

## Draft conditions of consent

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### 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 109C of the Environmental Planning and Assessment Act 1979.

#### 1.2 Scope of Consent

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

#### 1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
  - (a) Any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development
  - (b) The installation of a vehicular footway crossing servicing the development
  - (c) Separate Council approval under the Roads Act 1993 for any crane used to construct this development that swings over public air space.
- 1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

#### 1.4 Waste

- 1.4.1 Waste and recycling collections undertaken by a private contractor are to be provided by the Owner's Corporation. The Owners Corporation will be responsible for ensuring that clear access is provided to collection trucks entering the property. As a result of the private waste arrangement, residents are unable to access Council's household clean up service, or garbage and recycling service.

#### 1.5 Services

- 1.5.1 The applicant is advised to consult with:
  - (a) Sydney Water Corporation Limited

- (b) 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 and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 1.5.2 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.
- 1.5.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.5.4 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](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.5.5 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.
- 1.5.6 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- 1.5.7 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

## 1.6 Tree Planting and Service Locations

- 1.6.1 In order to facilitate street tree planting that does not impact on public utilities, the applicant is advised to liaise with the relevant service authorities regarding the location and use of their specific service allocation within the public road reserve. These authorities have indicated that it may be possible to lay services on opposite sides of the road thereby providing larger areas for tree planting.

## 1.7 Identification Survey

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

## 1.8 Engineering Notes

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

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

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

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

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

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

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

- All Engineering Works are specifically mentioned on the Construction Certificate
- The Certifier holds relevant qualifications to issue a Construction Certificate for the Engineering works. Appropriate accreditation qualifications must be shown on Construction Certificate.

- 1.8.2 All works requiring approval under the *Roads Act 1993* or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate.

## 1.9 Payment of Engineering Fees

1.9.1 If the applicant wishes for Council to issue the Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)') the applicant must:

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

A quote will be provided verbally followed by confirmation in writing.

1.9.2 If the applicant wishes for Council to undertake Construction inspections and issue a Compliance Certificate for engineering works, the applicant must:

- Complete application form
- Submit all relevant plans produced by a suitably qualified person
- If plans are privately certified, applicant must supply Construction Certificate covering the required works.

A quote will be provided verbally followed by confirmation in writing.

## 2 General

### 2.1 Scope of Consent

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

Title	Drawing No.	Prepared by	Date
Title Page	0.01, Issue D	Mackenzie Architects International	21/07/2017
Basement 03 and 02 Plan	2.2.2, Issue D	Mackenzie Architects International	21/07/2017
Basement 01 and Ground Floor Plan	2.2.3, Issue G	Mackenzie Architects International	21/07/2017
First to Third and Fourth Floor Plan	2.2.4, Issue D	Mackenzie Architects International	21/07/2017
Fifth and Sixth Floor Plan	2.2.5, Issue G	Mackenzie Architects International	21/07/2017
Elevations	3.01, Issue F	Mackenzie Architects International	21/07/2017

Title	Drawing No.	Prepared by	Date
Sections	4.01, Issue F	Mackenzie Architects International	21/07/2017
Sample Board	A5.06, Issue D	Mackenzie Architects International	11/05/2017
Landscape Plan – Ground Floor	LPDA 16- 412, Page 1, Rev F	Concept Landscape Architects	17/08/17
Landscape Plan – Roof Terrace	LPDA 16- 412, Page 2, Rev F	Concept Landscape Architects	17/08/17
Landscape Details	LPDA 16- 412, Page 3, Rev B	Concept Landscape Architects	17/08/17

\* Unless modified by any conditions of this consent.

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

- (a) 42 x 1 bedroom units
- (b) 57 x 2 bedroom units
- (c) 2 x 3 bedroom units.

## 2.2 Suburb Name

- 2.2.1 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

## 2.3 Engineering Matters

### 2.3.1 Design and Works Specification

- 2.3.1.1 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 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.

- 2.3.1.2 The applicant may be required to submit to Council, bonds and/or contributions for works associated with the development in conjunction with the civil engineering works required to be constructed as part of this development. Works may include:

- Maintenance of the construction works

These matters will be individually addressed within the consent.

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

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

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

## 2.3.2 Other Necessary Approvals

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

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

## 2.4 Other Matters

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

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

- 2.4.3 Submit a site investigation report, work plan and hazardous materials and waste management plan for the proposed demolition work.

### **3 Prior to Demolition Works**

#### **3.1 Safety/Health/Amenity**

- 3.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words 'DANGER - DEMOLITION IN PROGRESS', or similar message shall be fixed to the fencing at appropriate places to warn the public.

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

- 3.1.3 Should the demolition work:

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

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

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

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

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

Each toilet provided shall be:

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

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

3.1.6 The applicant must engage a contractor with a current and appropriate demolition license issued by SafeWork NSW, including a license for asbestos removal, if asbestos is being removed.

### 3.2 **Advisory**

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

- a. NSW WorkCover Authority (Ph: 13 10 50) – 'Short Guide to Working with Asbestos'
- b. NSW Department of Environment and Conservation (Ph: 9995 5000) – 'A Guide to Keep Your Family Safe from Lead', 'A Renovators Guide to the Dangers of Lead'
- c. 'Code of Practice for the Safe Removal of Asbestos' – National Occupational Health and Safety Commission: 2002 (1988)
- d. Australian Standard 4361.1-1995 – Guide to Lead Paint Management (Industrial Applications)
- e. Australian Standard 4361.2 - 1998 – Guide to Lead Paint Management (Residential and Commercial Applications)
- f. Australian Standard 2601 - 2001 – The Demolition of Structures.

### 3.3 **Notification to neighbours**

3.3.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 7 days prior to the intended work and include the following information:

- (a) Date/s, hours and duration of the works
- (b) Contact name and phone number of the applicant
- (c) Contact name and phone number of the licensed demolisher
- (d) WorkCover NSW contact number 131050, and email address [contact@workcover.nsw.gov.au](mailto:contact@workcover.nsw.gov.au)

## 4 **During Demolition Work**

### 4.1 **Work Method**

4.1.1 All demolition work and handling of materials shall be in accordance with Australian Standard 2601 - 2001 (Demolition of Structures) and all applicable SafeWork NSW Authority requirements including the Code of Practice for the 'Safe Removal of Asbestos' – National Occupational Health and Safety Commission: 2002 (if applicable)



4.1.2 Demolition work must be carried out by a contractor with an appropriate and current demolition license issued by SafeWork NSW. A license for asbestos removal is required if asbestos is being removed.

