

## Conditions of consent (draft)

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Proposed development</b> | Subdivision into road, road widening, a residue lot and a 4-staged development including the construction of 4 x part 5 / part 6 storey and 1 x 5 storey shop-top housing development comprising 8 retail units at ground level and supermarket at first floor level, 229 residential units above, basement car parking for 479 vehicles, public road construction and private laneways, stormwater drainage, landscaping. |
| <b>Property description</b> | 209 Railway Terrace, Schofields                                                                                                                                                                                                                                                                                                                                                                                            |

### 0 DEFERRED COMMENCEMENT MATTERS

#### 0.1 Necessary plan amendments

0.1.1 This development consent is not to operate until such time as amended plans are submitted addressing the following issues:

- A unit is to be deleted in each of the buildings in order to provide for a common room with an approximate area of 80m<sup>2</sup> in each building for the use of residents. The common room in Building A and Building B should be at podium level adjacent to the common open space areas. In Buildings, C, D and E the common room for each building should be at the first level or podium.
- An amended landscape plan for the ground level is to be submitted which provides for ground finishes of a high quality paved finish for both private laneways and footpaths, differentiating between loading docks, pedestrian areas and vehicular driveways. A raised pedestrian crossing is also to be provided linking the footpath of Buildings A and B to the footpath of Building C.
- A signage plan for the private laneways and footpaths is to be provided for the approval of Council's Traffic Section. The signage plan is to indicate the location of signage to depict and identify shared zones. One-way entry, no entry signage, and exit only signage is to be provided to ensure trucks only enter from Minerva Street and exit along Jerralong Drive, to prevent any trucks entering the site from Jerralong Drive.
- The inclusion of signage on the internal private roads/driveways to ensure these are used for delivery and waste vehicles only.
- The basement parking plan is to be amended to delete a total of 288 spaces being, 259 resident spaces and 29 visitor spaces.
- Amended architectural plans are to be provided that demonstrate that the waste room used for the commercial component of the site is increased to cater for the additional 873m<sup>2</sup> of retail space now proposed under the amended architectural plans lodged on 10/04/19.
- An amended BASIX certificate is to be submitted, to reflect the amendments listed above.

All matters listed above must be submitted within the following nominated period from the date of this consent or this consent shall lapse.

Nominated Period: 24 months

0.1.2 All of the requirements listed in the above condition must be completed within 24 months of the date of this "Deferred Commencement" consent. Should these matters not be completed to Council's satisfaction within this time period, this "Deferred Commencement" consent will lapse.

# 1 **ADVISORY NOTES**

## 1.1 **Terminology**

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

## 1.2 **Scope of Consent**

- 1.2.1 The granting of this consent does not imply or confer compliance with the requirements of the *Disability Discrimination Act 1992*. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.
  - 1.2.2 This development consent is limited to:
    - (a) demolition of concrete footings
    - (b) tree removal
    - (c) subdivision to dedicate a public road (Minerva Street), to dedicate road widening along Railway Terrace, and create 1 development lot
    - (d) four stage development including the construction of 4 x part 5 / part 6 storey and 1 x 5 storey shop-top housing development comprising 8 retail units and a supermarket (2,050 m<sup>2</sup>) at first level, 229 residential units above, basement car parking for a total of 198 commercial vehicles, 234 residential vehicles and 47 visitor spaces, public roads and private laneways, stormwater drainage, landscaping including street tree planting.
  - 1.2.3 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 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
  - 1.3.3 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary activity/development not approved by this consent, including:
    - (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 m 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.

## 1.4 **Services**

### 1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) A recognised energy provider
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

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

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

### 1.4.2 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 (after all other services)**

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

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

## **1.8 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.

## **1.10 Engineering Notes**

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

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

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

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

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

- Works in public areas (i.e. Road Reserve, Public Reserves)

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

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

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

## 1.11 Payment of Engineering Fees

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

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

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

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

## 1.12 Plan of Subdivision

1.12.1 This plan of subdivision is not to be released until Public Road access is provided, and until construction of the widening of Railway Terrace and construction and dedication of Minerva Street is undertaken to the satisfaction of Council.

# 2 GENERAL

## 2.1 Scope of Consent

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

| Drawing No.                                                            | Title                                | Date       | Revision |
|------------------------------------------------------------------------|--------------------------------------|------------|----------|
| <b>Architectural plans prepared by Aleksandar Design Group Pty Ltd</b> |                                      |            |          |
| DA 000                                                                 | Drawing List and Summary of Proposal | 3/04/2019  | I        |
| DA 001                                                                 | Site Analysis and Context Plan       | 17/05/2016 | A        |
| DA 002                                                                 | Site and Roof Plan Building A + B    | 12/12/2018 | F        |
| DA 003                                                                 | Site and Roof Plan Building C, D + E | 12/12/2018 | F        |
| DA 004A                                                                | Site – Concept Subdivision Plan      | 17/10/2019 | A        |
| DA 104                                                                 | Basement 02 Plan Building A + B      | 4/03/2019  | B        |
| DA 105                                                                 | Basement 02 Plan Building C, D + E   | 4/03/2019  | C        |
| DA 106                                                                 | Basement 01 Plan Building A + B      | 4/03/2019  | B        |
| DA 107                                                                 | Basement 01 Plan Building C, D + E   | 4/03/2019  | D        |
| DA 108                                                                 | Ground Floor Plans Building A + B    | 3/04/2019  | K        |

|                                                       |                                                                         |            |   |
|-------------------------------------------------------|-------------------------------------------------------------------------|------------|---|
| DA 109                                                | Ground Floor Plans Building C, D + E                                    | 3/04/2019  | L |
| DA 110                                                | Level 01 Plans Building A + B                                           | 26/03/2019 | G |
| DA 111                                                | Level 01 Plans Building C, D + E                                        | 26/03/2019 | G |
| DA 112a                                               | Level 02 Plans Building A + B                                           | 26/03/2019 | F |
| DA 112b                                               | Level 03 Plans Building A + B                                           | 26/03/2019 | F |
| DA 113                                                | Level 02-03 Plans Building C, D + E                                     | 26/03/2019 | F |
| DA 114                                                | Level 04 Plans Building A + B                                           | 26/03/2019 | F |
| DA 115                                                | Level 04 Plans Building C, D + E                                        | 26/03/2019 | F |
| DA 116                                                | Level 05 Plans Building A + B                                           | 26/03/2019 | F |
| DA 117                                                | Level 05 Plans Building C, D + E                                        | 26/03/2019 | F |
| DA 200                                                | Section A-A                                                             | 12/12/2018 | D |
| DA 201                                                | North Elevations                                                        | 12/12/2018 | D |
| DA 202                                                | East Elevations Building A, B, C, D + E                                 | 12/12/2018 | F |
| DA 203                                                | South Elevations                                                        | 12/12/2018 | D |
| DA 204                                                | West Elevations Building A, B, C, D + E                                 | 12/12/2018 | D |
| DA 205                                                | Finishes Schedule Building A, B + C                                     | 12/12/2018 | B |
| DA 206                                                | Finishes Schedule Building D + E                                        | 12/12/2018 | B |
| DA 207                                                | Façade Section                                                          | 13/06/2017 | B |
| DA 300                                                | GFA Diagrams, Adaptable Apartments                                      | 12/12/2018 | C |
| <b>Landscape plans by Canvas Landscape Architects</b> |                                                                         |            |   |
| DA-L101                                               | Landscape General Arrangement Plan: Ground Floor & Maintenance Schedule | 4/04/2019  | B |
| DA-L102                                               | Landscape Concept Plan: Ground Floor – West                             | 4/04/2019  | B |
| DA-L103                                               | Landscape Concept Plan: Ground Floor – East                             | 4/04/2019  | B |
| DA-L104                                               | Landscape General Arrangement Plan: Level 01 & Typical Details          | 4/04/2019  | B |
| DA-L105                                               | Landscape Concept Plan: Level 01 – Building A, B, & C                   | 4/04/2019  | B |
| DA-L106                                               | Landscape Concept Plan: Level 01 – Building D & E                       | 4/04/2019  | B |
| DA-L107                                               | Landscape Concept Plan: Level 02 – Building A & B                       | 4/04/2019  | B |
| DA-L108                                               | Landscape General Arrangement Plan: Roof Terrace                        | 4/04/2019  | B |
| DA-L109                                               | Landscape Concept Plan: Roof Terrace – Building A, B, & C               | 4/04/2019  | B |
| DA-L110                                               | Landscape Concept Plan: Roof Terrace – Building D & E                   | 4/04/2019  | B |

\* Unless modified by any conditions of this consent, and subject to the plan amendments required by the Deferred Commencement matters.

