

## Conditions of consent (draft)

<b>Proposed development</b>	Amalgamation of 4 lots, demolition of existing structures, construction of a part 6 / part 7 storey residential flat building with 81 apartments, 124 car parking spaces across 2 basement levels, tree removal, and associated stormwater drainage works and landscaping.
<b>Property description</b>	Lots 111, 112, 113 and 114 in DP 14294, No. 11-17 George Street, Seven Hills

### 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.
- 1.2.2 This development consent is limited to:
  - (a) demolition of the existing dwellings and structures at 11-17 George Street, Seven Hills
  - (b) amalgamation of 4 lots
  - (c) tree removal
  - (d) construction of a residential flat building comprising 81 apartments with 2 levels of basement car parking, stormwater drainage and landscaping.
- 1.2.3 The applicant is required to lodge either a separate Development Application for Council's consideration, for any part of the site for which demolition has not been approved by this consent, or a separate Complying Development Certificate where permitted by the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Any application made to Council must include a Site Plan, Site Investigation Report, Work Plan, and Waste Management Plan, for the disposal of the demolition materials and should also address potential contamination concerns. A copy of the contractor's licence as issued by WorkCover Authority NSW is also to be submitted.
- 1.2.4 Should it be intended to subdivide the approved development into strata title allotments, Council will require the lodgement of a separate Development Application for consideration. Council advises that any new Development Application for Strata Subdivision will not be approved until such time as the approved development has

reached practical completion and issues such as visitor car parking, internal and external boundary fencing, landscaping or any other works required in accordance with this Notice of Determination and all associated Construction Certificates have been fully completed to Council's satisfaction.

### **1.3 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) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
  - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development
  - (c) the installation of a vehicular footway crossing servicing the development
  - (d) 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 Services**

- 1.4.1 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 (including NBN)

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.

- 1.4.2 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.
- 1.4.3 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.
- 1.4.4 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.5 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 Dial Before You Dig**

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

## **1.6 Telecommunications Act 1997 (Commonwealth)**

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

## **1.7 Tree Planting and Service Locations**

- 1.7.1 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.

## **1.8 Identification Survey**

- 1.8.1 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.

## **1.9 Demolition**

- 1.9.1 Where any work on an older building is proposed, the applicant should ascertain whether the building contains any contaminants that may present a potential health risk to humans (including asbestos, lead-based paint and the like) and apply appropriate precautions during the work. Further information regarding safe working methods may be obtained from the following organisations and publications (including those which may supersede such publications):
- (a) NSW WorkCover Authority (Ph: 13 10 50) – "Short Guide to Working with Asbestos",
  - (b) NSW Department of Environment and Conservation (Ph: 9995-5000) – "A Guide to Keep Your Family Safe from Lead", "A Renovators Guide to the Dangers of Lead",
  - (c) "Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2002 (1988),
  - (d) Australian Standard 4361.1-1995 – Guide to Lead Paint Management (Industrial Applications),

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

## 2 GENERAL

### 2.1 Scope of Consent

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

Drawing No.	Title	Date	Revision
Architectural plans prepared by Urban Link Pty Ltd			
A-0001	Cover Sheet	27/05/2019	M
A-1001	Site Plan	26/04/2017	M
A-1201	Cut and Fill Diagram	6/07/2017	M
A-2001	Basement 02	27/05/2019	M
A-2002	Basement 01	27/05/2019	M
A-2003	Lower Ground Level	27/05/2019	M
A-2004	Upper Ground Level	27/05/2019	M
A-2005	Level 01	27/05/2019	M
A-2006	Level 02	27/05/2019	M
A-2007	Level 03	27/05/2019	M
A-2008	Level 04	27/05/2019	M
A-2009	Level 05	27/05/2019	M
A-2010	Roof Terrace	27/05/2019	M
A-3001	Elevations	27/05/2019	M
A-3002	Elevations	27/05/2019	M
A-3003	Elevations	27/05/2019	M
A-3101	Section A & B	27/05/2019	M
A-3102	Section C & D	27/05/2019	M
D-3103	Section E, F & Driveway Section	27/05/2019	M
A-6301	Schedule of Colours and Materials	27/05/2019	M
Landscape plans by Melissa Wilson			
LS01	Landscape Plan Upper Ground Floor	20/04/2017	E
LS02	Landscape Plan Lower Ground Floor	20/04/2017	E
LS03	Landscape Plan Roof Terrace	20/04/2017	E
BASIX Certificate			
Basix Certificate 723829M	NatHERS Thermal Comfort Summary, Certificate 14562677	29 April 2016	

\* Unless modified by any conditions of this consent.

- 2.2 This consent grants approval for the following, subject to full compliance with all other

conditions of this consent:

- (a) Demolition of existing dwellings and structures at Nos. 11-17 George Street, Seven Hills
- (b) Amalgamation of 4 lots
- (c) Construction of a part 6 / part 7 storey residential flat building containing 81 apartments, and 2 levels of basement car parking:
  - 21 x 1 bedroom units
  - 44 x 2 bedroom units
  - 16 x 3 bedroom units

2 levels of basement car parking, and waste storage and collection within the basement, with a maximum head clearance of 4m for waste collection vehicles

- (d) Stormwater drainage, landscaping, tree removal, and street tree planting.

## **2.3 Inconsistency between Documents**

- 2.3.1 If there is any inconsistency between the plans and documentation referred to in the consent, the most recent document or plan will prevail to the extent of the inconsistency. However, conditions of the consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved sections and plans, the plans prevail.

## **2.4 Suburb Name**

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

Suburb: Seven Hills

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

Suburb: Seven Hills

## **2.5 Compliance with BASIX Certificate**

- 2.5.1 All commitments listed in BASIX Certificate No 723829M dated 29 April 2016 as amended shall be complied with. This BASIX Certificate is to be revised in accordance with the final approved plans.

## **2.6 Other Matters**

- 2.6.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 2.6.2 Any future substation, temporary drainage works or other utility installation required to service the approved subdivision/development shall not be sited on future or existing Council land, including road reservations and/or public reserves.
- 2.6.3 No filling of the site is permitted and any excavated material is to be removed from site and disposed of in an approved manner and at a registered tip site.

## 2.7 **Signage including Warning Signage**

- 2.7.1 Entrance/exit points are to be clearly signposted and visible from the street.
- 2.7.2 Signage at vehicular entry is to provide a warning to advise entry into the basement has a limitation on the headroom allowance of 4m which will restrict waste collection vehicles to small rigid vehicles 6.4 m in length, due to the headroom allowance of 4m. A traffic device such as a convex traffic mirror is to be installed in conjunction with these warning signs.
- 2.7.3 Any other signage requires separate consent from Council, unless it is permitted under SEPP (Exempt and Complying Development Codes (2008) ).

## 2.8 **Salinity**

- 2.8.1 At the completion of site works, a post works salinity assessment shall be carried out and provide appropriate recommendations on construction materials for floor slab, footings and internal beams in accordance with AS 2870-2011 'Residential Slabs and Footings'.

## 2.9 **Waste Management Plan**

- 2.9.1 The development is to be carried out generally in accordance with the Waste Management Plan, as amended as required by **condition 6.12**.

## 2.10 **Engineering Matters**

### 2.10.1 **Definitions**

- 2.10.1.1 Where this consent requires both engineering and building works to be undertaken, a separate Construction Certificate may be issued for each category of works i.e. a separate construction Certificate for the Engineering works nominated in "Prior to Construction Certificate (Engineering)" and a separate Construction Certificate (for all building works relating to the erection and fit-out of a structure). This excludes all works on existing public roads significant enough to warrant separate engineering approval pursuant to the Road Act 1993. In relation to this consent, an engineering approval pursuant to the Road Act, 1993 or Section 68 of the Local Government Act must be issued for Union Street and George Street, Seven Hills prior to the issue of the Construction Certificate.

In lieu of issuing a separate Construction Certificate, the above-mentioned engineering works can be included on an overall Construction Certificate provided that SPECIFIC REFERENCE is made to the relevant Engineering works. In such instances, the certifier shall provide evidence that they are accredited to do so. This is not applicable where Roads Act or Local Government Act Approvals are required.

Council does not permit the private certification of works on existing public roads or reserves, or any land under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works on William Street, Clancy Lane and George Street, Seven Hills.

