

Report to Sydney West Central Planning Panel

Panel reference	2017SWC018
DA number	JRPP-16-03323
Proposed development	Demolition works and construction of a part 6 storey and part 7 storey residential flat building
Street address	2-10 George Street, Seven Hills
Applicant/owners	Urban Link Pty Ltd on behalf of Civic Properties Group P/L (applicant) SH3 Housing P/L, W Smith, T Kirkman & M Chu (owners)
Date of DA lodgement	18 July 2016
Number of submissions	2
Regional development criteria (Schedule 4A of the EP&A Act)	Capital investment value (CIV) over \$20 million (DA has a CIV of \$21,625,742 + GST)
All relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development • Apartment Design Guide (ADG) • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Draft West Central District Plan • Blacktown Local Environmental Plan (BLEP) 2015 • Blacktown Development Control Plan (BDGP) 2015
Report prepared by	Rebecca Gordon, Senior Town Planner
Report date	5 July 2017
Recommendation	Approval subject to conditions

Summary of s79C matters

Yes

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

See attachment

Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive Summary of the assessment report?

6

Clause 4.6 Exceptions to development standards

Yes

If a written request for a contravention to a development standard (Clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Special Infrastructure Contributions

No

Does the DA require Special Infrastructure Contributions conditions (s94EF)?

Conditions

Have draft conditions been provided to the applicant for comment?

Yes
Conditions
agreed to

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1 Executive summary

- 1.1 This report considers a proposal for a part 6 storey and part 7 storey residential flat building development containing 97 units at 2-10 George Street, Seven Hills.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any concerns that cannot be dealt with by conditions of consent.
- 1.3 Two submissions were received in objection to the development. One objector adjoins the development site. The main grounds for concern relate to noise, dust, asbestos, building separation and potential site isolation. It is considered that the issues raised do not warrant refusal of the application. Suitable conditions have been recommended to address many of the concerns raised.
- 1.4 The application is assessed as satisfactory when evaluated against Section 79C of the Environmental Planning and Assessment Act 1979.
- 1.5 This report recommends that the Panel approve the application subject to the recommended conditions at **Attachment 10**.

2 Key issues list

- 2.1 A summary of the key issues that need to be considered by the Panel in respect of this application are:

- a. **Height:**
Portions of the part 6 storey and part 7 storey building exceed the 20 m height limit by 3.17 m. The applicant has lodged a request under Clause 4.6 for a variation to the height standard. The departure is due to the 3 lift overruns and fire stairs, and portions of the roof parapet only. No habitable floor space encroaches above the height limit. The variation is considered minor and should be supported.
- b. **Parking:**
Based on Council's parking rates, the proposed development requires 146 off-street car parking spaces. The development proposes 127 car parking spaces and exceeds the RMS rate by 17 spaces. The proposed parking arrangements are therefore satisfactory.
- c. **Open space:**
The amount of common open space provided is equivalent to 83% of our Development Control Plan (DCP) requirement. It is also twice the amount of open space required by the Apartment Design Guide (ADG). The non-compliance with the DCP is therefore considered acceptable and should be supported.
- d. **Building separation:**
The development proposes some minor point encroachments into the side and rear setbacks which are considered satisfactory. At the 5th storey, a large wrap around balcony located on the front corner of the building provides a 6 m side setback instead of the required 9 m setback. Subject to suitable screen planting, the encroaching balcony is unlikely to impact on the privacy of the existing or any future neighbours.
- e. **Potential for any site isolation:**
The adjoining property, at 12 George Street, contains a large 2 storey dwelling. Negotiations to acquire the adjoining property were not successful. The applicant has, however, satisfactorily demonstrated that the adjoining site will not be isolated as a result of this development, as redevelopment with the townhouse development at 14-18 George Street is an alternate and feasible option.

3 Location

- 3.1 The site is located within the Seven Hills Town Centre. It is identified as a town centre that will support the growth of the main commercial centre, which is the Blacktown CBD. The location of the site is shown in **Attachment 1**.
- 3.2 The site is well serviced by public transport. Seven Hills railway station is located approximately 400 m walking distance from the site. A bus interchange facility is provided in Boomerang Place. Additional bus stops are located within easy walking distance of the site.
- 3.3 The Seven Hills shopping plaza, which contains Woolworths, Coles, Aldi and smaller speciality stores, is located approximately 300 m from the site. Smaller local shops are also located around the Seven Hills train station and in Best Road.

4 Site description

- 4.1 The subject site is known as Lots 1 & 2, SP 49703, Lots 1 & 2, SP 52640, Lot 1, DP 845934, and Lots 48-50, DP 14294, 2-10 George Street, Seven Hills.
- 4.2 The site is located on the north-western side of George Street, between Olive Street and Best Road, and is slightly irregular in shape. Each lot currently contains a detached single or 2 storey dwelling, associated outbuildings and vegetation.

- 4.3 The development site has a frontage of approximately 77.8 m to George Street and a total site area of 4,126 sqm. The site falls from the George Street frontage to the rear north-western corner by approximately 1.8 m.
- 4.4 Low density residential development, including some townhouses, currently adjoins the development site. These properties are zoned R4 High Density Residential and are likely to be redeveloped in the future. The properties immediately adjoining the south-western boundary have already been approved for the construction of a 6 storey residential flat building containing 138 units (i.e. JRPP-15-1865 approved 22/12/16). In Best Road, development has commenced on a part 6 storey and part 7 storey mixed use development comprising 68 residential units and 3 commercial tenancies, and a 6 storey development comprising 25 residential units and 2 commercial tenancies. On the opposite side of George Street, Council is currently assessing 3 separate applications which are also for residential flat development.
- 4.5 Further to the south and south-west, on the opposite side of Olive Street, the detached dwellings are zoned R2 Low Density Residential. Further to the north, along Best Road, the properties are zoned B2 Local Centre. An aerial image of the site and surrounding area is at **Attachment 2**.

5 Background

- 5.1 The site and immediate surrounding streets were rezoned under Blacktown Local Environmental Plan 2015 to R4 High Density Residential. The nearby commercial centre was rezoned to B2 Local Centre. The zoning plan for the site and surrounds is at **Attachment 3**.
- 5.2 The controls contained within Blacktown Development Control Plan (BDCP) 2015 have been carried across from BDCP 2006 and were originally adopted at a time when residential flat development was limited to 4 storeys in height. It has been recognised during the assessment of other applications that these controls are now outdated and it has been resolved by Council that both BDCP 2015 and the Blacktown Growth Centres DCP 2010 be amended so that the residential flat building controls in these documents align with the 2015 Apartment Design Guide (ADG).

6 The proposal

- 6.1 The development application (DA) seeks approval for the consolidation of 8 existing lots, demolition of the existing dwellings and structures, and construction of a part 6 storey and part 7 storey residential flat building. The development includes 97 units and 2 levels of basement parking for 127 cars. All vehicular access is proposed from George Street.
- 6.2 A detailed description of the proposal is included at **Attachment 4**, while a copy of the development plans is included at **Attachment 5**.

7 Assessment against planning controls

- 7.1 A full assessment of the DA against relevant planning controls is provided in **Attachment 6**, specifically:
- Environmental Planning and Assessment Act 1979
 - State Environmental Planning Policy (State and Regional Development) 2011
 - State Environmental Planning Policy (Infrastructure) 2007
 - State Environmental Planning Policy No. 55 – Remediation of Land

- e. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
- f. Apartment Design Guide (ADG)
- g. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- h. Draft West Central District Plan
- i. Blacktown Local Environmental Plan (BLEP) 2015
- j. Blacktown Development Control Plan (BDGP) 2015

