

Revised draft conditions of consent

Proposed Development:

Demolition of the existing building and construction of a 8 storey shop top housing development comprising 7 ground level commercial tenancies, 131 residential apartments and 222 basement car parking spaces.

1 ADVISORY NOTES

1.1 Terminology

- 1.1.1 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 6.3 of the Environmental Planning and Assessment Act 1979.

1.2 Scope of Consent

- 1.2.1 Separate development consent may be required from Council prior to the use of each individual unit/the approved building(s). The applicant is advised to contact Council's Development Services Unit in this regard.
- 1.2.2 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.
- #### **1.3 Other Approvals**
- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.3.3 If any aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.
- 1.3.4 Separate Council approval under the Roads Act 1993 is required for any crane used to construct this development that swings over public air space.

1.4 Services

- 1.4.1 The applicant is advised to consult with:

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

- 1.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.
- 1.4.3 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.4.4 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.
- 1.4.5 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.6 If any food or public health related commercial activities are proposed in the future, then a referral to Council's Environmental Health for the use and fit out of the premises is required to provide conditions.
- 1.5 **Identification Survey**
 - 1.5.1 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.

1.6 Engineering Notes

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

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

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

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

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

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

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

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

1.6.2 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.

1.7 Payment of Engineering Fees

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

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

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

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

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

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

1.8 Demolition

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

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

2 GENERAL

2.1 Scope of Consent

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

Drawing Title.	Drawing No.	Revision	Dated
Site Plan	A004	C1	Mar 2019
Demolition Plan	A040	A	Nov 2017
Basement Level 2	A090	C	Feb 2019
Basement Level 1	A091	C	Feb 2019
Ground Floor Plan	A100	C1	Mar 2019
Level 1 Podium Plan	A101	C	Feb 2019
Level 2 Plan	A102	C	Feb 2019
Level 3 Plan	A103	C	Feb 2019
Level 4 Plan	A104	C	Feb 2019
Level 5-7 Typical Plan	A105	C	Feb 2019
Roof Terrace	A107	C	Feb 2019
Roof Plan	A108	C	Feb 2019
Adaptable Units 01	A150	B	May 2018

Adaptable Units 02	A151	B	May 2018
Adaptable Units 03	A152	B	May 2018
Adaptable Units 04	A153	B	May 2018
Silver Livable Units 01	A160	B	May 2018
Silver Livable Units 02	A161	B	May 2018
Silver Livable Units 03	A162	B	May 2018
Silver Livable Units 04	A163	B	May 2018
North West Elevation	A200	C	Feb 2019
South West Elevation (Inner Side)	A201	C	Feb 2019
North East Elevation (Inner Side)	A202	C	Feb 2019
South West Elevation	A203	C	Feb 2019
North East Elevation	A204	C	Feb 2019
South East Elevation	A205	C	Feb 2019
Section AA	A300	C	Feb 2019
Ramp Section	A310	C1	Mar 2019
On-going Waste Management Plan	A410	C1	Mar 2019
Garbage Truck Section	A413	C1	Mar 2019
Construction Waste Management Plan	A415	C	Feb 2019
External Finishes	A850	B	May 2018
Landscape Plan	LA100-103	A	Feb 2018
Landscape Section	LA104	A	Feb 2018
Landscape Details	LA200	A	Feb 2018
Planting Schedule	LA300	A	Feb 2018

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

2.2 Services

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

2.3 Suburb Name

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

Suburb: Mount Druitt

2.4 Compliance with BASIX Certificate

- 2.4.1 All commitments listed in the BASIX Certificate number: 904577M_02 shall be complied with.

2.5 Engineering Matters

2.5.1 Design and Works Specification

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (d) 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.

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

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

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

2.5.2 Other Necessary Approvals

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

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

2.6 Other Matters

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

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

2.6.3 Each year by the first business day on or after 1 September the registered

proprietor/lessee is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices and rainwater tank in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.

3 PRIOR TO DEMOLITION WORKS

3.1 Safety/Health/Amenity

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

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

3.1.3 Should the demolition work:

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

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

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

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

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

Each toilet provided shall be:

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

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

3.2 **Tree Protection**

Any tree not located within the property boundary shall be effectively protected against damage.

3.3 **Other Matters**

- 3.3.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 2 days prior to the intended work and include the following information:

- date/s, hours and duration of the works.
- contact name and phone number of the applicant
- contact name and phone number of the licensed demolisher
- WorkCover NSW contact number 131050, and email address contact@workcover.nsw.gov.au

3.4 **Heritage Matters**

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

3.5 **Environmental Health**

- 3.5.1 Recommendations outlined in *Detailed Site Investigation, prepared by EI Australia, dated 3 September 2019* must be carried out.

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 words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing

at appropriate places to warn the public.