- 2.10.1.2 Any Construction Certificate issued in relation to this consent shall incorporate and address the design of those works required by Scope of Engineering Works and other sections of this consent which do not require separate Roads Act 1993 or Local Government Act 1993 approval and any ancillary works necessary to make the construction effective. All works on existing public roads require separate engineering

approval pursuant to the Roads Act 1993.

- 2.10.1.3 The Construction Certificate for Engineering works may be issued by Council or by an appropriately qualified certifier. For Council to issue the Construction Certificate a separate application must be made on the prescribed form complete with detailed plans and specifications. You are further advised that Council does not permit the private certification of works on existing public roads or reserves Council property or any property under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works on William Street, Clancy Lane and George Street, Seven Hills.

## **2.10.2 Design and Works Specifications**

- 2.10.2.1 All engineering works required by Scope of Engineering Works and other sections of 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 Soil Erosion and Sediment Control Policy (Current Version)
- (d) Blacktown City Council On Site Detention General Guidelines and Checklist
- (e) 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 documentations.

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

## **2.10.3 Payment of Engineering Fees**

- 2.10.3.1 If it is the applicant's intention to engage Council to undertake the checking of the engineering design plans and the issue of the Construction Certificate for the engineering works nominated in the "Prior to Construction Certificate (Engineering)" section, it will be necessary to submit the relevant engineering plans to obtain a quote for this service.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

- 2.10.3.2 If it is the applicant's intention to engage Council to undertake Construction inspections and the issue of the Compliance Certificate for engineering works, it will be necessary to contact Council's Development Services Engineer for a quote.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

## **2.10.4 Other Fee and Bond/Securities**

2.10.4.1 The payment of the following fee to Council's Maintenance Section pursuant to 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: \$290.

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

## 2.10.5 **Subdivision**

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

## 2.11 **Other Matters**

2.11.1 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.

# 3 **PRIOR TO DEMOLITION WORKS**

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

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

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

3.1.3 Should the demolition work:

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

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

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

The hoarding, awning or protective barrier shall be effectively illuminated between



sunset and sunrise where it may be hazardous to any person in the public place.

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

Each toilet provided shall be:

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

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

## **3.2 Tree Protection**

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

## **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 Safety/Health/Amenity**

- 4.1.1 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.
- 4.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 4.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 4.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 4.1.5 Soil erosion and sediment control measure shall be designed in accordance with

## Council's Soil Erosion and Sediment Control Policy

- 4.1.6 Any excavation and/or backfilling associated with the demolition works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 4.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable SafeWork NSW Authority requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2002 (if applicable).
- 4.1.8 The remaining portions of each structure being demolished shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, shoring, bracing or guys, or any combination of these, shall be provided for stability, where necessary.
- 4.1.9 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 4.1.10 At least one access and egress route shall be made available connecting any undemolished floor to an open space well clear of the structure being demolished. The egress route shall be clearly identified as an emergency exit and maintained clear of obstructions at all times.
- 4.1.11 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 4.1.12 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.
- 4.1.13 Should any excavation associated with the demolition 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 road or place, the person causing the excavation to be made:
  - (a) must preserve and protect the building from damage, and
  - (b) if necessary, must underpin and support the building in an approved manner, and
  - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 4.1.14 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.
- 4.1.15 The demolisher has an obligation to ensure that the adjoining buildings and properties are not damaged.

## 4.2 Nuisance Control

- 4.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the demolition works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 4.2.2 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.
- 4.2.3 The waste material sorting, storing 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 the demolition works.

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

### **5.1 Completion of Demolition Works - Final Inspection**

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

### **5.3 DA Plan Consistency**

- 5.3.1 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.
- 5.3.2 If there is any inconsistency between the plans and documentation referred to in the consent, the most recent document or plan will prevail to the extent of the inconsistency. However, conditions of consent prevail to the extent of the inconsistency. Where there is an inconsistency between approved sections and plans, the plans prevail.

### **5.4 Services/Utilities**

- 5.4.1 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.

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

- 5.5.1 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](#).

### **5.6 Construction Traffic Management Plan**

- 5.6.1 A Construction Traffic Management Plan detailing construction vehicle routes, parking, number of trucks, hours of operation, access arrangements, road safety and traffic control is to be submitted to Council prior to the issue of any Construction Certificate.

## 5.7 Site Contamination

- 5.7.1 All areas potentially contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with and submitted to Council for approval:
- NSW Office of Environment and Heritage's *Guidelines for Consultants Reporting on Contaminated Sites* (2011)
  - NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995)
  - Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (1992)
  - National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013 (No. 1), National Environment Protection Council, 2013.
- 5.7.2 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act (NSW) 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014).
- 5.7.3 The recommendations provided in the Preliminary Geotechnical Investigation and Salinity Assessment, prepared by Environmental Investigations Australia, Report No. E22582 GA\_Rev 1, dated 7 July 2015, shall be implemented.

## 5.8 Acoustic Requirements

- 5.8.1 An acoustic report detailing the likely noise-generation associated with the development works and the measure(s) necessary to prevent objectionable noise beyond the property boundaries shall be prepared by a suitably qualified person. A copy of the report shall accompany any relevant Construction Certificate issued for the development.
- 5.8.2 A qualified acoustic engineer must certify that the building has been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

Internal space	Time period	Criteria $L_{Aeq}(\text{period})$
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)

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

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

- at the most effected point on or within any residential property boundary or
  - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
- ii. cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

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

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.

## 5.9 **Street Tree Plan and Tree Retention and Removal**

- 5.9.1 The nominated street tree species are to be to the satisfaction of Council's Tree Management Section.
- 5.9.2 The street tree in front of No. 17 George Street (Tree 5 in the Arboricultural Impact Assessment Report by Redgum Horticultural dated 26 June 2015) is to be retained and protected as per AS4970-2009 Protection of Trees on Development Sites.
- 5.9.3 The Project Officer for Civil and Open Space Infrastructure, must be notified when street trees have been planted so practical completion can be given on the street tree planting and the 12 month maintenance period can commence.

## 5.10 **Maintenance and Performance Plan for Street Trees**

- 5.10.1 A Maintenance plan for the street trees is to be provided and must contain the following:
- Following prescribed maintenance period, Council will inspect all street trees and provide the applicant with a list of defects which will need to be addressed prior to the acceptance of handover'
  - The developer must provide to Council in writing one (1) month notice, at minimum, for practical completion inspection and two (2) month notice for end of maintenance inspection.
- Add additional points to specification for Maintenance:
- Mechanical line trimmers (whipper snippers) not be used within 300mm of out edge of tree trunks
  - No grass to overgrow edges where it adjoins hard paved surfaces or kerbs and guttering
  - No grass or weeds within mulched area in or around tree
  - Stolen trees to be replaced within one week. Repeated removal of trees within the same location shall immediately be reported to Council
  - All garden beds to be re-mulched to maintain a depth of 75mm and level finish with adjacent surfaces
  - Mulch not to come into contact with the trunks of trees
  - No visible signs of wilting of leaves or stems, with all plants to be fully turgid at all times
  - No sign of over watering such as constantly wet soil, brown leaf margins, stem rot or brown spots on foliage
  - No obvious signs of weed infestation in grass areas, pavements or mass planting beds
  - Chemical not to be applied in extreme temperatures or wind conditions

- Removal of all suckers from base of trees
- Formative pruning of trees to allow effective canopy development and to retain natural or desired shape of the tree
- All damaged dead or diseased wood to be pruned to the nearest lateral shoot or active bud with a clean neat cut

Performance of planting will be indicated by new growth with visible sign of new leaves; plants to possess a level of 'greenness' characteristic with the particular species; Strong floral habit and colour appropriate to the season and species; Absence of dead or damaged foliage, flowers or branches

## **5.11 Street Planting Detail and Specifications**

5.11.1 To aid in the successful delivery of street trees, provide safe public spaces, protect against assets from damage and provide a healthy environment for the tree, the following design measures and specifications are required to be met:

- No timber or steel edging is permissible
- Install root directors to manufacturer's specifications to protect assets, structures and/or underground services.
- Tree trunk to be a minimum 750mm from street kerb and guttering
- All imported soil to achieve the requirements of AS4419 – Soils for landscaping All tree planting holes are a minimum 1.5 times diameter and twice the depth of the root ball All mulch is to be free of deleterious material such as rock, soil, weeds and sticks. Acceptable mulch – Forest litter or pine bark mulch
- All soft edges (mulch, turf, grassed) to be finished to appropriate falls and flush with adjacent surface treatment.
- Kikuyu is not accepted. Identify the use of Soft leafed Buffalo as preferred turf
- Turf to consist of 25mm depth of dense , well rooted, vigorous grass growth with minimum 15mm on an average 100mm depth of top soil
- Staking is required specified as- drive 2x38x38x1800 mm hardwood stake 600mm into the ground. Secure the stem of the tree firmly with 2 x hessian ties fitted to the stem separately in opposite directions.

