, w.c. or laundry window in the external walls of the buildings fitted with translucent glazing.
- 4.3.3 The development approved by Council is to be constructed in accordance with the external finishes shown on the approved Materials and Finishes Plan, and the plan

amendment in Condition 2.2.1.

- 4.3.4 The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the Building Code of Australia.
- 4.3.5 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.
- 4.3.6 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.
- 4.4 Fencing**
- 4.4.1 All fencing details and materials are to be as per the approved plans. All fencing is to be provided at full cost to the developer and is to be constructed on top of any masonry retaining walls.
- 4.5 Common Areas and Landscaping**
- 4.5.1 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 as per the approved landscape plans. 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.
- 4.5.2 All landscaping, recreation features and furniture, bbq facilities and shading devices shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate.
- 4.5.3 The basement deep soil areas which relate to the above tree plantings are to be provided to ensure the viability of these trees.
- 4.6 Access and Parking**
- 4.6.1 103 car parking spaces are required to be provided on site, being 85 residential spaces, 13 resident visitor spaces, 2 retail car parking spaces and 3 commercial car parking spaces.
- 4.6.2 The layout of the car parking areas are to be designed in accordance with Australian Standard 2890.1 and AS 2890.2 in terms of access driveways, grades, turn paths and circulation aisles, sight distance requirements, aisle widths, aisle lengths, parking bay dimensions, loading area, disabled car spaces (including a shared zone), etc.
- 4.6.3 Provision for bicycle parking spaces is to be provided in the basement.
- 4.6.4 Provision for at least 2 motorbike parking spaces is to be provided on-site.
- 4.6.5 Provision for adequate sight distance needs to be made for both pedestrian and vehicular movement at the driveway in accordance with Section 3.2 AS 2890.1 to ensure safety of

pedestrians on the footpath system and motor vehicles along the new driveway.

- 4.6.6 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009 and AS1428.1 - 2009.

4.7 Adaptable Housing Units

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

4.8 Floor to Ceiling Heights

- 4.8.1 All residential habitable rooms are to have a minimum floor to ceiling height of 2.7 m.

4.9 Services, Plant and Equipment

- 4.9.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the streetscape presentation (including on balconies), apartments and communal open space areas with regard to visual, acoustic and odour impacts.
- 4.9.2 The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.
- 4.9.3 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.

5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

5.1 Building Code of Australia Compliance

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

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

5.2 Site Works and Drainage

- 5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the State and Environmental Planning Policy (Sydney Region Growth Centres) 2006, together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such

site works shall accompany the Construction Certificate.

5.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 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.

5.2.3 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.

5.2.4 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.

5.3 Fire Services

5.3.1 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.

5.3.2 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.

5.4 Internal Works

5.4.1 A separate application for development consent shall be lodged with Council for any proposed fit out of a retail or commercial unit 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 2015.

5.5 Geotechnical

5.5.1 The detailed structural design of the development and the recommendations of the Geotechnical Investigation Report prepared by JK Geotechnics, report reference 29344Vrpt, dated 8 June 2016, shall be demonstrated in the construction certificate documentation. This includes the preparation of a report with further detailed investigations undertaken by a suitably qualified structural engineer to verify that the development is structurally sound, and appropriate measures are incorporated in the design, excavation and construction of this development to protect the structural integrity of the adjoining property at 28 Second Avenue. A copy of this structural engineers report is to be submitted to Council's Manager Development Assessment.

5.6 BASIX Certificate Compliance

- 5.6.1 The plans and specifications must indicate compliance with the commitments listed in BASIX Certificate 774875M dated 16 November 2016.

6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

6.1 General

- 6.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.
- 6.1.2 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.
- 6.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
MYD Consulting Engineers	P2259	SW-02	-	DA	14.9.16
		SW-03			
		SW-04		B	28.8.17
		SW-05			
		SW-11			

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

- i. A long-section is to be provided for any stormwater pipe located within the public road reserve. All existing and proposed services, utilities or other possible obstruction must be shown on the drawing.
- ii. All pipes used within the public road reserve must be reinforced concrete.
- iii. Minimum stormwater pipe grades must be achieved in accordance with Council's Engineering Guide.
- iv. The vehicle crossing servicing the development must be designed and constructed in accordance with A(BS)103S.