- 4.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 4.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 4.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 4.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 4.1.6 Any excavation and/or backfilling associated with the demolition works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 4.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2002 (if applicable)
- 4.1.8 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 4.1.9 The applicant must complete the WasteLocate form available from Council to ensure correct disposal of any asbestos identified onsite.

4.2 Nuisance Control

- 4.2.1 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.

4.3 Environmental Health

- 4.3.1 Recommendations outlined in *Detailed Site Investigation, prepared by EI Australia, dated 3 September 2019* must be carried out.

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.

5.2.3 Recommendations outlined in *Detailed Site Investigation, prepared by EI Australia, dated 3 September 2019* must be carried out.

6 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

6.1 DA Plan Consistency

6.1.1 A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

6.2 Services/Utilities

6.2.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.
- (b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

6.3 Dilapidation Report

6.3.1 The applicant must submit a full dilapidation report to Council and the owners of any affected property. It will report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations. This zone is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The report is to be endorsed by a practising engineer with NPER eligibility, agreed to by both the applicant and the owners of any affected adjoining property. The report shall have regard to protecting the applicant from possible spurious claims for structural damage and must be verified by all stakeholders as far as practicable.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

6.4 Services to commercial/retail tenancies

6.4.1 The construction certificate documentation shall demonstrate appropriate connections to water and sewer are provided to each commercial/retail tenancy which are capable of servicing the future needs of the occupants.

7 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

7.1 Section 7.11 Contributions under Section 7.17 Directions

- 7.1.1 The following monetary contributions under Section 7.11 of the Environmental Planning & Assessment Act 1979 must be paid. Payment of this amount must be made prior to the issue of a Construction Certificate (for building works).

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

The amounts below are the INDEXED contributions as at the date of this consent. These amounts have been supplied for your information.

Contribution Item	Amount	Relevant C.P
Trunk Drainage South Catchment	\$ 27,299.00	CP4
Open Space Rooty Hill – Mount Druitt	\$ 570,496.00	CP3
Total contributions	\$ 597,795.00	

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

Number of intended dwellings/apartments: 131
Developable Area: 0.32860 hectares
Additional Population: 323.6 persons

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Customer Information Centre. Alternatively, Contributions Plans may be downloaded from Council's website:

S.7.11 CP No. 3 Open Space in established residential areas
S.7.11 CP No. 4 Mount Druitt Development Area

The Section 7.11 contribution(s) have been based on the total developable area and the potential additional population nominated above. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

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

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

- 7.2.1 No construction certification must be issued unless all design verifications have been provided in accordance with Clause 143A of the Environmental Planning and Assessment Regulation 2000. A certifying authority must not issue a construction

certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.

7.3 Aesthetics, Streetscape and External Materials

- 7.3.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.
- 7.3.2 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.
- 7.3.3 The development approved by Council is to be constructed in accordance with the schedule of materials, finishes and colours shown on the approved Materials & Finishes plan.
- 7.3.4 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 commences on 22 October 2018.
- 7.3.5 All external walls and fences of this development must be finished with a non-flammable graffiti proof coating.
- 7.3.6 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.
- 7.3.7 Windows in the residential apartments from the first floor level through to the top floor level are to be fitted with a child safety mechanism to prevent accidental falls out of windows by persons such as children. Details of such safety mechanisms shall be shown on the Construction Certificate plans and provided to the principal certifying authority/principal certifier.

7.4 Common Areas and Landscaping

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

7.5 Fencing

- 7.5.1 All fencing details and materials are to be as per the approved plans. All fencing is to be provided at full cost to the developer and is to be constructed on top of any masonry retaining walls.
- 7.5.2 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.
- 7.5.3 Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti. All fencing which is visible from the public domain is not permitted to be continuous, closed board, or the like.

7.6 Access/Parking

- 7.6.1 The access driveway, ramps, circulation aisles and parking arrangements are to be designed in accordance with AS 2890.1, AS 2890.2 & AS 2890.6.
- 7.6.2 All car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 – 2004 as follows:

Residential Flat Building (excluding width of pillar): 2.5m x 5.4m
Residential Flat Building (adjacent to solid wall): 2.7m x 5.4m
Disabled Car Space: 3.2m x 5.4m
- 7.6.3 A total of 24 disabled parking spaces are to be provided as illustrated on plans A090 and A091.
- 7.6.4 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 7.6.5 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009 and AS1428.1 - 2009.
- 7.6.6 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network.
- 7.6.7 Provision for adequate sight distance needs to be made for both pedestrian and vehicular movement at the proposed driveway 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 along the new driveway.