4.1.3 Any asbestos materials are to be removed with the approval of WorkCover and in accordance with Environment Protection Authority (EPA) and Occupational Health and Safety Standards.

**NOTE:** If any asbestos material is found on site, asbestos disposal dockets shall be lodged with Council at the completion of the demolition and prior to commencement of the construction of the development to verify that all asbestos materials have been disposed of in accordance with EPA and WorkCover requirements.

4.1.4 All persons responsible for the demolition works shall be accredited by WorkCover and disposal dockets shall be submitted to Council.

4.1.5 All demolition works are to comply with safety requirements of Australian Standard 2601.

#### 4.2 Noise Control

4.2.1 Any noise generated during the construction of the development shall not exceed the limits specified in the Protection of the Environment Operations Act, 1997.

4.2.2 The hours of work for any noise generating demolition work or construction of the proposed development are to be limited to between 7 am and 6 pm, Mondays to Fridays inclusive, 7 am to 1 pm Saturdays or if audible on residential premises 8 am to 1 pm, with no construction activities to be undertaken on Sunday and Public Holidays.

#### 4.3 Signs on Demolition Sites

4.3.1 A sign must be erected in a prominent position on any work site on which the demolition of a building is being carried out:

- (a) Stating that unauthorised entry to the work site is prohibited, and
- (b) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

#### 4.4 Protection of Neighbouring Buildings

4.4.1 The demolisher has an obligation to ensure that the adjoining buildings and properties are not damaged.

#### 4.5 Site Safety

4.5.1 The demolition site shall at all times be secured against public access.

#### 4.6 Protection of Public Places

4.6.1 If the work involved in the demolition of a building:

- (a) Is 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,

a hoarding or protective barrier must be erected between the work site and the public place. Such hoarding or barrier must be designed and erected in accordance with Council's *Local Approvals Policy*.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

#### **4.7 Building Materials and Waste**

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

4.7.2 Suitable and effective builder's refuse and waste storage facilities are to be provided on the development site for the duration of demolition works.

4.7.3 No material is to be stockpiled within public view.

#### **4.8 Disconnection of Services**

4.8.1 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.

#### **4.9 Soil Erosion and Sedimentation Control**

4.9.1 Soil erosion and sediment control measure shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and be installed prior to the commencement of any demolition works. Infringement Notices, incurring a monetary penalty, may be issued by Council where measures are not provided or maintained.

4.9.2 All required soil erosion and sediment control measures are to be maintained during the entire demolition period until disturbed areas are restored by turfing, paving or revegetation.

4.9.3 To minimise any dust nuisance, all haulage roads, demolition areas and stockpiles are to be regularly watered.

#### **4.10 Traffic Management Plan during demolition/excavation**

4.10.1 During the course of demolition (including excavation of the basement) on the site, the following conditions shall be complied with at all times:

(a) All truck movements should be by truck or by 'truck and dog trailer' not exceeding a length of 19 m. No B-Doubles will be permitted to transport fill material on Blacktown City Council roads.

(b) All truck movements in the Blacktown LGA must be on designated heavy vehicle roads, as listed in the RMS's road register (see the RMS website for regular updates) and as agreed to by Council.

- (c) All entry and egress to the site shall be made via the site off Carinya Street and all truck operators are to minimise noise levels when driving through residential areas/school zones to minimise the impact on the amenity of the area.

## **5 Prior to Construction Certificate (General)**

### **5.1 DA plan consistency**

- 5.1.1 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.

### **5.2 Road Deposit/Bond**

- 5.2.1 The following current fee (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:

- (a) Road inspection fee of \$180.00

Council will undertake initial and final inspection of civil assets outside the development site. The applicant will held liable for any damage arising from construction activities. Council will undertake reinstatement works and recover the costs from the applicant in accordance with Council's current Goods & Services Pricing Schedule.

- 5.2.2 The payment of the following fee to Council's Maintenance Section under Sections 608 and 609 of the Local Government Act 1993. The fee is subject to periodic review and may vary at actual time of payment.

- (a) Vehicular Crossing Application and Inspection Fee: \$145.00

**NOTE:** This amount is valid until 30 June 2018 after which time it will be reviewed in accordance with Council's Goods and Services Pricing Schedule.

**NOTE:** Council may grant a reduction in the above fee dependent upon the timing of the placement of the footpath crossings.

### **5.3 Services/Utilities**

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

- (a) 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.

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

- 5.4.1 A construction certificate must not 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.

## 6 Prior to Construction Certificate (Planning)

### 6.1 Necessary Plan Amendments

6.1.1 The following plan amendments shall be included on or addressed by any Construction Certificate relating to the approved development and shall be submitted to Council for approval:

- (a) The provision of additional barrier fence treatment on the roof top of the residential flat building to prevent access to the edge of the roof and accidental falls in order to satisfy Condition 6.5.2.
- (b) Air-conditioning units shall be shown for all dwellings.
- (c) The colours of the roof top pergola are to be light grey and added to the Exterior Finishes Schedule.

6.1.2 All windows on floor level 1 and above in the building are to be fitted with a child safety mechanism to prevent accidental falls out of windows by persons such as children. Details of such safety mechanisms shall be shown on the plans and provided to the Principal Certifying Authority prior to the issue of the construction certificate.

6.1.3 The following shall be provided to Council's Waste section for approval:

- (a) More information on the proposed compactor for the site
- (b) Truck specifications for BINGO as they were not provided with the confirmation letter. BINGO's truck must be no longer than 6.4 m in length (a small rigid vehicle).

### 6.2 Section 94 Contributions

6.2.1 The following monetary contributions under *Section 94 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:** Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted up to \$10,000 only. Any payments above \$10,000 must be made by cheque. Payments above \$10,000 cannot be split between different credit or EFTPOS cards.