DRAINAGE SECTION MATTERS

- v. The minimum dwelling habitable floor level for the Residential Flats is to be RL 52.96 metres to Australian Height Datum (AHD) this includes 300 mm freeboard, in accordance with Council's Engineering Guide for Development 2005.
- vi. The minimum floor level for the Retail Tenancy is to be RL 52.77 metres to Australian Height Datum (AHD) this includes 300 mm freeboard, in accordance with Council's Engineering Guide for Development 2005.
- vii. The minimum Fire Escape floor level is to be RL 52.74 m AHD and this includes a 300 mm freeboard in accordance with Council's Engineering Guide for Development 2005.
- viii. The minimum driveway crest level is to be RL 52.96m AHD and this includes a 300 mm freeboard in accordance with Council's Engineering Guide for Development 2005.

- ix. An experienced Drainage Engineer registered with NER is to certify that the internal drainage system is capable of carrying the 100 year ARI flows to the detention tank without surcharge at any pits.
- x. Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
 - i. 4 star dual-flush toilets;
 - ii. 3 star showerheads;
 - iii. 4 star taps (for all taps other than bath outlets and garden taps);
 - iv. 3 star urinals; and
 - v. Water efficient washing machines and dishwashers are to be specified.
- xi. An experienced hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses on the site including all toilet/urinal flushing and landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:
 - i) a first flush or pre-treatment system (at min. 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) ensuring all the rainwater reuse pipes are coloured purple;
 - viii) an inline filter and preferably an automatic backwash inline filter.
 - ix) fitting rainwater warning signs to all external taps using rainwater.
- xii. Provide details for a permanent coloured interpretive signage minimum A2 size to be installed to highlight the water conservation and on-site detention process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures the rainwater tank and on-site detention 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 in an area accessible by the public. The wording and detail is to be approved by Council.
- xiii. Amended drainage plans from MYD Consulting Engineers are to be provided to meet the requirements under Councils DCP Part J 2015 and Councils Engineering Guide for Development 2005. The amended plans must address the following:
 - a) On Dwg SW-04(B), provide a basement design that ensures a minimum 0.5% slope to all surface inlet pits.
 - b) 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.
 - c) The eaves roof gutters are to be designed to collect the minimum of the 20 year ARI storm. Any box gutters are to be designed to collect the minimum of the 100 year ARI storm. Details of gutter and downpipe designs are to be provided.
 - d) Provide a series of overflow pipes from the rainwater tank to the HED pit with non-return flaps in lieu of the weir to prevent OSD water entering the rainwater tank.
 - e) The rainwater tank is to be shown on the plans to be a minimum of 6kL below the overflow level. This allows for a 20% loss in rainwater tank size volume in

MUSIC to that shown on the design plans to allow for anaerobic zones, mains water top up levels and overflow levels.

- f) There are insufficient access grates for the below ground detention tank. 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 1.5 m for clear heights less than 0.7 m, 2 m for clear heights less than 1.0 m, 3 m for clear heights less than 1.5 m, 4 m for clear heights less than 2.0 m, 5 m for clear heights less than 2.5 m and 6 m for clear heights greater than 2.5 m.
- g) The orifice centreline is to be a minimum of 100mm lower than the base of the extended detention at the flap. Allow for a PSD of 4.76 L/s.
- h) Provide a minimum 2% slope in the OSD storage. 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. Reassess tank dimensions to achieve the minimum storage volumes of 63.9m³ which includes a 50% increase due to a submerged orifice.
- i) The grate over the HED pit is to be 1200mm x 1200mm.
- j) The 225mm diameter inflow pipe to the HED pit is to have a non-return flap to prevent backwater flooding within the development.
- k) Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the rainwater tank and OSD tank in accordance with Council's Engineering Guide for Development 2005.
- l) The minimum floor level is to be 300 mm above the adjacent 1 in 100 year ARI critical flow level in accordance with Council's Engineering Guide for Development 2005.

6.2 Construction Certificate Requirements

- 6.2.1 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:
- On-site stormwater detention

6.3 Roads Act Requirements

- 6.3.1 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
 - Kerb inlet pit connections or construction
 - Vehicular crossings (Application Form)

6.4 Other Engineering Requirements

- 6.4.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater than a long service levy payment is required. Provide proof of this payment to Council.
- 6.4.2 Any ancillary works undertaken shall be at no cost to Council.
- 6.4.3 All street name poles, light poles and bus shelters shall be black powder coated in accordance with Blacktown City Council's Engineering Guide for Development. Ensure this is noted on the construction plans.

