

Report to Sydney West Joint Regional Planning Panel

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| JRPP No: | 2014SYW027 |
| DA No: | JRPP-14-91 |
| Local Government Area: | Blacktown |
| Proposed Development: | Two lot subdivision, staged construction of 4 x 4 storey residential flat buildings and concurrent strata subdivision |
| Development Type: | 'Regional Development' – Capital Investment Value > \$20 million |
| Lodgement Date: | 23 January 2014 |
| Land/Address: | Lot 209 DP 208203, H/N 9 Terry Road, Rouse Hill |
| Land Zoning: | R3 Medium Density Residential and RE1 Public Recreation pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 |
| Applicant: | Winter Properties Pty Ltd |
| Capital Investment Value: | \$57.6 million |
| Report Author: | Melissa Parnis, Assistant Team Leader, Planning (North) |
| Recommendation: | Approval subject to conditions |
| Instructing Officers: | Judith Portelli, Manager Development Services & Administration and Glennys James, Director City Strategy & Development |



Figure 1: Photomontage of the proposed development (IDraft, 2014)

ASSESSMENT REPORT

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ATTACHMENTS

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1 Executive summary

- 1.1 Blacktown City Council is in receipt of a Development Application (DA) from Winter Properties Pty Ltd for the construction of 4 x 4 storey residential flat buildings on the R3 Medium Density Residential zoned portion of Lot 209 DP 208203, H/N 9 Terry Road, Rouse Hill. The development is proposed to occur in 4 stages. The concurrent strata subdivision of units is also proposed as part of the development.
- 1.2 The application also proposes the paper subdivision of the existing lot, to excise the RE1 Public Recreation zoned portion of the land. The proposed development constitutes 'Regional Development' requiring referral to a Joint Regional Planning Panel (JRPP) as it has a Capital Investment Value of \$57.6 million. While Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney West JRPP.
- 1.3 The subject site is zoned part R3 Medium Density Residential and part RE1 Public Recreation pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006. Residential flat buildings are permissible on the R3 zoned portion of the site. The excised RE1 zoned land will ultimately be acquired by Council.
- 1.4 A detailed assessment has been undertaken against the provisions of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) and the Blacktown City Council Growth Centre Precincts Development Control Plan (Growth Centres DCP) 2010. The proposed development is fully compliant with the numerical provisions of the Growth Centres DCP. The development also complies with all aspects of the Growth Centres SEPP, with the exception of building height.
- 1.5 The applicant has lodged a Clause 4.6 variation to a development standard for consideration by the JRPP. The building height is only varied up to 550mm as a result of point encroachments. Pursuant to Clause 64 of the Environmental Planning and Assessment Regulation 2000, where an environmental planning instrument applying to a site adopts Clause 4.6 of the Standard Instrument (Local Environmental Plans) Order 2006, the Director-General's concurrence can be assumed. This report undertakes a detailed assessment into whether the Clause 4.6 variation should be supported. In summary, Council officers consider the variation to be minor, as it does not create additional building levels and is a result of the topography of the land. In this circumstance the Clause 4.6 variation is supported by Council officers.
- 1.6 The R3 zoned portion of the site is identified as a future school on the Area 20 Precinct Indicative Layout Plan, as identified within the Growth Centres DCP. The applicant has submitted correspondence from the Department of Education and Communities (DEC) that the Department does not seek to acquire the site at this point in time. Council officers further confirmed this advice with DEC in August 2014. Notwithstanding this, the proposed development is permissible within the R3 zone and a DCP cannot prohibit a land use. Further, the Growth Centres SEPP does not identify the site for acquisition purposes.
- 1.7 The proposal is consistent with the objectives of State Environmental Planning Policy No. 65 (SEPP No. 65) and satisfactorily achieves the 10 'design quality principles' listed under Part 2 of SEPP No. 65. Council officers have also assessed the application against the design guidelines provided within the Residential Flat Design Code (RFDC). The development complies with all of the numerical recommendations of the RFDC.
- 1.8 The proposed development was notified to property owners and occupiers within the locality between 5 March and 19 March 2014. The Development Application was also advertised in local newspapers and a sign was erected on the site. As a result of the notification process, a total of 3 submissions were received. The main grounds for concern include traffic impact of

the development, provision of solar energy infrastructure and consistency with medium density zoning of the site. The grounds for objection are noted and where necessary appropriate conditions will be imposed on any consent to ameliorate any potential concerns. The grounds for objections are therefore not considered sufficient to warrant refusal of the application.

- 1.9 Overall, the development is considered satisfactory with regard to relevant matters such as siting and design, bulk and scale, privacy, access, traffic impacts, parking, stormwater drainage and the like. The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, including the suitability of the site and the public interest, and is considered satisfactory.
- 1.10 It is recommended that the proposed development be approved subject to the conditions documented at **Attachment 1** to this report.

2 Location

- 2.1 The subject site is located within the Area 20 Precinct within the North West Growth Centre as identified by the Growth Centres SEPP. The site is located within the suburb of Rouse Hill, on the western side of Windsor Road. The site is located to the north-west of the Rouse Hill Town Centre. The site is approximately 43km north-west of the Sydney CBD.
- 2.2 The site is located on the corner of Terry Road and Rouse Road. The location of the subject site is shown in Figure 2 below. The land immediately surrounding the subject site to the east and south is currently zoned R3 Medium Density Residential, with a building height limit of 12m. The northern portion of the subject site is zoned RE1 Public Recreation. The land opposite is zoned R2 Low Density Residential, with a 9m height limit.
- 2.3 The surrounding land is currently characterised by large lot rural residential development. The current zoning of the land reflects the rezoning undertaken by the State Government in 2011, however, prior to this rezoning the adjoining lands were zoned for rural purposes. The proposed development is the first development of its type within the Area 20 Precinct. In addition, the Rouse Hill Anglican School is located 250m west of the site.
- 2.4 Main access to the area is currently provided from the Rouse Road intersection with Windsor Road, which is a signalised intersection. The Area 20 Precinct is currently not serviced by rail. However, the site is located 1km to the north of the future Cudgegong Road rail station as part of the North West Rail Link.