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

- (a) Demolition of existing structures on site at 209 Railway Terrace, Schofields
- (b) Torrens title subdivision Subdivision of 1 lot to create into 1 lot for development lot and 2 residue lots for public roads

(c) Construction of new public road, ~~Minerva Street~~ and road widening of Railway Terrace, and private laneways

(d) Construction of a:

- 4 x part 5 / part 6 storey and 1 x 5 storey shop-top housing development in 4 stages
- Staging Plan:
  - Stage 1 Buildings A and B;
  - Stage 2 Building C;
  - Stage 3 Building D;
  - Stage 4: Building E
- Supermarket of 2,050 m<sup>2</sup> in area at first floor level within Buildings A and B
- 8 retail units at ground level in Buildings C, D and E
- 229 residential units made up of
  - 34 x 1 bedroom units
  - 182 x 2 bedroom units
  - 13 x 3 bedroom units
- Basement car parking over 2 basement levels comprising:
- Total of 479 car parking spaces, being 234 resident spaces and 47 visitor car parking spaces and 198 car parking spaces for retail. This is to incorporate 10 % accessible car parking spaces for residents, visitors, and retail.
- Waste storage and collection within the ground level
- ~~Tree Private laneways~~
- Stormwater drainage, landscaping, tree removal, ~~and~~ street tree planting, landscaping, stormwater drainage, and other ancillary works to be undertaken as a staged development.

2.1.3 No approval is granted for retail uses within the 8 retail units and the supermarket. Separate development applications are required to be lodged for the retail premises and supermarket approved under this application, for their use, fit-out and operation.-

2.1.4 The subdivision of the site is to be in accordance with Council's drawing Drawing 1, 'Approximate zoning areas, project Lot 14 DP 1203339 No 209 Railway Terrace Schofields NSW', drawn by Blacktown Council dated 9 November 2017, and referenced on Drawing DA 004A Site-Concept Subdivision Plan, dated 17/10/2019, Revision A to create:

- An area of 192.2m<sup>2</sup>, with varying width of 3.82 to 5.13 metres, fronting Railway Terrace, for dedication as road widening, free of cost to Council
- An area of 882.4m<sup>2</sup>, for dedication as public road to be constructed as an extension to Minerva Street free of cost to Council
- Development lot of 10,065.4xxxx m<sup>2</sup> for construction of shop-top housing and private laneways.

## 2.2 Staged Construction

2.2.1 Stages 1-4 construction works are not permitted to be undertaken until Minerva Street has been constructed and dedicated free of cost to Council, and until the widening of Railway Terrace along the western frontage of the development lot has also been constructed and dedicated free of cost to Council via the registration of the subdivision certificate.

2.2.2 The development is permitted to be constructed and occupied in 4 stages, being Stages 1 to 4 as shown on the approved plans.

## 2.3 Services

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

- 2.3.2 The main information technology infrastructure must be provided in all streets and meet NBN Co. requirements.
- 2.4 **Inconsistency between Documents**
- 2.4.1 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.
- 2.5 **Suburb Name**
- 2.5.1 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: Schofields
- 2.5.2 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: Schofields
- 2.6 **Compliance with BASIX Certificate**
- 2.6.1 All commitments listed in BASIX Certificate number 717557M dated 16 June 2016 as amended shall be complied with.
- 2.7 **Other Matters**
- 2.7.1 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.
- 2.7.2 Any future substation or other utility installation, including easement impositions required to service the approved subdivision/development must not under any circumstances be sited on future or existing Council land, including, but not limited to road reservations, drainage land and/or public reserves.
- 2.7.3 Any proposal to locate a proposed substation, easement or other utility installation on Council land must be negotiated with and fully endorsed by the relevant Council Directorates.
- 2.7.4 No filling of the site is permitted and any excavated material is to be removed from the site and disposed of in an approved manner and at a registered tip site.
- 2.7.5 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of the NSW Office of Environment and Heritage DPIE (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.
- 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.
- 2.10 **External Authority – NSW Rural Fire Service – Planning for Bushfire Protection (BFSA)**

- 2.10.1 The general terms of approval for the above Integrated Development in accordance with Section 4.46 and Section 4.47 of the *Environmental Planning and Assessment Act 1979* is provided as follows: The applicant shall comply with all the requirements of the Bush Fire Safety Authority (ref D17/2662 DA17080808625 MA) dated 15 August 2017 issued by NSW Rural Fire Service under Section 100B of the *Rural Fires Act 1997*. This response is to be deemed a bush fire safety authority as required under Section 100B of the *Rural Fires Act 1997* and is issued subject to the following numbered conditions:

**1. Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

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

**2. Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

**3. Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

New construction for Buildings C, D and E shall comply with sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

**4. Landscaping**

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

**2.11 External Authority – Water NSW – Aquifer Interference Activity – General Terms of Approval**

**2.11.1 General**

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
3. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:

- a. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
  - b. any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
  - c. where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
- 4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
- 5. Documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process must be provided. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

#### **Prior to excavation**

- 6. The following shall be included in the initial report:
  - a. measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
  - b. a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
  - c. details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
  - d. a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [Note that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.]
- 7. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
- 8. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial

report.

9. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
10. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).
11. A copy of a valid consent for the development shall be provided in the initial report.
12. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
13. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

### **During excavation**

14. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
15. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
16. Measurement and monitoring arrangements to the satisfaction of the approval body are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
17. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
18. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
19. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
20. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the approval body under appropriate safety procedures.

### **Following excavation**

21. Following cessation of the dewatering operations, the applicant shall submit the completion report which shall include:
  - a. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
  - b. a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and

- c. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
22. The completion report is to be assessed by the approval body prior to any certifying agency's approval for occupation or use of the completed construction.

**2.12 Recreation Planning and Design Requirements for adjoining RE1 Public Recreation zoned land**

- 2.12.1 The Applicant shall provide wire mesh fencing at the eastern perimeter of the site adjacent to the RE1 Public Recreation zoned land fronting future Minerva Street to protect the RE1 land from illegal dumping and trespasses, to ensure it is free from contamination and rubbish. This is to be in accordance with Council's Local Approvals policy.

**2.13 Engineering Matters**

**2.13.1 Design and Works Specification**

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

Blacktown City Council's Works Specification - Civil (Current Version)

(a) Blacktown City Council's Engineering Guide for Development (Current Version)

(b) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management

(c) Blacktown City Council Growth Centre Precincts Development Control Plan

(d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)

(e) Blacktown City Council On Site Detention General Guidelines and Checklist

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

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

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

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

- Path Paving construction
- Final Layer Asphaltic Concrete (AC) construction
- Maintenance of the construction works

These matters will be individually addressed within the consent

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

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

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

## **2.13.2 Other Necessary Approvals**

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

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

## **2.13.3 Subdivision**

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

## **2.14 Signage including Warning Signage**

2.14.1 Entrance/exit points are to be clearly signposted and visible from each street entry into the development. Details are to be submitted with the application for Construction Certificate.

## **2.15 Other Matters**

2.15.1 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.

2.15.2 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.

# **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.
- (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
  - (b) Connected:
    - (i) To a public sewer
    - (ii) If connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council
    - (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 Notice of Demolition Works**
- 3.3.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 2 days prior to the intended work and include the following information:
- Date/s, hours and duration of the works
  - Contact name and phone number of the applicant
  - Contact name and phone number of the licensed demolisher
  - WorkCover NSW contact number 131050, and email address [contact@workcover.nsw.gov.au](mailto:contact@workcover.nsw.gov.au)

## **4 DURING DEMOLITION WORKS**

### **4.1 Safety/Health/Amenity**

- 4.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the works
- 'DANGER - DEMOLITION IN PROGRESS', or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 4.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 4.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 4.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 4.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 4.1.6 Any excavation and/or backfilling associated with the demolition works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 4.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos'

- National Occupational Health and Safety Commission:2002 (if applicable)

- 4.1.8 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 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 4.1.11 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
- 4.1.12 Should any excavation associated with the demolition works extend below the level of the base of the footings of a building on an 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.
  - (b) If necessary, must underpin and support the building in an approved manner.
  - (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.