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

6.5 Roads

- 6.5.1 Replace any redundant or part redundant layback and footway crossing with Council's standard kerb and gutter. The footway area shall be restored with turf in accordance with Council's specifications.

6.6 Drainage

- 6.6.1 Drainage from the site shall be connected into Council's existing drainage system. In this regard it is required to construct a new standard Council kerb inlet pit in Second Avenue, Blacktown.

- 6.6.2 Submit a certificate from a registered engineer (NER) certifying the building has been designed to withstand the forces of floodwaters and the impact of any flotsam likely to be carried by such floodwaters.

6.7 Erosion and Sediment Control

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

6.8 Earthworks

- 6.8.1 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.

6.9 On-Site Detention

- 6.9.1 Provide an on-site detention system in accordance with Council's Engineering Guide for Development.

- 6.9.2 The development site is within the following catchment and on-site detention system shall be designed to achieve the following:

Catchment	Site Storage Requirement (100%)	Permissible Site Discharge (100%)
All Other Hawkesbury Sub-Catchments – Area #4	264	147

- 6.9.3 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings however any significant variation to the on-site detention design shall require a section 96 application.

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

- Certification that the structures associated with the on-site stormwater detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
 - Certification that the on-site stormwater detention system will perform to meet the on-site stormwater detention requirements.
- 6.9.5 The following documents shall be submitted to accompany the on-site detention design in accordance with the design and construction specification:
- 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
- 6.10 **Vehicular Crossings**
- 6.10.1 Construct a commercial and industrial vehicular crossing to Council's standard A(BS)103S.

7 PRIOR TO DEVELOPMENT WORKS

7.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

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

This condition does not apply to:

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

- 7.1.3 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.

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

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

7.1.6 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.

7.1.7 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.

7.2 Notification to Council

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

7.3 Home Building Act

7.3.1 The construction of residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the NSW Home Building Compensation Fund "Statement of Cover" under Part 6 of that Act,

(b) in the case of work to be done by an owner-builder:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under Part 3 of the Act, the number of the owner-builder permit.

7.4 Sydney Water Authorisation

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

OR

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

7.5 Contamination and Remediation

- 7.5.1 Prior to excavation works commencing an Asbestos Management Plan for the site is to be prepared as recommended in the Stage 2 Environmental Site Assessment prepared by Environmental Investigation Services and dated March 2017.

The approved Asbestos Management Plan is to be implemented and following removal of the existing fill material additional tests of the underlying natural soil / bedrock are to be undertaken and written verification submitted to Council's Environmental Health Officer to confirm that this is classified as virgin excavated natural material. This is to be completed prior to the construction of this development. These requirements ensure that the site is remediated and made suitable for the proposed development to the strict residential standard under the National Environment Protection Measure (NEPM) Guidelines.

7.6 Geotechnical

- 7.6.1 Prior to excavation works commencing the recommendations of the Geotechnical Investigation Report prepared by JK Geotechnics, report reference 29344Vrpt, dated 8 June 2016, shall be implemented.

7.7 Use of any Cranes over Public Air Space

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

8 DURING CONSTRUCTION (BUILDING)

8.1 Safety/Health/Amenity

- 8.1.1 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.

- 8.1.2 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.

8.1.3 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.

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

8.1.5 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.

8.1.6 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.

8.1.7 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.

8.1.8 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.

8.2 Building Code of Australia Compliance

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

8.3 Surveys

8.3.1 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.

- 8.3.2 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.

8.4 Nuisance Control

- 8.4.1 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.

- 8.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

8.5 Construction Inspections

- 8.5.1 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.

9 DURING CONSTRUCTION (GENERAL)

9.1 Contamination Matters

- 9.1.1 Any asbestos material is to be handled and treated in accordance with the WorkCover document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.

- 9.1.2 Should any contaminated material be unearthed or fly-tipped rubbish be encountered

during the demolition, excavation and construction works, all works are to cease immediately and a suitably qualified environmental site contamination consultant is to investigate and report on the findings. Any recommended remediation and validation works are to be undertaken pursuant to Council's Contamination Lands Policy. The environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.

- 9.1.3 The Construction Environment Management Plan 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.

9.2 European Heritage

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

9.3 Aboriginal Heritage

- 9.3.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately. The NSW Office of Environment & Heritage is to be notified and the site and objects must be assessed by a suitably qualified Aboriginal Heritage Consultant on accordance with the requirements of the NSW Office of Environment & Heritage.