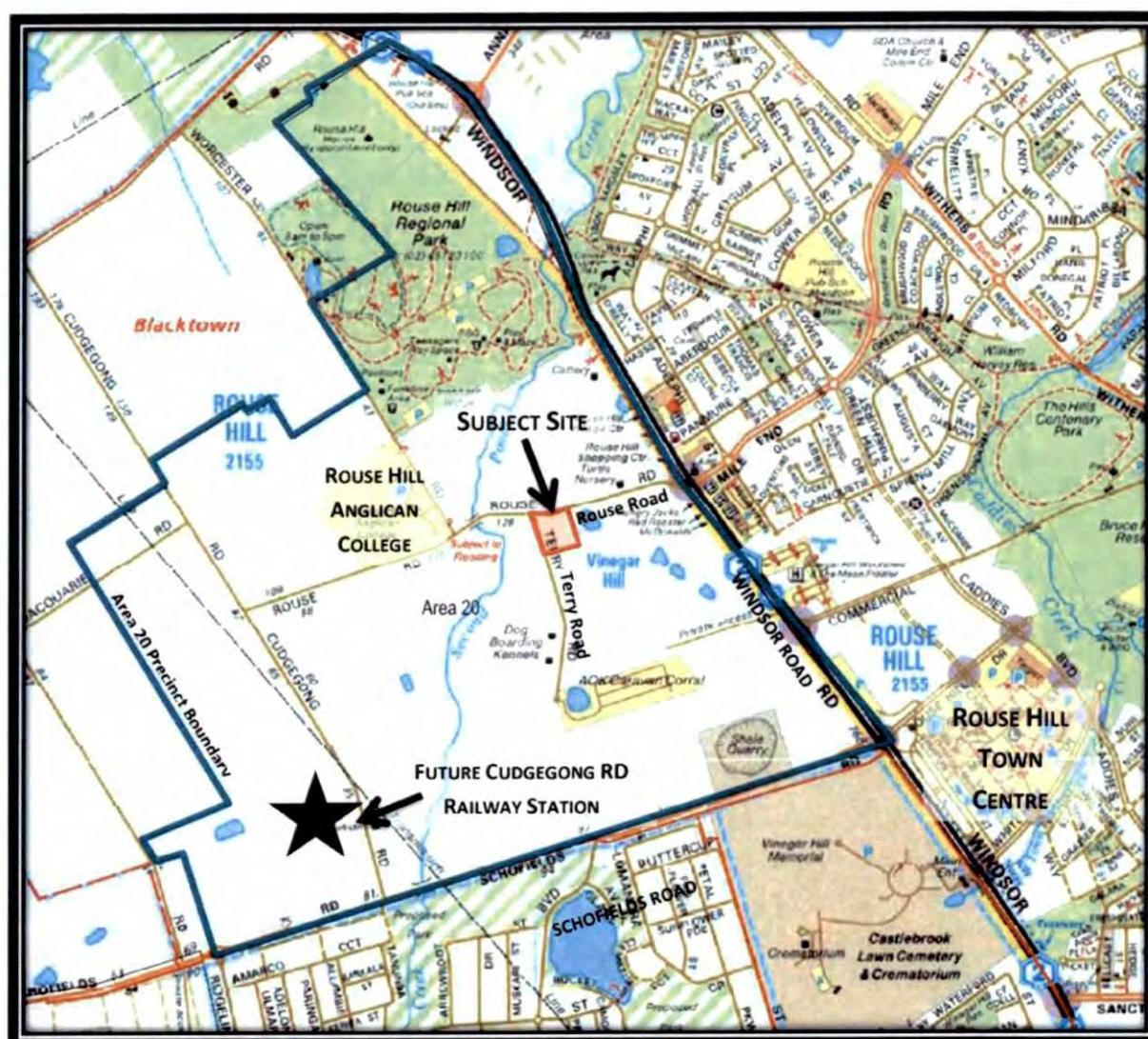


Figure 2. Location map (Source: Blacktown City Council, 2014)

3 Site Description

- 3.1 The subject site comprises of a single allotment, known as Lot 209 DP 208203, H/N 9 Terry Road, Rouse Hill. The development site is a corner lot that is irregular in configuration and has a frontage of 87.32m to Rouse Road to the north and 175.24m to Terry Road to the west. The eastern boundary has a length of 167m and the southern boundary has a depth of 150m. The total site area is 2.059 hectares, which comprises of 1.538 hectares of R3 zoned land and 0.521 hectares of RE1 zoned land.
- 3.2 The site currently contains a single storey dwelling, carport, swimming pool, shed and garage. The structures are proposed to be demolished as part of a separate application.
- 3.3 The existing site is heavily vegetated. The submitted Tree Inspection Report identifies that the site contains 232 trees of various species and types. The majority of these trees are located in the northern third of the site, which is the portion zoned RE1 Public Recreation. The vegetation community on the site is degraded Cumberland Plain Woodland, however, the site is 'biodiversity certified' pursuant to Schedule 7 Part 7 of the Threatened Species Conservation Act 1997.



Figure 3. Aerial photo of subject site and its surrounds (Source: Nearmap, captured 26 June 2014)