## **5.12 Street Tree Planting**

5.12.1 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.

## **5.13 Landscaping/Fencing**

5.13.1 A detailed landscape plan is to be submitted which reflects the concept landscape plan and it is to include details for tree and landscape species.

5.13.2 All landscaping, recreation features and furniture, bbq facilities, children's play equipment and clothes drying facilities shall be of a high quality and detailed on the approved landscaping design plans.

5.13.3 Any proposed side boundary fence next to the proposed driveway must not exceed 900mm in height for a length of 2.5m from the property boundary within the property (see Figure 3.3 AS2890.1) to ensure safety of pedestrians on footpath.

## **5.14 Construction Environmental Management Plan**

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

The operational measures at a minimum should include the following:

- (a) Proposed schedule of works
- (b) Proposed hours of work
- (c) Noise and vibration controls
- (d) Salinity Management Plan
- (e) Erosion and Sedimentation Control Plan
- (f) Hazardous building materials survey
- (g) Procedures for validation of imported fill material and the proposed means of disposing overburden
- (h) Waste and materials re-use on-site
- (i) Community response and management procedure outlining the course of action to be undertaken following receipt of a complaint
- (j) Proposed means of controlling of any activity that could potentially cause a pollution incident as defined by the Protection of the Environmental Operations Act 1997.
- (k) Dust (air quality) management strategy noting that any stockpiled soil is to be stored on plastic sheeting in an area that is securely bunded with a silt fence and hay bales to prevent surface-water run-off. Plastic sheeting must be placed over the stockpile to minimise wind-blown dust.

## 5.15 Asbestos

- 5.15.1 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.

## 6 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

### 6.1 Section 7.11 Contributions under Section 7.17 Directions

- 6.1.1 The following monetary contributions under *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at the base date of September 2018. They WILL BE INDEXED from the base date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

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

<b>Contribution Item</b>	<b>Base Amount</b>	<b>Relevant C.P.</b>
Stormwater Quality Blacktown Growth Precinct	\$30,369.41	19
Traffic Management		
- Medium - High density development	\$84,405.00	19
- All residential development	\$280,853.50	19
Open space Blacktown Growth Precinct	\$521,490.50	19
Community facilities Blacktown Growth Precinct	\$215,481.00	19
<b>TOTAL CONTRIBUTIONS</b>	<b>\$1,132,599.41 base amount</b>	<b>19</b>

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.7.11 CP No. 19 – Blacktown Growth Precinct.**

The Section 7.11 contribution(s) 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 7.11 contribution(s) will be adjusted accordingly.

Developable Area: 0.3396 hectares  
Number of Residential Units: 81 dwellings  
Additional Population: 165.5 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).

## **6.2 Necessary Plan Amendments**

6.2.1 The applicant is referred to the requirement to address the following plan amendments as required by condition 6.15.1:

- (a) Window treatment of window of rear units G.01, 1.01, 2.01, 3.01 and 4.01 to be amended to provide for opaque glazing to address privacy and overlooking concerns.
- (b) Screen to side of balcony – a screen with fixed external horizontal louvers is to be installed for units LG.01, G.01, 1.01, 2.01, 3.01 and 4.01 to address privacy and overlooking concerns.
- (c) Balconies to be amended to comply with the size requirements of the Apartment Design Guide: Units 1.01, 1.02, 1.11, 2.01, and 2.11.



### 6.3 Child Safety Mechanism

- 6.3.1 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.

### 6.4 Aesthetics, Streetscape and External Building Materials and Finishes

- 6.4.1 The development approved by this consent is to be constructed in accordance with the approved materials, finishes and colours submitted as part of the approved colours and finishes schedule. Building materials and finishes are to be finished with an anti-graffiti coating. Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans. Materials and finishes including the external walls of the development are to comply with the requirements of the *Environmental Planning and Assessment Amendment (Identification of Buildings with Combustible Cladding (Identification of Buildings with Combustible Cladding) Regulation 2018* and *State Environmental Planning Amendment (Exempt Development – Cladding and Decorative Work) 2018* which came into effect on 22 October 2018.
- 6.4.2. The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. The external wall and any cladding attached to the external wall is to comply with the National Construction Code, Building Code of Australia Volume One including, but not limited to A0.2 (a) and (c), A2.2, Part C and Part F.
- 6.4.3 The external walls of the building are to be free of plumbing and fixtures, service conduits/wiring and other building services.
- 6.4.4 The reflectivity index of glass used in the external facades of the building is not to exceed 20 per cent, 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.
- 6.4.5 All bathrooms, WC or laundry windows in the external walls and the building shall be fitted with translucent glazing.
- 6.4.6 All details are to be provided as part of the Construction Certificate.

### 6.5 Adaptable Housing Units

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

### 6.6 NSW Local Police Matters

- 6.6.1 Police do not envisage major issues with development, however recommend the following conditions be met by the developer to prevent anti-social and criminal activity to the proposed building and surrounding areas.
- 6.6.2 Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place

management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

Predatory offenders often make cost-benefit assessments of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:

- Maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension). Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime)
- Minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards) and
- Minimise excuse-making opportunities (removing conditions that encourage/facilitate rationalisation of inappropriate behaviour).

6.6.3 CPTED employs four key strategies. These are surveillance, access control, territorial re-enforcement and space/activity management.

6.6.4 The construction certificate plans are to demonstrate compliance with the submitted 'Crime Prevention through Environmental Design' checklist with Council's reference D16/308509 on Council's file JRPP-16-03312. This includes the provision of CCTV, appropriate street numbering, signage, sensor/security lighting, key locked letterboxes, secure residential parking and security doors.

6.6.5 Surveillance: *natural surveillance* is achieved when normal space users can see and be seen by others. This highlights the importance of the layout, orientation and location; the strategic use of design; security and lighting. *Natural surveillance* is a by-product of well-planned, well-designed and well-used space. *Technical/mechanical* surveillance is achieved through mechanical/electronic measures such as CCTV. *Technical/mechanical surveillance* is commonly used as a 'patch' to supervise isolated, higher risk locations. *Formal (or Organised)* Surveillance is achieved through the tactical positioning of guardians. An example would be tenants monitoring the use of common areas.

General comments in design for surveillance:

- Entry points should be designed so as to maximise surveillance opportunities to and from these areas.
- The placement and orientation of common entry areas should maximise opportunities for natural supervision by residents and other guardians.

6.6.6 CCTV

6.6.6.1 The CCTV is to be provided around all open space areas, any common areas, access ramps, building entries and car parking areas. CCTV is to be installed in accordance with AS:4806.1 and Applications Guidelines —AS 4806.2

6.6.7 Letterboxes

6.6.7.1 The letterboxes shall be positioned so as to not directly face the street, but to be positioned within the building foyer 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.

6.6.8 Lighting

6.6.8.1 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. Lighting should be designed to the Australian/New Zealand Lighting Standards AS/NZS 1158 for public space, pedestrian walkways and basement car park areas.
- (b) Lighting should be directed onto areas accessed by people using the building and away from neighbouring properties.
- (c) Lights are not to be obscured by foliage and/or structures as to produce shadows.
- (d) Entrances and exits should be clearly identified via lighting.
- (e) Lighting should be vandal-resistant and placed around the perimeter of the property, at all entry/exit points, on footpaths leading to the unit block and also throughout the proposed common areas, particularly the communal open spaces, and driveway. Possible entrapment spots such as the storage units, waste/rubbish bin areas should be lit with vandal-resistant and energy saving lighting.
- (f) 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.
- (g) Lighting levels are to be enhanced around all CCTV cameras (i.e. around lift entries, basement car parks, building entries) to enable face recognition when CCTV cameras are in use.
- (h) 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.