- 4.1.13 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.
- 4.1.14 The demolisher has an obligation to ensure that the adjoining buildings and property 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 am and 6 pm, Monday to Friday, and 8 am to 1 pm, 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.

#### **4.3 Tree Protection**

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

#### **4.4 Contamination and Remediation**

- 4.4.1 The recommendations in the *Stage 2 – Contamination Assessment for 209 Railway Terrace, Schofields*, prepared by Sullivan Environmental Sciences Pty Ltd, dated 23

January 2017, prepared for Statewide Planning Pty Ltd, shall be implemented.

- 4.4.2 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 submitted to Council for approval and carried out in accordance with the following:
- NSW Office of Environment and Heritage DPIE'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.
- 4.4.3 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).'

## **5 COMPLETION OF DEMOLITION WORKS**

### **5.1 Final Inspection**

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

### **5.2 Hazardous Materials and Waste**

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

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

### **6.1 DA Plan Consistency**

- 6.1.1 A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.
- 6.1.2 No construction certificate for building works for each relevant stage is to be released until all civil works related to roads and drainage within the road reserve for the relevant stage have been completed and sign-off received from the PCA.

### **6.2 Aboriginal Heritage Matters**

- 6.2.1 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 DPIE 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 DPIE is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

### 6.3 **Street Tree Planting**

6.3.1 An amended landscape plan is to be submitted to include the following streetscape changes - street tree plan:

- Nomination of species for each street; Minerva Street and Railway Terrace to be *Angophora floribunda* and Jerralong Drive to be *Tristaniopsis Laurina*. A container size of no less than 100 Litre is to be used.
- Additional street trees at spacings of no greater than 8 metres, taking into account vehicle sight lines and street light spill.
- The street trees planting and maintenance detail must be included in the revised plan and this should detail the street tree pit detail along with the type of root control device to be utilised and the porous paving finish and this should meet BCC standard street tree pit specifications.
- The applicant is to submit a separate application for the removal of the existing street trees along Jerralong Drive.

NOTE: Any tree planting to be undertaken as part of the approved development shall be available to Council for inclusion in future carbon sequestration programs.

Landscaping to lot boundaries is to be wholly located within private property and not encroach upon the road reserve.

Street tree planting must not interfere with the street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting.

This information must be received before a construction certificate can be issued.

### 6.4 **Blacktown Growth Centres Development Control Plan 2018**

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

### 6.5 **Construction Traffic Management Plan**

6.5.1 A Construction Traffic Management Plans (CTMP) must be prepared for the development by a suitably qualified person prior to the release of the Construction Certificate. The CTMP must detail construction vehicle routes, parking, number of trucks, hours of access, hours of operation, access arrangements, road safety and traffic control methods. This is to be submitted to Council prior to the issue of any Construction Certificate.

### 6.6 **Construction Environmental Management Plan**

6.6.1 A Construction Environmental Management Plan (CEMP) is to be submitted to Council prior to the issue of any Construction Certificate as required by clause 3.3 Construction Environmental Management of the Growth Centres Precincts DCP 2016.

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

The CEMP is to include measures to ensure minimal disturbance is caused to

neighbours, including dust management measures.

The CEMP is to demonstrate how the adjoining site to the east zoned RE1 Public Recreation is protected from impacts from construction activities and access undertaken on the site.

## **6.7 Environmental Health Management**

6.7.1 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;

- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (1997)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995).
- Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (1992).

6.7.2 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.

6.7.3 Plans and specifications submitted for issue of a Construction Certificate shall demonstrate compliance with the requirements of:

- Food Act 2003 and Regulations there under.
- Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.

6.7.4 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 the noise emitted does not exceed a project amenity/intrusiveness noise level determined in accordance with the NSW EPA Noise Policy for Industry (NPI).

## **6.8 Local Police Matters**

6.8.1 The recommendations of the Local Police in their correspondence dated 24 October 2019 are to be incorporated into the Construction Certificate documentation with regard to providing secure access points, mail box facilities, CCTV cameras, graffiti resistant coating of materials at the ground level, a lighting plan and a security plan.

## **6.9 NSW Rural Fire Service Matters**

6.9.1 The general terms of approval provided by NSW Rural Fire Service in their correspondence dated 15 August 2017 (ref D17/2662 DA17080808625 MA) are to be adhered to.

## **6.10 Water NSW Matters**

6.10.1 The general terms of approval provided by Water NSW – Aquifer Interference Activity – dated 15 November 2016 are to be adhered to.

## **6.11 Roads and Maritime Services**

6.11.1 The Applicant shall contact Roads and Maritime Services regarding arrangements for the signalised intersection proposed for development under Section 87(4) of the *Roads Act 1993*. Written evidence of such arrangements having been made is to be submitted with, or prior to, the issue of any Construction Certificate.

6.11.2 A Construction Certificate is not permitted to be issued unless written evidence from Roads and Maritime Services has been obtained as required under Section 87(4) of the *Roads Act 1993* for the traffic signalised intersection proposed for this development.

## 6.12 Sydney Trains - Requirements

- 6.12.1 An acoustic assessment report is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "*Development near Rail Corridors and Busy Roads - Interim Guidelines*."
- 6.12.2 Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

## 6.13 Waste Matters

- 6.13.1 Amended plans are to be provided to address the potential safety issue raised by Council's external consultant regarding waste trucks reversing to avoid obstructions to other driveway users. It was noted that the vehicle will be required to travel past and then reverse back into the loading area. AutoCAD files are to be provided that demonstrate that the vehicle is straight and no obstructing other vehicles. This is required to demonstrate that the proposed truck access point to the site which has been changed to Minerva Street can provide for safe ingress and egress.

An amended waste management plan is to be provided to address the waste and recycling generation rates and associated waste storage areas required by the retail and commercial spaces, under the amended application.

- 6.13.2 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction. Entry is from Minerva Street only, and exit along Jerralong Drive.
- 6.13.3 The applicant is to provide suitable signage and line marking around the loading bay areas to prevent unauthorised parking. Truck turning areas must be maintained.
- 6.13.4 Access for collection vehicles is to be built in accordance with the dimensions indicated on the approved architectural plans and vertical cross-section plans (demonstrating compliance with Australian Standards for headroom allowances) showing adequate truck entry and exit and in all manoeuvring areas.
- 6.13.5 The applicant is to ensure that roads and driveways, etc., are rated for the proposed 19 metre long heavy rigid vehicle.

## 6.14 Adjoining Owners Consent

- 6.14.1 Written owner's consent is to be submitted to Council from all affected property owners should the development impact upon any neighbouring property as a result of any construction and development works including site preparation works, battering, road construction, infrastructure and services, under-pinning, footings, fencing, etc.

# 7 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

## 7.1 Section 7.11 Contributions

- 7.1.1 The following monetary contributions under Section 7.11 of the *Environmental Planning and Assessment Act 1979* must be paid. The amounts below are the base amounts as at June 2015. 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) either by Council or any accredited certifier, whichever occurs first.

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

| Contribution Item                 | Base Amount  | Relevant C.P |
|-----------------------------------|--------------|--------------|
| Stormwater Quantity Eastern Creek | \$ 692,575   | 20           |
| Stormwater Quality Eastern Creek  | \$ 29,559    | 20           |
| Traffic Management                | \$ 200,723   | 20           |
| Open Space                        | \$ 2,965,816 | 20           |
| Community Facilities              | \$ 40,061    | 20           |
| E2 Conservation Zone              | \$ 127,775   | 20           |

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):

Section 7.11 CP No. 20 – Riverstone and Alex Avenue Precincts.

The Section 7.11 (formerly 94) contribution(s) have been based on the total developable area of 1.114 hectares. 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 (formerly 94) contribution(s) will be adjusted accordingly.