7.7 Adaptable Housing Units

- 7.7.1 A minimum of 10% of the units 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. The following units are nominated to be adaptable as illustrated on plans: A101, A102, A103, A150, A151, A152, A153:
 - (a) On podium level 1: units 12, 15, 17, 20, 23 and 25
 - (b) On podium level 2: units 15, 17, 20, 23, 25
 - (c) On podium level 3: unit 15, 17, 20, 23, 25

7.8 Floor to Ceiling Heights

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

7.9 Utilities, Services, Plant and Equipment

- 7.9.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the streetscape presentation, apartments and communal open space areas with regard to visual, acoustic and odour impacts.
- 7.9.2 The garbage and recycling storage areas must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.
- 7.9.3 Written evidence is to be provided to Council from an appropriately qualified acoustic consultant stating that all plant and equipment have been selected to meet the project noise criteria.
- 7.9.4 A "Notification of Arrangement" Certificate from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.

7.10 Additional Inspections

- 7.10.1 Any additional Council inspection services provided beyond the scope of any Compliance Certificate or inspection package and required to verify full compliance with the terms of this consent, will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule and shall be paid to Council.

7.11 NSW Local Police Requirements

- 7.11.1 A review of the current architectural plans has raised a number of issues from Crime Prevention prospective.
- The first being the external design of the building regarding, what appears to be, an ease to climb the building from the outside. This could potentially be used by offenders to access upper areas of building balconies for the purpose of theft or graffiti. Police recommend that the design take into consideration and take steps to negate the utilisation of the building design to climb from the outside.
 - The second being access control to the ground floor recreational area. Its recommended that Prior to construction that a form of access control is designed into the plan to ensure only tenants or other authorised person(s) have access to the area to reduce the potential of this location to be used by drug and alcohol usage, creating risk to tenants.

7.12 Waste matters

- 7.12.1 The applicant must ensure the approved bin collection points for all bins for the whole site are shown on the stamp approved plans with each bin indicated.

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).
- (iv) 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.

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 the BASIX Certificate Number: 904577M_02.

9 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

9.1 General

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

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
SGC Consulting Engineers	20170321	SW100	1	D	17.01.2019
		SW200-7	2-9	D	17.01.2019
		SW300-1	10-11	D	17.01.2019
		SW400	12	D	17.01.2019
		SW500	13	D	17.01.2019

9.2 Construction Certificate Requirements

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

- On-site stormwater detention

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
- Any works on adjoining land (outside the subject site boundaries)
- Inter-allotment drainage on adjoining land

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
- Path Paving

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

9.5.5 Replace the redundant layback and footway crossing with Council's standard kerb and gutter. The footway area shall be restored with turf in accordance with Council's specifications.

9.6 **Drainage**

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

9.6.2 Provide inter-allotment drainage lines for lots that do not drain directly to a public road. The design shall include pipeline long-sections and identify location and levels of services.

9.6.3 Foundations adjacent to easements shall not place a loading on the pipe within the easement. Foundations shall be located at:

- (a) the depth of the invert of the existing pipeline, and/or
- (b) the depth of the invert of the proposed pipeline.

All developments shall be kept clear of drainage easements. The surface levels within the easement are not to be changed.

- 9.6.4 Pier and beam style construction shall be used adjacent to easements to the depth of the invert of the proposed or existing pipeline. A Registered Engineer (NER) shall certify that this condition has been satisfied.
- 9.6.5 The existing depression/watercourse through the site must be piped and/or channelled to contain stormwater discharges up to the 1% A.E.P. (100 year Average Recurrence Interval) event.
- 9.6.6 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.
- 9.6.7 Where the internal driveway cannot be drained to an internal pit a grated trench drain shall be provided at the property boundary.
- 9.6.8 Amend Stormwater Management Plan prepared by SGC, Project No. 20170321, dated 19/02/2019 to address the following.
 - A. On Drawing No. SW200 (D) - SW201 (D)
 - i. The minimum storage and dual alternating pump requirements for the basement garage is to satisfy AS/NZS 3500.3:2015 – Plumbing and Drainage Part 3: Stormwater Drainage.
 - ii. Provide a basement design that ensures a minimum 0.5% slope to all surface inlet pits.
 - B. On Drawing No. SW204 (D) - SW205 (D)
 - i. Amend habitable floor to be set at R. L 62.66 and the podium level and communal open space at level 1 is to be set at R.L 62.50. The amended architectural plans are to be submitted in support as well.
 - ii. Provide details of an area or outbuilding to house all the pump maintenance and water treatment facilities for operation of the stormwater reuse system.
 - iii. Delete the light grey line at the rear. It is creating a confusion regarding the boundary extent.
 - iv. Show the connection for all the trafficable roof area to treatment tank. Currently the trafficable roof area in the north and west is missing.
 - v. Increase the size of the Stormwater Tank to 70kL below overflow.
 - C. Drawing No. SW300 (B)
 - i. Show mortar infill to the invert of the 1.5 year orifice.
 - ii. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the stormwater tank and detention tank in accordance with Council's Engineering Guide for Development 2005.
 - iii. Provide on-site detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.
 - D. A detail design for the treatment system is to be submitted. The water is to be treated for Risk Level 1 based on the criteria under table 6.4 of Managing Urban Stormwater Harvesting and Reuse by the Department of Environment and Conservation NSW Dec 2006. An Hydraulic Engineer registered on NER is to certify that the storm water once treated will be fit for purpose including toilet flushing.