#### 6.6.9 Barriers

6.6.9.1 The physical environment can exert a direct influence on crime settings by delineating territories, reducing or increasing accessibility and by facilitating surveillance of an area. Plans lodged with the construction certificate documentation are to demonstrate the following:

- (a) Limit the number of blank surfaces on the external parts of the building. Although proposed landscaping around walls and fencing lines are adequate to prevent graffiti and similar incident, these surfaces should be coated with graffiti-resistant material/paint to reduce opportunities for malicious damage type offences (graffiti) and allow ease of cleaning to these structures. The use of screen landscaping (green screens) or creepers, murals, vandal-resistant paint or other means to discourage graffiti are encouraged.
- (b) Glass within vulnerable areas like entry points of the proposal are to be reinforced with shatter-resistant film or laminated glass to control access.
- (c) Electronic communication devices such as voice and visual intercom can be an effective way of increasing the effort required by criminals to enter building. Entry doors require security/entry control systems. It is recommended the

developer install security/entry control systems to all main entry doors to minimise break and enter offences and unauthorised access to residential units/carpark and other locations.

- (d) The construction of a barrier fence on the rooftop area to prevent accidental falls, suicide attempts and death or injury. The fence is designed in a way to prevent it being used as a natural ladder when installed in conjunction to the roof top planter boxes.
- (e) Eliminate any structures on the rooftop that may be used as natural ladders.
- (f) Consider the design of the driveway so that unauthorised access is not permitted to the building itself (design adjacent walls to prevent it being used as natural ladders to access upper residential units – deterring would-be thieves).
- (e) The carpark is to be designed to permit maximum natural surveillance, access control and illumination. E.g. by using cable railings in place of concrete retaining walls.

#### 6.6.10 Space Activity Management

6.6.10.1 *Space/Activity management* strategies are an important way to develop and maintain *natural* community control. Space management involves the formal supervision, control and care of the development. All space, even well-planned and well-designed areas need to be effectively used and maintained to maximise community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.

6.6.10.2 General comments in design for Space/Activity Management: with regard to the proposed development, an area of concern for possible criminal activity and concealment of predatory offenders is within the common area in and around the building. This is particularly a concern when there are numerous persons utilising the common areas.

6.6.10.3 The following is required:

- (a) The exterior coverage should capture all entrances and exits and the immediate vicinity of the building.
- (b) A key holder should be identified with relevant contact details provided to aid emergency services to gain entry if there are any related issues preventing them from getting immediate access.

#### 6.6.11 Access Control

6.6.11.1 Plans lodged with the construction certificate documentation are to demonstrate the following:

- (a) The carpark should be designed to permit maximum natural surveillance, access control and illumination, in order to prevent any possible criminal activity and concealment of predatory offenders within the common areas and carpark areas. This is particularly a concern when there are numerous persons utilising this area.
- (b) The carpark and communal areas (play area) is to be accessed by unit owners/residents ONLY.

- (c) Access to the car parking and units should be via a swipe/card/key system.
- (d) Landscaping and Vegetation: Landscaping and vegetation enhance the natural amenity of any site. It is important, however, to ensure dense foliage and inappropriate planting does not lead to opportunities for concealment. The recommended plants suggested in the application should be:
  - low lying shrubs and or grass-like plants that are free from stones and/or rocks at the soil base (eliminating stones used for projectiles).
  - These low lying shrubs and or grass-like plants should be planted to avoid clumping and to retain sightlines and opportunities for surveillance around the communal areas.
  - The plants proposed should have an appearance of impenetrability and qualities that minimises concealment opportunities.

## 6.7 Access/Parking

- 6.7.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 6.7.2 Sight distance is to be maintained at the basement entrance off George Street to satisfy AS 2890.1 section 3.2.4 in terms of both pedestrian and vehicular sight distances.
- 6.7.3 Sight distance is to be maintained at the lower ground level entrance off Clancy Lane to satisfy AS 2890.1 section 3.2.4 in terms of both pedestrian and vehicular sight distances, including warning signage relating to entry and egress for waste collection vehicles.
- 6.7.4 Any proposed fence / side boundary fence / landscape element on either side next to the proposed driveways must not exceed 900mm in height for a length of 2.5m from the property boundary within the property and 2m along the property boundary (see Figure 3.3 AS 2890.1) to ensure safety of pedestrians on the footpath.
- 6.7.5 The development plans nominates across the 2 basement levels and upper ground level parking provision as follows:
  - 123 car parking spaces, including 10 accessible spaces made up of
  - 107 car parking spaces for the residential units
  - 16 car parking spaces for visitors
  - 1 wash bay
  - 25 bicycle parking spaces
  - 6 motorbike parking spaces.

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.

- 6.7.6 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): 2.4m x 5.4m  
 Residential Flat Building (adjacent to solid wall): 2.7m x 5.4m  
 Disabled Car Space: 2.4m x 5.4m (plus shared zone)

- 6.7.7 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.

- 6.7.8 An electric charging station within the car parking area is to be provided for use of electric vehicles.

## 6.8 **Salinity and Aggressive Soil Management**

- 6.8.1 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.

## 6.9 **Waste Management**

- 6.9.1 Prior to the issue of the Construction Certificate, the applicant is to ensure:-

- (a) that the concerns raised by Council's engineering consultant re potential traffic hazards are satisfied. These hazards are associated with waste vehicles entering and exiting the site. Some form of traffic device (e.g. convex traffic mirrors or warning signs) are required to reduce risk for other road users.
- (b) Please note that upon entry and exit into the Lower Ground Level from Clancy Lane, the 6.4m vehicle crosses into the oncoming traffic lane. Although this is only for a brief time, management of the potential hazard should be considered with possible implementation of traffic devices such as convex traffic mirrors, warning signs, etc.
- (c) that vertical clearance is compliant to the requirements stipulated in AS 2890.2
- (d) The signage is to include reference to the 4 m head room.
- (e) Roads and driveways etc are to be rated suitable for 24 tonne trucks
- (f) The applicant must ensure the approved bin collection points for all bins for the whole site are shown on the stamped approved plans with each bin indicated.

- 6.9.2 The waste room must be built without the separation wall to encourage residents to source separate their waste. If the waste room is built in accordance with the approved plans, there will be sufficient space to have the waste and recycling bins within the same room but clearly defined for different waste streams. This is so all residents can access this area for bulky waste disposal.

- 6.9.3 The waste room on the Lower Ground level must be able to accommodate all required waste and recycling bins within the waste room itself. Storage of all bins must be within this area, so that the truck turning areas can be maintained.

- 6.9.4 Access for collection vehicles must be designed in accordance with the dimensions indicated on the approved architectural plans, CAD files and vertical clearances (as per Australian Standards), showing adequate truck entry and exit and in all manoeuvring areas.

- 6.9.5 Access for collection vehicles must be design in accordance with approved architectural plans, CAD files and vertical clearances as per Australian Standards.

- 6.9.6 Applicant is to ensure roads and driveways etc are rated for the proposed 6.4 m long small rigid vehicle. This is the only collection vehicle category permitted onsite as only a 4 m headroom allowance has been provided.

## 6.10 **Waste Collection Area**

- 6.10.1 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.

#### **6.11 Warning Signage – 4m Headroom Allowance**

- 6.11.1 Signage at vehicular entry from Clancy Lane into the waste collection area at the Lower Ground Level is to provide a warning to advise entry into the Lower Ground Level has a limitation on the headroom allowance of 4m which will restrict waste collection vehicles to small rigid vehicles 6.4 m in length, due to the headroom allowance of 4m. A traffic device such as a convex traffic mirror is to be installed in conjunction with these warning signs.

#### **6.12 Amended Waste Management Plan**

- 6.12.1 The applicant must update the waste management plan to include:

That as this site only has a 4m headroom allowance, only small rigid vehicles a maximum 6.4m in length, can service this site. Medium rigid vehicles require a 4.5m clearance so are excluded.

- 6.12.2 The applicant must delete the following from the waste management plan:

Reference to the site being able to accommodate both small and medium rigid vehicles. The proposed 4m headroom allowance does not meet the minimum 4.5m clearance (as per Australian Standards) required for medium rigid vehicles.

#### **6.13 Blacktown Development Control Plan 2015**

- 6.13.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Blacktown Development Control Plan 2015.

#### **6.14 Floor to Ceiling Heights**

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

#### **6.15 Plan Amendments – Window, Screen and Balconies**

- 6.15.1 The window treatment of window of rear units G.01, 1.01, 2.01, 3.01 and 4.01 to be amended to provide for opaque glazing to address privacy and overlooking concerns. The balcony of rear units LG.01, G.01, 1.01, 2.01, 3.01 and 4.01 shall be amended to provide screen with fixed horizontal louvers to address privacy and overlooking concerns. Balconies to be amended to comply with the size requirements of the Apartment Design Guide: Units 1.01, 1.02, 1.11, 2.01, 2.02 and 2.11. Amended details shall be provided to Council and approved prior to the issue of a construction certificate.