8 Key planning issues assessment

8.1 Non-compliance with the maximum height standard under BLEP 2015

- a. The maximum height of the proposed building, measured to the top of the lift overruns, is 23.17 m. This represents a 3.17 m departure (15.85%) from the 20 m maximum height limit under Blacktown Local Environmental Plan 2015. The departure is attributed to the 3 lift overruns and fire stairs, and small portions of the roof parapet. No habitable floor space encroaches above the height limit.
- b. The applicant has submitted a request under Clause 4.6 of BLEP 2015 to vary the 20 m height standard. The applicant's request is at **Attachment 7** and our assessment of the request is at **Attachment 8**. Based on our assessment, the requested variation under Clause 4.6 is considered reasonable, well founded and is recommended for support.
- c. In terms of height:
 - i. The portion of the building fronting George Street (south-east elevation) complies with the 20 m height limit with the exception of the 3 lift overruns and fire stairs, and a very minor portion of the roof parapet.
 - ii. The south-west elevation (adjacent to an approved residential flat building fronting Olive Street) is predominantly under the 20 m height limit with the exception of a portion of the lift overrun and fire stairs.
 - iii. The rear elevation (north-west elevation) complies with the 20 m height limit with the exception of the 3 lift overruns and fire stairs, and a portion of the roof parapet.
 - iv. The north-east elevation (adjacent to the detached dwelling at No. 12) complies with the 20 m height limit with the exception of the lift overruns and fire stairs, and a portion of the roof parapet.
- d. The building provides a 7 storey element in response to the topography of the land. However, when viewed from George Street, the building has an overall height of 6 storeys. The 3 lift overruns and fire stairs, being the main elements to exceed the maximum height limit, are located entirely within the 6 storey portion of the building.
- e. The 3 lift overruns and fire stairs are located in the centre of the site and will have a negligible shadow and amenity impact on surrounding properties. Council officers have consistently supported a variation to the maximum height limit to accommodate rooftop facilities, and these minor encroachments are considered acceptable and should be supported.
- f. Building height (or height of building), as defined by BLEP 2015, means:

*“(a) in relation to the height of a building in metres - the vertical distance from ground level (**existing**) to the highest point of the building, or*

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like”. (emphasis added)

- g. The building height is measured from the existing ground level, not the finished ground level. With a small amount of cut, the applicant has been able to accommodate the 3 lower ground units (see north-west elevation). This approach is consistent with Figure 2C.4 from the Apartment Design Guide (ADG) as shown below.
- h. It is considered that the 7 storey element (being 3 units at the lower ground level) should be supported, as it is located at the rear of the site and is below the 20 m height limit, with the exception of the roof parapet. The 3 lower ground units also have direct access to a level outdoor courtyard area, have a north orientation and will be provided with a high level of amenity.

8.2 Non-compliance with the minimum parking requirement under BDCP 2015

- a. Based on Council's parking rates, the proposed development requires 146 off-street car parking spaces, (see car parking calculations at **Attachment 4**). Clause 30 of SEPP 65 states, however, that car parking only needs to comply with the minimum parking requirements specified in the RMS 'Guide to Traffic Generating Developments' which is significantly less than Council's DCP requirement. SEPP 65 states that if the number of car spaces complies with the RMS rate, then the development cannot be refused on the grounds of parking.
- b. Based on the RMS parking rates, the proposal only requires 110 car parking spaces, including 90 resident spaces and 20 visitor spaces. The development proposes 104 resident spaces and 23 visitor spaces across 2 basement levels, and therefore provides a surplus of 17 spaces. As the proposed parking arrangements meet the RMS requirements, parking provision is deemed to be acceptable.

8.3 Non-compliance with the common open space requirement under BDCP 2015

- a. The DCP requires that on-site common open space be provided at the minimum rate of 30 sqm for each 1 bedroom unit, 40 sqm for each 2 bedroom unit and 55 sqm for each 3 bedroom unit.
- b. Based on these rates, the proposed development requires a minimum of 3,930 sqm of common open space. The DCP requires that a minimum of 1,572 sqm of the common open space be provided at ground level, and places maximum limits on the amount of rooftop and balcony space that can be included within the calculation.
- c. The proposed development has been calculated as providing a total of 3,276 sqm of open space. This is equivalent to 83% of our DCP requirement. The open space calculation includes 1,000 sqm at the ground level, 1,097 sqm on the roof and the balance being provided on balconies.
- d. While the amount of common open space does not comply with Council's DCP requirement, it does exceed the Apartment Design Guide (ADG) requirement that the common open space area be equivalent to 25% of the site area (i.e. 1,032 sqm). This is significantly different to the DCP requirement. The proposed development provides 2,097 sqm of common open space at ground level and on the roof, and therefore provides double the amount of space required by the ADG. The non-compliance with the DCP is therefore considered acceptable.
- e. The minimum open space requirements contained within our DCP were also adopted at a time when the maximum permitted height of a residential flat building was only 4 storeys. Council has therefore resolved to amend Blacktown

Development Control Plan 2015 (BDCP 2015) and the Blacktown Growth Centres Development Control Plan 2010 so that the residential flat building controls in these documents align with the 2015 Apartment Design Guide (ADG). In the meantime, we are using 75% compliance as a reasonableness test for the provision of common open space when calculated under BDCP 2015. This proposal exceeds this threshold at 83% and is therefore considered reasonable.

8.4 Variations to the building separation requirements under the ADG

- a. Under the ADG the building separation controls increase as the height of the development increases as follows:
 - i. *Up to 4 storeys/12 metres*
 - 12 metres between habitable rooms/balconies
 - 9m between habitable rooms/balconies and non-habitable rooms
 - 6m between non-habitable rooms
 - ii. *5 to 8 storeys/up to 25 metres*
 - 18 metres between habitable rooms/balconies
 - 13m between habitable rooms/balconies and non-habitable rooms
 - 9m between non-habitable rooms
- b. The minimum building setback to a side or rear boundary is half of the above building separation requirements. For habitable rooms and balconies, the minimum side and rear setback requirements for this development are therefore 6 m for the first 4 storeys and 9 m for the upper storeys.
- c. The 7 storey portion of the building satisfies the minimum building setback requirements with the exception of the following encroachments:
 - i. At the 2nd, 3rd and 4th storeys (i.e. upper ground level, level 1 and level 2 plans) the development proposes very minor point encroachments into the 6 m rear setback area. The point encroachments are to a blank wall and a very small portion of the balcony. The point encroachments are less than a metre and are considered negligible.
 - ii. No encroachments are proposed to the minimum 9 m setback requirements at the 5th, 6th and 7th storeys.
- d. The 6 storey portion of the building satisfies the minimum building setback requirements with the exception of the following encroachments:
 - i. At the 2nd and 3rd storeys (i.e. level 1 and 2 plans), the units located on the eastern corner of the building contains a balcony that wraps around the front and side elevations. A small portion of these 2 balconies encroaches into the 6 m side setback area by up to approximately 1 m. The balconies have frontage to the street, do not overlook the neighbour's private open space area and add a curved architectural element to the front of the building. The encroachments are considered minor and should be supported.
 - ii. At the 5th storey (i.e. level 4 plan), the unit located on the eastern corner of the building contains a large wrap around balcony. Instead of providing the required 9 m side setback, the balcony is setback 6 m as per Council's DCP. The balcony is provided with a solid balustrade and a planter box. Subject to suitable screen planting being provided within the planter box, the encroaching balcony is unlikely to impact on the privacy of the existing or any future

neighbours. The requirement for suitable screen planting will be addressed as a condition of consent. The curved balcony and associated planting provide a significant design feature and add interest to the overall appearance of the front of the building. The well-designed corner element is a key feature of the building, and is considered reasonable in the circumstances and should be supported.

- iii. At the 5th and 6th storeys (i.e. level 4 and 5 plans), portions of the north-west elevation project into the 9 m side setback area. The encroaching elements, however, include non-habitable rooms and blank walls which only require a 6.5 m setback (i.e. half of 13 m). The projecting elements comply with this requirement. A single balcony at the 5th and 6th levels also encroaches into the 9 m side setback. The encroachment is to a small portion of the balcony only, and can be provided with metal louvre screens to address any privacy concerns. The requirement for privacy screens on these 2 balconies will be addressed as a condition of consent.
- iv. The development plans at **Attachment 5** highlight the location of these minor balcony encroachments.

8.5 Potential for any site isolation

- a. The adjoining property, at 12 George Street, contains a large 2 storey dwelling. On the other side of the dwelling, a 2 storey development containing 10 strata-titled townhouses, is located on the corner of George Street and Clancy Lane.
- b. We initially raised concerns that the proposed development may limit the development potential of the adjoining property. In the interest of avoiding potential site isolation, the applicant was requested to demonstrate that the principles of lot isolation established by the Land and Environment Court had been considered. This included:
 - i. Whether negotiations between the owners of the properties had been undertaken
 - ii. Whether amalgamation of the sites was feasible
 - iii. Whether orderly and economic use and development of the separate sites can be achieved if amalgamation is not feasible.
- c. The applicant arranged for a valuation report to be prepared in September 2015. An offer was then made to the owners of No. 12 to purchase their property and incorporate it within the development site. After several months of negotiations, a final offer was made in April 2016.
- d. The applicant has provided sufficient evidence to demonstrate that all reasonable attempts were made to acquire the adjoining property. A review of the written correspondence made between February 2015 and May 2016 demonstrates that the offers made to the owners of No. 12 were well above market value and that the final offer was higher than any other nearby sale. The owner of No. 12, however, was not prepared to settle for anything less than 2.5 to 3 times the market valuation. As such, an agreement could not be reached.
- e. While 12 George Street has been considered as an 'isolated property', in reality it is not isolated as it is not a corner lot and can be amalgamated with the townhouse development at 14-18 George Street. Although 14-18 currently contains 10 townhouses approved in September 2011, the site is zoned R4 High Density Residential with a 20 m height limit, and currently is not being utilised to its highest potential.