- 9.6.9 Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- i. 4 star dual-flush toilets;
 - ii. 3 star showerheads;
 - iii. 4 star taps (for all taps other than bath outlets and garden taps);
 - iv. 3 star urinals; and
 - v. Water efficient washing machines and dishwashers are to be specified.
- 9.6.10 Provide details for permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the stormwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.
- 9.6.11 An experienced hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses on the site including all toilet/urinal flushing on the commercial ground floor and all landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the stormwater pipe and tank arrangement including:
- i) a first flush or pre-treatment system (at min. 0.2 litres / m² of roof area going to the tank),
 - ii) details of all treatment systems including UV as required to ensure stormwater is fit for purpose;
 - iii) a pump with isolation valves and a warning light to indicate pump failure;
 - iv) a solenoid controlled mains water bypass;
 - v) flow meters on the solenoid controlled mains water bypass line and the pump outflow line, to determine actual non-potable usage;
 - vi) a timer and control box for landscape watering, allowing for seasonal variations;
 - vii) ensuring all the non-potable water reuse pipes are coloured purple;
 - viii) an automatic backwash inline low micron filter.
 - ix) fitting stormwater warning signs to all external taps using stormwater.

9.7 Erosion and Sediment Control

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

9.8 On-Site Detention

- 9.8.1 Provide an on-site detention system in accordance with Council's Part J Handbook.
- 9.8.2 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 drawings however any significant variation to the on-site detention design shall require a section 4.55 application.
- 9.8.3 Submit the following certificates which are to be prepared by a registered engineer (NER):

- Certification that the structures associated with the on-site stormwater detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- Certification that the on-site detention system will perform to meet the on-site stormwater detention requirements.

9.8.4 The following documents shall be submitted to accompany the on-site detention design in accordance with the design and construction specification:

- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
- OSD detailed design submission and calculation summary sheet
- A maintenance schedule that is signed and dated by the designer

9.8.5 Provide a maintenance schedule for the OSD system that is signed and dated by the designer.

9.9 Vehicular Crossings

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

9.10 Footpaths

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

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

10 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

10.1 Environmental Management

10.1.1 Recommendations outlined in *Detailed Site Investigation, prepared by EI Australia, dated 3 September 2019* must be carried out.

10.1.2 Recommendations outlined in *Acoustic DA Assessment, prepared by Acouras Consultancy, report no. SYD2017-1112-R001B, dated 26 February 2018* must be carried out.

10.1.3 A qualified acoustic engineer must certify that the buildings have been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

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

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

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

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

- NSW Environment Protection Authority's "*Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites*" (2011)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995)
- NSW Environment Protection Authority's "*Contaminated Sites: Guidelines for NSW Site Auditor Scheme*" (2006)
- National Environment Protection Council "*National Environment Protection (Assessment of Site Contamination) Measure*" (2011).

A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use.

- 10.1.6 Any new information during remediation or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to Blacktown City Council.
- 10.1.7 A Construction Environment Management Plan should be in place and must include specific advice on how water treatment will be undertaken in accordance with the Blue Book, as well as demonstrating the discharged water complies with ANZECC water quality guidelines.

11 PRIOR TO DEVELOPMENT WORKS COMMENCING

11.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

- 11.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
- (a) the name, address and telephone number of the principal certifying authority for the work, and
 - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

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

- 11.1.3 Should the development work:

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

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

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

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

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

11.2 Notification to Council

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

11.3 Home Building Act

- 11.3.1 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.

11.4 Sydney Water Authorisation

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

OR

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

11.5 Use of Crane

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

12 DURING CONSTRUCTION (BUILDING)

12.1 Safety/Health/Amenity

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

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

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

12.1.3 Should the development work:

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

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

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

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

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

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

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

- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
- (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.

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

12.2 Building Code of Australia Compliance

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

12.3 Surveys

- 12.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.
- 12.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

12.4 Nuisance Control

- 12.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 12.4.2 All construction activities shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 7.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 12.4.3 The hours of any offensive noise-generating development works shall be limited to between 7.00am 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.