### **7 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)**

#### **7.1 Building Code of Australia Compliance**

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

requirements can only be achieved by :

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

## **7.2 Site Works and Drainage**

7.2.1 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:

- (a) be in accordance with Australian Standard 3500.3, and
- (b) provide for drainage discharge to an existing Council drainage system, and
- (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.

7.2.2 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.

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

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

Such details shall accompany the Construction Certificate.

## **7.3 External Onsite Fire Hydrant**

7.3.1 Where any external on-site fire hydrant or hydrant booster assembly is to be located within any building setback from a boundary, the hydrant or booster assembly shall be located or protected in accordance with the requirements of AS 2419.1.

## **7.4 Demolition**

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

7.4.2 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwellings.

## **7.5 BASIX Certificate Compliance**



- 7.5.1 The plans and specifications must indicate compliance with the commitments listed in Basix Certificate No 723829M dated 29 April 2016 as amended shall be complied with.

## **8 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)**

### **8.1 Compliance with Conditions**

- 8.1.1 All conditions in the “Prior to Construction Certificate (Engineering)” Section and the relevant conditions in the “General” Section of this consent, must be complied with prior to the issue of any Construction certificates.
- 8.1.2 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.

### **8.2 Drainage**

- 8.2.1 Where drainage involves the provision of drains across land owned by others evidence of the creation of necessary easements must be submitted to Council for concurrence prior to the issue of a Construction Certificate for engineering works.
- 8.2.2 Where the internal driveway cannot be drained to an internal pit a grated drain shall be provided at the property boundary.

### **8.3 Erosion and Sediment Control**

- 8.3.1 Soil erosion and sediment control measures for road, drainage, On Site Stormwater Detention and earth works shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development. Details are to be included with the plans and specifications to accompany any Construction Certificate.

### **8.4 On-Site Detention**

- 8.4.1 On-site detention systems within private or common courtyard areas shall be designed so they do not impact on the amenity of the development or the use of such areas.
- 8.4.2 A certificate from a Registered Engineer (NPER) to be submitted to Council certifying that the structures associated with the on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- 8.4.3 A certificate from a Professional Civil Engineer/Registered Surveyor must be obtained verifying that the On Site Detention system will function hydraulically in accordance with the requirements of Upper Parramatta River Catchment Trust and Council's current development guide.
- 8.4.4 Any Construction Certificate issued for or including an On-site Stormwater Detention (OSD) System must be accompanied by:
- (a) A Drainage Design Summary Sheet per Appendix B1 of the Upper Parramatta River Catchment Trust Handbook, Version 3.
  - (b) Full drainage calculations and details for all weirs overland flow-paths and diversion/catch drains - including catchment plans and areas, times of concentration and estimated peak run-off volumes.
  - (c) A completed OSD Detailed Design Submission and Checklist per Appendix B9 of the above-mentioned Handbook.

- (d) A complete address of Council's OSD General Guidelines and Checklist requirements.
- (e) A Maintenance Schedule is to be presented with the designer's name, his signature and date on it in accordance with the Upper Parramatta River Catchment Trust handbook guideline. (If an underground tank is involved this must include reference to WorkCover Authority of NSW Occupational Health & Safety Act 1983 and Confined Spaces Regulation.)

## **8.5 Asset Management**

- 8.5.1 A detailed estimate of the cost of civil engineering work must be submitted to Council prior to the issue of the Construction Certificate for engineering works. If engineering works are of a value greater than \$25,000; documentary proof of payment of the levy required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plans either by Council or an appropriately accredited certifier.

## **8.6 Work Adjacent to Easements**

- 8.6.1 Foundations adjacent to easements shall not place a loading on the pipe within the easement. Foundations shall be located at:
  - (a) the depth of the invert of the existing pipeline, and/or
  - (b) the depth of the invert of the proposed pipeline.
- 8.6.2 All development shall be kept clear of the drainage easement(s) on the land, and no alteration to the existing surface levels within the easement(s) is to be made.
- 8.6.3 Pier and beam style construction shall be used adjacent to easements to the depth of the invert of the proposed or existing pipeline. A Registered Engineer (NPER) shall certify that this condition has been satisfied.

## **8.7 Ancillary Works**

- 8.7.1 Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this consent effective. Such works shall include but are not limited to the following:
  - (a) the relocation of underground services where required by the positioning of new drainage and road infrastructure.
  - (b) the relocation of above ground power and telephone services.
  - (c) the matching of new infrastructure into existing or future designed infrastructure.

## **8.8 Scope of Engineering Works**

The following scope of works shall be included in the design documentation accompanying the Construction Certificate for engineering works:

### **8.8.1 Road and Drainage Works**

- 8.8.1.1 Redundant gutter and/or footway crossing(s) must be replaced with integral kerb and gutter. The footway area must be restored by turfing.
- 8.8.1.2 Inter-allotment drainage must be provided where any part of any lot does not drain to a public road. The inter-allotment drainage design must include the disposal of stormwater from upstream properties. Where inter-allotment drainage pipelines

have already been constructed stormwater slope junction connection points are to be provided to serve the proposed lot.

8.8.1.3 Overland flows up to the 1% A.E.P. (100 year Average Recurrence Interval) event must be intercepted at the boundary of the site and conveyed through the site in a piped or channelled discharge system and discharged in a satisfactory manner.

8.8.1.4 Drainage from the site must be connected into Council's existing drainage system.

8.8.1.5 Any drainage currently entering the site is to be collected and conveyed in an approved manner to the nearest appropriate point of discharge.

## 8.8.2 **On Site Stormwater Detention System**

### 8.8.2.1 On-Site Detention

(A) On-site detention of stormwater runoff from the site must be provided to achieve the following nominated minimum site storage capacity and maximum permissible site discharge.

Nominated Minimum Storage: 470 cu.m/ha

Nominated Maximum Discharge: 80 L/s/ha

(B) Council acknowledges the submission of On-site Stormwater Detention concept plan reference No 16289 Sheets Drawing No C201 & C202 Revision 2 file – JRPP-16-03312 encl., 1DD and 1EE. The Construction Certificate issued in this regard must be generally in accordance with this concept plan.

(C) Any variation to the following design parameters of the above mentioned concept plan will require a lodgement of a Section 96 application to Council for amendment of the consent;

- (i) location of storage area
- (ii) alteration of the type of storage - i.e. changing from above ground to below ground storage
- (iii) location of discharge outlet from the system.

(D) Professional accreditation of OSD designers and certifiers must be in accordance with the requirements of the Upper Parramatta River Catchment Trust and Council's Policy.

(E) The concept plan referred to above is for Development Application purposes only and is not to be used for construction.

(F) Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer to be issued with a Construction Certificate under the Environmental Planning and Assessment Act 1979 prior to the commencement of works.

NOTE: Council has preference for a fully above ground On-site Stormwater Detention system. This type of system would significantly reduce confined space issues and may have cost saving advantages in comparison with a below ground system.

## 8.8.3 **Vehicular Crossings**

- 8.8.3.1 Construction of Council's standard residential vehicular footway and gutter (layback) crossing(s) to each of the following nominated lot(s) in accordance with Council's plan A(BS)102S but thickened to 150mm and reinforced with F82 steel reinforcing fabric.

Note: George Street, Seven Hills crossing is to be a minimum of 5.5 metres x 1 metres

- 8.8.3.2 The commercial vehicular crossing at Clancy Lane for short rigid vehicle access is to be constructed in accordance with the commercial and industrial vehicular crossing requirements to Council's Standard A(BS) 103S.

Note: Clancy Lane, Seven Hills crossing is to be a minimum of 8.0 metres x 1 metre.

#### 8.8.4 **Footpaths**

- 8.8.4.1 The footway area being fully turfed in an appropriate manner to be free draining to the street and of neat appearance.

#### 8.8.5 **Stormwater Quality Control**

- 8.8.5.1 Stormwater Treatment Measures for the proposed development shall be designed in accordance with the requirements of Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management. Details are to be included with the plans and specifications accompanying any Construction Certificate application. Any variation to the following nominated plan will require a lodgement of a Section 96 application to Council for amendment of the consent.