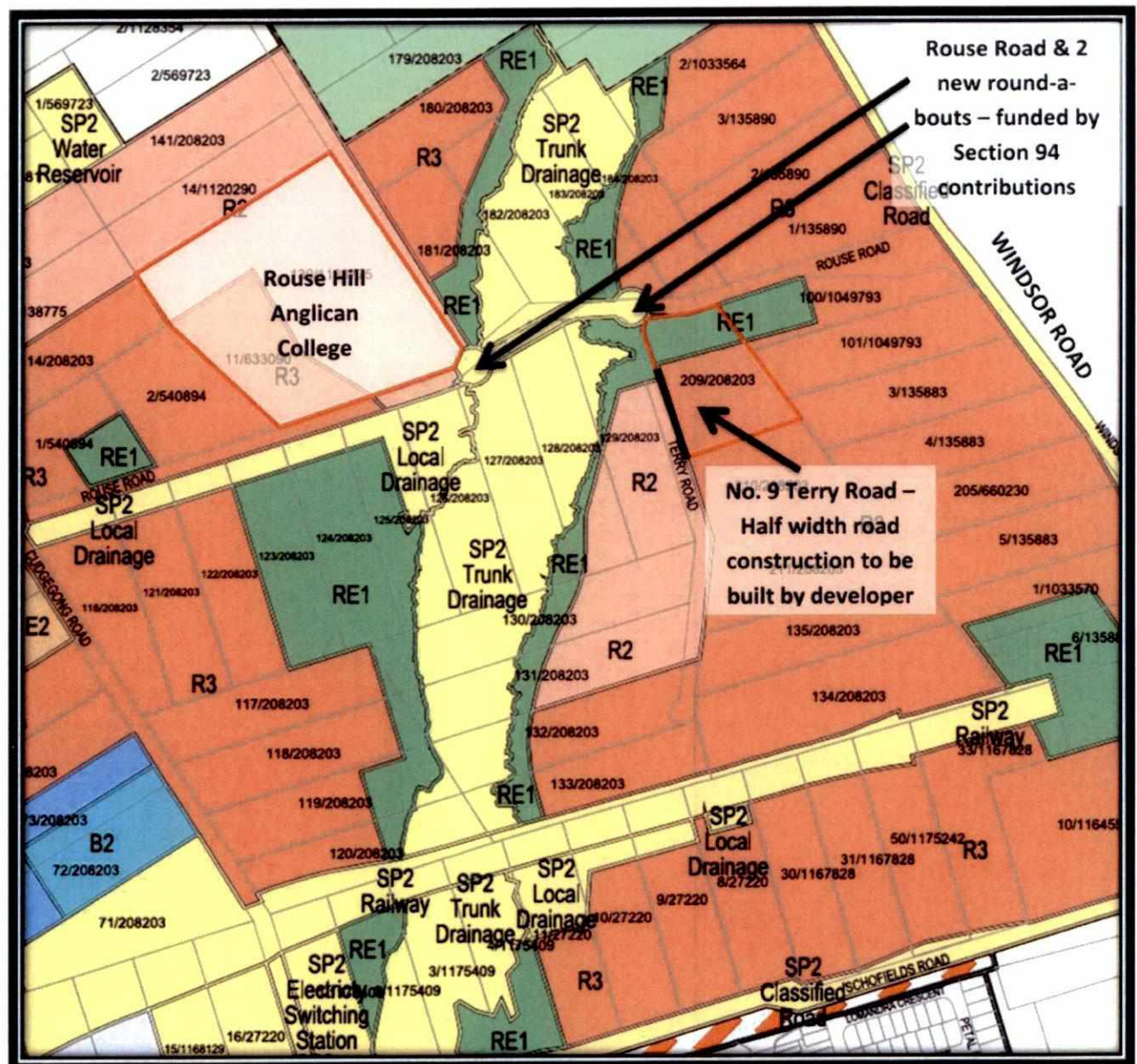


Figure 4. Zoning plan (Source: Blacktown City Council, 2014)

4 History and current use of the site

- 4.1 The site has been used for rural residential purposes for a number of years, with a number of rural residential buildings located on the site.
- 4.2 On 21 October 2011, the site was rezoned to R3 Medium Density Residential and RE1 Public Recreation pursuant to the provisions of State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The site was rezoned from its previous 1(a) General Rural zoning under the Blacktown Local Environmental Plan 1988 to its current zoning as part of the Area 20 Precinct rezoning in the North West Growth Centre.

5 Development proposal

- 5.1 The Development Application (DA) has been lodged by Winter Property Group Pty Ltd for the staged subdivision and construction of 4 residential flat buildings at the subject property. The proposed development has a Capital Investment Value of \$57.6 million.
- 5.2 The 4 residential flat buildings are each 4 storeys in height. A total of 256 residential units, comprising 29 x 1 bedroom units, 186 x 2 bedroom units and 41 x 3 bedroom units are proposed.
- 5.3 In summary, the 256 residential units are proposed in the 4 new buildings as follows:

Table 1: Unit mix and yield

| Building | A (Stage 1) | B (Stage 2) | C (Stage 3) | D (Stage4) | Total |
|----------|-------------|-------------|-------------|------------|-------|
| 1 bed | 8 | 5 | 8 | 8 | 29 |
| 2 bed | 45 | 47 | 48 | 46 | 186 |
| 3 bed | 11 | 12 | 8 | 10 | 41 |
| Total | 64 | 64 | 64 | 64 | 256 |

- 5.4 The maximum building height of the development is 12.55 metres measured to the parapet and 12.25 metres to the roof on Building C, which is a maximum 550mm exceedance. In addition, the northern parapet of Blocks A, B and D also exceed the height limit, however, the exceedance is less than 300mm. The overall building height exceeds the maximum building height of 12m permissible under the Growth Centres SEPP. The applicant has lodged a Clause 4.6 variation to the development standard for consideration of the consent authority. The applicant's Clause 4.6 request is held at **Attachment 4** as well as a 3D plan representation which demonstrates what part of the development exceeds the 12 metre height limit. Council's assessment of the variation is undertaken in Section 6 below.
- 5.5 The proposed development provides for 1 level of basement car parking for a total of 349 car parking spaces. The basement level provides the following number of parking spaces:
- 297 resident car parking spaces
 - 52 visitor car parking spaces including 1 car washing bay
 - 128 resident bicycle spaces
 - 22 visitor bicycle spaces
- 5.6 A basement car parking area has been provided underneath each of the 4 buildings. Each basement car space has been designed so that vehicles can enter and exit in a forward direction. Elevators will provide direct access from the basement carpark area to the residential levels. Each visitor car parking area is centrally located, in a separately designated area to differentiate from resident car parking.
- 5.7 All vehicular access to the development site is proposed from Terry Road, through 2 new entry/exit driveways. As the development is staged, Stage 1 comprises of 1 new entry/exit driveway and Stage 3 includes the other new entry/exit driveway. All basement levels will ultimately be connected to one another.
- 5.8 The development provides for a central communal open space area at ground level, internally shared amongst all units. The communal open space has a total area of 4,397sq.m and includes children's play areas, BBQs and a pool. The common landscaped areas will be embellished with seating, water features, pathways, pergolas and appropriate plantings. The junior children's play area located within the central courtyard of Buildings A and B, and senior

play area located in the central courtyard of Buildings C and D, will be available for the use of the residents of the development.

- 5.9 The building has been architecturally designed. The use of recessed balconies, the transition in building heights, and the use of quality finishes will also add to the visual interest of the development. The materials and colours have been selected to give the buildings an identity, and to 'soften' the apparent bulk and scale of the development. A variety of materials will be used, including rendered and painted finishes for the facade walls, a combination of solid balustrades as well as glazed balustrade treatments, and Alucobond cladding for partial walls. Balcony balustrades are of various types and serve differing purposes. Painted and rendered solid walls work as compositional devices to divide facades, whilst the glass plate balustrades allow for maximum views. A schedule of external finishes and photomontage is included below.



Figure 5. Schedule of external finishes (Source: IDraft Architects, 2014)

- 5.10 A Design Verification Statement prepared by Adriaan Winton of IDraft Architects has been prepared for the development, in accordance with the requirements of SEPP No. 65. The Design Verification Statement concludes that the proposed development provides a complimentary and interesting addition to the Rouse Hill retail/commercial precincts its built form, height, scale and density comply with DCP controls. Its landscape design includes substantial deep soil planting of large trees and low scale planting. It is concluded that the development is well suited to its site and location. Council officer assessment of the design principles established within SEPP No. 65 are undertaken in Section 6 below.
- 5.11 The applicant has submitted a Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd. The report reviews the road network in the vicinity of the site and assesses the traffic implications of the development proposal in terms of road network capacity.