## 7.2 Special Infrastructure Contributions

- 7.2.1 The Applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the *Environmental Planning and Assessment Act 1979* under Section 7.23 of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Environment before a Subdivision Certificate is issued in relation to any part of the development to which this consent relates.

Information about the special infrastructure contribution can be found on the Department of Planning and Environment's website:

<https://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding/Special-Infrastructure-Contributions-SIC>

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

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

## 7.4 Aesthetics Materials and Finishes

- 7.4.1 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20% and must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.
- 7.4.2 Any bathroom, wc or laundry window in the external walls of the buildings fitted with translucent glazing.
- 7.4.3 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the photomontage and the external material and finishes schedule submitted with the application. Building materials and finishes are to be finished with an anti-graffiti coating. Details of these building materials and finishes,

including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans. 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) Regulation 2018* and *State Environmental Planning Policy Amendment (Exempt Development – Cladding and Decorative Work) 2018* which commenced on 22 October 2018.

- 7.4.4 The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. 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.
- 7.4.5 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.
- 7.4.6 Windows in the residential apartments from the first floor level through to the top floor level are to be fitted with a child safety mechanism to prevent accidental falls out of windows by persons such as children. Details of such safety mechanisms shall be shown on the Construction Certificate plans and provided to the principal certifying authority/principal certifier.

## **7.5 Landscaping**

- 7.5.1 All common areas shall be of high quality and detailed on the landscaping design plans as part of the Construction Certificate. The minimum pot sizes are to be 45 litres for medium sized plants and 100 litres for trees. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage to provide a suitable alternative to deep soil zones in this development. Indigenous species from the area are encouraged for all landscape plantings. Details are to be shown on the Building Construction plans.
- 7.5.2 All landscaping, lawn areas, recreation features and furniture, BBQ facilities, pathways, ramps and safety fencing/measures shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate.

## **7.6 Fencing and Retaining Structures**

- 7.6.1 All retaining walls/structures shall be of masonry construction (i.e. no timber walls).
- 7.6.2 With regard to the treatment of any front fences or walls at the ground level which is in the vicinity of the public domain / public footway, appropriate measures are to be in place to deter the potential for graffiti on these front fences or walls, such as landscaping which limits access to these front fences or walls, or a varied finish to these front fences / walls and with an anti-graffiti finish. These details are to be shown on the construction certificate plans to the satisfaction of the Certifying Authority.

## **7.7 Access/Parking**

- 7.7.1 479 basement car parking spaces are required to be provided on site, being 234 resident spaces and 47 visitor car parking spaces and 198 car parking spaces for retail uses. This is to include a provision of 10 % of the total being provided as accessible car parking spaces.
  - An electric charging station within the carparking area of each building is to be provided for use of electric vehicles.
- 7.7.2 The internal driveway, resident and visitor car parking spaces are to be designed in accordance with Australian Standard 2890.1, including internal clear dimensions of car parking spaces.
- 7.7.3 Provision for adequate sight distance is to be provided for both pedestrian and vehicular

movement at the proposed private laneways in accordance with Section 3.2.4 AS 2890.1 and Figure 3.2 of AS 2890.1 to ensure safety of pedestrians on the footpath system and motor vehicles and bicycles along the new private laneways.

- 7.7.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.
- 7.7.5 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network.
- 7.7.6 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 7.7.7 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.
- 7.7.8 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.
- 7.7.9 A roller shutter and card-key system is to be installed at the entry/exit points of the basement car park, and boom gates are to be installed at all locations within the car park, to separate the residential secured parking from the visitor and commercial car parking.
- 7.7.10 The basement resident storage areas are to be provided with quality doors/cages and lock sets to restrict unauthorised access and all to be situated behind the boom gates in the secured residential parking areas only.
- 7.7.11 The loading dock and areas within the bin storage rooms and bulky waste storage area that are unsafe for children to access are to be provided with lock sets to restrict unauthorised access.

## **7.8 Adaptable Housing Units**

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

## **7.9 Floor to Ceiling Heights**

- 7.9.1 All residential habitable rooms are to have a minimum floor to ceiling height of 2.7 m. Service bulkheads shall not be greater than 500 mm wide and shall not project more than 200 mm below the ceiling. A minimum 2.5 m floor to ceiling height is to be provided below bulkheads in habitable rooms. Service bulkheads are not to be positioned in areas that conflict with occupant circulation in the apartment, i.e. across doorways or open living areas.

## **7.10 Services, Plant and Equipment**

- 7.10.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the streetscape presentation, apartments and communal open space areas with regard to visual, acoustic and odour impacts.
- 7.10.2 The garbage and recycling storage 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.
- 7.10.3 A 'Notification of Arrangement' Certificate is to be obtained from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.

## **7.11 SEPP Infrastructure 2007 Requirements – Acoustic Report**

- 7.11.1 An Acoustic Report prepared by an appropriately qualified acoustic consultant is to be provided to the satisfaction of Council which provides recommendations for the approved development to meet the noise criteria requirements of Clause 87 of the State Environmental Planning Policy (Infrastructure) 2007, to ensure that residential development meets the interior noise levels required under Clause 87 of SEPP (Infrastructure) 2007. This is to include written evidence stating that all plant and equipment have been selected to meet the project noise criteria.
- 7.11.2 The Acoustic Report must certify that the buildings have been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

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

## 8 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

### 8.1 Building Code of Australia Compliance

- 8.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by :
- (a) Complying with the deemed to satisfy provisions, or
  - (b) Formulating an alternative solution which :
    - (i) complies with the performance requirements, or
    - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
    - (iii) A combination of (a) and (b).

### 8.2 Site Works and Drainage

- 8.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 8.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:
- (a) be in accordance with Australian Standard 3500.3, and
  - (b) provide for drainage discharge to an existing Council drainage system, and
  - (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.
- 8.2.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.
- 8.2.4 Should any proposed excavation associated with the development extend below the

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

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

Such details shall accompany the Construction Certificate.

### 8.3 Fire Services

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

### 8.4 Internal Works

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

### 8.5 BASIX Certificate Compliance

- 8.5.1 The plans and specifications must indicate compliance with the commitments listed in BASIX Certificate Number 717557M as amended dated 16 June 2016.

## 9 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

### 9.1 General

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

| Prepared By     | Project No. | Drawing No. | Revision | Dated      |
|-----------------|-------------|-------------|----------|------------|
| ABC Consultants | 15157       | C00.01      | C        | 04.04.2019 |
|                 |             | C01.01      |          |            |
|                 |             | C02.01      |          |            |
|                 |             | C02.02      |          |            |
|                 |             | C03.01      |          |            |
|                 |             | C03.02      |          |            |
|                 |             | C04.01      |          |            |
|                 |             | C04.02      |          |            |
|                 |             | C05.01      | F        |            |
|                 |             | C05.02      | F        |            |

|  |  |         |   |            |
|--|--|---------|---|------------|
|  |  | C05.11  | B |            |
|  |  | C11.01  | C |            |
|  |  | C11.02  |   |            |
|  |  | C100.01 | A | 27.11.2017 |
|  |  | C100.02 |   |            |
|  |  | C100.03 |   |            |
|  |  | C100.04 |   |            |
|  |  | C100.05 |   |            |
|  |  | C100.06 |   |            |
|  |  | C100.07 |   |            |

The following items are required to be addressed within the design prior to the issue of a Construction Certificate:

- i. The 2.0m verge on the Eastern side of Minerva Street shall have a reverse crossfall of -3% between the back of kerb and the boundary. A batter with a maximum grade of 1V:4H shall be implemented to match the existing level, which may require some works within the adjoining lot (owned by Blacktown City Council). These works must not compromise the structural integrity or public safety of the existing headwall within Lot 13 in DP 1203330.

9.1.4 SPECIAL: There shall be no building construction certificate approved and issued until all civil works are completed under the abovementioned plans and compliance has been finalised by the appointed Principal Certifying Authority for the works.