Contribution Item	Amount (Indexed to Date of Consent) *	Relevant CP
<b>'Developable area contributions'</b>		
Flood Mitigation	\$7,359	19
Stormwater Quality	\$29,076	19
<b>'Additional population contributions'</b>		
Traffic Management (High density development)	\$130,271	19
Traffic Management	\$182,265	19
Open space (High density development)	\$630,252	19
Open space	\$174,590	19
Community facilities	\$45,662	19
<b>Total Contributions</b>	<b>\$1,199,475</b>	

\* Rates are applicable for payments made by 25 October 2017

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 Information Centre, or viewed/downloaded at [www.blacktown.nsw.gov.au](http://www.blacktown.nsw.gov.au):

S.94 CP No. 19 – Blacktown Growth Precinct

The Section 94 contributions have been based on the total developable area and the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 94 contributions will be adjusted accordingly.

Developable Area: 0.3339 ha

Additional Population: 184.3 persons

**NOTE:** The payment of the 'developable area contribution' must be paid prior to release of any Construction Certificate (CC) (i.e. including any CC for earthworks or basement car parking). The remaining 'additional population contributions' must be paid prior to release of any CC relating to the units (i.e. for any ground floor works and above).

### 6.3 Aesthetics

6.3.1 The approved development is to be constructed as follows:

- (a) In accordance with the schedule of materials, finishes and colours prepared by Mackenzie Architects International Drawing No. A5.06, Revision D dated 11 May 2017. The approved finishes include glass, rendered and painted finishes, louvers/vertical fins, powder coated pergolas and Aluminium Clip Panels. The finishes must also be durable, graffiti resistant, easily cleanable and fire

resistant to National Construction Code standards.

- (b) The air conditioning units should be fully integrated into the building design and should not be highly visible from the street if located on balconies.
- (c) The external walls of the building are to be free of plumbing and fixtures, service conduits/wiring and other building services.
- (d) The reflectivity index of glass used in the external facades of the building is not to exceed 20%, must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. 'Anti-glare' glazing is to be used to minimise any glare affect.

All details are to be provided as part of the Construction Certificate.

#### **6.4 Adaptable Housing Units**

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

#### **6.5 Landscaping/Fencing**

- 6.5.1 The development is to be provided with a communal open space area at the ground level and the roof top level. The front soft landscaped setback area is to be left open as communal landscape area and not privatised to each street facing unit. The outdoor communal open space areas are to be embellished with paving, timber decking, bench seating, tables, barbeques, as well as suitable trees and shrubs within landscape planter boxes. All details are to be included as part of the construction certificate.
- 6.5.2 A detailed landscaping plan is to be submitted for separate approval and is to include advanced tree specimens (75 or 100 litre bags size stock). The plan is also to be consistent with the approved landscape concept plans. However, additional landscaping and screening are to be provided around the perimeter of the roof top open space to prevent occupants and visitors from accessing the edge of the building where overlooking opportunities exist. All landscaping and screening details are to be provided as part of the Construction Certificate.

**NOTE:** The construction of a barrier fence on the rooftop area may also be required to prevent accidental falls, suicide attempts and death or injury. The fence is to be designed in a way to prevent it from being used as a natural ladder. Any barrier should be provided in clear glass, so that it does not add to the overall bulk and scale of the building. Details are to be included as part of the construction certificate.

#### **6.6 Street tree planting and retention of trees**

- 6.6.1 The removal and retention of trees nominated in the Arboricultural Assessment and Impact Report prepared by Horticultural Management Services dated 22 July 2016, including the street trees, is approved and the trees to be retained must be protected as per AS 4970 - 2009 Protection of Trees on Development Sites.

- 6.6.2 A revised landscape plan is required, indicating additional street trees, the species and planting and maintenance specifications shall be submitted to Council to the satisfaction of Council's Tree Management Section. The revised landscape plans shall indicate the following:-
- Additional street trees are installed at approximately 8 m spacings to Council's planting and maintenance specifications
  - The species to be used for the additional street trees should be *Waterhousia floribunda*
  - Root directors are to be installed to manufacturer's specifications on all street trees
  - Council's turf species for nature strips is Soft Leafed Buffalo.
- 6.6.3 All street tree planting is to be identified on the construction plans, including the tree species type and pot size. A minimum 45 litre pot size is required and staking of the plant will be necessary. All street tree planting is to be undertaken to the satisfaction of Council's Tree Management Section.

If the applicant wishes to undertake the planting and maintenance of the street trees (at no cost to Council) the applicant is, subject to any alternative arrangements satisfactory to the Council, to lodge a tree bond of \$320 per tree and \$132 inspection fee to ensure the health and vigour of the trees. Council will return the bond 12 months after the issue of a final Occupation certificate if the trees are in a state of good health and vigour to Council's satisfaction. The applicant is to make arrangements with Council's tree management co-ordinator and obtain any necessary clearances from relevant service authorities, prior to undertaking any street tree planting.

- 6.6.4 When planting near or below the electricity infrastructure, consideration must be given to the mature height of the selected tree species to ensure safe access to the power lines by maintenance workers. The planting of large trees in the vicinity of overhead power lines is not supported by Endeavour Energy.

## 6.7 Police requirements

- 6.7.1 The construction certificate plans are to demonstrate compliance with the submitted 'Crime Prevention through Environmental Design' Checklist. This includes the provision of CCTV, appropriate street numbering, signage, sensor/security lighting, key locked letterboxes, secure residential parking and security doors.

The CCTV is to be provided around all open space areas, any common areas, access ramps, building entries, car parking areas and the roof top area. CCTV is to be installed in accordance with AS 48006.1 and Applications Guidelines — AS 4806.2.

## 6.8 Letterboxes

- 6.8.1 The letterboxes shall be positioned so as to not directly face the street, but to be positioned closer to the building to reduce mail theft opportunities and to prevent litter. The letterboxes shall be illuminated, tamper-proof and provided in a prominent location so as to minimise vandal attacks. Each box should be appropriately numbered and provided with a key lock. Street numbers should also be displayed to ensure the site is easily identified.