- f. The applicant has demonstrated that the amalgamation of No. 12 with No. 14-18 is an alternate and feasible amalgamation option. The amalgamation of No. 12-18 would result in an approximate site area of 3,440 sqm. This is comparable to a current DA at No. 11-17 George Street for 85 units. If No. 12-18 was developed in a similar manner, this would result in a considerably higher density than its current density of 11 dwellings. Redevelopment of No. 12-18 is therefore considered a viable option and an effective alternative amalgamation outcome. Based on this, No. 12 is not considered an isolated lot.
- g. The applicant has advised that on 30 November 2016 new Strata Scheme laws were introduced to allow the collective sale of a strata titled development if a minimum of 75% of the owners agreed to the sale. Under previous laws, consent was required from all strata owners. These new laws make the sale and redevelopment of strata titled developments, such as at No. 14-18, more likely given that not all owners need to agree to the sale of the site.
- h. The applicant has demonstrated that negotiations to acquire the adjoining property had been attempted and had not been successful. Evidence of emails, phone calls and a valuation report have been submitted by the applicant and are held on file. The applicant has also satisfactorily demonstrated that the adjoining site will not be isolated as a result of this development, as the site is capable of being developed with 14-18 George Street. On the merits of the application, the proposal is therefore considered satisfactory.

9 Issues raised by the public

- 9.1 Following the submission of amended plans, the proposed development was notified to property owners and occupiers within the locality between 18 April and 2 May 2017. The DA was also advertised in the local newspapers and signs were erected on the site.
- 9.2 The notification process resulted in 2 submissions being received. The main grounds for concern relate to noise, dust, asbestos, building separation and potential site isolation. These objections are not considered sufficient to warrant refusal of the application. Suitable conditions will be imposed on any consent to address potential noise and dust concerns during construction, and to ensure that all demolition works are undertaken in a safe manner. Further conditions will be imposed to limit the use of the rooftop open space area, ensure appropriate acoustic treatments are applied to all plant and equipment, and ensure appropriate CCTV and lighting is provided. Appropriate landscaping and building materials and finishes will also be required to ensure that a high quality development is provided.
- 9.3 The objections are considered to not warrant refusal of the DA. A summary of the objections raised and our response to the issues is at **Attachment 9**.

10 External referrals

- 10.1 The DA was referred to the following external authorities for comment:

Section	Comments
Roads & Maritime Services (RMS)	The RMS has reviewed the application and found it acceptable.
NSW Police	The applicant's completed Crime Prevention Through Environmental Design (CPTED) checklist was forwarded to the Blacktown Local Area Command (LAC) for review. The LAC found it acceptable subject to standard conditions being imposed to ensure compliance with identified CPTED items.

11 Internal referrals

11.1 The DA was referred to the internal sections of Council as summarised below:

Section	Comments
Engineering & Building	Acceptable subject to appropriate conditions.
City Architect	<p>Advised that the facade treatment is well composed. The following comments were raised for consideration:</p> <ul style="list-style-type: none"> • Deep soil zones should be provided to the common open space • Direct access should be provided from the street to the lift lobbies • Basement roof slabs should be below finished ground level to avoid exposing slab edges. <p>These issues are addressed in Attachment 4 and are considered acceptable.</p>
Tree management	Council's Tree Management Coordinator had no objection to the removal of 11 trees, including the removal of 1 tree from Council's road reserve. Suitable conditions were provided in relation to replacement street tree planting and the associated tree bonds.
Traffic management services (TMS)	TMS is satisfied that the surrounding road network is capable of accommodating the additional traffic generated by the proposal.
Waste Services	Council's Waste Services Section is satisfied that the proposal will provide suitable waste collection arrangements. Waste collection will be undertaken by a private contractor.

12 Conclusion

12.1 The proposed development has been assessed against all matters for consideration and is considered to be satisfactory. The likely impacts of the development have been satisfactorily addressed and the proposal is considered to be in the public interest. The site is suitable for the proposed development subject to conditions.

13 Recommendation

13.1 The development application be approved by the Sydney West Central Planning Panel subject to the conditions held at **Attachment 10**.

13.2 The submission under Clause 4.6 of BLEP 2015 for a variation to the 20 m height standard be supported.

13.3 The submitters be notified of the Planning Panel's decision.

Rebecca Gordon
Senior Town Planner

Judith Portelli
Manager Development Assessment

Glennys James
Director Design and Development

Detailed information about proposal and DA submission material

1 The proposal

- 1.1 A development application (DA) has been lodged by Urban Link Pty Ltd on behalf of Civic Properties Group P/L for the demolition of the existing dwellings and structures, and construction of a part 6 storey and part 7 storey residential flat building.
- 1.2 The original design included 98 units. Since lodgement of the DA, however, the proposed development has been amended to 97 units. The unit mix includes 10 x 1 bedroom units, 77 x 2 bedroom units and 10 x 3 bedroom units. A minimum of 10 of the units will be adaptable.
- 1.3 The plans were amended to address concerns with the building separation at the 5th storey and with other encroachments into the side and rear setback areas. The original proposal provided a 6 m side setback at the 5th storey, instead of the required 9 m side setback. The provision of an increased setback has resulted in the deletion of 1 unit.
- 1.4 The revised development generally complies with the setback requirements, except for some minor point encroachments and a large balcony on the front corner of the building. Subject to suitable screen planting being provided within the balcony planter box, it is considered that the encroaching balcony is unlikely to impact on the privacy of the existing or any future neighbours. This issue is discussed in detail in section 8 of the report.
- 1.5 A single, large access foyer has been provided from the George Street frontage. Access to the other 2 lift lobbies is provided via this centralised access point. The development also includes a 7 storey element (being 3 units at the lower ground level) at the rear of the site. The 3 lower ground units have direct access to a level outdoor courtyard area, have a north orientation and will be provided with a high level of amenity.
- 1.6 The ground floor apartments fronting George Street are elevated approximately 1 m to 1.5 m above the adjacent ground level. A change in level from the footpath to a ground floor apartment is promoted by the Apartment Design Guide (ADG), as it enhances privacy while allowing surveillance of the public domain. Appropriate landscaping and building materials, however, are required to soften the building edge. The schedule of finishes and photomontage indicate that the elevated section will be constructed from face brick. The front setback will also be extensively landscaped. These matters will be addressed as conditions of consent.
- 1.7 The development provides 1,000 sqm of common open space at the ground level and 1,097 sqm at the rooftop level. The open space areas will be embellished with seating, pergolas, BBQ facilities, planter boxes and the like. Landscaped areas with deep soil tree planting will also be located at the ground level. The landscape concept plans are included at **Attachment 5**.
- 1.8 The development proposes the removal of 11 trees, including 1 from within the road reserve. Replacement street trees will be required as a condition of consent. The 3 Grey Box Eucalyptus trees located adjacent to the rear boundary will not be impacted by the development footprint and have been recommended for retention. A tree management plan will be prepared for these 3 trees and the 3 street trees which will also be retained. Suitable conditions will be imposed on the consent to address these matters.
- 1.9 The building has been architecturally designed by a registered architect and is supported by a design verification statement in accordance with the requirements of State Environmental Planning Policy (SEPP) No. 65. The external building materials include a mix of brick, alucobond and timber-like panelling, rendered and painted finishes, and glass balustrades.

The varied finishes will break up the built form and provide visual interest and variety to the façade of the building. A copy of the development plans, including a photomontage, is included at **Attachment 5**.