- 8.8.5.2 A Maintenance Schedule must be provided for the stormwater treatment measures in accordance with the requirements of Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management. The designer of the stormwater treatment measures must prepare the Maintenance Schedule and this schedule must show the designer's name, signature and date on it.

## 9 **PRIOR TO WORKS COMMENCING**

### 9.1 **Safety/Health/Amenity**

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

Each toilet provided shall be:

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

- 9.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with 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.

9.1.3 Should the development work:

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

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

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

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

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

9.1.5 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.

9.1.6 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 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.

9.1.7 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.

9.1.8 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.

**9.2 Notification to Council**

9.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under 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.

### **9.3 Sydney Water Authorisation**

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

OR

The approved plans are to be submitted to a Sydney Water 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.

### **9.4 Construction Details**

- 9.4.1 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

### **9.5 Use of Crane**

- 9.5.1 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.
- 9.5.2 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.

### **9.6 Dilapidation Report**

- 9.6.1 A dilapidation report is to be undertaken in accordance with the recommendations provided in the Preliminary Geotechnical Investigation and Salinity Assessment, prepared by Environmental Investigations Australia, Report No. E22582 GA\_Rev 1, dated 7 July 2015. A copy of the dilapidation report shall be submitted to Council, and provided to the respective adjoining property owners.

## 10 DURING CONSTRUCTION (BUILDING)

### 10.1 Safety/Health/Amenity

10.1.1 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.

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.

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) 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.

10.1.4 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.

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

10.1.6 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 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.

10.1.7 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.

10.1.8 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.

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

## 10.2 **Building Code of Australia Compliance**

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

## 10.3 **Surveys**

- 10.3.1 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.

## 10.4 **Nuisance Control**

- 10.4.1 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.
- 10.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 10.4.3 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.

## 10.5 **Waste Control**

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

## 10.6 **Construction Inspections**

- 10.6.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

(a) After excavation for, and prior to placement of, any footings; and

(b) Prior to pouring any in-situ reinforced concrete building element; and

(c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and

(d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2, 3 or 4 building); and

(e) Prior to covering any stormwater drainage connections; and

(f) After the building work has been completed and prior to any Occupation Certificate



being issued in relation to the building.

The critical stage inspection “(f)” must be carried out by the Principal 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 DURING CONSTRUCTION (ENGINEERING)**

### **11.1 Notice of Work Commencement**

11.1.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$20,000,000.

11.1.2 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Council's Development Services Engineers.

### **11.2 Service Authority Approvals**

11.2.1 Prior to commencement of construction of footway crossings a clearance shall be obtained from the relevant telecommunications carriers and Integral Energy that all necessary ducts have been provided under the proposed crossing.

### **11.3 Compaction Requirements**

11.3.1 Land shall be filled where necessary. All fill including existing fill shall be compacted in accordance with the Council's "Works Specification - Civil (current version)". A compaction certificate shall be obtained from a Registered Engineer (NPER) verifying that the correct compaction requirements have been met.

11.3.2 Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with the current version of Council's "Works Specification - Civil".

### **11.4 Maintenance of Soil Erosion Measures**

11.4.1 Soil erosion and sediment control measures on site shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.

11.4.2 Re-vegetation must be applied to disturbed areas as soon as practical after completion of earthworks and must be established prior to release of the maintenance security. All open drains must be turfed.

11.4.3 All required soil erosion and sedimentation control measures are to be maintained during the entire construction period until disturbed areas are restored by turning

paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

## **11.5 Filling of Land & Compaction**

- 11.5.1 Land shall be filled where necessary. All fill including existing fill must be compacted in accordance with the Council's "Works Specification - Civil (Current Version)". A compaction certificate is to be obtained from a practising Civil Engineer verifying that the correct compaction requirements have been met.
- 11.5.2 Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with Council's "Works Specification - Civil (Current Version)".
- 11.5.3 Regular wetting down of the site must be undertaken during the course of works being carried out in order to control wind blown dust from the site.
- 11.5.4 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.
- 11.5.5 Trucks transporting fill must have their loads covered
- 11.5.6 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.
- 11.5.7 Site filling and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 11.5.8 Provisions of "Shaker Pads" and wash-down areas for trucks leaving the site details are to be shown on plans.
- 11.5.9 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.
- 11.5.10 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.
- 11.5.11 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.
- 11.5.12 Only clean fill shall be deposited 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.

## **11.8 Inspections of Works**

- 11.8.1 Inspection Compliance Certificates issued by a Registered Engineer (NPER) or Registered Surveyor or Compliance Certificates issued by an accredited certifier, under Part A of Environmental Planning and Assessment Act 1979 as amended, are to be

issued for works covered by the Construction Certificate for engineering works at the completion of the following mandatory inspection stages: -

(i) Soil Erosion and Sediment Control

- (a) Implementation of erosion and sediment control
- (b) Revegetation of disturbed areas
- (c) Construction of major controls (i.e. gabions mattresses shotcreting etc)
- (d) Removal of sediment basins/ fencing etc.
- (e) Internal sediment/ pollution control devices
- (f) Final Inspection

(ii) Traffic Control

- (a) Implementation of traffic control
- (b) Maintenance of traffic control during works
- (c) Removal of traffic control

(iii) Construction of Drainage works (including inter-allotment)

- (a) Pipes before backfilling including trench excavation and bedding
- (b) Sand Backfilling
- (c) Final pipe inspection
- (d) Pit bases and headwall aprons
- (e) Pit Walls/ wingwalls/ headwalls
- (f) Concrete pit tops
- (g) Connection to existing system
- (h) Tailout works
- (i) Final Inspection

(iv) Provision of Street Furniture

- (a) Street Furniture (including street signs guideposts guardrail etc)
- (b) Erection of fencing adjoining public/ drainage reserves

(v) Footpath Works

- (a) Footpath Trimming and/or turfing (to ensure 4% fall)
- (b) Pathway construction (cycle/ link pathways)
- (c) Path-paving construction
- (d) Service Adjustments
- (e) Final Inspection

(vi) Construction of on-site detention system

- (a) Steel and Formwork for tank/ HED control pit
- (b) Completion of HED control pit
- (c) Pit formwork
- (d) Pipes upstream/ downstream of HED control pit before backfilling
- (e) Completion of OSD system

(ix) Traffic Control

- (a) Implementation of traffic control
- (b) Maintenance of traffic control during works

(x) CCTV Inspection of Drainage Structures (pipelines and pits)

(a) All road drainage

(xi) Final overall Inspections

(a) Preliminary overall final inspection

(b) Overall final inspection

ALTERNATIVELY, one comprehensive Inspection Certificate or Compliance certificate may be issued to include all of the above-mentioned stages of construction.

Where Council is appointed as the Principal Certifying Authority for the development (e.g. all Torrens Title subdivisions), only Compliance Certificates issued by accredited certifiers will be accepted at the completion of the above-mentioned stages. Any Compliance Certificate must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction certificate.

- 11.6.2 Inspection of the works required pursuant to the engineering approval issued under the Roads Act 1993 must be made by Council's Development Overseers who can be contacted on 9839 6586 between 7am - 8am and 12.30pm - 1.30pm. A site inspection is required prior to commencement of work. A minimum twenty-four (24) hours notice must be given prior to any required inspection. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

## **11.7 Public Safety**

- 11.7.1 The applicant is advised that all works undertaken in a public place 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.

## **11.8 Site Security**

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

## **11.9 Traffic Control Plan**

- 11.9.2 Where amendments to the approved Traffic Control Plan are required, a new plan shall be prepared and approved prior to implementation. Such plans shall be prepared in strict compliance with the requirements of the current version of Australian Standard 1742.3 (Traffic Control Device for works on Roads) as well as the current version of the RMS Traffic Control at Work Site manual. Any person preparing such Traffic Control plans shall have the relevant RMS accreditation, which must be stated on the submitted plans.

# **12 DURING CONSTRUCTION (PLANNING)**

## **12.1 Environmental Health Matters**

### **12.1.1 Premises Construction**

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

12.1.1.2 All areas potentially contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with and submitted to Council for approval:

- NSW Office of Environment and Heritage's *Guidelines for Consultants Reporting on Contaminated Sites* (2011)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995)
- Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (1992)
- National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013 (No. 1), National Environment Protection Council, 2013.

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

12.1.1.4 The recommendations provided in the Preliminary Geotechnical Investigation and Salinity Assessment, prepared by Environmental Investigations Australia, Report No. E22582 GA\_Rev 1, dated 7 July 2015, shall be implemented.