12.5 Stormwater Drainage

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

12.6 Waste Control

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

12.7 Construction Inspections

- 12.7.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):
- (a) After excavation for, and prior to placement of, any footings; and
 - (b) Prior to pouring any in-situ reinforced concrete building element; and

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

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

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

(f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

12.8 NSW Local Police Requirements

- (a) It is suggested that suitable traffic control and safety messages be incorporated throughout the construction process to increase safety to motorists and minimise risk.
- (b) Lighting should be installed and operated on the grounds during construction.

13 DURING CONSTRUCTION (ENGINEERING)

13.1 Notification of Works

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

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

13.2 Insurances

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

13.3 Service Authority Approvals

13.3.1 Prior to the commencement for construction of footway crossings and driveways a clearance shall be obtained from the relevant telecommunications carriers and

Endeavour Energy. The clearance shall notify that all necessary ducts have been provided under the proposed crossing.

13.4 Boundary Levels

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

13.5 Soil Erosion and Sediment Control Measures

- 13.5.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 13.5.2 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.
- 13.5.3 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.

13.6 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.

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

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

13.7 Inspection of Engineering Works - Roads Act 1993

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

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

13.8 Public Safety

- 13.8.1 The applicant is advised that all works undertaken are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe

any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

13.9 Site Security

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

13.10 Traffic Control

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

13.11 Other Matters - Drainage

- 13.11.1 The proposed Ocean Protect VORTSENTRY MODEL HS12 GPT is not be reduced or replaced with an alternate manufacture's product.

14 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

14.1 Environmental Management

- 14.1.1 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act (NSW) 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014).
- 14.1.2 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.
- 14.1.3 Recommendations outlined in *Detailed Site Investigation, prepared by EI Australia, dated 3 September 2019* must be carried out.

15 PRIOR TO OCCUPATION CERTIFICATE

15.1 Road Damage

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

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

15.2 Compliance with Conditions

- 15.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 15.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.9 of the Environmental Planning & Assessment Act 1979.

15.3 Fire Safety Certificate

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

15.4 Environmental Management

- 15.4.1 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.

15.5 Landscaping/Car Parking

- 15.5.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 15.5.2 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.
- 15.5.3 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 15.5.4 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 15.5.5 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

15.6 Fee Payment

- 15.6.1 Any fee payable to Council as part of a Construction, Compliance or Occupation

Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

15.7 Fire Safety

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

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

- 15.8.1 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.

15.9 Adaptable Housing Units

- 15.9.1 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.

15.10 Graffiti Management Plan

- 15.10.1 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.

15.11 Total Maintenance Plan

- 15.11.1 A “total” maintenance plan is to be prepared for the site. The plan is to ensure the following:

(a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, pathways, through site links, soft and hard landscaping, children’s play equipment, fencing, mail boxes, lighting, bulky waste storage and loading areas, feature entry signage, parking signage and services are regularly inspected and maintained at optimum levels at all times.

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

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

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

15.12 Acoustic Verification

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

15.13 Other Matters

15.13.1 All landscaping, recreation features and furniture, bbq facilities, children's play equipment and lighting shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.

15.13.2 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

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

15.13.4 Vandal proof and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.

15.13.5 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.

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

15.13.7 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.

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

15.13.9 Head room clearance at the basement ramp must comply with requirements of AS2890.1 (Section 5.3) for a Disabled Vehicle, and meet AS2890.1 – Appendix C for the disabled parking space and access to the lift.

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

- 15.13.11 The basement ceiling is to be light in colour to enhance lighting illumination.
- 15.13.12 A roller shutter and card-key system, or similar, is to be installed at the entry/exit points of the basement car park.
- 15.13.13 All commercial parking spaces provided in the basement will be used only for the ground level shops and not for the residential component of the building.
- 15.13.14 Basement storage areas are to have quality doors/cages and lock sets to restrict unauthorised access. These are recommended to be constructed of an appropriately robust steel welded mesh to be used in lieu of chain link wire.
- 15.13.15 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves and also not on drainage zoned land.

15.14 Services / Utilities

- 15.14.1 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.

15.15 Service Authorities

- 15.15.1 A final written clearance shall be obtained from Sydney Water Corporation, Integral Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.

15.16 Temporary Facilities Removal

- 15.16.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 15.16.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 15.16.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 15.16.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 15.16.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new

vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

15.17 Engineering Matters

15.17.1 Surveys/Certificates/Works As Executed plans

- 15.17.1.1 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.
- 15.17.1.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Council.
- 15.17.1.3 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) required by this consent have been achieved. The certificate must acknowledge that works and the construction of the floors have been complete. All levels must be to Australian Height Datum (AHD).
- 15.17.1.4 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished surface levels (FSL) for lot(s) required by this consent have been achieved and/or have been maintained in accordance with those established at the time of creation of the lot. The certificate must acknowledge that works have been complete. All levels must be to Australian Height Datum (AHD).
- 15.17.1.5 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 15.17.1.6 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 15.17.1.7 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.