- 5.12 The report identifies that, in accordance with the Roads and Maritime Services publication *Guide to Traffic Generating Developments, Section 3 – Land use Traffic Generation* dated October 2002, the development proposal yields a traffic generation potential of approximately 74 vehicle trips per hour during commuter peak periods. The report notes that it is generally acknowledged that the above traffic generation rates for high density residential developments do not accurately reflect the traffic generation potential of such developments which are not located in very close proximity to public transport services. For the purposes of assessment, the Traffic Report has used a higher traffic generation rate per dwelling, consistent with the approach taken by the Department of Planning and Environment for similar sized developments with similar accessibility to public transport services. The application of the high traffic generation rate to the development proposal yields a traffic generation of approximately 102 vehicles per hour during commuter peak periods. The report concludes that the traffic generation potential of the site is not expected to have any unacceptable traffic implications in terms of road network capacity, particularly when considered in the context of the future road network which is proposed in the Area 20 Precinct.
- 5.13 The report has also undertaken an assessment of the required car parking for the proposal in light of the development controls established by the Growth Centres DCP. The development proposal necessitates an off-street car parking requirement of 349 parking spaces and the proposed development makes provision for 349 off-street parking spaces. The report also concludes that the geometric design layout of the proposed car parking facilities have been designed to comply with the relevant requirements as specified in Australian Standard 2890.1 in respect of parking bay dimensions, aisle widths, ramp grades and overhead clearances. Council officer assessment of the traffic and parking implications of the development is undertaken in detail in Section 10 of this report.
- 5.14 An addendum to the Traffic Report was submitted in May 2014, which confirmed that vehicular access driveways have been designed to incorporate the driver/pedestrian visibility splays required by Australian Standards. The report advises that the design ensures that there are no walls or landscaping above 900mm in height which would obstruct visibility.
- 5.15 A full assessment of the proposal is provided under Section 9 of this report, while a copy of the development plans is included at **Attachment 2**.

6 Planning Controls

- 6.1 The planning controls that relate to the proposed development are:

(a) State Environmental Planning Policy (State and Regional Development) 2011

SEPP (State and Regional Development) 2011 confers 'Regional Development' as listed in Schedule 4A of the Environmental Planning and Assessment Act 1979 to the Joint Regional Planning Panel (JRPP) for determination. The proposed development constitutes 'Regional Development' requiring referral to a JRPP for determination as the proposed development has a Capital Investment Value of more than \$20 million. While Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney West JRPP.

(b) State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 ensures that the RMS is made aware of and allowed to comment on development nominated as 'traffic generating development' listed under Schedule 3 of the SEPP. The proposed development provides on-site parking for more than 200 vehicles and is therefore listed under Column 2 of Schedule 3 of the SEPP. The

DA was required to be referred to the Sydney Regional Development Advisory Committee (SRDAC) for comment. The SRDAC comments are discussed under Section 7 - External Referrals.

(c) State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land aims to “provide a State wide planning approach to the remediation of contaminated land”. Where contamination is, or may be, present, the SEPP requires a proponent to investigate the site and provide the consent authority with the information to carry out its planning functions. A preliminary contamination assessment of the site prepared by Geotechnique Pty Ltd has been undertaken of the subject site. The assessment concludes the following:

The site can be made suitable for the proposed residential development subject to implementation of the following recommendations prior to site preparation and earthworks:

- Assessment of soils by sampling and testing at and in the vicinity of the footprints of site features such as house, garage, shed, area of scrap metals and drum, etc after complete demolition and/or removal. The purpose of this is to ascertain the presence or otherwise of ‘suspect’ materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash particles, etc) and fill, which were not encountered during field work for this assessment, as well as to determine the contamination status of the soils/fill. In the event of contamination, detailed assessment, remediation and validation will be required.
- An assessment of soils at and in the vicinity of TP32 (test pit 32) after demolition of the nearby garage to delineate the extent of Total Petroleum Hydrocarbons (TPH) contamination and to determine any remediation option.
- A detailed assessment in the northern portion of the site to delineate the extent of brick and concrete fragments and bonded asbestos containing material and to determine the remediation/management option.

Suitable **conditions** will be imposed on any development consent to address these matters and to ensure that the site is suitable for residential development without any limitations. (**condition 4.11.1**).

(d) State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 (SEPP No. 65) – *Design Quality of Residential Flat Development* was gazetted on 26 July 2002 and applies to the assessment of development applications for residential flat buildings 3 or more storeys in height and containing at least 4 dwellings. In the same year the State Government also released the *Residential Flat Design Code* (RFDC). The SEPP primarily aims to improve the design quality of residential flat development and states that residential flat development is to “have regard to the publication *Residential Flat Design Code* (a publication of the Department of Planning, September 2002)”.

Part 2 of the SEPP outlines 10 ‘design quality principles’ for residential flat development. The design quality principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions. In accordance with Clause 50(1A) of the Environmental Planning and Assessment Regulation (EP&A Regulation) 2000, the application has been accompanied by a design verification

from a qualified designer, verifying that he/she designed the residential flat development and that the design quality principles set out in Part 2 of SEPP No. 65 have been achieved.

The SEPP also outlines the procedures for establishing a 'design review panel'. The function of a design review panel is to give specific independent design advice on a development application for residential flat development and, in particular, to give such advice on the design quality of the residential flat development when evaluated in accordance with the 10 'design quality principles' listed under Part 2 of the SEPP. It should be noted, however, that Blacktown City Council does not at present have a design review panel in place.

As part of the submission requirements for any residential flat development, the DA must provide an explanation of the design in terms of the 10 'design quality principles'. In determining a DA, a consent authority must take into consideration the design quality of the residential flat development when evaluated in accordance with the 10 'design quality principles' set out in Part 2 of the SEPP. An assessment of the proposal against the 10 design quality principles is provided at **Attachment 5**.

(e) Residential Flat Design Code (RFDC)

In addition to the 10 'design quality principles', SEPP No. 65 requires that, when assessing an application, Council must have consideration for the design guidelines provided in the Residential Flat Design Code (RFDC). The main numerical guidelines from the RFDC are summarised below.