12.1.1.5 A Construction Environment Management Plan should be in place and must include specific advice on how water treatment and dewatering will be undertaken in accordance with the Blue Book, as well as demonstrating the discharged water complies with ANZECC water quality guidelines.

12.1.1.6 All waste generated on the site during the construction must be classified in accordance with the NSW EPA's *Environmental Guidelines: Assessment, Classification and management of Liquid and Non-Liquid Waste* and disposed of at a facility that may lawfully accept the waste.

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

## 12.2 **Acoustic Requirements**

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

## 12.3 **European Heritage**

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

## 12.4 **Aboriginal Heritage**

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

## 12.5 **Tree Retention**

- 12.5.1 All trees nominated for retention in the Arboricultural Impact Assessment Report, prepared by Redgum Horticultural, dated 26 June 2015, shall be effectively protected against damage for the duration of construction works. The recommendations of the Arboricultural Report are to be implemented prior to construction works commencing.

## 12.6 **Site Contamination**

- 12.6.1 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).

- 12.6.2 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.

## 12.7 **Salinity and Aggressive Soil Management**

- 12.7.1 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.

## 12.8 **Waste Management**

- 12.8.1 The measures outlined in the 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.

## 12.9 **Asbestos**

- 12.9.1 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.

## 12.10 **NSW Local Police Matters**

- 12.10.1 A security guard is to be on site outside business hours including public holidays and weekends, from the day construction commences until completion.
- 12.10.2 It is suggested that suitable traffic control and safety messages be incorporated throughout the construction process to increase safety to motorists and minimise risk.
- 12.10.3 During construction stage, all tools and building materials must be stored in strong rooms with tamper-proof security systems.
- 12.10.4 Lighting should be installed and operated on the grounds during construction.
- 12.10.5 Ambulance, Fire Brigade, and Police must be able to access the site in an emergency.

## 12.11 **Construction Traffic Management Plan**

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

# 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 NSW Land Registry Services.

## 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 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 Engineering Matters**

#### **13.7.1 Dedications**

- 13.7.1.1 Dedication at no cost to Council of 5m x 5m (residential) splay corners on allotments at each street intersection.

#### **13.7.2 Additional Inspections**

- 13.7.2.1 Any additional Council inspection services provided 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.

#### **13.7.3 Fee Payment**

- 13.7.3.1 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.

#### **13.7.4 Final Plans**

- 13.7.4.1 The submission of a final plan of amalgamation, together with 7 exact copies and the appropriate fee. The final plan will not be released until all conditions of this determination have been complied with.
- 13.7.4.2 Where any permanent control marks are placed in accordance with the Survey Practice Regulation 1990 in the preparation of the plan, 2 copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision.

### **13.8 Engineering Matters**

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

- 13.8.1.1 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 13.8.1.2 A Work-As-Executed plan (to a standard suitable for scanning) signed by a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed. Council requires the Work-As-Executed plans to be submitted in both hardcopy and electronically on a CD (in PDF and DWG format). All engineering Work-As-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works. The Work-As-Executed 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 the Upper Parramatta River Catchment Trust or Council.
- 13.8.1.3 A certificate from a Chartered Professional Engineer/Registered Surveyor must be

obtained and submitted to Council verifying that the on-site detention system as constructed will function hydraulically in accordance with the approved design plans.

- 13.8.1.4 A certificate from a Registered Engineer (NPER) must be lodged with Council verifying that the structures associated with the on-site detention systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.

#### **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 NSW Land Registry Services.

- 13.8.2.2 Restrictions and positive covenants must be provided over the on-site detention storage areas and outlet works.

- 13.8.2.3 Restrictions and / or positive covenant must be provided over the overland flow-path.

#### **13.9 External Finishes**

- 13.9.1 The approved development is to be constructed in accordance with the amended schedule of materials, finishes and colours prepared by Urban Link Pty Ltd, Drawing A-6301, entitled Schedule of Colours and Materials, Issue K, dated 26 April 2017.

- 13.9.2 The finishes must also be durable, graffiti and fire resistant and easily cleanable.

#### **13.10 Window Safety Mechanism**

- 13.10.1 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 and Street Number Signage**

- 13.11.1 The letterboxes are to comply with the details submitted as part of the Construction Certificate and must comply with Australia Post's 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 saved on Council's electronic file no. JRPP-16-03312 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.

#### **13.14 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 Communal Open Space and Landscaping**

- 13.15.1 All landscaping, recreation features and furniture, shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.
- 13.15.2 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 13.15.3 All side and rear internal and external boundary fencing is to be a minimum 1.8m high and either lapped and capped timber fencing or colorbond fencing erected on top of approved retaining walls at full cost to the developer. Any proposed fence / side boundary fence / landscape element on either side next to the proposed driveways must not exceed 900mm in height for a length of 2.5m from the property boundary within the property and 2m along the property boundary (see Figure 3.3 AS 2890.1) to ensure safety of pedestrians on footpath.

#### **13.16 Street Tree Planting**

- 13.16.1 The nominated locations for street tree planting must ensure that street tree planting locations for nature strip plantings along the frontage of this development are to have an approximate spacing of 8 metres.
- 13.16.2 During installation of the street trees, the planting of street trees is to ensure street lighting and vehicle sightlines are not impeded.

#### **13.17 Street Tree Bonds and Services and Charges**

- 13.17.1 Prior to the issue of an Occupation Certificate, all required street tree planting and payments of bonds are to be completed to Council's satisfaction.
- 13.17.2 The Applicant is to undertake the planting and maintenance of street tree/s to Council's satisfaction at no cost to Council (making any necessary Applications with Council or obtaining any necessary clearances from relevant Service Authorities), the Applicant is, subject to any alternative arrangements satisfactory to the Council, to lodge a tree bond of \$330.00 per tree and \$136.00 Inspection fee with Council to ensure the health and vigour of the tree/s. The bond shall be returned 12 months after the completion of the development (i.e. issue of final Occupation/Subdivision Certificate) if the trees are in a state of good health and vigour to Council's satisfaction.
- 13.17.3 5 trees @ \$330.00 per tree = \$1,650.00 (refundable)

Furthermore, in accordance with Council's Good and Services schedule further assessment of plans and future site inspection shall be levied by DSU against the Developer for this purpose at a rate of \$195/hr + GST

Investigation of submitted plans

Parks and Tree Maintenance assessment = 2 hours @ \$195/hr = \$390.00.

### 13.18 **Car Parking**

- 13.18.1 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability for residents and their visitors.
- 13.18.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 13.18.3 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
- 13.18.4 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:
- 16 car spaces for visitors (which includes 1 accessible car spaces); and
  - 107 car spaces for the residential units (which includes 9 accessible car spaces).

must be provided on site as shown on the approved plans.

- 13.18.5 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 car parks.
- 13.18.6 Bicycle racks and motorbike spaces are to be provided on site in accordance with the Apartment Design Guide (ADG).
- 13.18.7 The ceiling of each basement car park level is to be painted white to enhance lighting illumination.
- 13.18.8 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 car park vents should be minimised and located at a low level where possible.

### 13.19 **Ancillary Work**

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

### 13.20 **Waste Management**

- 13.20.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 13.20.2 Signage denoting the head room for waste trucks is to be maintained at the entry of the property.

- 13.20.3 The waste room must be built without the separation wall to encourage residents to source separate their waste. If the waste room is built in accordance with the approved plans, there will be sufficient space to have the waste and recycling bins within the same room but clearly defined for different waste streams. This is so all residents can access this area for bulky waste disposal.
- 13.20.4 The waste room on the Lower Ground level must be able to accommodate all required waste and recycling bins within the waste room itself. Storage of all bins must be within this area, so that the truck turning areas can be maintained.
- 13.20.5 Truck turning areas must not be obstructed.
- 13.20.6 A Community Management Agreement/Strata Management Agreement must exist which:
- Indicates a requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan. This includes placement of bins out for collection and their return to the storage areas following servicing.
  - Indicates the responsibility for maintenance of the garbage collection system and bin cleaning, and to ensure waste collection points are clear and unobstructed prior to collection times, including providing access to the loading bay prior to bin servicing.
  - Indicates the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.
  - Clearly outlines the requirement for the building manager to maintain and display consistent signs on all bins and in all communal bin storage areas.
  - Clearly outlines the requirement for the building manager to arrange for the prompt removal of dumped rubbish from the site.
  - Includes the updated (and approved) waste management plan as required under a consent condition for this development.
- 13.21 **BASIX**
- 13.21.1 All commitments listed in BASIX Certificate No 723829M dated 29 April 2016 as amended shall be complied with prior to the issue of an Occupation Certificate for the development.
- 13.22 **Adaptable Housing Units**
- 13.22.1 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.
- 13.23 **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**
- 13.23.1 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.
- 13.24 **Graffiti Management Plan**
- 13.24.1 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.