## 6.9 Lighting

6.9.1 A detailed lighting plan is to be prepared by a suitably qualified person. The plan is to provide the following:

- (a) The location, method of lighting, levels of illumination, and the spacing between all lighting. The lighting is to be designed in accordance with Australian/New Zealand lighting standards for public space, pedestrian walkways and basement carpark areas.
- (b) Lighting that is 'vandal proof'. In this regard, all lighting must be protected by way of vandal proof metal guards to ensure globes/tubes are not broken and that any potential 'dark-spots' are eliminated. Where possible, lighting should be positioned at a height to deter vandal attacks.
- (c) Appropriate vandal proof security lighting to ensure the basement carparks, vehicle and building entry points, stairwells, walkways and communal areas, residential entry/exit points, lift areas, foyers, garbage disposal areas are a safe environment for all occupants and users of the site. Where appropriate sensor/motion activated and 24 hour timer activated lighting is to be provided to ensure all external public areas are well illuminated, to deter vandal and nuisance activity, eliminate areas of concealment, and provide better safety at night. In this regard, motion-activated lighting and strategically positioned CCTV cameras should also be provided.
- (d) Vandal proof lighting that ensures the effective operation of the CCTV system. In this regard, lighting levels are to be enhanced around all CCTV cameras (i.e. around lift entries, basement carparks, building entries and the roof top open space) to enable face recognition when CCTV cameras are in use.
- (e) All external lighting must be within the recommended lux rating of the Australian Standard to reduce glare on residential neighbours and occupants of the development. To ensure all lighting is satisfactory, a light spillage diagram will need to be submitted together with the lighting details.

## 6.10 Access/Parking

6.10.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.

6.10.2 Sight distance is to be maintained at the basement entrance off Carinya Street to satisfy AS 2890.1 Section 3.2.4 in terms of both pedestrian and vehicular sight distances.

6.10.3 The development plans nominate 119 car parking spaces across the 3 basement levels as follows:

- 15 spaces for visitors
- 13 disabled spaces
- 91 spaces for the residential units.

The car parking spaces are to be designed and suitably marking having minimum internal clear dimensions in accordance with Australian Standard 2890.1. Suitable bicycle parking must also be provided as indicated on the approved plans.



- 6.10.4 Car parking spaces are required to be provided on site and are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Residential Flat Building (excluding width of pillar): 2.5 m x 5.4 m

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

Disabled Car Space: 2.4 m x 5.4 m (plus shared zone)

- 6.10.5 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.1 – Appendix C for the disabled parking spaces and access to the lifts. Headroom clearance at the basement ramps must comply with the requirements of AS 2890.1 (Section 5.3) for a disabled vehicle.

## 6.11 **Salinity and Aggressive Soil Management**

- 6.11.1 A Salinity and Geotechnical Report prepared by a suitably qualified consultant shall be submitted to Council prior to the issue of a construction certificate. The recommendations of the report are to be identified on the construction certificate plans.

# 7 **Prior to Construction Certificate (Building)**

## 7.1 **Demolition**

- 7.1.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the NSW WorkCover Authority under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2002 – Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be attached to the Construction Certificate.

- 7.1.2 A report from a suitably qualified geoscientist shall be lodged with Council stating that, where the land has been affected by any contaminants (including asbestos, organochlorins, arsenic, lead, petroleum residues and the like), the land has been remediated in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 as amended 2013 (NEPM). A copy of the report is to be attached to the Construction Certificate and must state that the land is suitable for residential use in accordance with the residential thresholds required by the NEPM 2013.

## 7.2 **Building Code of Australia Compliance**

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

(a) Complying with the deemed to satisfy provisions, or

- (b) Formulating an alternative solution which:
  - (i) Complies with the performance requirements, or
  - (ii) Is shown to be at least equivalent to the deemed to satisfy provision, or
  - (iii) A combination of (a) and (b).
- 7.2.2 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Deemed to Satisfy Provisions of Building Code of Australia Volume One: 2015
  - (a) Part E 1.3 Location of Fire Hydrants/Booster within 10 m of a Fire Source Feature.
- 7.3 **Site Works and Drainage**
  - 7.3.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
  - 7.3.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159 mm per hour over an average recurrence interval of 20 years. The design shall:
    - (a) Be in accordance with Australian Standard 3500.3, and
    - (b) Provide for drainage discharge to an existing Council drainage system, and
    - (c) Ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.
  - 7.3.3 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.
  - 7.3.4 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.

## 7.4 BASIX Certificate Compliance

- 7.4.1 The plans and specifications must indicate compliance with the commitments listed in BASIX Certificate Ref: 751628M\_02 dated 12 September 2017.

## 8 Prior to Construction Certificate (Environmental Health)

### 8.1 Acoustic matters

- 9.1.1 The following acoustic matters are to be addressed:

- (a) 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 <sub>Aeq</sub> (period)
Living areas	Any time	40 dB(A)
Sleeping areas	Day (7 am – 10 pm)	40 dB(A)
	Night (10 pm – 7 am)	35 dB(A)

- (b) Any mitigation/acoustic measures recommended in the Acoustic Report prepared by Acoustic Noise & Vibration Solutions P/L (Ref No. 2016-178) dated 29 April 2016 are to be identified on the construction plans.
- (c) All mechanical plant items must be selected prior to the release of a construction certificate.
- (d) A certificate must also 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<sub>Aeq</sub> 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 10 pm and 7 am.

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

**NOTE:** Should any external modifications be made to the development as a result of recommended attenuation measures, then a Section 96 application may be required.

## 8.2 Waste collection area

- 8.2.1 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.