9.4 Construction Traffic Management Plan

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

9.5 Construction Environmental Management Plan

- 9.5.1 The Construction Environmental Management Plan submitted to Council is to be adhered to at all times.

9.6 Geotechnical

- 9.6.1 The recommendations of the structural design report submitted to Council is to be adhered to at all times.

10 DURING CONSTRUCTION (ENGINEERING)

10.1 Notification of Works

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

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

10.2 Insurances

- 10.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council's Engineering Approvals Team. This shall be submitted prior to commencement of engineering works required by this consent that are carried out on Council controlled lands such as roads, drainage reserves and parks. This includes Public Liability Insurance with a minimum of \$20,000,000.00 Indemnity and Workers Compensation.

10.3 Boundary Levels

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

10.4 Soil Erosion and Sediment Control Measures

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

10.5 Excavation, Filling of Land and Compaction Requirements

- 10.5.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.
- 10.5.2 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 10.5.3 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be

limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.

- 10.5.4 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.

- 10.5.5 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.

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

- 10.6.1 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 6 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.

10.7 Inspection of Engineering Works - Roads Act 1993

- 10.7.1 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 7am - 8am and 12.30pm - 1.30pm, 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).

10.8 Public Safety

- 10.8.1 The applicant is advised that all works undertaken are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

10.9 Site Security

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

10.10 Traffic Control

- 10.10.1 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.

- 10.10.2 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.
- 10.10.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 10.10.4 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.
- 10.10.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a 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.

10.11 Other Drainage Section Matters

- 10.11.1 Where all required ground floor building slab levels shall be checked and certified by a Registered Surveyor confirming that all minimum floor levels have been achieved before pouring the concrete slabs.

11 PRIOR TO OCCUPATION CERTIFICATE

11.1 Road Damage

- 11.1.1 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.

11.2 Compliance with Conditions

- 11.2.1 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.
- 11.2.2 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 6.8 of the Environmental Planning & Assessment Act 1979.

11.3 Temporary Facilities Removal

- 11.3.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 11.3.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.

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

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

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

11.4 Fire Safety Certificate

11.4.1 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).

11.5 Fee Payment

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

11.6 Engineering Matters

11.6.1 Surveys/Certificates/Works As Executed plans

11.6.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. 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.

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

11.6.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System including Rainwater Tank(s) as constructed will perform to meet the on-site stormwater detention and Council requirements in accordance with the approved design plans.

11.6.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) and Rainwater Tank(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.

- 11.6.1.5 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

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

11.6.2 Easements/Restrictions/Positive Covenants

- 11.6.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:

(a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).

(b) The standard format for easements and restrictions as accepted by the Lands Title Office.

- 11.6.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the on-site detention storage areas and outlet works.

- 11.6.2.3 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

11.6.3 Inspections

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

11.7 Other Drainage Section Matters

- 11.7.1 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- i. 4 star dual-flush toilets;
 - ii. 3 star showerheads;
 - iii. 4 star taps (for all taps other than bath outlets and garden taps);
 - iv. 3 star urinals; and
 - v. Water efficient washing machines and dishwashers have been used.

- 11.7.2 A plumber licensed with NSW Fair Trading is to certify that the buildings, or

A plumber, licensed with NSW Fair Trading, or experienced hydraulic engineer registered with NER, is to certify that all the non-potable water uses for the retail unit are being supplied by rainwater and that all the requirements of the detailed Non-Potable Water Reuse Plan have been installed and are working correctly. Provide a

copy of the certification and a signed, works-as-executed Non-Potable Water Reuse Plan to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.

- 11.7.3 Provide maintenance requirements for each of the proposed Rainwater Tank. Where these devices are located in roadway/parking areas these are to include traffic management requirements. 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.
- 11.7.4 Provide written evidence that the registered owner/owners corporation has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Rainwater tank. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard.

11.8 Services / Utilities

- 11.8.1 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.
- 11.8.2 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.
- 11.8.3 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.
- 11.8.4 If required, the applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.

11.9 Waste Matters

- 11.9.1 Prior to the issue of any Occupation Certificate, the elected strata management company must provide Council with evidence of the required and ongoing maintenance of the truck turntable equipment to ensure it continues to function as it is supposed to. This is to satisfy the following concerns:
- Equipment breakdown could result in the truck being forced to reverse out of the site which is a safety issue for the users of the site and the surrounding road network.
 - If the turntable equipment does malfunction, personnel are required to assist the truck driver with any exit manoeuvre if other than in a forward direction.