## 9.2 Construction Certificate Requirements

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

- Road and drainage construction
- Water quality treatment
- Earthworks
- Path Paving

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

## 9.3 Local Government Act Requirements

9.3.1 Under Section 68 of the *Local Government Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Any works within a Council Reserve

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

## 9.4 Roads Act Requirements

9.4.1 Under Section 138 of the *Roads Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Kerb inlet pit connections or construction
- Vehicular crossings
- The construction of Railway Terrace fronting the site

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

## 9.5 Other Engineering Requirements

- 9.5.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater then a long service levy payment is required. Provide proof of this payment to Council.
- 9.5.2 Any ancillary works undertaken shall be at no cost to Council.
- 9.5.3 Submit written permission from the affected property owner for any works proposed on adjoining land.
- 9.5.4 All street name poles, light poles and bus shelters shall be black powder coated in accordance with Blacktown City Council's Engineering Guide for Development. Ensure this is noted on the construction plans.
- 9.5.5 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

## 9.6 Roads

- 9.6.1 Submit a pavement report prepared and designed by a professional civil engineer with soil tests carried out by a registered NATA soils laboratory. The pavement design shall withstand the traffic loadings listed in this consent.
- 9.6.2 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer.
- 9.6.3 Any approved design drawings must show an appropriate splay for a commercial allotment at each street intersection.
- 9.6.4 The proposed extension of Minerva Street shall be designed and constructed as follows, to be consistent with the existing portion of that road, and dedicated free of cost to Council:

| Name       | Width (m) | Approximate Length (m) | Formation (m)     | Traffic Loading N(E.S.A) |
|------------|-----------|------------------------|-------------------|--------------------------|
| Minerva St | 21.65     | 44                     | 5.25 – 14.4 – 2.0 | 2 x 10 <sup>6</sup>      |

- 9.6.5 The portion of Railway Terrace road widening fronting the site shall be designed and constructed in accordance with designs developed by Blacktown City Council's Design Team, including within the area designated for road widening along the western boundary of the site and dedicated free of cost to Council.

Blacktown City Council may grant provision for a Construction Certificate to be issued prior to the issue of an approval under the *Roads Act 1993*, which will only be valid in the form of confirmation received from Council's Coordinator of Engineering Approvals. It may be possible to arrange payment to Council to construct the works in lieu of the developer, which will require similar approval through Council and negotiation of the appropriate fees.

## 9.7 Drainage

- 9.7.1 Drainage from the site shall be connected into Council's existing drainage system. In this regard it is required to connect the drainage pipe for the building works into an existing Council kerb inlet pit in Jerralong Drive. Evidence using appropriate calculations must be provided to demonstrate that the capacity of the exiting road pipework is satisfactory for this connection.
- 9.7.2 Any overland or stormwater flows must be intercepted at the property boundary,

conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

- 9.7.3 Where the internal driveway cannot be drained to an internal pit a grated trench drain shall be provided at the property boundary.

## 9.8 Erosion and Sediment Control

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

## 9.9 Earthworks

- 9.9.1 All batters are to be stabilised with topsoil, turf and vegetation. Batters that exceed a grade of 1V:5H are to be structurally certified by a registered engineer (NER).
- 9.9.2 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb, unless otherwise noted in this consent.
- 9.9.3 Retaining walls shall be a maximum single height of 1.2m (600mm cut + 600mm fill). Where a retaining wall is proposed that is more than 1.2m in height, a terraced solution shall be provided. Terraces should not exceed 900mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.

## 9.10 Stormwater Quality Control

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

## 9.11 Vehicular Crossings

- 9.11.1 Construct all vehicular crossings to Council's standard A(BS)103S.

## 9.12 Footpaths

- 9.12.1 Path paving is to be constructed and dedicated free of cost to Council, generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2018 and as follows:

| Street Name | Side    | Paving Width | Length      |
|-------------|---------|--------------|-------------|
| Minerva St  | Western | 1.5m         | Full length |

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

# 10 PRIOR TO DEVELOPMENT WORKS

## 10.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

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

This condition does not apply to:

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

10.1.3 Should the development work:

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

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

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

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

10.1.4 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 and maintained.

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

10.1.6 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.

10.1.7 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural

design details accompanying the Construction Certificate, and

- (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

## 10.2 Notification to Council

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

## 10.3 Home Building Act

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

(a) in the case of work for which a principal contractor is required to be appointed:

- (i) the name and licence number of the principal contractor, and
- (ii) the NSW Home Building Compensation Fund "Statement of Cover" under Part 6 of that Act,

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

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

## 10.4 Sydney Water Authorisation

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

OR

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

## 10.5 Construction Details

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

### Nominated Component

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

- (g) Structural steelwork
- (h) Retaining walls

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

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

#### **10.7 Protection of Fauna**

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

#### **10.8 Dilapidation Report**

- 10.8.1 A dilapidation report is to be undertaken and submitted to Council, and provided to the respective adjoining property owners.

### **11 DURING CONSTRUCTION (BUILDING)**

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

- 11.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 11.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

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

- 11.1.3 Should the development work:

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

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

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

- 11.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 11.1.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.

- 11.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 11.1.7 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
  - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 11.1.8 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.
- 11.2 Building Code of Australia Compliance**
- 11.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 11.3 Surveys**
- 11.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.
- 11.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.
- 11.4 Nuisance Control**
- 11.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the *Protection of the Environment Operations Act 1997*.
- 11.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 11.5 Stormwater Drainage**
- 11.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:
- (a) the floor level being a minimum 225mm above the adjoining finished ground level, and/or
  - (b) being drained to an effective drainage system.
- 11.6 Waste Control**
- 11.6.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.
- 11.7 Construction Inspections**
- 11.7.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage

inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

- (a) After excavation for, and prior to placement of, any footings; and
- (b) Prior to pouring any in-situ reinforced concrete building element; and
- (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
- (e) Prior to covering any stormwater drainage connections; and
- (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection “(f)” must be carried out by the Principal Certifying Authority.

Any inspection conducted by an accredited other than the nominated PCA for the project must be verified by way of a Compliance Certificate issued for the relevant works.

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

## **12 DURING CONSTRUCTION (ENGINEERING)**

### **12.1 Notification of Works**

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

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

### **12.2 Insurances**

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

### **12.3 Service Authority Approvals**

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

### **12.4 Boundary Levels**

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

### **12.5 Soil Erosion and Sediment Control Measures**

12.5.1 Soil erosion and sediment control measures onsite shall be implemented, maintained

and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.

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

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

## **12.6 Filling of Land and Compaction Requirements**

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

## **12.7 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979**

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

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

## **12.8 Inspection of Engineering Works - Roads Act 1993**

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

Inspections must be pre-booked with a minimum twenty-four (24) hours' notice. Council's Development Overseers may be contacted on 02 9839 6586 between 7am - 8am and 12.30pm - 1.30pm, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

## **12.9 Public Safety**

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

## **12.10 Site Security**

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

## **12.11 Traffic Control**

12.11.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited

work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.

- 12.11.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.
- 12.11.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 12.11.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified RMS accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2002.
- 12.11.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 – 2002 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

## **12.12 Powder Coated Furniture**

- 12.12.1 Where the conditions of this consent permit the installation of powder coated furniture (i.e. street lighting poles, bus shelters, rubbish bins, seats or any other items of street furniture), a certificate from the manufacturers shall be provided to Council confirming that the nominated powder coated items have been prepared and coated in accordance with Australian Standard AS/NZ 4506-2005 (service condition category 3). This certificate must be no more than 3 months old and shall be provided to Council prior to the installation of the relevant items of the street furniture. Any items of street furniture not so certified shall be removed and replaced at no cost to Council with items appropriately certified.

## **13 DURING CONSTRUCTION (GENERAL)**

### **13.1 Environmental Health**

- 13.1.1 The recommendations provided in the Acoustic Assessment shall be implemented.
- 13.1.2 On completion of the installation of the ventilation system, a Compliance Certificate is to be submitted to Council certifying that the system has been installed and commissioned in accordance with the approved details.
- 13.1.3 The recommendations provided in the Report on Geotechnical Site Investigation prepared by Crozier Geotechnical Consultants, dated March 2016, shall be implemented.
- 13.1.4 The recommendations provided in the *Phase 2 Contamination Assessment for 209 Railway Terrace, Schofields*, prepared by Sullivan Environmental Sciences Pty Ltd, dated 23 January 2017, shall be implemented.
- 13.1.5 The food preparation areas shall be constructed so as to comply with the requirements of:
  - The Food Act 2003 and Regulations there under.
  - Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
  - Australian Standard 1668.2-2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.