## 9 Prior to Construction Certificate (Engineering)

### 9.1 General

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

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
Northrop	161336	DA1.01	-	6	20.03.2017
		DA2.01		2	16.06.2017
		DA2.02		2	16.06.2017
		DA3.01		6	20.03.2017
		DA3.02		2	16.06.2017
		DA3.03		2	16.06.2017
		DA3.11		2	16.06.2017
		DA3.12		2	16.06.2017
		DA3.21		2	16.06.2016
		DA4.01		6	20.03.2017
		DA4.02		2	20.03.2017
		DA4.03		1	20.03.2017
		DA5.01		6	20.03.2017

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

Drainage Section Matters:

(a) Drawing No. DA3.01(6)

- i. Identify OSD chamber 3 on plan. Sealed access openings are not allowed for OSD tanks. Replace sealed access openings with grated for maintenance purposes and WHS. The shallowness of the tank makes access for maintenance unsafe. Increase the openings within the extended storage to six with one in each corner. On Drawing No. DA4.03 (1), amend access openings to grated access.
- ii. Show the pipe sizes from pit 2/1 to 3/11. Typically 225 mm with minimum 150 mm. Provide invert levels at pits.
- iii. Provide a minimum 100 mm kerb along the northern boundary.

(b) Drawing No. DA4.01(6)

- i. For OSD chamber1, the RL of the orifice centre line on Section G is 52.27 with 150 sqm bypass but the summary sheet it is shown as RL 52.10 with 110 sqm bypass. Provide minimum 102.8 m<sup>3</sup> storage with a maximum 84 mm orifice. Amend detail
- ii. On Section F, amend longitudinal slope of basin floor as 2%
- iii. On Section G shows non-return pipes and flaps into HED chamber. Mortar infill to orifice invert with slope
- iv. On the base plan, the outlet pipe diameter is to be 150 mm and the RL of OSD chamber 2 on the southeast corner is to be 53.058
- v. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the OSD basins in accordance with Council's Engineering Guide for Development 2005
- vi. Provide on-site detention (OSD) warning signs.

(c) Drawing No. DA4.02 (2)

- i. On stormwater connection detail show street pit base as RL 51.797.
- ii. The inlet pipe diameter to the discharge pit 3/11 is shown as 375 mm which is 150 mm on Section G Drawing No. DA4.01 (6).
- iii. Show inlet pipe diameter as 150 mm solid line on Section 1.
- iv. On Plan Discharge Pit 3/11 set pit level to RL 52.093.
- v. Swale Section 1 is to be reshaped to provide a flat base from the swale invert with masonry/concrete retaining wall at the boundary. Show widths.
- vi. On swale Section 1 show the collection pipe under the swale in addition to the subsoil line.

- vii. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the OSD basins in accordance with Council's Engineering Guide for Development 2005.
  - viii. Provide on-site detention (OSD) warning signs.
- (d) Drawing No. DA4.03 (1)
- i. Show 2% longitudinal slope of basin floor on Section A.
- (e) Drawing No. DA5.01 (6)
- i. Delete reference to pervious and impervious. Show OSD catchment plan areas for Basins 1 and 3.

## 9.2 Construction Certificate Requirements

9.2.1 Under the *Environmental Planning and Assessment Act 1979* a Construction Certificate for engineering work is required. These works include but are not limited to the following:

- On-site stormwater detention
- Earthworks

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

## 9.3 Roads Act Requirements

9.3.1 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

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

## 9.4 Other Engineering Requirements

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

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

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

## 9.5 Roads

- 9.5.1 Replace the 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.

## 9.6 Drainage

- 9.6.1 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 Carinya Street.
- 9.6.2 Drainage from the site shall be connected into Council's existing drainage system. In this regard it is required to connect the drainage pipe into an **existing** Council kerb inlet pit in Carinya Street.
- 9.6.3 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.
- 9.6.4 Provide an open style fence wherever it crosses the overland flow path. This is to ensure flows are not restricted. The underside of the fence shall have a minimum clear opening of 150 mm.
- 9.6.5 An experienced Drainage Engineer registered with NER and supported by a DRAINS or similar electronic hydraulic drainage model is to certify that the internal drainage system is capable of carrying the 20 year ARI flows without surcharge at any pits.

## 9.7 Erosion and Sediment Control

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

## 9.8 Earthworks

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

## 9.9 On-Site Detention

- 9.9.1 Provide an on-site detention system in accordance with Council's Engineering Guide for Development.
- 9.9.2 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%)
Breakfast Creek – Area #2	343	95

- 9.9.3 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.
- 9.9.4 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.
- 9.9.5 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

## 9.10 Vehicular Crossings

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

In particular the crossing shall not be located within 1 metre of a proposed or existing service, utility, street tree or other possible obstruction.

## 9.11 Drainage Section Matters

- 9.11.1 Due to the cut and/or fill exceeding 1.5 m, a desktop Groundwater Assessment Report is required for the site in accordance with Section 4.6 of DCP 2015 Part J. Where there is the potential for interaction with groundwater, a Groundwater Management Plan must be prepared by a Geotechnical Engineer registered with NER.

# 10 Prior to Development Works

## 10.1 Safety/Health/Amenity

- 10.1.1 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.



10.1.2 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.

10.1.3 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.

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

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

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

- 10.1.7 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.
- 10.1.8 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) Shall be preserved and protected from damage, and
  - (b) If necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) The owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

## 10.2 Notification to Council

- 10.2.1 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.
- 10.2.2 At least 5 full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$20,000,000.

## 10.3 Home Building Act

- 10.3.1 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.

#### 10.4 **Sydney Water Authorisation**

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

#### 10.5 **Construction Details**

- 10.5.1 Structural details of the nominated building component(s) prepared and/or certified by a professional engineer or other appropriately qualified person, shall be lodged with Council prior to commencing or erecting that portion of the approved development.

##### **Nominated Component**

- (a) Footing piers
- (b) Footing system
- (c) Floor slab
- (d) Structural concrete
- (e) Wall frame bracing
- (f) Roof trusses
- (g) Structural steelwork
- (h) Retaining walls

#### 10.6 **Use of Crane**

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

#### 10.7 **Tree retention**

- 10.7.1 All trees nominated for retention in the applicant's Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 27 May 2016, shall be effectively protected against damage for the duration of construction works. The recommendations of the Preliminary Tree Inspection Report are to be implemented

prior to construction works commencing.