13.24.2 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.

#### 13.25 **Acoustic verification**

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

#### 13.26 **Total Maintenance Plan**

13.26.1 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.

#### 13.27 **Fire Resistance of External Wall Materials**

13.27.1 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, Building Code of Australia Volume One including, but not limited to A0.2 (a) and (c), A2.2, Part C and Part F.

#### 13.28 **Dilapidation Report**

13.28.1 A follow up report to the dilapidation report is to be undertaken, in regards to works that may be needed, or to advise that no works are required. Where corrective works are required, verification is to be provided to Council that these works have been completed. A copy of the follow up report shall be submitted to Council.

## 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 Environmental Health requirements**

- 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.
- 14.3.3 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 14.3.4 The use of the land is not to interfere with the amenity of the surrounding residential area.
- 14.3.5 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.
- 14.3.6 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.
- 14.3.7 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.
- 14.3.8 The recommendations provided in the acoustic report shall be implemented.
- 14.3.9 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environment Protection Authority's Noise Policy for Industry (2017) and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical

Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.

- 14.3.10 A post commissioning report produced by an acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) within 3-6 months of the proposed development operating to validate the findings of the DA Acoustic Assessment shall be submitted to Council.
- 14.3.11 To minimise the noise impact of the development on the surrounding development, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10pm and 7am.
- 14.3.12 All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

#### **14.4 Landscaping**

- 14.4.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 14.4.2 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.
- 14.4.3 The management of vegetation, gardens, planter boxes, communal areas, BBQ facilities, children's play equipment, etc. is to be incorporated within the future strata management plan once the development is occupied.

#### **14.5 NSW Local Police Matters**

##### **14.5.1 Surveillance:**

Extra consideration should be given to the installation of CCTV surveillance cameras for the development. Particular attention should be given to those areas susceptible to anti-social behaviour and criminal activity. This includes the proposed communal open space area, any common area, driveway, car park and roof top areas. CCTV coverage should capture all of the proposed area. The exterior coverage should capture all entrances and exits and the immediate vicinity of the building.

Closed Circuit Television Systems (CCTV), Management and Operation; should be installed in accordance to AS 48006.1 and Applications Guidelines - AS 4806.2.

The exterior CCTV coverage should capture all entrances and exits and the immediate vicinity of the building.

A key holder should be identified with relevant contact details provided to aid emergency services to gain entry if there are any related issues preventing them from getting immediate access.

By ensuring clear sightlines, the opportunity to commit a crime is decreased.

##### **14.5.2 Lighting:**



14.5.2.1 There is a proven correlation between poor lighting, fear of crime, the avoidance of public places and crime opportunity (Painter, 1997). Good lighting can assist in increasing the usage of an area.

14.5.2.2 A lighting maintenance policy needs to be established for the development.

14.5.2.3 Lighting should be vandal resistant and placed around the perimeter of the property, at all entry/exits points, on footpaths leading to the unit block and also throughout the proposed common areas, particularly the communal open spaces, and driveway. Possible entrapment spots such as the storage units, waste/rubbish bin areas should be lit with vandal-resistant and energy saving lighting.

14.5.2.4 Lighting used in the carpark areas should illuminate continuously in hours of darkness.

14.5.2.5 The ceiling of the car park should be painted white. This will enhance the lighting operating in this space.

14.5.2.6 Pink/blue lighting along driveway to deter person(s) / youth loitering around area. Pink lights installed at the building's frontage. This has been shown to reduce congregation of youth in an area.

#### 14.5.3 Access Control:

The carpark and communal areas (common area) is to be accessed by unit owners/ residents ONLY.

Access to the car park and units should be via a swipe/card/ key system.

#### 14.5.4 Landscaping and Vegetation:

Landscaping and vegetation enhance the natural amenity of any site. It is important, however, to ensure dense foliage and inappropriate planting does not lead to opportunities for concealment. The plants should be low lying shrubs and or grass-like plants that are free from stones and/or rocks at the soil base (eliminating stones used for projectiles). These low lying shrubs and or grass-like plants, should be planted to avoid clumping and to retain sightlines and opportunities for surveillance around the communal areas. The plants proposed should have an appearance of impenetrability and qualities that minimises concealment opportunities.

#### 14.5.5 Territorial Reinforcement:

Territorial reinforcement uses actual and symbolic boundary markers, special legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/should not be and what activities are appropriate.

General comments in design for access control and territorial reinforcement:

- With regard to the proposal, site identification has been addressed. Signs are a good device to supplement and reinforce advice and reduce confusion i.e. direction to buildings, common areas and car park.
- Erect appropriate signage. i.e. 'Trespassers will be prosecuted, surveillance systems operating and security personnel on duty' etc.
- Warning signs - in car park. Signs should be clear and concise displaying the area in which cars should be parked.
- Warning signs- in car park. Signs to be clear and prominent warning people not

to leave valuables in their cars. e.g. 'Lock it or lose it' or 'Don't leave valuables in your vehicle'.

- Increased means of security for letter boxes to deter incidents of mail theft and identification fraud.
- A strong recommendation is advised to alter the proposed mailbox area. Proposal changes to include a segregated mailbox room/foyer area. Deliveries of letter/pamphlets are allowed, however ONLY residents can access the room through a swipe card, pin code entry system. Residents can utilise a key system to then gain access to their personal mail box. CCTV to be installed in the foyer/mail room.

14.5.6 A key holder is to be identified with relevant contact details provided to aid emergency services to gain entry if there are any related issues preventing them from getting immediate access.

14.5.7 Details of the Body Corporate are to be forwarded to NSW Local Police, Blacktown Local Area Command.

14.5.8 A copy of Evacuation Plan for the development is to be forwarded to the NSW Local Police, Blacktown Local Area Command.

14.5.9 CCTV:

Any footage recorded should have the correct time and date, and camera identification must be automatically embedded on all recordings, and be able to be read when the image is played back on a different system without interfering with the view of the target area.

Footage is to be kept and saved for no less than 30 days.

A copy of footage required by police is to be reproduced on compact disk, DVD< USB memory stick.

Immediate access to the CCTV system and the ability to review recordings is to be granted to NSW Police Officers.

Any footage is to be reproduced upon request by any member of the New South Wales Police Force within a reasonable time. A reasonable time is considered to be within 12 hours after being requested.

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

- (a) Granted consent by Council's Notice of Determination, or
- (b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

#### 14.8 **Waste Management**

- 14.8.1 The Owners Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.
- 14.8.2 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 14.8.3 Waste and recycling collections undertaken by private contractor are to be provided by the Owners Corporation.
- 14.8.4 Small rigid vehicles measuring no longer than 6.4m in length, are the only waste vehicle category permitted onsite as the proposed headroom clearance is only 4m.
- 14.8.5 As the development will be serviced by private waste and recycling contractors operating small rigid vehicles measuring no longer than 6.4m in length, residents are unable to access Council's household clean up service, or garbage and recycling service. These must be provided by the Owners Corporation. A Section 88B term of restriction must be listed on the title to this effect and suitably drafted by Council's planning or legal team.
- 14.8.6 The applicant must ensure that the waste rooms accessible by residents contain both waste and recycling bins to encourage source separation.
- 14.8.7 A building manager must be engaged in perpetuity and for the life of the development to:
- Manage bins and bulky waste onsite
  - Clean bins and the waste room(s)
  - Arrange clear access to the waste loading bay on collection day (i.e. remove lockable bollards or open roller doors and boom gates etc), which are in place to protect the truck turning areas on private property from being parked out.
- 14.8.8 Waste storage and collection is to be maintained in accordance with the requirements of **Condition** 13.20 at all times.
- 14.8.9 Warning signage re headroom allowance of 4m and traffic device such as a convex traffic mirror is to be maintained at the entry to the property from Clancy Lane and at the entry into the lower ground level.

#### 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 **Emergency Procedures**

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

#### 14.11 **Lighting and Security**

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

14.12 **Storage**

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