2 Parking

2.1 Following is a summary of the car parking requirements that apply to the development.

	Residential (10 x 1 bed, 77 x 2 bed and 10 x 3 bed)	Visitor parking (for 97 units)	TOTAL Required
Requirement under Council's DCP	1 space per 1 or 2 bed unit 2 spaces per 3 bed unit = 107 spaces	1 space per 2.5 units = 39 spaces	146
Requirement under the RMS Guide	0.6 spaces per 1 bed 0.9 spaces per 2 bed 1.4 spaces per 3 bed = 90 spaces	1 space per 5 units = 20 spaces	110

2.2 A total of 127 basement car parking spaces, including 104 resident spaces and 23 visitor spaces, are proposed across 2 levels. This is a surplus of 17 spaces under the RMS Guide. A minimum of 11 of the car spaces will be designated as accessible. In addition to the car parking spaces, the development also provides 7 motorbike spaces and 25 bicycle spaces. Vehicular access to the site is proposed from a single driveway off George Street.

3 Traffic

- 3.1 A Traffic Report, prepared by Thompson Stanbury Associates, has been submitted as part of the DA. The traffic assessment has calculated the likely traffic generation from the proposed development and has assessed the ability of the surrounding road network to accommodate this additional traffic.
- 3.2 Based on the Roads and Maritime Services (RMS), in their *Guide to Traffic Generating Developments* (2002) traffic generation rates, the proposed development is expected to generate approximately 148 daily vehicle trips, with approximately 19 vehicle trips in the AM peak and approximately 15 vehicle trips in the PM peak.
- 3.3 Observations made by the traffic consultants have indicated that there are frequent gaps within the traffic to allow motorists to undertake right-turn movements exiting the site in a safe and efficient manner with minimal or no delay. The additional traffic, being approximately 1 vehicle every 6 minutes, is also not likely to exacerbate the traffic conditions currently experienced at the Prospect Highway/Olive Street intersection.
- 3.4 The traffic report concludes that the additional traffic from the proposed development is highly unlikely to impose any adverse impacts to the operational efficiency of the road network, undermine existing traffic safety, or noticeably affect residential amenity.

4 Waste

- 4.1 The upper basement level has been designed to accommodate the on-site waste and recycling collection needs of the development. A 4.5 m ceiling clearance height has been provided for the waste collection vehicles' (i.e. 8.8 m long, medium rigid trucks) path of travel.
- 4.2 Council's trucks (i.e. 11 m long, heavy rigid vehicles) cannot be accommodated on site. All waste collection must therefore be undertaken by a private contractor, and residents will not be entitled to access Council's household clean up service.

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION Environmental Planning and Assessment Act, 1979 (Section 81)

Urban Link Pty Ltd (on behalf of Civic Properties
Group P/L)
PO Box 2223,
Burwood
NSW 2134

Determination Number:
JRPP-16-03323

Property Description: Lots 1 & 2, SP49703, Lots 1 & 2, SP52640, Lot 1, DP 845934, and Lots 48-50, DP 14294, 2-10 George Street, SEVEN HILLS.

Development: Demolition works and construction of a part 6 storey and part 7 storey residential flat building

Determination: *Pursuant to Section 81 of the Environmental Planning and Assessment Act 1979 Council advises that the Development Application has been determined by:*

- GRANTING OF CONSENT SUBJECT TO THE CONDITIONS ATTACHED ON THE FOLLOWING PAGES

BY DELEGATED AUTHORITY - DIRECTOR DESIGN AND DEVELOPMENT

Right of Appeal

Section 97 of the Act confers on an applicant who is dissatisfied with the determination of the consent authority a right of appeal to the Land and Environment Court. Section 97 does not apply to State significant development

Review of Determination

Section 82A of the Act provides that an applicant may request the Council to review the determination. Section 82A does not apply to complying development, designated development, integrated development, or a determination made by Council under Division 4 of the act in respect of Crown applications

Note: This Consent is generally valid for a period of 5 years effective from the date of this Notice, unless specified otherwise by Sections 83 and 95 of the Act, or by conditions of this Consent.

Kerry Robinson
GENERAL MANAGER

Per 

Date 25th July 2017

Conditions

1 ADVISORY NOTES

1.1 Terminology

- 1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.
- 1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 109C of the Environmental Planning and Assessment Act 1979.

1.2 Scope of Consent

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

1.3 Other Approvals

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

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- (c) It is in the public interest that they be imposed.

Kerry Robinson
GENERAL MANAGER

Per P. Daw
Blacktown City Council
23 September 2016

1.4 Services

1.4.1 The applicant is advised to consult with:

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

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

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Per 
Blacktown City Council
23 September 2016

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 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

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

1.5 Tree Planting and Service Locations

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

1.6 Identification Survey

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

2 GENERAL

2.1 Scope of Consent

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

Drawing No.	Dated	Council's File Encl. No.
Architectural plans		
Basement 01 A-2021 Rev. F	6/07/2017	81E
Lower ground level A-2022 Rev. F	6/07/2017	81F
Upper ground level A-2023 Rev. F	6/07/2017	81G
Level 01 A-2024 Rev. F	6/07/2017	81H
Level 02	6/07/2017	81T

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A-2025 Rev. F		
Level 03 A-2026 Rev. F	6/07/2017	81I
Level 04 A-2027 Rev. F	6/07/2017	81J
Level 05 A-2028 Rev. F	6/07/2017	81K
Roof terrace A-2029 Rev. F	6/07/2017	81L
Elevations A-3001 Rev. F	6/07/2017	81W
Elevations A-3002 Rev. F	6/07/2017	81X
Elevations A-3003 Rev. F	6/07/2017	81P
Section A & B A-3101 Rev. F	6/07/2017	81Q
Section C, D & E A-3102 Rev. F	6/07/2017	81U
Section F A-3103 Rev. F	6/07/2017	81S
Finishes		
Schedule of colours and materials A-6301 Rev. F	6/07/2017	81A
Photomontage		58D
Landscape concept plans		
Landscape site plan SK00 Rev. E	March 2017	46B
Landscape plan ground floor SK01 Rev. D	March 2017	46C
Landscape plan roof terrace SK02 Rev. D	March 2017	46D
Waste management details		
Loading dock (MRV) swept paths plans A-2701 Rev. F	6/07/2017	48M
Amended waste management plan	April 2017	63A

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prepared by Dickens Solutions		
BASIX Certificate		
Certificate number: 739518M	14/07/16	2D
CPTED Checklist		
Crime Prevention through Environmental Design checklist	Undated	24A

* Unless modified by any conditions of this consent.

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

- (a) 10 x 1 bedroom units
- (b) 77 x 2 bedroom units
- (c) 10 x 3 bedroom units

2.1.3 This consent grants approvals for the removal of trees 3, 5, 6/2, 7, 8, 9, 10, 11, and 16. Tree 15 a street tree must also be removed as per the submitted Arboricultural Impact Assessment dated 23 April 2016 and held at Enclosure 2G on File JRPP-16-03323.

2.2 Suburb Name

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

Suburb: Seven Hills

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

Suburb: Seven Hills

2.3 Engineering Matters

2.3.1 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

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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.

- 2.3.2 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.

2.4 Design and Works Specification

- 2.4.1 All engineering works required by Scope of Engineering Works and other sections of this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (d) Blacktown City Council On Site Detention General Guidelines and Checklist
- (e) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook THIRD Edition December 1999.

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements MUST be submitted to Council with any

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application for Construction Certificate, Road Act 1993 or Local Government Act 1993 Approval.

Any Construction Certificates, for engineering works, issued by Private Certifiers must also be accompanied by the above documentations.

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

2.5 Payment of Engineering Fees

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

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

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

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

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

3 PRIOR TO DEMOLITION

3.1 Advisory

- 3.1.1 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

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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.

3.2 Notification to neighbours

3.2.1 The Applicant is to advise all nearby neighbours (including those adjoining, those located opposite the subject development site and the owners No. 20 Olive Street) by letter of their intention to commence demolition work. The letter shall be distributed at least 7 days prior to the intended work and include the following information:

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

3.3 Disconnection of Services

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

4 DURING DEMOLITION

4.1 Work Method

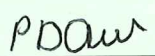
4.1.1 Any asbestos materials are to be removed with the approval of WorkCover and in accordance with Environment Protection Authority (EPA) and Occupational Health and Safety Standards.

Note: If any asbestos material is found on site, asbestos disposal dockets shall be lodged with Council at the completion of the demolition and prior to commencement

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of the construction of the development to verify that all asbestos materials have been disposed of in accordance with EPA and WorkCover requirements.