## **11 During Construction (Building)**

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

11.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

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

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

11.1.3 Should the development work:

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

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

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

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

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

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

11.1.7 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

- 11.1.8 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) Shall be preserved and protected from damage, and
  - (b) If necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) The owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 11.1.9 Building and construction materials, plant, equipment and the like shall not be placed or stored at any time on Council's footpath, roadway or any public place.
- 11.2 **Building Code of Australia Compliance**
- 11.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 11.3 **Surveys**
- 11.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.
- 11.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.
- 11.4 **Nuisance Control**
- 11.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 11.4.2 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays; 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 11.4.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.
- 11.5 **Stormwater Drainage**
- 11.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:
- (a) The floor level being a minimum 225 mm above the adjoining finished ground level, and/or
  - (b) Being drained to an effective drainage system.

## 11.6 Waste Control

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

## 11.7 Tree Protection

- 11.7.1 The measures required to effectively protect trees on the land shall be maintained throughout the development works.

## 11.8 Construction Inspections

- 11.8.1 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.

## 11.9 Site Cut and Fill levels

- 11.9.1 The extent of cut and fill on the development site is restricted to that which is indicated on the approved plans. The maximum height of fill on the development site shall be 600 mm and the maximum height of cut shall be 900 mm.
- 11.9.2 Any ground re-shaping by cut and/or fill shall not compromise the structural integrity of any adjacent building, structure or service conduit on the subject or adjoining land.

### **11.10 Site Contamination**

- 11.10.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, a Remediation Action Plan (RAP) is to be submitted to Council's Manager, Development Services for consideration and all potentially contaminated material is to be tested, removed or undergo remediation. A suitably qualified environmental consultant is to be on site for regular monitoring of the approved site works. In the event remediation work is required to be undertaken, it must be done in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 as amended 2013 (NEPM).
- 11.10.2 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:
- (a) The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
  - (b) Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
  - (c) Any filling shall be undertaken in accordance with the fill protocol approved by Council's Manager Development Assessment.

Should Council receive any complaints regarding non-compliance with any of the above matters or other such operational type matters, then Council will have no alternative but to fully investigate the complaint and pursue an appropriate course of action.

### **11.11 Aboriginal Archaeology**

- 11.11.1 Should any archaeological material be uncovered during construction activities on any location within the approved development, then all works are to cease immediately and representatives of the Office of Environment & Heritage (OEH) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

### **11.12 Salinity and Aggressive Soil Management**

- 11.12.1 All salinity management measures provided in the Geotechnical and Salinity Assessment Report required by the 'Pre-Construction Certificate' condition of this consent shall be implemented during construction.

### **11.13 Waste Management**

- 11.13.1 The measures outlined in the submitted Waste Management Plan, must be implemented during the demolition and construction phases of the development. This includes the sorting and storage of waste and recyclable building materials on site for collection and disposal by the nominated waste/recycling contractor to the nominated disposal site.

**NOTE:** The developer is to retain receipts from the waste/recycling disposal contractor or some form of evidence of compliance with the Waste Management Plan. This information is to be submitted to Council prior to issue of any Occupation Certificate.

#### 11.14 **Asbestos**

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

### 12 **During Construction (Engineering)**

#### 12.1 **Notification of Works**

- 12.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum 5 business days prior to commencement of engineering works.
- 12.1.2 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.

#### 12.2 **Insurances**

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

#### 12.3 **Service Authority Approvals**

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

#### 12.4 **Boundary Levels**

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

#### 12.5 **Tree Protection and Preservation**

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



- 12.5.2 Prior to commencement of engineering works that may disturb existing vegetation/trees, the site shall be inspected to identify and appropriately mark out any trees to be retained as well as determine areas that are to be left undisturbed. Proposed roads must be set-out onsite prior to this inspection.

**NOTE:** Inspection must be carried out by Council's representative or an appropriately accredited private certifier. The applicant's representative must be present during this inspection.

- 12.5.3 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.

- 12.5.4 Council must be notified a minimum of 24 hours prior to the removal of any branches from existing trees which are to be retained. Subject to Council's direction, this work must be generally undertaken by a qualified Arborist.

## 12.6 Soil Erosion and Sediment Control Measures

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

- 12.6.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds.

**NOTE:** All open drains must be turfed.

- 12.6.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

## 12.7 Filling of Land and Compaction Requirements

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

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

- (a) Submission of compaction certificates for fill within road reserves.
- (b) Submission of compaction certificates for road sub-grade
- (c) Submission of compaction certificates for road pavement materials (sub-base and base courses)

- (d) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots
- (e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier).

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

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

- 12.7.3 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.
- 12.7.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 12.7.5 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.
- 12.7.6 Trucks transporting cut and fill must have their loads covered and provisions of 'shaker pads' and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 12.7.7 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.
- 12.8 **Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**
- 12.8.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under *Part 4A of the Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

Where Council is appointed as the Principal Certifying Authority for the development, 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.

## 12.9 Inspection of Engineering Works - Roads Act 1993

- 12.9.1 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 24 hours' notice. Council's Development Overseers may be contacted on 02 9839 6586 between 7 am to 8 am and 12.30 pm to 1.30 pm, Monday to Friday.

**NOTE:** A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

## 12.10 Public Safety

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

## 12.11 Site Security

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

## 12.12 Traffic Control

- 12.12.1 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.
- 12.12.2 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.
- 12.12.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 12.12.4 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.
- 12.12.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 – 2002 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

## 13 Prior to Occupation Certificate

### 13.1 Consolidation of Lots

- 13.1.1 The lots shall be consolidated into one title which shall be registered with the Department of Lands.

### 13.2 Road Damage

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

**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.

### 13.3 Compliance with Conditions

- 13.3.1 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.
- 13.3.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

### 13.4 Service Authorities

- 13.4.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of any Occupation Certificate:
- (a) A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. An assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water's mains. A Section 73 Compliance Certificate must be completed before an occupation certificate will be issued. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.  
  
Go to [sydneywater.com.au/section73](http://sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.
  - (b) A 'Notification of Arrangement' Certificate from Endeavour Energy, or any other recognised energy provider, stating that arrangements have been made with the servicing authority for electrical services, including the provision of street lighting, to the development.

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

### **13.5 Temporary Facilities Removal**

- 13.5.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 13.5.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 13.5.3 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.
- 13.5.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 13.5.5 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.