Table 2 – Residential Flat Design Code assessment

| PART 1 – LOCAL CONTEXT | | |
|-------------------------------------|---|--|
| Primary Development Controls | <p><u>Building depth:</u> An apartment building depth should not exceed 18 metres. For wider buildings, design must demonstrate how satisfactory daylight and natural ventilation are achieved.</p> <p><u>Building separation:</u> For buildings over 3 storeys, it is recommended that building separation increase in proportion to building height. Suggested dimensions within a development, for internal courtyards and between adjoining sites, are:</p> <ul style="list-style-type: none"> Up to four storeys/12m <ul style="list-style-type: none"> 12m between habitable rooms/balconies 9m between habitable rooms/balconies and non-habitable rooms 6m between non-habitable rooms | <p>Apartment building depth is a maximum 15m.</p> <p>Minimum side setbacks of 3m are provided to the RE1 zoned land to the north and 5.94m to the side and rear setbacks. Residential flat buildings are permissible on the adjoining properties to the side and rear of the site. The side setback enables building separation of 12m to be evenly distributed between adjoining properties, should residential flat buildings be constructed on these sites.</p> |
| PART 2 – SITE DESIGN | | |
| Site Configuration | <p><u>Deep soil zones:</u> A minimum of 25% of the open space area of a site should be designated for deep soil zones. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances,</p> | <p>Development provides for 10,282sq.m of deep soil planting on the ground level. This equates to 67% deep soil zone for the site.</p> |

| | | |
|---------------------------------|---|---|
| | <p>stormwater treatment measures must be integrated with the design of the residential flat building.</p> <p><u>Open space:</u> At least 25%-30% of the site area should be designated to communal open space.</p> <p><u>Vehicle access:</u> The width of driveways should be limited to a maximum of 6 metres. Vehicle entries should be located away from main pedestrian entries and on secondary frontages.</p> | <p>25% of the site area equates to 3,822sq.m. The proposed development will provide approximately 4,186sq.m of common open space at the ground level.</p> <p>Two vehicle driveway entries are proposed. The basement driveway entries are 6 metres wide to allow 2-way vehicular movements. The access point has been integrated into the overall design of the building, so it is not visually dominant.</p> |
| PART 3 – BUILDING DESIGN | | |
| Building Configuration | <p><u>Apartment layout:</u> Single-aspect units should be limited in depth to 8 metres from a window. The back of a kitchen should be no more than 8 metres from a window.</p> <p><u>Apartment sizes:</u></p> <ul style="list-style-type: none"> • 1 bedroom – 50sq.m • 2 bedroom – 70sq.m • 3 bedroom – 95sq.m <p><u>Balconies:</u> Each unit must accommodate at least one balcony with a minimum depth of 2 metres.</p> <p><u>Ceiling heights:</u> In residential flat buildings, habitable rooms are to have a minimum floor to ceiling height of 2.7 metres. Non-habitable rooms may be 2.4 metres.</p> <p><u>Internal circulation:</u> Where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to 8.</p> | <p>Building depth up to 9m is provided for some single-aspect units, however, all kitchens are within 8m from a window.</p> <ul style="list-style-type: none"> • 1 bedroom – minimum 50sq.m • 2 bedroom – minimum 70sq.m • 3 bedroom – minimum 95sq.m <p>All units have at least one balcony which exceeds the 2.0m minimum depth requirement.</p> <p>All units within the development will have ceiling heights of at least 2.7m.</p> <p>Blocks A and C are serviced by 3 lifts and Blocks B and D are serviced by 2 lifts. Lift cores service between 3 and 9 units, however this is limited to a maximum of 5 units per corridor.</p> |
| Building Amenity: | <p><u>Solar access:</u> Living rooms and private open spaces for at least 70% of units should receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter.</p> <p><u>South facing units:</u> The number of single-aspect units with a southerly aspect (SW-SE) should be limited to a maximum of 10% of the total units proposed.</p> <p><u>Natural ventilation:</u> 60% of the units should be naturally cross ventilated.</p> | <p>70% of the units achieve the minimum 3 hours of direct sunlight between 9am and 3pm.</p> <p>A maximum of 20 units are single-aspect southerly units, equating to 8% of total units proposed.</p> <p>63% of the units achieve the natural cross-flow ventilation requirements.</p> |

(f) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Multi-dwelling BASIX Certificates were lodged as part of the Development Application, as well as a NatHERS (Nationwide House Energy Rating Scheme) Assessor Certificate. The BASIX Certificates identify that all buildings achieve the required water, thermal comfort and energy scores required. A suitable **condition** will be imposed on any development consent requiring compliance with the submitted BASIX Certificates (**conditions 2.3.1 & 5.5.1**).

(g) State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The subject site is zoned R3 Medium Density Residential pursuant to the Growth Centres SEPP. 'Residential flat buildings' are permissible within the zone with development consent. Appendix 5 – Area 20 Precinct Plan applies to the subject site as the property is located within the Area 20 Precinct. Table 3 below summarises the key development standards established within the Growth Centres SEPP and the proposal's compliance with these standards. It is noted that all calculations are based on a site area of 1.538 hectares, which **excludes** the RE1 Public Recreation zoned land.

Table 3 – Compliance with Growth Centres SEPP

| SEPP development standard | Required | Provided | Complies |
|---|----------------------------------|-----------------------------------|---|
| Minimum lot size - Residential flat buildings | Minimum 2,000sq.m | 1.538 hectares | Yes |
| Residential density | Minimum 25 dwellings per hectare | 133 dwellings per hectare | Yes |
| Height of buildings | 12m maximum | 12.55m (point encroachments only) | No, however justification has been provided by the Applicant at Attachment 4 and is discussed in Section 10 below |
| Floor space ratio | 1.75:1 maximum | 1.56:1 | Yes |

In addition, Clause 6.1 of the Growth Centres SEPP requires suitable arrangements to be made for the provision of public utility infrastructure, including wastewater, drinking water and electricity, prior to the granting of any development consent. The applicant has submitted confirmation from Endeavour Energy and Sydney Water confirming that the site is capable of being serviced. In addition, service authority **conditions** requiring a Section 73 Certificate (Sydney Water) and a Notification of Arrangement (electricity provider) will be imposed on any consent issued (**conditions 3.4.1 & 10.4**).