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

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

4.2 Noise Control

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

4.2.2 The hours of work for any noise generating construction of the proposed development are to be limited to between 7.00am and 6.00pm, Mondays to Fridays inclusive, 7am to 1 pm Saturdays or if audible on residential premises 8am to 1 pm, with no construction activities to be undertaken on Sunday and Public Holidays.

4.3 Signs on Demolition Sites

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

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

4.4 Protection of Neighbouring Buildings

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

4.5 Site Safety

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

4.6 Protection of Public Places

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

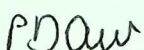
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) involves the enclosure of a public place,

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

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

4.7 **Building Materials and Waste**

- 4.7.1 Building and construction materials, plant, equipment and the like are not to be placed or stored at any time on Council's footpath or roadway.
- 4.7.2 Suitable and effective builder's refuse and waste storage facilities are to be provided on the development site for the duration of demolition works.
- 4.7.3 No material is to be stockpiled within public view.

4.8 **Soil Erosion and Sedimentation Control**

- 4.8.1 Soil erosion and sediment control measure shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and be installed prior to the commencement of any demolition works. Infringement Notices, incurring a monetary penalty, may be issued by Council where measures are not provided or maintained.
- 4.8.2 All required soil erosion and sediment control measures are to be maintained during the entire demolition period until disturbed areas are restored by turfing, paving or revegetation.
- 4.8.3 To minimise any dust nuisance, all haulage roads, demolition areas and stockpiles are to be regularly watered.

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

5.1 **DA plan consistency**

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


5.2 **Road Deposit/Bond**

- 5.2.1 The following current fee and bond (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:
 - (a) Road inspection fee of \$180.00
 - (b) Road maintenance bond of \$5,000.00 and
 - (c) Road maintenance bond administration fee of \$105.00

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The bond is required to cover the cost of any damage to Council's public assets (e.g. road, guttering, footpaths, drainage systems) arising from development works. The bond (less an administration fee) will be refunded upon the completion of the development should there be no damage to Council's assets as a result of the development works.

The road inspection fee covers Council's costs to inspect public assets adjacent to the development site before and after development work.

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

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

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

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

5.3 Services/Utilities

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

(a) A "Notification of Arrangement" Certificate from a recognised energy provider stating that electrical services, including the provision of street lighting, have been made available to the development.

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

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

6 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

6.1 Section 94 Contributions

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 6.1.1 The following monetary contributions pursuant to *Section 94 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) either by Council or any accredited certifier, whichever occurs first.

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

CONTRIBUTION ITEM	AMOUNT (indexed to date of consent) *	Relevant C.P
"Developable area contributions"		
Stormwater Quality	\$35,809.00	19
"Additional population contributions"		
Traffic Management (High density development)	\$132,692.00	19
Traffic Management	\$185,652.00	19
Open space (High density development)	\$641,966.00	19
Open space	\$177,835.00	19
Community facilities	\$46,511.00	19
TOTAL CONTRIBUTIONS	\$1,220,465.00	

* Next CPI due 26 July 2017

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

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Information Centre, or viewed/downloaded at www.blacktown.nsw.gov.au:

S.94 CP No. 19 – Blacktown Growth Precinct

The Section 94 contribution(s) have been based on the total developable area and the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the

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potential additional population, the Section 94 contribution(s) will be adjusted accordingly.

Developable Area: 0.4127 hectares
 Additional Population: 216.4 persons less 28 persons (i.e. for 8 existing dwellings)
 = 188.4 persons

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

6.2 Aesthetics and design


6.2.1 The approved development is to be constructed as follows:

- (a) In accordance with the schedule of materials, finishes and colours prepared by Urban Link dated 10 March 2017 and held at enclosure 45B on Council’s file JRPP-16-03323. The approved finishes include brick, painted rendered surfaces, wall cladding (Prodema or equivalent product), glass and Alucobond Plus (or equivalent product). The finishes must also be durable, graffiti and fire resistant and easily cleanable.
- (b) The ground floor apartments fronting George Street are elevated approximately 1 m – 1.5 m above the adjacent ground level. This enhances privacy while allowing surveillance of the public domain. Appropriate building materials, however, are required to soften the building edge. The schedule of finishes and photomontage indicate that the elevated section will be constructed from face brick. These details must be provided on the construction plans.
- (c) Where possible, the air conditioning units should be fully integrated into the building design and should not be highly visible from the street if located on balconies.
- (d) The external walls of the building are to be free of plumbing and fixtures, service conduits/wiring and other building services.
- (e) The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent, must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. “Anti-glare” glazing is to be used to minimise any glare affect.
- (f) All windows at level 1 and above, are to be fitted with a child safety mechanism to prevent accidental falls from the windows. Details of the safety mechanisms are to be nominated on the plans.

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- (g) The balconies of any units encroaching the 6m front and side setback shall be modified to comply with the Apartment Guide requirements.

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

6.3 Adaptable Housing Units

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

6.4 Landscaping

- 6.4.1 All landscaping and screening details are to be provided as part of the Construction Certificate. All landscaping is to be consistent with the approved landscape concept plans as documented in Condition 2 above. The front setback must also be extensively landscaped to soften the building edge and to screen any basement car park vents or substations provided in the front building setback.
- 6.4.2 Deleted.
- 6.4.3 The outdoor communal open space areas are to be embellished with paving, timber decking, bench seating, tables, barbeques, synthetic grass, as well as suitable trees and shrubs within landscape planter boxes. All details are to be included as part of the construction certificate.
- 6.4.4 The construction of a barrier fence on the rooftop area is required to prevent accidental falls, suicide attempts and death or injury. The fence is to be designed in a way to prevent it from being used as a natural ladder. Any barrier should be provided in clear glass, so that it does not add to the overall bulk and scale of the building. Details are to be included as part of the construction certificate.


6.5 Fencing and screening

- 6.5.1 All fencing details will be required as part of any construction certificate. Boundary fencing is to be provided at full cost to the developer, and must be at least 1.8 m in height and constructed in timber lapped and capped or colorbond materials.
- 6.5.2 At the 5th and 6th storeys (i.e. levels 4 and 5 plans), any balcony encroaching into the 9 m western side setback must be provided with sliding metal louvre screens to address any privacy concerns. Details are to be provided as part of the construction certificate.
- 6.5.3 Passive solar devices such as sliding metal louvre screens are to be provided to the north facing balconies. Details are to be provided as part of the construction certificate.

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6.6 Tree retention/removal

- 6.6.1 Trees 3, 5, 6/2, 7, 8, 9, 10, 11 & 16 are approved for removal. Tree 15 (a street tree) must also be removed and replaced with the same street tree species (*Tristaniopsis laurina*). During installation of the street trees, the planting of street trees is to ensure street lighting and vehicle sightlines are not impeded.
- 6.6.2 Trees 1, 2 and 4 must be retained. A tree management plan must be prepared for these and any other trees to be retained. The tree management plan must be prepared by an Arborist with AQF Level V qualifications. The Arborist who prepares the tree management plan is also to be the nominated site Arborist and must ensure that the trees are protected as per AS4970-2009 Protection of Trees on Development Sites. Trees 12, 13 and 14, and any street tree, must be included in the tree management plan and protected in accordance with AS4970-2009.

The tree management plan must include the following details:

- Following the prescribed maintenance period, Council will inspect all street trees and provide the applicant with a list of defects which will need to be addressed prior to the acceptance of handover’.
- The developer must provide to Council in writing one (1) month notice, at minimum, for practical completion inspection and two (2) month notice for end of maintenance inspection.
- Mechanical line trimmers (whipper snippers) must not be used within 300mm of out edge of tree trunks.
- No grass is to overgrow edges where it adjoins hard paved surfaces or kerbs and guttering.
- No grass or weeds are to be within mulched area in or around the tree.
- Stolen trees are to be replaced within 1 week. Repeated removal of trees within the same location shall immediately be reported to Council.
- All garden beds to be re-mulched to maintain a depth of 75mm and level finish with adjacent surfaces.
- Mulch is not to come into contact with the trunks of trees.
- No visible signs of wilting of leaves or stems, with all plants to be fully turgid at all times.
- No sign of over watering such as constantly wet soil, brown leaf margins, stem rot or brown spots on foliage.
- No obvious signs of weed infestation in grass areas, pavements or mass planting beds.
- Chemicals are not to be applied in extreme temperatures or wind conditions.
- Removal of all suckers from base of trees.
- Formative pruning of trees to allow effective canopy development and to retain natural or desired shape of the tree.
- All damaged dead or diseased wood to be pruned to the nearest lateral shoot or active bud with a clean neat cut.