### **13.6 Fire Safety Certificate**

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

### **13.7 Fire Safety**

- 13.7.1 Smoke alarm/s complying with the provisions of the Environmental Planning and Assessment Amendment (smoke alarms) Regulation, 2006, shall be installed.

### **13.8 Engineering Matters**

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

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

- 13.8.1.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Council.
- 13.8.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 13.8.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 13.8.1.5 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.

#### 13.8.2 **Easements/Restrictions/Positive Covenants**

- 13.8.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
  - (b) The standard format for easements and restrictions as accepted by the Lands Title Office.
- 13.8.2.2 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.
- 13.8.2.3 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Government - Land and Property Information over the overland flow-path.
- 13.8.2.4 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

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

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

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

This maintenance period may be extended in the following situations to allow for the completion of:

- (i) Necessary maintenance and or (ii) all outstanding minor works.

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

#### 13.8.4 **Inspections**

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

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

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

#### 13.8.6 **Other Drainage Section Requirements**

13.8.6.1 Written evidence is to be provided that the registered owner/lessee has entered into a minimum 5 year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the pump systems, On-site Detention Tanks and Rainwater tank. A copy of the signed and endorsed contract(s) and maintenance contractor(s) details are to be forwarded to Council's WSUD Compliance Officer.

13.8.6.2 Where the Groundwater Assessment Report indicated the requirement for a Groundwater Management Plan, then a Geotechnical Engineer registered with NER, is to certify that all the requirements of the Groundwater Management Plan have been undertaken and that there is no adverse impact due to groundwater.

#### 13.9 **Fee Payment**

13.9.1 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.

### 13.10 External finishes

- 13.10.1 The approved development is to be constructed in accordance with the schedule of materials, finishes and colours prepared by Mackenzie Architects International Drawing No. A5.06, Revision D and dated 11 May 2017. The finishes must also be durable, graffiti and fire resistant and easily cleanable.
- 13.10.2 All windows at level 1 and above are to be fitted with a child safety mechanism to prevent accidental falls out of the windows. The mechanisms are to be in accordance with the details submitted as part of the Construction Certificate.

### 13.11 Letterboxes

- 13.11.1 The letterboxes are to comply with the details submitted as part of the Construction Certificate and must comply with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 13.11.2 The street number must be displayed prominently at the front of the building to comply with Local Government Act, 1973 Section 124, Order 8. The street number is to be visible at night.

### 13.12 Power Boards

- 13.12.1 All power boards must be housed within a cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.

### 13.13 Security/Surveillance

- 13.13.1 The development is to comply with the submitted 'Crime Prevention through Environmental Design' checklist and the details submitted as part of the Construction Certificate. The development is to provide CCTV, appropriate street numbering, signage, key locked letterboxes, secure residential parking and security doors.
- 13.13.2 Use of the rooftop common open space is limited to 7 am to 8 pm, 7 days a week. The playing of amplified music within the rooftop space is also prohibited. Appropriate signage is to be displayed around the rooftop area advising of these restrictions. Appropriate signage is also required to advise that CCTV is operational in the area.
- 13.13.3 To prevent accidental falls, death or injury, the required barrier fence on the rooftop area is to be installed in accordance with the details submitted as part of the Construction Certificate. The fence is to be constructed in a way to prevent it from being used as a natural ladder, and is to be provided in clear glass, so that it does not add to the overall bulk and scale of the building.

### 13.14 Lighting

- 13.14.1 Vandal proof and security lighting is to be provided in accordance with the approved Construction Certificate plans to provide for the safety and convenience of occupants and visitors at night. The car parking areas must also be provided with sufficient lighting to enhance the safety of users.



- 13.14.2 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and visitors at night.

### 13.15 Landscaping

- 13.15.1 All landscaping, recreation features and furniture, BBQ facilities, tables, chairs and covered weather protection structure shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.
- 13.15.2 The provision of the safety barrier fence and safety screening measures on the roof top shall be installed in accordance with Condition 6.5.2 to prevent accidental falls off the roof top.
- 13.15.3 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 13.15.4 Decorative courtyard fencing shall be provided delineating ground floor private open space from the common space. The courtyard fencing shall not exceed 1.5 m in height and is to be constructed of masonry up to 1m with 500 mm of horizontal powder coated infill slats to enclose the ground floor terrace areas. There is to be no colorbond fencing directly adjoining a public road.
- 13.15.5 All side and rear internal and external boundary fencing is to be a minimum 1.8 m high and either lapped or capped timber fencing or colorbond fencing erected on top of approved retaining walls at full cost to the developer.

### 13.16 Street Tree Planting

- 13.16.1 Prior to the issue of an Occupation Certificate, all required street tree planting and payments of bonds are to be completed to Council's Tree Co-Ordinator's satisfaction.

### 13.17 Car Parking

- 13.16.1 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability for residents and their visitors.
- 13.17.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 13.17.3 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
- 13.17.4 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose. In this regard:
- 15 car spaces for visitors
  - 13 disabled car spaces, and
  - 91 car spaces for the residential units.

must be provided on site in accordance with the RMS guidelines.

- 13.17.5 A roller shutter and card-key system is to be installed at the segregation points between the visitor and residential parking areas, and at the entry/exit points of the basement carparks.
- 13.17.6 Bicycle racks are to be provided on site in accordance with the Apartment Design Guide (ADG).
- 13.17.7 The ceiling of each basement carpark level is to be painted white to enhance lighting illumination.
- 13.17.8 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that the basement ventilation system has been installed and is operating in accordance with Australian Standard 1668.2:2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*. Any associated carpark vents should be minimised and located at a low level where possible.

### 13.18 Ancillary Work

- 13.18.1 Each dwelling unit is to be provided with a mechanical drying appliance within the unit.