- 11.9.2 The submission of an updated and final Waste Management Plan which accurately reflects the number of apartments and final waste management and collection processes to Council's Sustainable Resources Projects Officer.
- 11.9.3 A Strata Management Statement (or similar) must exist which clearly outlines:
- The requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the final approved waste management plan.
 - The 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.
 - The method of communication to new tenants and residents regarding the waste management services and collection system for the development.
 - Includes a copy of the amended and approved waste management plan.
- 11.9.4 The Owners Corporation / Strata Manager will be responsible for ensuring that clear access is provided to the waste collection vehicles entering the property.
- 11.9.5 Council's 'Agreement for Onsite Waste Collection' form is to be signed by the development's strata manager and submitted to Council prior to the issue of any Occupation Certificate.
- 11.10 **Street Tree Planting**
- 11.10.1 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.
- 11.11 **Other Matters**
- 11.11.1 All landscaping, recreation features and furniture, bbq facilities 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.
- 11.11.2 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.
- 11.11.3 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.
- 11.11.4 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.
- 11.11.5 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 11.11.6 All required on-site 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.
- 11.11.7 The awning must be constructed in accordance with the details submitted with the Construction Certificate.

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

- 11.12.1 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.

11.13 Adaptable Housing Units

- 11.13.1 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.

11.14 NSW Police Matters

- 11.14.1 The requirements from NSW Police in Condition 3.7 are to be satisfied, and the following requirements are to be satisfied prior to the issue of any Occupation Certificate:

Surveillance:

- a. Closed Circuit Television Systems (CCTV), Management and Operation shall be installed in accordance with AS:48006.1 and Applications Guidelines —AS 4806.2.

Lighting:

- b. A lighting maintenance policy is to be prepared.
c. Lighting used in the car park areas shall illuminate continuously in hours of darkness.
d. The ceiling of the car park shall be light in colour, preferably painted white.

Space Activity Management

- e. Access to the rooftop is to be restricted to residents and their visitors from 8am to 8pm daily. This is to reduce noise related issues and to assist in the prevention of incidents of anti-social behaviour.
f. That a key holder be identified with relevant contact details provided to aid emergency services to gain entry if there are any related issues preventing them from getting immediate access.
g. Contact details for the building manager / caretaker and Strata Manager / Body Corporate are to be forwarded to NSW Local Police, Blacktown Local Area Command.
h. A copy of Evacuation Plan for the development is to be forwarded to the NSW Local Police, Blacktown Local Area Command.

11.15 Graffiti Management Plan

- 11.15.1 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.

11.16 Total Maintenance Plan

11.16.1 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 the building, public areas, pathways, soft and hard landscaping, safety fencing for private open space areas, security systems, mail boxes, lighting, bulky waste storage and loading areas, feature entry signage, parking signage and services are regularly inspected and maintained at optimum levels at all times.

(b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted “junk mail” is to be collected on a regular basis and disposed of as necessary.

(c) The development is managed by a Site / Strata / Building Manager.

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

11.17 Acoustic Verification

11.17.1 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.

12 OPERATIONAL (PLANNING)

12.1 Use of the Approved Development

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

12.2 Access / Parking

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

12.3 Landscaping

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

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

12.3.3 The management of gardens, planter boxes, communal areas, fences, outdoor furniture, BBQ areas, shading devices, communal rooms, lighting and other similar areas is to be incorporated within the future strata management plan once the development is occupied.

12.4 Waste Management and Collection

- 12.4.1 All waste and recycling collection areas and activities, including bulk waste storage and collection activities are to be appropriately managed wholly within the development site at all times and are the responsibility of the strata management (or similar) of the site.
- 12.4.2 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.

12.5 Lighting and Security

- 12.5.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 12.5.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 12.5.3 The maintenance of all external lighting is to be managed by way of an annual service agreement to ensure the security of the building and persons within are not compromised from dark or uncontrolled public areas.

12.6 Emergency Procedures

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

12.7 Graffiti Removal

- 12.7.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed no later than 48 hours after detection. The approved Graffiti Management Plan is to be adhered to at all times.

12.8 Total Maintenance Plan

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

12.9 Environmental Management

- 12.9.1 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.
- 12.9.2 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.
- 12.9.3 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.
- 12.9.4 All waste and recycling bins must be stored wholly within the approved waste storage area.

- 12.9.5 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.

12.10 Drainage Section Matters

- 12.10.1 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 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.