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6.7 Street tree planting

6.7.1 The applicant is to undertake the planting and maintenance of street trees to Council's tree coordinator's satisfaction and at no cost to Council (making any necessary applications with Council or obtaining any necessary clearances from relevant Service Authorities). A minimum of 5 new street trees are required. All street tree planting is to be identified on the construction plans, including the tree species type and pot size. A minimum 45 litre pot size is required and staking of the plant will be necessary. All street tree planting is to be undertaken to the satisfaction of Council's Tree Management Section.

6.7.2 To ensure the health and vigour of the trees the applicant is, subject to any alternative arrangements satisfactory to the Council, to lodge:

- A tree bond of \$320 per tree for the 5 additional street trees (\$1,600)
- A street tree preservation bond of \$320 per tree for the 3 street trees that are to be retained (\$960)
- A tree preservation bond of \$1,000 per tree for the 3 trees to be retained within the site (\$3,000)
- A \$132 inspection fee.

Council will return the bonds 12 months after the issue of a final Occupation certificate if the trees are in a state of good health and vigour to Council's satisfaction. The applicant is to make arrangements with Council tree management co-ordinator and obtain any necessary clearances from relevant service authorities, prior to undertaking any street tree planting.

6.7.3 In accordance with Council's Good and Services schedule further assessment of plans and future site inspection shall be levied for this purpose at a rate of \$188/hr + GST. Parks and Tree Maintenance assessment = 2 hours @ \$188/hr = \$376.00.

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


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

- No timber or steel edging is permissible
- Install root directors to manufacturer's specifications to protect assets, structures and/or underground services.
- Tree trunk to be a minimum 750mm from street kerb and guttering

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- All imported soil to achieve the requirements of AS4419 – Soils for landscaping All tree planting holes are a minimum 1.5 times diameter and twice the depth of the root ball All mulch is to be free of deleterious material such as rock, soil, weeds and sticks. Acceptable mulch – Forest litter or pine bark mulch
- All soft edges (mulch, turf, grassed) to be finished to appropriate falls and flush with adjacent surface treatment.
- Kikuyu is not accepted. Identify the use of Soft leafed Buffalo as preferred turf
- Turf to consist of 25mm depth of dense , well rooted, vigorous grass growth with minimum 15mm on an average 100mm depth of top soil
- Staking is required specified as- drive 2x38x38x1800 mm hardwood stake 600mm into the ground. Secure the stem of the tree firmly with 2 x hessian ties fitted to the stem separately in opposite directions.

6.8 Police requirements

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

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

- 6.8.2 The CCTV shall be operated, managed and maintained by the building manager, in accordance with the recommendations of the CPTED report recommendations prepared by Planning Direction Pty. LTD dated August 2016.

6.9 Letterboxes

- 6.9.1 The letterboxes must be illuminated, tamper-proof and provided in a prominent location so as to minimise vandal attacks. Each box should be appropriately numbered and provided with a key lock. Street numbers should also be displayed to ensure the site is easily identified.

6.10 Lighting

- 6.10.1 A detailed lighting plan and maintenance policy is to be prepared by a suitably qualified person. The plan is to provide the following:

- (a) The location, method of lighting, levels of illumination, and the spacing between all lighting. The lighting is to be designed in accordance with Australian/New

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Zealand lighting standards for public space, pedestrian walkways and basement car park areas.

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

6.11 Access/Parking

- 6.11.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 6.11.2 The applicant is to ensure that the accessway and driveway are rated for the proposed 8.8m long, medium rigid garbage collection vehicle.
- 6.11.3 Sight distance is to be maintained at the basement entrance off George Street to satisfy AS 2890.1 section 3.2.4 in terms of both pedestrian and vehicular sight distances.
- 6.11.4 The development plans nominate 127 basement car parking spaces as follows:
 - 23 spaces for visitors; and
 - 104 spaces for the residential units.

The car parking spaces are to be designed having minimum internal clear

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dimensions in accordance with Australian Standard 2890.1. Suitable bicycle parking must also be provided as indicated on the approved plans.

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

6.11.6 A roller shutter and card-key system should be installed at the segregation point between the visitor spaces and the secure residential parking spaces. An additional roller door is to be installed at the entry/exit point of the basement car park. All details are to be shown on the Construction Certificate plans.

6.12 **Salinity and Aggressive Soil Management**

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

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

7.1 **Demolition**

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

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

7.2 **Building Code of Australia Compliance**

7.2.1 All aspects of the building design shall comply with the applicable performance

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

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

7.3 Site Works and Drainage

7.3.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.

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

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

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

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

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

Such details shall accompany the Construction Certificate.

7.4 BASIX Certificate Compliance

7.4.1 The plans and specifications must indicate compliance with the commitments listed within an approved BASIX Certificate. In this regard, Certificate Number: Ref:

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739518M dated 14 July 2016 is for 98 residential units. The BASIX Certificate is to be updated to reflect the amended development which contains 97 units.

8 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

8.1 Acoustic matters

8.1.1 The following acoustic matters are to be addressed:

- (a) A qualified acoustic engineer must certify that the building has been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

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

- (b) An acoustic report is required to certify item (a) above. The recommendations of the acoustic assessment are to be implemented (including any recommendations for upgraded glazing thicknesses). All mitigation/acoustic measures are to be identified on the construction plans.

- (c) The required acoustic assessment must ensure compliance with the Department of Planning's document titled 'Development Near Rail Corridors and Busy Roads-Interim Guidelines'. The document is available on the Department of Planning and Environment's website. All recommended acoustic measures are to be identified on the construction plans.

- (d) All mechanical plant items must be selected prior to the release of a construction certificate. 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:

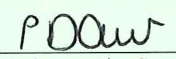
- i. does not exceed an L_{Aeq} sound pressure level of 5dB (A) above the ambient background noise level when measured:
 - at the most effected point on or within any residential property boundary or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.

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- ii. cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

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

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

8.2 Waste collection area

- 8.2.1 The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

8.3 Site Contamination

- 8.3.1 Prior to the issue of a Construction Certificate, a final validation report from a suitably qualified environmental consultant, must also be lodged with Council stating that the land is suitable for residential use in accordance with the residential thresholds required by the National Environment Protection (Assessment of Site Contamination) Measure 1999 as amended 2013 (NEPM).

9 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

9.1 Compliance with Conditions

- 9.1.1 All conditions in the "Prior to Construction Certificate (Engineering)" Section and the relevant conditions in the "General" Section of this consent, must be complied with prior to the issue of any Construction certificates.
- 9.1.2 All fees for Construction and Compliance Certificates, 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.

9.2 Road-works/Traffic management

- 9.2.1 A traffic management/control plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (traffic control devices for works on roads) and current RMS Traffic Control at Work Sites

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manual. Any persons preparing such traffic control layout plans shall be RMS accredited.

- 9.2.2 Given the site is located in close proximity to a school and associated 40 km/hr school zone, the traffic management/control plan must include a requirement that all heavy vehicle movements associated with the development are to be outside of the school zone hours. This includes trucks taking away fill for the required basement. A truck route management plan is to be included as part of the traffic management plan.

9.3 Drainage

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

9.4 Erosion and Sediment Control

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

9.5 On-Site Detention

- 9.5.1 On-site detention systems within private or common courtyard areas shall be designed so they do not impact on the amenity of the development or the use of such areas.
- 9.5.2 A certificate from a Registered Engineer (NPER) to be submitted to Council certifying that the structures associated with the on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- 9.5.3 A certificate from a Professional Civil Engineer/Registered Surveyor must be obtained verifying that the On Site Detention system will function hydraulically in accordance with the requirements of Upper Parramatta River Catchment Trust and Council's current development guide.
- 9.5.4 Any Construction Certificate issued for or including an On-site Stormwater Detention (OSD) System must be accompanied by:

- a. A Drainage Design Summary Sheet per Appendix B1 of the Upper Parramatta River Catchment Trust Handbook, Version 3.

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- b. Full drainage calculations and details for all weirs overland flow-paths and diversion/catch drains - including catchment plans and areas, times of concentration and estimated peak run-off volumes.
- c. A completed OSD Detailed Design Submission and Checklist per Appendix B9 of the above-mentioned Handbook.
- d. A complete address of Council's OSD General Guidelines and Checklist requirements.
- e. A Maintenance Schedule is to be presented with the designer's name, his signature and date on it in accordance with the Upper Parramatta River Catchment Trust handbook guideline. (If an underground tank is involved this must include reference to WorkCover Authority of NSW Occupational Health & Safety Act 1983 and Confined Spaces Regulation.)