15.17.2 Easements/Restrictions/Positive Covenants

- 15.17.2.1 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.

15.17.2.2 A restrictive covenant is to be created on the title of the lot under Section 88B of the Conveyancing Act 1919 to ensure that future purchasers of units are pre-warned of the existence of a 24 hour a day McDonald's directly adjacent the lot. The restriction to be imposed is to include:

(a) All potential purchasers of units are to be made aware that a McDonald's restaurant exists immediately to the west of the site that operates 24 hours a day.

15.17.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land Registry Services (LRS) over the On-site detention storage areas and outlet works.

15.17.2.4 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.

15.17.3 **Inspections**

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

15.17.4 **Other matters - Drainage**

15.17.4.1 Provide a Restriction to User and Positive Covenant over the On-Site Detention System in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with Land & Property Information.

15.17.4.2 Provide a Restriction to User and Positive Covenant over the Stormwater Quality Improvement Devices and Stormwater Tanks in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage by the first business day on or before 1 September each year. The Restriction to User and Positive Covenant must be registered with Land & Property Information prior to the final occupation certificate.

15.17.4.3 A Civil Engineer registered with NER, is to certify that:

- a. all the requirements of the approved drainage plan have been undertaken;
- b. the minimum detention storage of 121.4 m³ has been provided below the 1.5 year ARI weir.
- c. the minimum detention storage of 184.1 m³ has been provided below the emergency overflow weir.

- d. the orifice sizes for 1.5 year ARI and 100 year ARI is 69 mm and 135 mm respectively.
 - e. the minimum stormwater tank size of 70 kL has been provided below overflow as per the approved construction certificate plan collecting water from a minimum of 1460 m² of roof area (including trafficable roofs);
 - f. the treatment system for stormwater draining from the communal area to the Stormwater Tank has been provided. All the criteria for Risk Level 1 based under table 6.4 of Managing Urban Stormwater Harvesting and Reuse by the Department of Environment and Conservation NSW Dec 2006 has been achieved and the reuse water is fit for purpose.
 - g. all the signage and warning notices have been installed including the water quality sign.
 - h. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.
- 15.17.4.4 Undertake a test using an accredited laboratory using a minimum of two samples obtained from different non-potable usage areas within the site to ensure all the criteria for Risk Level 1 based under table 6.4 of Managing Urban Stormwater Harvesting and Reuse by the Department of Environment and Conservation NSW Dec 2006 has been achieved and that the samples do not contain chlorine or chlorine residuals. The samples are to be independently collected by the laboratory. The test is to be repeated a minimum of three weeks later. Provide a copy of the test results and protocols to the certifier.
- 15.17.4.5 Provide maintenance requirements for each of the proposed Stormwater Quality Improvement Devices. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.
- 15.17.4.6 Provide written evidence that the registered owner/lessee has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the approved VORTSENTRY MODEL HS12 GPT, detention tank, treatment system (screening, filtration and disinfection unit) and stormwater tank. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard.
- 15.17.4.7 A plumber, licensed with NSW Fair Trading, or experienced hydraulic engineer registered with NER, is to certify that the non-potable water uses for the Ground Floor Commercial toilets and all landscape watering are being supplied by stormwater and that all the requirements of the detailed Non-Potable Water Supply and Irrigation Plan have been installed and are working correctly and that the non-potable water does not contain chlorine. Provide a copy of the certification and a signed, works-as-executed Non-Potable Water Reuse Plan have been installed and are working correctly. Provide a copy of the certification and a signed, works-as-executed Non-Potable Water Supply and Irrigation Plan to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.

15.17.4.8 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:

- i. 4 star dual-flush toilets;
- ii. 3 star showerheads;
- iii. 4 star taps (for all taps other than bath outlets and garden taps);
- iv. 3 star urinals; and
- v. Water efficient washing machines and dishwashers have been used.

15.18 **Seagull Island Treatment**

15.18.1 The Seagull Island proposed along Luxford Rd to prevent right turns in and out of the proposed driveways has to be part of this DA and be provided by the developer at no cost to Council. A separate approval from Council is required through the Local Traffic Committee process for the seagull treatment.

15.19 **Post-construction dilapidation report**

15.19.1 A post-construction dilapidation report shall be carried out for any of the potentially affected existing buildings, landscaping and infrastructure surrounding the proposed development. A copy of the report shall be submitted to Council prior to issue of Occupation Certificate.

16 **OPERATIONAL (PLANNING)**

16.1 **Access/Parking**

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

16.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.

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

16.2 **Specific Uses**

16.2.1 The approved development shall comply with the requirements of the following definitions contained within Blacktown Local Environmental Plan 2015:

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

‘shop top housing’ means ‘one or more dwellings located above ground floor retail premises or business premises’.