### **13.2 Premises Construction**

- 13.2.1 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.
- 13.2.2 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.
- 13.2.3 A Construction Environment Management Plan should be in place and must include specific advice on how water treatment and dewatering will be undertaken in accordance with the Blue Book, as well as demonstrating the discharged water complies with ANZECC water quality guidelines.
- 13.2.4 When basins are required to be pumped out, the necessary dosing must occur within 24 hours of the conclusion of each storm event and the basin must be drained within 36 to 48 hours if gypsum is used.
- 13.2.5 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.
- 13.2.6 Council's Environmental Health Section must be notified prior to 4pm on the business day prior to any controlled discharge from any temporary drainage basin outside of standard business hours (9am to 5pm, Monday to Friday), or, 1 hour prior to any controlled discharge from any temporary drainage basin during standard business hours.
- 13.2.7 Any water discharging from the premises is to be sampled at 30 minute intervals from the discharge point for the entire period that water is leaving the site.
- 13.2.8 If any sample is recorded above the parameters in the plan, the discharge will need to cease immediately and Council's Environmental Health Section must be notified by telephone at the time of detection and followed up in writing.
- 13.2.9 If no adverse results are identified that require immediate notification the results must still be submitted to Council's Environmental Health Section at the completion of the required controlled discharges.

### **13.3 External Authority – Water NSW – Aquifer Interference Activity – General Terms of Approval**

- 13.3.1 Following excavation works and cessation of the dewatering operations, the applicant shall submit the completion report which shall include:
  - (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
  - (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
  - (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

The completion report is to be assessed by the approval body prior to any certifying agency's approval for occupation or use of the completed construction.

### **13.4 Aboriginal Heritage Matters**

- 13.4.1 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 DPIE 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 DPIE is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

### **13.5 European Heritage**

- 13.5.1 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 DPIE shall be notified immediately in accordance with Section 146 of the *Heritage Act 1977*. Relevant works shall not recommence until written authorisation from the NSW Office of Environment and Heritage DPIE is issued.

### **13.6 Local Police Matters**

- 13.6.1 The recommendations of the Local Police in their correspondence dated 24 October 2019 are to be implemented during works with regard to ensuring safety and security is provided to residents and users of the development to provide a secure site.

### **13.7 Construction Traffic Management Plan**

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

### **13.8 Hours of Construction**

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

### **13.9 Recreation Planning and Design Requirements – RE1 land adjoining**

- 13.9.1 The Applicant shall adhere to the requirements of Condition 2.13 at all times to ensure that the RE1 Public Recreation zoned land east of the site is kept free from contamination and rubbish.

### **13.10 European Heritage Matters**

- 13.10.1 An unexpected finds protocol in the event that items with European archaeological potential are discovered, is to be implemented as follows:
- (a) where a potential historic heritage item is found during the works, all works within the vicinity of the item, or with the potential to impact the item should cease and a temporary exclusion zone established;
  - (b) an appropriate qualified heritage consultant should examine the item to assess its significance and further archaeological potential; and
  - (c) where a relic is found, the NSW Office of Environment and Heritage DPIE should be notified and approval as required be obtained prior to the continuation of the works.

### **13.11 Common Room in each Building**

- 13.11.1 Compliance with the revised building plans to ensure the inclusion of the common room in each building.

### **13.12 Amended Landscape Works**

- 13.12.1 Landscape works are to be undertaken in accordance with the amended landscape plans.

### **13.13 Pavement Treatment**

- 13.13.1 Compliance with the approved pavement treatment plans during the construction

phase of each respective stage of work.

## **14 PRIOR TO SUBDIVISION CERTIFICATE**

### **14.1 Street Tree Planting**

- 14.1.1 The applicant is to undertake street tree planting and maintenance along the frontage of the development site to improve the amenity of the streetscape must be approved before a Subdivision Certificate is issued.
- 14.1.2 The number of trees should equal the number lots/dwellings with street frontage. However, corner lots require 1 tree for the primary frontage and 2 trees on the side frontage. In the case of Industrial, commercial developments and medium and high density residential developments trees are to be planted at a minimum spacing of approximately 8 metres, taking into account vehicle sightlines and street light spill.
- 14.1.3 Additional trees may be requested following assessment of the subdivision configuration.
- 14.1.4 Trees must be of a minimum container size of 100 litres of with root directors for commercial developments.
- 14.1.5 The applicant must obtain clearances from relevant service authorities.
- 14.1.6 The applicant will be required to pay a bond per tree as indicated in the current goods and services pricing schedule to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), to council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed to request a practical completion inspection and end of street tree bond maintenance inspection.
- 14.1.7 The applicant will also be required to pay an inspection fee and a landscaping assessment fee as indicated in the current goods and services pricing schedule. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification."

### **14.2 Site Access**

- 14.2.1 All lots shall have access from a dedicated public road. In this regard, all proposed roads shall be dedicated as public road free of cost to Council.

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

### **14.3 Road Damage**

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

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

### **14.4 Asset Management**

- 14.4.1 Any Subdivision Certificate application lodged with Council or an application for practical completion shall be accompanied by Council's Form SEW20. A copy of Form SEW20 will be sent by Council with the approved Construction Certificate. A copy can also be found in Council's "Engineering Guide for Development 1997".

14.4.2 An amount of \$915 is to be paid to Council for each black powder coated light pole, in this subdivision. This amount is to be paid prior to the release of the Subdivision Certificate. This amount is valid only until 30 June 2020, upon which time this amount will be updated in accordance with Council's adopted fee structure at the time. Any enquiries regarding this fee are to be directed to the Maintenance Section of the City Assets Directorate.

14.4.3 The manufacturer of the light poles/street name poles/bus shelters is to provide written certification that all structures have been black powder coated to the satisfaction of Council's Development Services Engineers prior to installation.

#### 14.5 **Service Authority Approvals**

14.5.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Subdivision Certificate:

- (a) A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the plan of subdivision.
- (b) A Notification of Arrangement" Certificate from Endeavour Energy, stating that electrical services, including the provision of street lighting, have been made available to the development.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

#### 14.6 **Consent Compliance**

14.6.1 A Subdivision Certificate shall not be issued until all conditions of this consent, other than "operational" conditions, have been satisfied.

#### 14.7 **Engineering Matters**

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

14.7.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

14.7.1.2 Applicant to submit the following in accordance with Council's Works Specification Civil (Current Version):

- (a) Compaction certificates for road sub-grade.
- (b) Compaction certificates for road pavement materials (sub-base and base courses).
- (c) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)

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

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

#### **14.7.2 Easements/Restrictions/Positive Covenants**

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

- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
- (b) The standard format for easements and restrictions as accepted by the Lands Title Office.

14.7.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the Stormwater Quality Control devices/system and outlet works. Documentary evidence of this LPI lodgement shall be submitted to Council.

14.7.2.3 All private driveways are to be burdened with a Reciprocal Right of Way benefiting and burdening the entire site and providing an easement engross to ensure both the public, residents, loading vehicles and cars can use the shared access ways around the buildings.

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

#### **14.7.3 Dedications**

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

14.7.3.2 The land required for road widening along Railway Terrace and the extension of Minerva Street shall be dedicated at no cost to Council and shall be in accordance with Council's Plan No Drawing 1, 'Approximate zoning areas, project Lot 14 DP 1203339 No 209 Railway Terrace Schofields NSW', drawn by Blacktown Council dated 9 November 2017, and referenced on Drawing DA 004A Site-Concept Subdivision Plan, dated 17/10/2019, Revision A.

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

14.7.4.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.

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

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

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

14.7.4.3 Concrete path paving must not be placed until about 75% of the lots have been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based

upon Council's Goods and Services Pricing Schedule. The Security will be released upon satisfactory completion of the works.