### 13.19 Waste Management

- 13.19.1 Access for collection vehicles is to be built in accordance with the dimensions indicated on the approved architectural plans, CAD files and vertical cross-section plans (demonstrating compliance with Australian Standards for headroom allowances) showing adequate truck entry and exit and in all manoeuvring areas.
- 13.19.2 The applicant is to ensure roads, ramps and driveways are rated suitable for the 6.4 m long, small rigid vehicle.
- 13.19.3 Evidence (e.g. in the form of receipts) is to be submitted to the certifier to confirm that waste and recyclable materials, including fill from the excavation of the basement carpark have been managed and disposed of appropriately.
- 13.19.4 Prior to the issue of an Occupation Certificate evidence is to be submitted to confirm that appropriate arrangements have been made with the private contractor for the disposal of waste and recycling. As a result of the private waste arrangement, residents are unable to access Council's household clean up service, or garbage and recycling service. A Section 88B or similar is to be listed on the title to this effect and suitably drafted by Council's planning or legal team.
- 13.19.5 Waste and recycling collections undertaken by a private contractor are to be provided by the Owner's Corporation. The private contractor's details are to be provided to Council's Sustainable Resources Officer for our records.
- 13.19.6 Appropriate provisions are to be included in the Strata Management Agreement or the ongoing management of waste and recyclables on the property. The agreement is to indicate:

- i. Requirements for the appointment of a building manager/caretaker to manage bins and bulky waste on site in accordance with the approved waste management arrangements.
  - ii. Who is responsible for maintaining the garbage collection system and bin cleaning, and ensuring waste collection points are clear and unobstructed prior to collection times.
  - iii. Who is responsible for the on-going maintenance and management of any bin movement aides or waste management infrastructure if provided for this site.
  - iv. That residents are unable to access Council's household clean-up service, or garbage/recycling service given that the development will be serviced by a private waste and recycling contractor.
  - v. That no bins are to be located or placed in the approved collection points outside the scheduled collection time for that area.
  - vi. The method of communication to new tenants and residents regarding Council's waste management services and collection system for the complex.
  - vii. That includes the approved waste management plan from the lodged development application.
- 13.19.7 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.
- 13.19.8 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 13.20 **BASIX**
- 13.20.1 All commitments listed in the BASIX Certificate Number 751628M\_02 dated 12 September 2017 shall be complied with prior to the issue of an Occupation Certificate for the development.
- 13.21 **Adaptable Housing Units**
- 13.21.1 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's Manager Development Assessment.
- 13.22 **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**
- 13.22.1 An Occupation Certificate must not be issued unless all design verifications have been provided in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000.

### 13.23 **Graffiti Management Plan**

13.23.1 A 'Graffiti Management Plan' is required which addresses the following issues:

- (a) Methods to minimise the potential for graffiti.
- (b) Management/notification procedures for the rapid removal of graffiti.
- (c) Annual review of any 'management agreement' for the removal of graffiti to ensure the property is maintained at its optimum level.

13.23.2 The Owners Corporation is to manage the graffiti management plan. The recommendations of the plan are to be integrated into a Strata Management Agreement/by-laws.

### 13.24 **Acoustic verification**

13.24.1 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic/noise attenuation measures has been completed in accordance with the certified design and to the standard required by this consent. A copy of the certification is to be submitted to Council's Town Planning Department.

### 13.25 **Total Maintenance Plan**

13.25.1 A 'total' maintenance plan is to be prepared for the site. The plan is to ensure the following:

- (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, landscaping, the communal open space areas, security systems, mail boxes, lighting, loading areas, and services are regularly inspected and maintained at optimum levels at all times.
- (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted 'junk mail' is to be collected on a regular basis and disposed of as necessary.
- (c) The proposed development is always under the control of a fulltime Building Manager.

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

### 13.26 **Fire resistance of external wall materials**

13.26.1 Prior to issue of any Occupation Certificate, the principal certifying authority 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 National Construction Code.

## **14 Operational (Planning)**

### **14.1 Graffiti removal**

- 14.1.1 Removal of any graffiti, visible from any public road or space, is the responsibility of the property owner/s. All graffiti must be removed within 48 hours of detection.

### **14.2 Access/Parking**

- 14.2.1 All required off-street car parking spaces and internal accessways shall be maintained to a standard suitable for the intended purpose.
- 14.2.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 14.2.3 All vehicles, including waste and recycling collection vehicles, must enter and exit the site in a forward direction at all times.
- 14.2.4 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

### **14.3 General**

- 14.3.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 14.3.2 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

### **14.4 Noise & Nuisance**

- 14.4.1 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 14.4.2 The use of the land is not to interfere with the amenity of the surrounding residential area.

### **14.5 Landscaping**

- 14.5.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 14.5.2 Sightlines must be kept free from obstructions. If a lack of natural surveillance occurs this would quickly encourage anti-social behaviour and criminal offences specifically malicious damage to the area. The 'fear of crime' would also no doubt increase if there is sign of malicious damage, rubbish, broken bottles etc. around the development. Regular maintenance and up-keep of the site must therefore be adhered to.
- 14.5.3 The management of vegetation, gardens, planter boxes, communal areas, including roof top communal open space, BBQ facilities, children's play equipment, etc. is to be incorporated within the future strata management plan once the development is occupied.

## **14.6 Crime Prevention through Environmental Design**

- 14.6.1 The requirements of the NSW Police with regard to Crime Prevention through Environmental Design shall be met and maintained at all times.

## **14.7 Use of Premises**

- 14.7.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 14.7.2 Use of the rooftop common open space is limited to 7 am to 8 pm, 7 days a week. The playing of amplified music within the rooftop space is also prohibited. A clause is to be included in the Plan of Strata Management/building by-laws advising of these restrictions.

## **14.8 Waste Management**

- 14.8.1 Waste and recycling collections undertaken by private contractor are to be provided by the Owner's Corporation.
- 14.8.2 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.

## **14.9 Clothes Drying**

- 14.9.1 Clothes drying is to be conducted in the mechanical dryers.
- 14.9.2 The drying of clothes on balconies (where visible from a public place) is prohibited. As the development is to be strata subdivided, a clause is to be included in the Plan of Strata Management prohibiting the drying of clothes on balconies (where visible from a public place).

## **14.10 Roof top shade structure**

- 14.10.1 The roof top shade structure located centrally within the roof top common open space shall remain open for the life of the development. This shade structure must never be enclosed.

# **15 Operational (Environmental Health)**

## **15.1 Environmental Management**

- 15.1.1 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.
- 15.1.2 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.
- 15.1.3 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.