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

‘retail premises’ means ‘a building or place used for the purpose of selling items by retail,

or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).'

16.3 Storage

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

16.4 General

- 16.4.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
- 16.4.2 No goods or materials shall be stored, displayed for sale or manufactured at any time outside the building.
- 16.4.3 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 16.4.4 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 16.4.5 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 16.4.6 No goods, materials or trade wastes are to be stored at any time outside the building on either the internal vehicular driveway, car parking area, landscaping or footpath, other than in approved garbage receptacles.
- 16.4.7 No nuisance or interference with the amenity of the area shall be created by reason of any process or operation on the land causing the emission of noise, dust, smoke or any polluted discharge whatsoever. Note: The Protection of the Environment Operations Act 1997 requires Council to investigate complaints where only one person complains.

16.5 Landscaping

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

16.6 Use of Premises

- 16.6.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 16.6.2 The development shall not be used or converted for use for any purpose other than that:

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

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

16.7 **Emergency Procedures**

16.7.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed on the premises for both public and staff information at all times to the satisfaction of Council.

16.8 **NSW Police Service Requirements**

16.8.1 Building Design:

- (a) The orientation of the buildings must allow for easy natural surveillance between the street, neighbouring property and surrounding buildings.
- (b) There must be adequate steps taken to ensure that person(s) cannot utilise the design of the building to climb from the outside.
- (c) That entry/exit points to the building are secured and access granted with the use of a security swipe card or other electronic security system.
- (d) Alcoves or recesses must be monitored by CCTV and lighting.
- (e) Garage bays must be locked to restrict unauthorised access.
- (f) There must be a 'Rapid Removal' Policy for graffiti.
- (g) There must be graffiti resistant materials used in the construction (masonry garden walls and fencing)
- (h) Rooftop retaining walls/fencing/barriers are adequate to prevent accidental falls/slips or suicide attempts.
- (i) The balcony must be designed so as not to act as a natural ladder.
- (j) The balcony must be adequately designed so as not to allow hand and foot holds to potential offenders trying to scale up the side of the building
- (k) The railings must be designed so that foot or hand grips cannot be used by offenders.

16.8.2 Territorial Re-enforcement:

- (a) Ambulance, Fire Brigade and Police must be able to access the site in an emergency.

16.8.3 Surveillance:

- (a) The Application incorporates casual surveillance within the construction plan with a focus on avoiding any potential hidden areas within the car park and building surrounds. The buildings entrances will be visible from the surrounding roads and not be obstructed by landscaping.
- (b) All planting of landscaping to be regularly maintained to a height that allows clear sight lines and to prevent concealment points within the car park and building surrounds.

16.8.4 Car Park:

- (a) CCTV is installed throughout both the above and underground car park and be to

the standard recommended below.

- (b) That the lighting is of a white light or similar that best reflects surfaces and supports CCTV recordings.
- (c) The walls and ceilings are painted white or of a light coloured concrete to enhance light.
- (d) The residential car parks facility area is restricted to non-residents by way of security gates.

16.8.5 Bollards:

- (a) That bollards or other hostile vehicle Mitigation devices be placed on the perimeter of the centre with a focus on pedestrian walkways and entry and exits of the complex.

16.8.6 CCTV:

- (a) That appropriate CCTV footage is installed in the car park as a crime prevention strategy and to be of a quality that records at a minimum rate of 10 frames per second as a storage aspect ratio of 720 x 480 pixels being medium resolution.
- (b) That any footage recorded have the correct time and date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- (c) That a copy of footage required by police be reproduced on compact disk, DVD, USB memory stick.
- (d) Those Recordings be retained for a period of 30 days before being reused or destroyed.
- (e) Immediate access to the CCTV system and the ability to review recordings is granted to NSW Police Officers.
- (f) That any footage is reproduced upon request by any member of the New South Wales Police force within a reasonable time, a reasonable time being within 12 hours after being requested.

16.8.7 Lighting:

- (a) That a security lighting maintenance program is put in place to ensure all lights are kept in working condition.
- (b) Security lighting must be installed and operating.
- (c) Lighting must be sufficient to support images obtained from CCTV footage.
- (d) Light switches for all lights must be located in a secure area within the premises.
- (e) The power board must be enclosed in a cabinet room.
- (f) Entry and exit points including stair wells, walkways, garbage bin holding points and letter boxes must be well illuminated.

16.8.8 Automatic Teller Machines:

- (a) Automatic Teller Machines (ATM) to be located within the complex within a central area with the intent of maximising opportunities for natural surveillance.
- (b) Any ATM that potentially can be accessed outside normal business hours is recommended to be well lit incorporating vandal resistance lighting.
- (c) It is recommended that the ATM should not be recessed into a wall or similar so users can observe approaching people, and constructed with reflective material so users can observe people approaching from behind.