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

#### **14.7.5 Inspections**

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

#### **14.7.6 Inspection of Work**

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

#### **14.8 NSW Rural Fire Service Matters**

- 14.8.1 The general terms of approval provided by NSW Rural Fire Service in their correspondence dated 15 August 2017 (ref D17/2662 DA17080808625 MA) are to be adhered to.
- 14.8.2 At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

#### **14.9 Final Plans**

- 14.9.1 The submission of a final plan of subdivision, 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.
- 14.9.2 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.

### **15 PRIOR TO OCCUPATION CERTIFICATE**

#### **15.1 Road Damage**

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

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

#### **15.2 Compliance with Conditions**

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

than “operational” conditions, have been satisfied.

### **15.3 Engineering Matters**

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

15.3.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

15.3.1.2 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

15.3.1.3 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):

- (a) Compaction certificates for road sub-grade.
- (b) Compaction certificates for road pavement materials (sub-base and base courses).
- (c) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier).

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

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

#### **15.3.2 Easements/Restrictions/Positive Covenants**

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

- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
- (b) The standard format for easements and restrictions as accepted by the NSW Land Registry Services.

15.3.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the Stormwater Quality Control devices/system and outlet works.

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

#### **15.3.3 Dedications**

15.3.3.1 The land required for road widening shall be dedicated at no cost to Council and shall be in accordance with Council's Plan Drawing 1, 'Approximate zoning areas, project Lot 14 DP 1203339 No 209 Railway Terrace Schofields NSW', drawn by Blacktown Council dated 9 November 2017, and referenced on Drawing DA 004A Site-Concept Subdivision Plan, dated 17/10/2019, Revision A.

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

15.3.4.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.

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

(a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)

(b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

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

15.3.4.3 Concrete path paving must be completed in accordance with the Staging Plan. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Pricing Schedule. The security will be released upon satisfactory completion of the works.

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

#### **15.3.5 Inspections**

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

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

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

#### **15.4 Prior to Occupation/Use of a New Building**

15.4.1 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.4 of the *Environmental Planning and Assessment Act 1979*.

#### **15.5 Fee Payment**

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

#### **15.6 Fire Safety Certificate**

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

- 15.6.2 A final fire safety certificate complying with Clause 153 of the *Environmental Planning and Assessment Regulation 2000* shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).
- 15.7 **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**
- 15.7.1 No occupation certification must be issued unless all design verifications have been provided in accordance with Clause 154A of the *Environmental Planning and Assessment Regulation 2000*. A certifying authority must not issue an occupation certificate for the residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of [State Environmental Planning Policy No 65—Design Quality of Residential Flat Development](#).
- 15.8 **Adaptable Housing Units**
- 15.8.1 Certification from a qualified Access Consultant confirming that the Adaptable Housing Units are capable of being modified when required by the occupants in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) is to be submitted to Council.
- 15.9 **Environmental Management**
- 15.9.1 The applicant shall submit to Council a Waste Minimisation Program prepared by a suitably qualified person.
- 15.9.2 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.
- 15.9.3 Each food premises shall be registered with Council's Environmental Health Unit. A health inspection is to be conducted by Council's Environmental Health Officer to insure that the fit out of the food premises complies with the requirements of the *Food Act 2003* and Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
- 15.9.4 Trading must not commence until an Occupation Certificate for the development has been issued.
- 15.9.5 The installation of any grease arrestor shall comply with the requirements of the Sydney Water Corporation. A copy of the Corporation's Trade Waste Agreement, shall be submitted to Council.
- 15.9.6 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that the ventilation system has been installed and is operating in accordance with Australian Standard 1668.2:2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.
- 15.10 **External Authority – Water NSW – Aquifer Interference Activity**
- 15.10.1 A completion report is to be assessed by the approval body prior to any certifying agency's approval for occupation or use of the completed construction.
- 15.11 **NSW Rural Fire Service Matters**
- 15.11.1 The general terms of approval provided by NSW Rural Fire Service in their correspondence dated 15 August 2017 (ref D17/2662 DA17080808625 MA) are to be adhered to.
- 15.12 **Street Tree Planting**
- 15.12.1 Prior to the issue of any Occupation Certificate for each stage, all required street tree

planting and payments of bonds are to be completed to the satisfaction of Council's Project Officer Civil and Open Space Infrastructure.

#### **15.13 Services / Utilities**

- 15.13.1 A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the 'Building Plumbing and Developing' Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the 'Developing Your Land' link or telephone 13 20 92 for assistance. Following application a 'Notice of Requirements' will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.
- 15.13.2 The Applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation in relation to any discharges to the Corporation's sewerage system.
- 15.13.3 A "Notification of Arrangement" Certificate from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.
- 15.13.4 A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

#### **15.14 Stage 1 Works (Buildings A and B)**

- 15.14.1 Prior to the issue of an Occupation Certificate for the Stage 1 works:
- (a) the widening of Railway Terrace fronting 209 Railway Terrace is to be constructed and dedicated in accordance with the approved Subdivision Plan.
  - (b) Minerva Street is to be designed and constructed with a width of 21.65 m and is to be consistent with the road width provided for the part of Minerva Street at the rear of the Woolworths site to the south at Lot 1 DP 1196584, 217 Railway Terrace, Schofields.
- 15.14.2 The Traffic Control Signal (TCS) at the intersection of Railway Terrace and Jerralong Drive shall be in operation prior to the issue of any Occupation Certificate for Stage 1 (Buildings A and B).

#### **15.15 Waste Storage and Collection**

- 15.15.1 The Applicant/person acting on this consent will be responsible for managing all waste storage and collection associated with the development. A private waste contractor is to be engaged prior to any Occupation Certificate being issued.
- 15.15.2 The Strata Management Agreement should indicate:
- requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan.
  - responsibility for maintenance of the waste system (including any bin movement aides) and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times.
  - the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.
- 15.15.3 As the development will be serviced by private waste and recycling contractors,

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 or similar is to be listed on the title to this effect and suitably drafted by Council's planning or legal team.

- 15.15.4 The management of vegetation, gardens, planter boxes, communal areas including the rooftop communal areas on each building and at Level 2 Building A and Building B, the common rooms, fences, decking, BBQ areas, play areas, lighting and other similar areas is to be incorporated within the future strata management plan once the development is occupied.

#### **15.16 Fencing and Retaining Structures**

- 15.16.1 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All boundary fencing adjoining neighbouring residential properties are to be replaced at full cost to the developer and are to be of suitable quality. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.

#### **15.17 Other Matters**

- 15.17.1 All landscaping, pavements, pathways, internal/external signage, recreation features and furniture, children's play equipment, pathways and lighting shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.
- 15.17.2 All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.
- 15.17.3 Vandal proof and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.
- 15.17.4 All mail boxes are to accord with the requirements of Australia Post with regard to location, access and size. The letterbox system is to be vandal resistant and secure, and located within each building.
- 15.17.5 All power boards should be housed within a locked cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.
- 15.17.6 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 15.17.7 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 15.17.8 Head room clearance at the basement ramps must comply with requirements of AS 2890.1 (Section 5.3) for a Disabled Vehicle, and meet AS 2890.1 – Appendix C for the disabled parking space and access to the lift.
- 15.17.9 Head room clearance at the basement ramps must comply with requirements of AS 2890.1 (Section 5.3) for a Disabled Vehicle, and meet AS 2890.1 – Appendix C for the disabled parking space and access to the lift.
- 15.17.10 The basement ceilings are to be light in colour, and preferably painted white, to enhance lighting illumination.
- 15.17.11 A roller shutter and card-key system, or similar, is to be installed at the entry/exit point and secure areas within each of the basement carparks.
- 15.17.12 Basement storage areas are to have quality doors/cages and lock sets to restrict unauthorised access. These are recommended to be constructed of an appropriately robust steel welded mesh to be used in lieu of chain link wire.

- 15.17.13 Head height clearance throughout all traffic circulation, car parking and service vehicle areas must comply with requirements of AS 2890.1-2004, AS 2890.2-2018 and AS 2890.6-2009 as appropriate.
- 15.17.14 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 15.17.15 Car parking and loading facilities shall be in place and accessible via new public roads prior to the issue of any Occupation Certificate.
- 15.17.16 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves and also not on drainage zoned land.