9.6 Asset Management

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

9.7 Tree Preservation

- 9.7.1 A tree retention plan shall be included with any Construction Certificate indicating:
 - (a) the trees to be retained.
 - (b) all areas left undisturbed and to be cordoned off from construction works.

9.8 Ancillary Works

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

9.9 Scope of Engineering Works

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

9.10 Road and Drainage works

9.10.1 Redundant gutter and/or footway crossing(s) must be replaced with integral kerb and gutter. The footway area must be restored by turfing.

9.11 On Site Stormwater Detention System

9.11.1 On-Site Detention

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

- i. Nominated Minimum Storage: 470 cu.m/ha
- ii. Nominated Maximum Discharge: 80 L/s/ha
- iii. Council acknowledges the submission of On-site Stormwater Detention concept plan reference No 20150340, SW04 & SW07 Rev A by SGC Engineering Value Pty Ltd (Council file JRPP-16-03323). The Construction Certificate issued in this regard must be generally in accordance with this concept plan.

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

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

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

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

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


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

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9.12 Vehicular Crossings

- 9.12.1 Construction of Council's standard residential vehicular footway and gutter (layback) crossing(s) to each of the following nominated lot(s) in accordance with Council's plan A(BS)102S but thickened to 150mm and reinforced with F82 steel reinforcing fabric. The construction standard for this work may be reduced if the house construction precedes the crossing construction.

Nominated Lot(s): 1 x Minimum 6.5 metres (George Street, Seven Hills).

9.13 Finished Boundary Levels

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

10 PRIOR TO DEVELOPMENT WORKS

10.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

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

This condition does not apply to:

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

- 10.1.3 Should the development work:

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

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

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

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

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

10.2 Notification to Council


- 10.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the

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Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

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

10.3 Home Building Act

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

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

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

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

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

10.4 Sydney Water Authorisation

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

OR

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

10.5 Construction Details

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

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development.

Nominated Component

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

10.6 Use of Crane

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

10.7 Tree retention

- 10.7.1 All trees nominated for retention in the applicant's Arboricultural Impact Assessment, prepared by Redgum Horticultural, shall be effectively protected against damage for the duration of construction works. The recommendations of the Arboricultural Impact Assessment are to be implemented prior to construction works commencing.

11 DURING CONSTRUCTION (BUILDING)

11.1 Safety/Health/Amenity

- 11.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 11.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
 - (a) the name, address and telephone number of the principal certifying authority for the work, and
 - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

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11.1.3 Should the development work:

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

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

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

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

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

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

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

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

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

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

11.2 Building Code of Australia Compliance

11.2.1 All building work shall be carried out in accordance with the provisions of the

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Building Code of Australia.

11.3 Surveys

11.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.

11.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

11.4 Nuisance Control

11.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

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

11.4.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

11.5 Stormwater Drainage

11.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:

- (a) the floor level being a minimum 225mm above the adjoining finished ground level, and/or
- (b) being drained to an effective drainage system.

11.6 Waste Control

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

11.7 Tree Protection

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

11.8 Construction Inspections

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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11.8.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

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

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

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

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

11.9 Site Cut and Fill levels

11.9.1 The extent of cut and fill on the development site is restricted to that which is indicated on the approved plans.

11.9.2 Any ground re-shaping by cut and/or fill shall not compromise the structural integrity of any adjacent building, structure or service conduit on the subject or adjoining land.

11.10 Site Contamination

11.10.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, a Remediation Action Plan (RAP) is to be submitted to Council's Manager, Development Services for consideration and all potentially contaminated material is to be tested, removed or undergo remediation. A suitably qualified environmental consultant is to be on site for regular monitoring of the approved site works. In the event remediation work is required to be undertaken, it must be done in accordance

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with the National Environment Protection (Assessment of Site Contamination) Measure 1999 as amended 2013 (NEPM).

11.10.2 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:

- a) The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
- b) Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
- c) Any filling shall be undertaken in accordance with the fill protocol approved by Council's Manager Development Assessment.

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

11.11 Archaeology

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

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

11.12 Salinity and Aggressive Soil Management

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

11.13 Waste Management

11.13.1 The measures outlined in the submitted Waste Management Plan, must be implemented during the demolition and construction phases of the development.

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This includes the sorting and storage of waste and recyclable building materials on site for collection and disposal by the nominated waste/recycling contractor to the nominated disposal site.

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

12 DURING CONSTRUCTION (ENGINEERING)

12.1 Notice of work Commencement

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

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

12.2 Service Authority Approvals

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

12.3 Boundary Levels

12.3.1 Any construction at the property boundary, including fences and driveways shall not be carried out until alignment levels have been fixed.

12.4 Compaction Requirements

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

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

12.5 Maintenance of Soil Erosion Measures

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 12.5.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.
- 12.5.2 Re-vegetation must be applied to disturbed areas as soon as practical after completion of earthworks and must be established prior to release of the maintenance security. All open drains must be turfed.
- 12.5.3 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

12.6 Inspections of Works

- 12.6.1 Inspection Compliance Certificates issued by a Registered Engineer (NPER) or Registered Surveyor or Compliance Certificates issued by an accredited certifier, under Part A of Environmental Planning and Assessment Act 1979 as amended, are to be issued for works covered by the Construction Certificate for engineering works at the completion of the following mandatory inspection stages: -

(i) Soil Erosion and Sediment Control

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

(ii) Traffic Control

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

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

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

(iv) Provision of Street Furniture

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- (a) Street Furniture (including street signs guideposts guardrail etc)
- (b) Erection of fencing adjoining public/ drainage reserves

(v) Footpath Works

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

(vi) Construction of on-site detention system

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

(vii) Traffic Control

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

(viii) Final overall Inspections

- (a) Preliminary overall final inspection
- (b) Overall final inspection

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


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

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

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12.7 Public Safety

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

12.8 Site Security

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

12.9 Traffic Control Plan

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

13 PRIOR TO OCCUPATION CERTIFICATE

13.1 Consolidation of Lots

- 13.1.1 The lots shall be consolidated into one registered property title.

13.2 Road Damage

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

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

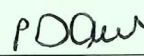
13.3 Compliance with Conditions

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

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

13.4 Service Authorities

13.4.1 The following documentary evidence shall accompany any Occupation Certificate:

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


13.5 Temporary Facilities Removal

- 13.5.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 13.5.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 13.5.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 13.5.4 Any temporary builder's sign or other site information sign shall be removed from the land.

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

13.6 Fire Safety Certificate

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

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

13.7 Fire Safety

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

13.8 Surveys/Certificates/Works As Executed plans

- 13.8.1 A Work-As-Executed plan (to a standard suitable for scanning) signed by a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed. Council requires the Work-As-Executed plans to be submitted in both hardcopy and electronically on a CD (in PDF and DWG format). All engineering Work-As-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works. The works as executed plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Upper Parramatta River Catchment Trust or Council.

- 13.8.2 Upon completion of the works a certificate from a Registered Surveyor must be obtained and submitted to Council verifying the finished floor levels for the lots have been achieved upon completion of the construction of the floor. All levels must be to Australian Height Datum

- 13.8.3 A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the on-site detention system

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as constructed will function hydraulically in accordance with the approved design plans.

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

13.8.5 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

13.9 **Easements/Restrictions/Positive Covenants**

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

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

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

13.9.2 Restrictions and positive covenants must be registered with Land and Property Information over the on-site detention storage areas and outlet works.

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

13.10 **Inspections**

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

13.11 **Fee Payment**

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

13.12 **External finishes**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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13.12.1 The approved development is to be constructed in accordance with the schedule of materials, finishes and colours prepared by Urban Link dated 10 March 2017 and held at enclosure 45B on Council's file JRPP-16-03323. The approved finishes include brick, painted rendered surfaces, wall cladding (Prodema or equivalent product), glass and Alucobond Plus (or equivalent product). The finishes must also be durable, graffiti and fire resistant and easily cleanable.

13.12.2 All windows at level 1 and above, are to be fitted with a child safety mechanism to prevent accidental falls out of the windows. The mechanisms are to be in accordance with the details submitted as part of the Construction Certificate.