7 External referrals

7.1 The Development Application was referred to the following public agencies as summarised in the table below:

| Agency | Comments |
|----------------------------------|--|
| Roads and Maritime Service (RMS) | <p>The Application was referred to the RMS, who raised no objections subject to the following advisory comments:</p> <ol style="list-style-type: none"> 1. <i>Whilst the zoning plan extract from the Statement of Environmental Effects identifies this site as R3 — Medium Density Residential, the attached Area 20 — Indicative Layout Plan subsequently identifies this property as a potential School site. The Department of Planning should be contacted to resolve the conflict</i> |

| | |
|--|--|
| | <p><i>between the zoning plan and the Indicative Layout Plan for this site.</i></p> <ol style="list-style-type: none"> <i>The layout of the proposed car parking areas associated with the subject development (including driveway grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1 - 2004 and AS 2890.2 —2002 for heavy vehicles.</i> <i>All vehicles are to enter and leave the site in a forward direction.</i> <i>Car parking provision to Council's satisfaction.</i> <i>Stacked parking spaces should be allocated to the same unit.</i> <i>Residential visitor spaces are to be clearly designated and signposted.</i> <i>Council should ensure that suitable provision is made to accommodate garbage collection and furniture removalist vehicles.</i> <i>A Demolition / Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to the Council prior to the issue of the Construction Certificate.</i> <i>All construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.</i> <i>The proposed development should be designed such that road traffic noise from Windsor Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.</i> <i>All works associated with the proposed development are to be at no cost to RMS.</i> <p>Council officers note RMS concerns in relation to the conflict between the zoning of the land and its identification as a potential school site on the Area 20 ILP. A detailed discussion of this matter is undertaken in Section 10 of this report.</p> <p>All other matters will be imposed as conditions on any consent issued (conditions 4.10.2, 12.1.6, 4.10.4, 10.20.1, 3.6.1, 1.6.1, 8.9.1 & 3.8).</p> |
| NSW Police | <p>Initial comments from NSW Police were received by Council, requesting the applicant submit a Crime Prevention through Environmental Design Report. The Applicant subsequently submitted a CPTED report and no objections were raised by the NSW Police subject to conditions (conditions 4.7, 4.9, 4.10, 4.5, 10.10, 10.16 & 4.8).</p> |
| Department of Education and Communities | <p>Comments were sought from the Department of Education and Communities (DEC) as the site is identified on the Area 20 ILP as a "potential school site". DEC has advised the following:</p> <p><i>The Department does not identify the site at 9 Terry Road, Rouse Hill to be acquired in this financial year (FY 14/15) because a new school in this area is not needed until at least another 5 to 10+ years.</i></p> <p>A detailed discussion of this matter is undertaken in Section 10 of this report.</p> |

8 Internal referrals

8.1 The application was referred to the following internal sections of Council as summarised in the table below:

| Section | Comments |
|--------------------|--|
| Engineering | Council's Engineering Section has reviewed the DA and raise no objections subject to |

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|---|---|
| | conditions imposed on any consent issued (conditions 6, 9 & 10.8). |
| Building | Council's Building Section has reviewed the DA and raise no objections subject to conditions imposed on any consent issued (condition 5.1). |
| Traffic Management Section (TMS) | <p>TMS has reviewed the DA and provided the following comments:</p> <ol style="list-style-type: none"> 1. The anticipated traffic movements due to the proposed development are likely to be accommodated within the existing and the proposed road network in the area. 2. The proposed basement parking in terms of adequacy and design comply with the relevant planning requirements and standards. 3. It is envisaged that there will be minimal impact on on-street parking in the area. 4. TMS has assessed the additional information in regard to the safe pedestrian sight distance requirement at the driveways onto Terry Road against Figure 3.3 of AS/NZ2890.1:2004. The information confirms that the minimum pedestrian sight distances have been maintained at the proposed driveways in accordance with Figure 3.3. <p>Based on the above, no objection in principle is raised with the proposal from a traffic management point of view.</p> |
| Section 94 Committee | The dedication of the RE1 zoned land was raised at the Section 94 Committee on 4 April 2014 and it was agreed that the consent should be conditioned to require the dedication of the land (condition 2.6). |
| Strategic Planning | Council's Strategic Planning Section has advised that there are no particular strategic planning concerns in relation to the proposal. |
| Waste Services | Council's Waste Services Section has reviewed the DA and raise no objections subject to conditions imposed on any consent issued (condition 10.21). A detailed discussion of waste collection is undertaken in Section 10 of this report. |

9 Public comment

9.1 The Development Application was notified in accordance with Blacktown Development Control Plan 2006, Part K – Notification of Development Applications, to adjoining and nearby property owners and occupants for a period of 14 days from 5 March to 19 March 2014. An advertisement was also placed within the local newspaper and a sign was erected on the development site advising of the public notification.

9.2 In response to the public notification, **3 submissions were received**. The concerns have been summarised below, together with Town Planning comments thereon:

a. Traffic

- The Rouse Hill Anglican School and a nearby resident have raised concern that the proposed development will generate a significant increase in traffic in the immediate area, placing further strain on the roads in the immediate vicinity of Rouse Hill Anglican College. Increased levels of traffic will create an increased risk of student safety due to motor vehicle related incidents.
- The full construction of Rouse Road, including the reconstruction of the bridge access over Second Ponds Creek, should take place before the development of such a large residential complex takes place. A roundabout at the intersection of Terry Road and Rouse Road would also be appropriate to manage the increased traffic load. At present there are no footpaths on Rouse Road. With the additional

pedestrian traffic from residents accessing Windsor Road bus stops, pedestrian safety would be greatly compromised without a properly constructed footpath.

Town planning comment

- The submitted Traffic Report, which has been reviewed by Council's Traffic Management Section, has identified that the existing road network will be capable of facilitating the development. The Traffic Report has been previously discussed. The proposal is to be constructed in 4 stages. Therefore traffic generation as a result of the development is anticipated to increase over time.
- The upgrade to Rouse Road, including the construction of a roundabout at the corner of Terry Road and Rouse Road, has been identified within Council's Section 94 Contributions Plan No. 22 – Area 20 Precinct. It is noted that this DA is the first DA of this scale within the Area 20 Precinct and that Section 94 contributions within this area are currently limited. Existing development within the area, including the Rouse Hill Anglican School which has a school population of 1,200 students (based on projections in a previous DA), were not required to pay Section 94 contributions.
- Council's Traffic Management Section has identified that it would be desirable that the roundabout at the intersection of Rouse Road and Terry Road be constructed concurrently with the proposed development, however, timing of construction is a matter of funding from the Section 94 plan.
- Council's Section 94 officer has advised that the design of the road between Second Ponds Creek and Windsor Road has been identified in Council's current works improvement program, however, timing of construction is also dependent on Section 94 funding.
- Notwithstanding this, the existing road network will be capable of facilitating the development.

b. Solar Energy

- The submitter has identified that whilst he does not object to the proposal, he is disappointed that the development has failed to incorporate solar energy into the project.

Town planning comment

- The development has been assessed against relevant planning controls, including the Growth Centres SEPP and DCP. There are no controls which require the provision of solar panels or use of solar energy within the development.
- The development is however required to comply with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. A multi-dwelling BASIX Certificate has been submitted, as well as a NatHERS (Nationwide House Energy Rating Scheme) Assessor Certificate. The Certificates identify that all buildings achieve the required water, thermal comfort and energy scores required.
- The dwelling design also incorporates the following features within its design:
 - 70% of the units have at least 3 hours of solar access to the main living areas

- sun control systems, including fixed and moveable louvres
- installation of low energy saving devices
- natural cross-flow ventilation to 63% of the units
- on-site detention of stormwater run-off from paved areas to reduce peak flows.
- In addition, the large common open space area is landscaped with indigenous or low water use plant species.

c. Scale of development

- The scale of development is not medium density and presents a significant departure from the planning zones indicated on the Area 20 Precinct Plan.