16.8.9 Landscaping:

- (a) Vegetation must be kept and maintained at a suitable level to give clear sight lines and prevent concealment points.

16.9 **Waste matters**

- 16.9.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 16.9.2 The applicant must ensure that the communal bin pads (if on private property), are line marked and sign posted for their use as a bin collection point. No stopping signage along the entire private road is also required to aid collection of waste and recycling bins, and discarded bulky waste items.
- 16.9.3 Access for collection vehicles must be designed in accordance with the dimensions indicated on the approved architectural plans, CAD files and vertical clearances (as per Australian Standards), showing adequate truck entry and exit and in all manoeuvring areas.
- 16.9.4 The Owners Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.
- 16.9.5 The applicant must ensure that roads and driveways etc are rated suitable for 24 tonne trucks.
- 16.9.6 The applicant must ensure no plantings or landscaping is located where the bin collection points are as this will hinder safe and efficient collection of bins and bulky waste from the development.
- 16.9.7 The registered owner or upon a Community Management Agreement/Strata Management Agreement must:
 - (a) indicate a requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan. This includes placement of bins out for collection and their return to the storage areas following servicing.
 - (b) indicate the responsibility for maintenance of the garbage collection system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times including providing access to the loading bay prior to bin servicing.
 - (c) indicate the method of communication to new tenants and residents regarding the waste management service and collection system for the complex.
 - (d) clearly outline the requirement for the building manager to maintain and display consistent signs on all bins and in all communal bin storage areas.
 - (e) clearly outline the requirement for the building manager to arrange for the prompt removal of dumped rubbish from the site
 - (f) include the updated (and approved) waste management plan as lodged with the development application on 21/05/2019.
- 16.9.8 A building manager must be engaged in perpetuity and for the life of the development to:
 - (a) manage bins and bulky waste onsite
 - (b) clean bins and the waste room(s)
 - (c) arrange clear access to the waste loading bay on collection day (ie, remove lockable bollards or open roller doors and boom gates etc), which are in place to protect the truck turning areas on private property from being parked out.
- 16.9.9 The following conditions apply to the commercial component of the development:
 - (a) onsite collection is required for waste, recyclables and bulky waste using an 8.8m long Medium Rigid Vehicle (at a minimum) with a 22m turning circle and 4.5m

- headroom allowance with forward entry and exit of collection vehicles.
- (b) Australian Standards for headroom allowance for a minimum Medium Rigid Vehicle (ie, 4.5m) is to be provided for the trucks entire travel path.
- (c) Australian Standards for maximum ramp grades and change of rate of grade on the ramp for collection vehicles.
- (d) *EPA Better Practice Guide for Waste Management in Multi Unit Dwellings / EPA Better Practice Guide for Waste Management and Recycling in Commercial and Industrial Facilities* for maximum bin travel distances and bin transfer grades must be adhered to.
- (e) *EPA Better Practice Guide for Waste Management and Recycling in Commercial and Industrial Facilities* in relation to waste and recycling generation rates must be adhered to. The generation rates applied must relate to each proposed commercial tenancy as outlined in this guide. The maximum generation rates must also be applied.
- (f) The waste rooms are required to be able to accommodate all required waste and recycling bins for the site.
- (g) A maximum of 5 collections of waste and recyclables is permitted per week. The waste rooms must be able to accommodate the equivalent of 3 days of waste for the site to allow for long weekends and public holidays.
- (h) An onsite caretaker/building manager is required to manage the waste system for the site including:
 - o placement of bins out for servicing in the loading bay area
 - o cleaning of bins and the waste room
 - o management of bulky waste generated onsite
 - o management of illegal dumping onsite
- (i) A designated loading bay is required onsite for waste collection. The loading bay must be able to contain the entire length of the truck proposed for the site, plus a 3m clearance to the rear (if rear loaded) or to the front (if front loaded), for bin servicing and rotation. The truck must not obstruct traffic flow around the site.
- (j) A waste room is required to be located adjacent to the loading bay to reduce manual handling of bins onsite. The site can have intermittent waste rooms but a bin movement aid, such as a tug, must be provided to reduce manual handling of bins around the site.

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 Lighting and Security

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

16.12 Graffiti Removal

- 16.12.1 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.

16.13 Total Maintenance Plan

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

17 OPERATIONAL (ENVIRONMENTAL HEALTH)

17.1 Environmental Management

- 17.1.1 Recommendations outlined in Acoustic DA Assessment, prepared by *Acouras Consultancy*, report no. *SYD2017-1112-R001B*, dated 26 February 2018 must be carried out.
- 17.1.2 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environment Protection Authority's Noise Policy for Industry (2017) and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.
- 17.1.3 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.
- 17.1.4 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.
- 17.1.5 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.