13.13 Letterboxes

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

13.13.2 The street number must be displayed prominently at the front of the building to comply with Local Government Act, 1973 Section 124, Order 8. The street number is to be visible at night.

13.14 Power Boards

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

13.15 Security/Surveillance

13.15.1 The development is to comply with the submitted 'Crime Prevention through Environmental Design' checklist held at Enclosure 24A on Council's JRPP-16-03323 and the details submitted as part of the Construction Certificate. The development is to provide CCTV, appropriate street numbering, signage, key locked letterboxes, secure residential parking and security doors.

13.15.2 Use of the rooftop common open space is limited to 7.00 am to 8.00 pm, 7 days a week. The playing of amplified music within the rooftop space is also prohibited. Appropriate signage is to be displayed around the rooftop area advising of these restrictions. Appropriate signage is also required to advise that CCTV is operational in the area.

13.15.3 To prevent accidental falls, death or injury, the required barrier fence on the rooftop area is to be installed in accordance with the details submitted as part of the Construction Certificate. The fence is to be constructed in a way to prevent it from being used as a natural ladder, and is to be provided in clear glass, so that it does not add to the overall bulk and scale of the building.

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- 13.15.4 The CCTV shall be operated, managed and maintained by the building manager, in accordance with the recommendations of the CPTED report recommendations prepared by Planning Direction Pty. LTD dated August 2016

13.16 Lighting

- 13.16.1 Vandal proof and security lighting is to be provided in accordance with the approved Construction Certificate plans to provide for the safety and convenience of occupants and visitors at night. The car parking areas must also be provided with sufficient lighting to enhance the safety of users.
- 13.16.2 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and visitors at night.

13.17 Landscaping

- 13.17.1 All landscaping, BBQ facilities, shade structures, tables, benches and the like shall be completed in accordance with approved landscaping design plan submitted as part of the Construction Certificate. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

13.18 Street Tree Planting

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

13.19 Car Parking

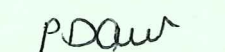
- 13.19.1 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability for residents and their visitors.
- 13.19.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 13.19.3 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.6. – 2009
- 13.19.4 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose. In this regard, a minimum of 104 resident spaces and 23 visitor car parking spaces must be provided on site in accordance with the RMS guidelines.

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- 13.19.5 A roller shutter and card-key system is to be installed at the segregation points between the visitor and residential parking areas, and at the entry/exit points of the basement car parks.
- 13.19.6 Bicycle racks are to be provided on site in accordance with the Apartment Design Guide (ADG).
- 13.19.7 The ceiling of each basement car park is to be painted white to enhance lighting illumination.
- 13.19.8 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that the basement ventilation system has been installed and is operating in accordance with AS 1668:2:2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contamination control*. Any associated car park vents are to be minimised and located at a low level where possible.
- 13.20 **Ancillary Work**
- 13.20.1 Each dwelling unit is to be provided with a mechanical drying appliance within the unit.
- 13.21 **Waste Management**
- 13.21.1 Access for collection vehicles is to be built in accordance with the dimensions indicated on the approved architectural plans and vertical cross-section plans (demonstrating compliance with Australian Standards for headroom allowances) showing adequate truck entry and exit and in all manoeuvring areas.
- 13.21.2 The accessway/driveway must be rated for the proposed 8.8m long, medium rigid vehicle.
- 13.21.3 The applicant must provide physical treatment (in the form of removable, lockable bollards) to the loading bay and truck turning areas to prevent unauthorised parking:
- truck turning areas must be maintained.
 - access must be coordinated with the building manager.
 - signage around the area is also required to complement the removable bollards
 - indicate this on amended plans and update the waste management plan.
- 13.21.4 Evidence (e.g. in the form of receipts) is to be submitted to confirm that waste and recyclable materials, including fill from the excavation of the basement car parking have been managed and disposed.

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- 13.21.5 Prior to the issue of an Occupation Certificate evidence is to be submitted to confirm that appropriate arrangements have been made with the private contractor for the disposal of waste and recycling.
- 13.21.6 Waste and recycling collections undertaken by a private contractor are to be provided by the Owner's Corporation. The private contractor's details are to be provided to Council's Sustainable Resources Officer for our records.
- 13.21.7 Appropriate provisions are to be included in the Strata Management Agreement for the ongoing management of waste and recyclables on the property. The agreement is to include:
- i. Requirements for the appointment of a building manager/caretaker to manage bins and bulky waste on site in accordance with the approved waste management arrangements.
 - ii. Who is responsible for maintaining the garbage collection system and bin cleaning, and ensuring waste collection points are clear and unobstructed prior to collection times.
 - iii. That no bins are to be located or placed in the approved collection points outside the scheduled collection time for that area.
 - iv. The updated waste management plan and details regarding the proposed physical treatment of the loading bay (i.e. to maintain truck turning areas)
 - v. The method of communication to new tenants and residents regarding Councils' waste management services and collection system for the complex.
- 13.21.8 As the development will be serviced by private waste and recycling contractors, residents are unable to access Council's household clean up service, or garbage and recycling service. These must be provided by the Owners Corporation. A Section 88B or similar is to be listed on the title to this effect and suitably drafted by Council's planning or legal team.
- 13.21.9 The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.
- 13.21.10 Appropriate provisions are to be made for the storage and collection of waste. A separate caged bulky waste storage area and waste chutes are to be provided in accordance with the approved plans. On-site waste collection areas, the loading bay and manoeuvrability paths are also to be suitably line-marked and sign-posted to ensure areas are kept clear of obstructions that may prohibit their future use. Parking barriers/locks are to be provided in the loading bay to prevent unauthorised parking in this area.

13.22 BASIX

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 13.22.1 All commitments listed in the approved BASIX Certificate submitted as part of the Construction Certificate shall be complied with prior to the issue of an Occupation Certificate for the development.

13.23 **Adaptable Housing Units**

- 13.23.1 Certification from a qualified Access Consultant confirming that the Adaptable Housing Units are capable of being modified when required by the occupants in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) is to be submitted to Council's Manager Development Assessment.

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

- 13.24.1 An Occupation Certificate must not be issued unless all design verifications have been provided in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000.

13.25 **Graffiti Management Plan**

- 13.25.1 A "Graffiti Management Plan" is required which addresses the following issues:

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

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

13.26 **Acoustic verification**

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

14 **OPERATIONAL (PLANNING)**


14.1 **Graffiti removal**

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

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14.2 Access/Parking

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

14.3 General

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

14.4 Noise & Nuisance

- 14.4.1 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 14.4.2 The use of the land is not to interfere with the amenity of the surrounding residential area.
- 14.4.3 Any nuisance created by the use of any aerial or transmitting or receiving equipment associated with the development shall be addressed to the satisfaction of the Spectrum Management Agency.


14.5 Landscaping

- 14.5.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 14.5.2 Sightlines must be kept free from obstructions. If a lack of natural surveillance occurs this would quickly encourage anti-social behaviour and criminal offences specifically malicious damage to the area. The 'fear of crime' would also no doubt increase if there is sign of malicious damage, rubbish, broken bottles etc. around the development. Regular maintenance and up-keep of the site must therefore be adhered to.

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- 14.5.3 The management of vegetation, gardens, planter boxes, communal areas, BBQ facilities, children's play equipment, etc. is to be incorporated within the future strata management plan once the development is occupied.

14.6 Use of Premises

- 14.6.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 14.6.2 Use of the rooftop common open space is limited to 7.00 am to 8.00 pm, 7 days a week. The playing of amplified music within the rooftop space is also prohibited. If the development is to be strata subdivided, a clause is to be included in the Plan of Strata Management/building by-laws advising of these restrictions.

14.7 Waste Management

- 14.7.1 Waste and recycling collections undertaken by private contractor are to be provided by the Owner's Corporation.
- 14.7.2 The applicant must provide physical treatment (in the form of removable, lockable bollards) to the loading bay and truck turning areas to prevent unauthorised parking. The removable bollards in the loading bay area must be permanently in the locked upright position until the waste collection vehicles arrive at which point they can be removed for bin servicing and re-instated afterwards.

14.8 Clothes Drying

- 14.8.1 Clothes drying is to be conducted in the mechanical dryers. The 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 Plan of Strata Management prohibiting the drying of clothes on balconies (where visible from a public place).

15 OPERATIONAL (ENVIRONMENTAL HEALTH)

15.1 Environmental Management

- 15.1.1 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 15.1.2 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

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- 15.1.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

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