Town planning comment

- The portion of the site on which the proposal is located is zoned R3 Medium Density pursuant to the Growth Centres SEPP. 'Residential flat buildings' are permissible in this zone with development consent.
- The development satisfies all the numerical controls within the Growth Centres SEPP and DCP with the exception of building height, where only minor encroachments are proposed. In addition, the development will provide setbacks and open space areas which exceed the minimum controls, to further reduce the impact of the development on existing and future building form within the area.

9.3 The issues raised in submissions, whilst important, do not warrant refusal of the Development Application.

10 Council assessment

10.1 An assessment of the key issues for the proposed development is presented below:

a. Blacktown City Council Growth Centre Precincts Development Control Plan 2010

The provisions of the Blacktown City Council Growth Centre Precincts Development Control Plan 2010 apply, in particular Section 4.6.1 Residential flat buildings and shop-top housing. The following table outlines that the application is generally compliant with the relevant provisions of the DCP.

Table 4: Compliance with Growth Centres DCP numerical controls

| Control | | Proposed | Complies |
|---------------------|------------------|--|----------|
| Minimum frontage | 30m | 175m – Site adjoins Terry Road and a future public recreation area | Yes |
| Minimum depth | 30m | 109m | Yes |
| Adaptable dwellings | 10% of dwellings | 26 adaptable units proposed, which equates to 10%. An Accessibility Report prepared by Access mobility solutions has been submitted and demonstrates compliance with relevant Australian Standards | Yes |
| Site coverage (max) | 50% | 40% (6,028sq.m) | Yes |

| | | | |
|--|---|---|-----|
| Landscaped area (min) | 30% of site area | 31% (4,614sq.m) | Yes |
| Communal open space | 15% of site area | 28.6% (4,402sq.m) | Yes |
| Private open space (POS) | Min. 10sq.m per dwelling with min. dimension of 2.5m | Between 10sq.m and 29sq.m per balcony (some dwellings are provided with multiple balconies) | Yes |
| Front setback (min) | 6m | 6m | Yes |
| Corner lots secondary street setback (min) | 6m | N/A | Yes |
| Side setback (min) | 2m | Between 3m (adjoining open space) and 6m (adjoining neighbouring property to the south) | Yes |
| Rear setback (min) | 6m | 6m | Yes |
| Zero lot line (min) | Not permitted | Not proposed | Yes |
| Building separation distance (min) | 12m | Between 12m and 17.1m internally 6m setback to adjoining properties to enable equitable share of building separation | Yes |
| Resident car parking | 1-2 bedrooms: 1 covered space 3 bedrooms or more: 2 covered spaces | 297 car parking spaces proposed, based on 29 x 1 bedroom units, 186 x 2 bedroom units and 41 x 3 bedroom units | Yes |
| Visitor car parking | 1 space per 5 units | 52 visitor car parking spaces | Yes |
| Bicycle parking | 1 per 2 units | 128 resident bicycle spaces | Yes |
| Visitor bicycle parking | 1 per 12 units | 22 visitor bicycle spaces | Yes |
| Garages and car parking dimensions (min) | Covered: 3m x 6m Uncovered: 2.5m x 5.2m Aisle widths must comply with AS 2890.1 | Dimensions compliant with Australian Standards | Yes |

b. Building height

Clause 4.3 of the Growth Centres SEPP establishes that the maximum height of buildings on the R3 zoned portion of the subject site is 12m. The Growth Centres SEPP defines building height as follows:

“building height (or height of building) means the vertical distance between ground level (existing) at any point 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.”

The overall height of the building complies with the maximum permissible building height with exception of encroachments up to 550mm. The variations include:

- Building C is located on the lowest part of the site and the parapet at the northern most part of Building C has a maximum height of 12.55 metres, whilst the roof level at that point is 12.25 metres. Accordingly the maximum height of the building exceeds the 12 metre height limit by 550mm.

- The northern parapet of Block A also exceeds the height limit, however this is less than 300mm. Similarly, sections of the northern parapet of Block B and Block D also exceed the height limit by less than 300mm. The roof levels of these buildings comply with the 12m height limit.

Clause 4.6 Exceptions to Development Standards of the Growth Centres SEPP enables the consent authority to consider variations to development standards. The objectives of the clause are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6 requires the consent authority to consider a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has submitted a formal written request for the building height variation, which is held at **Attachment 4**.

Clause 4.6 further states the following:

(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Director-General has been obtained.*

Council officers have undertaken an assessment of the applicant's written request for the variation. Council officers consider the variation satisfactory based on the following grounds:

- The development continues to be consistent with the objectives of the development standard. The following assessment considers the objectives of Clause 4.3:
 - (1) The objectives of this clause are as follows:*
 - (a) to establish the **maximum height of buildings** on land within the Area 20 Precinct,*
 - (b) to **minimise visual impact** and protect the amenity of adjoining development and land in terms of **solar access to buildings and open space**,*
 - (c) to **facilitate higher density development** in and around commercial centres and major transport routes.*

Maximum height

The maximum height limit on the site is 12m, whilst the maximum height of the development, which occurs at the northern part of Building C at the parapet, is 12.55m. The development does not achieve another residential level as a result of

the exceedance in height. The variation of up to 550mm is at points only, of which the majority comprises the northern parapet of buildings A, B, C and D. Given the topography of the land, the variation is at particular points only, with the majority of all buildings compliant with the 12m height limit. Further, the parapet is a cosmetic element of the building design, as the roof space is a non-trafficable area and is not used as common open space. The parapet encroachment is typically the northern exterior wall elements of the buildings. Only the roof level of the northern end of Building C exceeds the building height limit by 250mm, which is considered minimal.

Visual impact

Proposed encroachments are point encroachments only. The overall visual impact of the development is not compromised, given point encroachments are only a result of the topography of the land and to create even building platforms. Furthermore, the design of the development is considered to be of a high standard. The overall bulk and scale of the development is not considered compromised as a result of the height exceedance, as numerical standards in all other cases are met. This includes that the development is significantly under the maximum floor space ratio requirement. The maximum FSR is 1.75:1, whereas the proposed has an FSR of 1.56:1.