**15.18 Graffiti Management Plan**

- 15.18.1 A 'Graffiti Management Plan' is to be submitted for the separate approval of Council. The Plan is to address the following issues:
- (a) Methods to minimise the potential for graffiti;
  - (b) Management/notification procedures for the 'early' removal of graffiti no later than 48 hours after detection. Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s;
  - (c) Annual review of any 'management agreement' for the removal of graffiti to ensure the property is maintained at its optimum level; and
  - (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

**15.19 Total Maintenance Plan**

- 15.19.1 A 'total' maintenance plan is to be prepared for the site and it to ensure:
- (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, driveways, pathways, soft and hard landscaping, children's play equipment, fencing, security systems, mail boxes, lighting, waste storage and loading areas, feature entry signage, parking signage, business identification signage and services are regularly inspected and maintained at optimum levels at all times.
  - (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted 'junk mail' is to be collected on a regular basis and disposed of as necessary.
  - (c) The development is managed by a Site / Building Manager.

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

**15.20 Fire Resistance of External Wall Materials**

- 15.20.1 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.

**15.21 Dilapidation Report**

- 15.21.1 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.

## 15.22 **Basement Ventilation System**

- 15.22.1 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that the basement ventilation system in each building 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.

## 15.23 **Acoustic Verification Certificate**

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

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

## 15.24 **Signage including Warning Signage**

- 15.24.1 Entrance/exit points are to be clearly signposted and visible from each street entry into the development.
- 15.24.2 Signage at vehicular entry is to provide directional signage to inform of entry into the ground level for waste collection vehicles, including no entry signage, give way signage, stop signage, loading areas and passing areas. A traffic device such as a convex traffic mirror is to be installed in conjunction with these warning signs, and intercoms provided.
- 15.24.3 Any other signage requires separate consent from Council, unless it is permitted under SEPP (Exempt and Complying Development Codes (2008) ).

## 16 **OPERATIONAL (PLANNING)**

### 16.1 **Specific Uses**

- 16.1.1 The approved development shall comply with the requirements of the following definitions for shop top housing, retail premises and supermarket in line with *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*:
- 16.1.2 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.
- 16.1.3 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 16.1.4 The hours of operation and noise levels from the car parking areas and loading areas

are to be appropriately managed to ensure that the occupiers of the buildings and residents of neighbouring properties are not adversely affected by noise, in particular not prior to 7am and not after 10pm daily.

- 16.1.5 The hours of operation and noise levels from the common areas are to be appropriately managed to ensure that the occupiers of the buildings are not adversely affected by noise and vibrations, in particular not prior to 8 am and not after 10 pm daily.

## **16.2 Access, Parking and Loading**

- 16.2.1 All required off-street car parking spaces and internal access roads shall be maintained to a standard suitable for the intended purpose.
- 16.2.2 All vehicles are to be wholly contained on site before being required to stop.
- 16.2.3 All vehicles are to enter and exit the site in a forward direction.
- 16.2.4 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 16.2.5 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.6.
- 16.2.6 No goods, materials, or trade waste shall be stored, displayed for sale or manufactured at any time outside the building on either the internal roadway, car parking areas, landscaping or footpaths, other than in approved garbage receptacles.
- 16.2.7 All loading docks are to be kept clear of obstructions and goods are not to be left in the loading dock.
- 16.2.8 The operator of the supermarket is responsible for storing and managing shopping trolleys at all times to ensure trolleys are contained within the site at all times.
- 16.2.9 The supermarket must transport all its goods via the 2 goods lifts from the loading dock into its own storage facility in the supermarket. No goods are to be left in the loading dock at anytime.
- 16.2.10 On-site parking is to be made available to staff at all times.
- 16.2.11 On-site parking is to be make available for visitors to residential and commercial customers to the public parts of the car park.
- 16.2.12 The parking management system is to operate at all times, including:
  - (a) sensors;
  - (b) real time display indicating availability of parking;
  - (c) allocated parking for people with prams, seniors, persons with a disability; andAny form of paid parking restrictions is not permitted.
- 16.2.13 The parking management plan is to control and prevent the use of the car park by commuters long stay parking.
- 16.2.14 The private laneways around the buildings are a low speed environment with priority to be given to shoppers and residents. Trucks are to circulate around the buildings and from the docks with caution at all times.

## **16.3 Landscaping**

- 16.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 16.3.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.
- 16.3.3 The management of vegetation, gardens, planter boxes, the communal areas, fencing, decking, BBQ area, lighting and other similar areas is to be incorporated within the future strata management plan once the development is occupied.

#### **16.4 Lighting and Security**

- 16.4.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 16.4.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
- 16.4.3 The maintenance of all external lighting is to be managed by way of an annual service agreement to ensure the security of the building and persons within are not compromised from dark or uncontrolled public areas.
- 16.4.4 Appropriate safety and security measures are to be implemented at all times. These security measures are to be adapted in consultation with the Local Police to respond to the specific security concerns experienced by the development during operation.

#### **16.5 Local Police Matters**

- 16.5.1 The recommendations of the Local Police in their correspondence dated 24 October 2019 are to be satisfied with regard to CCTV, lighting, Graffiti resistant materials, information for emergency services, measures for secure access, and mailboxes.
- 16.5.2 Contact details of the Body Corporate and Building Manager are to be made available to the Local Police.
- 16.5.3 A security management plan and evacuation plan are to be made available to the Schofields Police Station.

#### **16.6 Emergency Procedures**

- 16.6.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed throughout the development for staff, customers and the general public and emergency services at all times to the satisfaction of Council.

#### **16.7 Graffiti Removal**

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

#### **16.8 Total Maintenance Plan**

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

#### **16.9 Waste Matters**

- 16.9.1 All waste and recycling collection areas and activities, including bulky waste storage and collection activities are to be appropriately managed and are the responsibility of the strata management (or similar) of the site.
- 16.9.2 The Owners Corporation, operators of the retail premises and residents will be responsible for ensuring that clear access is provided to collection vehicles which service the property.
- 16.9.3 The Building Manager, or similar, will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.
- 16.9.4 Waste and recycling collection and delivery vehicles entering and exiting the property must do so in a forward direction.
- 16.9.5 A building manager must be engaged in perpetuity and for the life of the development to:
  - (a) Manage bins onsite
  - (b) Clean bins and the waste rooms
  - (c) Arrange clear access to the waste and delivery loading areas.
  - (d) Pick up waste generated by the development within the development site and surrounding roads and public areas, with particular regard for any food premises.

- 16.9.6 All waste and recycling bins must be stored wholly within the approved waste storage area.
- 16.10 **Clothes Drying**
- 16.10.1 The hanging/drying of clothes on balconies (where visible from a public place) is prohibited. If the development is to be strata subdivided, a clause is to be included in the Strata Management Statement (or similar) prohibiting the drying of clothes on balconies (where visible from a public place).
- 16.11 **Environmental Management**
- 16.11.1 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 Environmental Protection Authorities - Noise Policy for Industry 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.
- 16.11.2 A post commissioning report must be produced by an acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) within 3 – 6 months of the proposed development operating to validate the requirements under SEPP Infrastructure 2007, and as required by Sydney Trains. It should demonstrate that the proposed development complies with the Department of Planning's document titled "*Development near Rail Corridors and Busy Roads - Interim Guidelines*." The report is to be submitted to Council to review.
- 16.11.3 To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10pm and 7am.
- 16.11.4 All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.
- 16.11.5 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.
- 16.11.6 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.
- 16.11.7 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.
- 16.12 **Food Premises**
- 16.12.1 The food premises and cool rooms shall be maintained in accordance with the requirements of:
- *Food Act 2003* and Regulations there under.
  - Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
- 16.12.2 The proprietor is to ensure that all food handling complies with the requirements of the *Food Act 2003* and Regulations there under.

16.12.3 Upon commencement of trading, notify NSW Food Authority of the food business.

16.12.4 The premises are to be registered with Council as a food business.

**16.13 Sight Distance Requirements**

16.13.1 Sightlines are to be in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.

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

**16.14 NSW Rural Fire Service Matters**

16.14.1 The general terms of approval provided by NSW Rural Fire Service in their correspondence dated 15 August 2017 (ref D17/2662 DA17080808625 MA) are to be adhered to.