Solar access to buildings and open space of adjoining development and land

The height exceedance does not result in unnecessary overshadowing impact on adjoining properties and public recreational land to the north of the site. As the Public Recreation zoned land is to the north of the site, adequate sunlight is achieved. In regard to adjoining sites, the development exceeds the minimum side setback of 2m to adjoining properties by providing a minimum side and rear setback of 6m. This ensures that the solar access impact on the properties is minimised.

Higher density development in and around commercial centres and major transport routes

The subject site is located within close proximity to the existing Rouse Hill Town Centre (1.2km by road), proposed North West Rail link stations (1.4km by road) as well as existing commercial uses on the opposite side of Windsor Road (400m by road). The objective seeks to encourage high density housing close to such commercial centres and transport routes. The amendment of the design would result in partial deletion of the upper floor, which would result in lower densities. Given the encroachment sought, being a 4.6% variation at points only, the variation is considered acceptable by Council officers.

- The development is consistent with the objectives of the R3 Medium Density Residential zone as the development is permissible and complies with all other numerical standards, providing a variety of unit types to meet housing needs.
- In accordance with Clause 64 of the Environmental Planning and Assessment Regulation 2000, Council has assumed the concurrence of the Director General of the Department of Planning and Environment as the proposed variation does not exceed 10% of the development standard. The variation sought is only 4.6%, which is well below the 10% limit for assumed concurrence.

c. Area 20 Indicative Layout Plan

The Area 20 Indicative Layout Plan identifies the subject site as a “potential school site”. The figure below is an extract from the ILP.



Figure 7 – Extract from Area 20 ILP (Department of Planning, 2012)

Notwithstanding this, the zoning of the site is R3 Medium Density Residential. ‘Residential flat buildings’ are permissible within the R3 zone. Section 2.2 of the Growth Centres DCP requires development to be consistent with the ILP, however a DCP cannot prohibit land uses that are permissible under a SEPP.

The Department of Education and Communities has been made fully aware of the proposal and has been consulted regarding any plans they have for the acquisition of the property. The Department has identified that the property is not within their current acquisition program and that a school is unlikely to be needed in the area for 5 – 10 years. The Department has not raised any objection to the proposal.

In light of the Department’s response, as well as the permissibility of the use under the Growth Centres SEPP zoning of the land, this issue is not considered sufficient to warrant refusal of the DA.

Approval of the DA will mean that a school will not be able to be provided on the subject site and that the Department will need to consider purchasing an alternate site. Their unwillingness to buy this site is regrettable, but it would be inequitable to prevent permissible development on the land in the absence of Government willingness to purchase. The Department should be advised of the approval of the DA and of the loss of this site for a potential school.

d. Development staging

The development is proposed to be constructed in 4 separate stages. Each stage will be self-contained and will provide sufficient car parking and common open space to satisfy the required development controls.

e. Subdivision

The development proposes 2 forms of subdivision:

- i. paper subdivision for excision of the RE1 Public Recreation zoned land
- ii. strata subdivision of units.

Suitable **conditions** will be imposed for the paper subdivision, requiring consultation with Council's Section 94 Committee regarding the acquisition of the RE1 land (**condition 2.6**). **Conditions** will also be imposed regarding the strata subdivision of the units, after the Occupation Certificate for each stage is issued. (**condition 11**).

f. Crime Prevention through Environmental Design

A CPTED assessment has been submitted by the Applicant. The proposed development is considered acceptable from a CPTED perspective as:

- the proposed buildings overlook the streets, future public reserve to the north of the site, internal private accessways and common open space areas to facilitate casual surveillance
- the basement carpark and entrances to the residential areas can be appropriately secured
- CCTV is proposed throughout the site
- residential entrances, pedestrian areas and common open spaces will be illuminated at night by vandal proof security lighting
- buildings will be constructed with external materials that are robust and durable. Measures will also be adopted to discourage vandalism and graffiti.

Where appropriate, suitable **conditions** will be imposed on any consent to ensure that works required to make the development safe and secure are undertaken to Council's satisfaction (**conditions 4.7, 4.9, 4.10, 4.5, 10.10, 10.16 & 4.8**).

g. Bulk and scale

The development is considered to be of a suitable bulk and scale, which complies with the numerical development standards within the Growth Centres SEPP and DCP with the exception of minor point encroachments to building height. The development is considered to be consistent with the precinct planning outcomes for the Area 20 Precinct, with a desired future character of the locality intended to be a mix of townhouses and residential flat buildings.

The development provides for a variety of front setbacks which comply with the minimum 6m control. The submitted landscape plan proposes significant landscaping along the Terry Road frontage to soften the development's impact on the streetscape. In addition, the development provides for suitable side and rear setbacks which take into consideration future residents adjoining the site, as well as casual surveillance to the future public park to the north of the site.

h. Tree removal

The Applicant has submitted a Tree Inspection report prepared by Treehaven Envirosapes. The site is identified as containing 232 trees, of which 103 trees are proposed to be removed. The tree report has identified that the subject site does contain

degraded remnant Cumberland Plain Woodland. Notwithstanding this, the site is Biodiversity Certified pursuant to Part 7 Section 7 of the Threatened Species Conservation Act 1997. Biodiversity certification enables the approval for the clearance of trees without the need for the 7 part test. Biodiversity certification is a State Government initiative within the Growth Centres which allows for the clearing of trees, with a State Government commitment to protect vegetation elsewhere both within and outside the North West and South West Growth Centres.

The development proposal does not seek to remove any vegetation from within the RE1 Public Recreation zoned portion of the site. Furthermore, the proposal does seek to retain vegetation in the R3 Medium Density portion of the site, where practicable. Suitable **conditions** will be imposed on any consent issued requiring the recommendations of the tree report to be implemented and for trees that are being retained to be adequately cordoned off and protected (**conditions 3.9 & 6.8**).

i. Landscaping

In addition to the abovementioned tree report, a Landscape Plan prepared by Canvas Landscape Architects has been prepared for the development. The plan indicates that approximately 19 large canopy trees will be planted which range in height from 7 to 20 metres and include tree species such as Spotted Gums, Blueberry Ash, Flowering Gum, Crepe Myrtle and Little Gem Magnolia. In addition, a large variety of shrubs, ground covers and turf are also to be provided. A **condition** will be imposed on any consent issued requiring landscaping to be provided in accordance with the submitted Landscape Plan (**conditions 10.13.1 & 12.6.1**).

j. Heritage

The subject site contains no items of European heritage significance. In regard to Aboriginal Heritage, the site is not identified within the Area 20 Precinct as having potential archaeological heritage. An Aboriginal cultural heritage assessment report has not been submitted as part of the DA. Notwithstanding this, a **condition** will be imposed on any consent issued requiring an Aboriginal Heritage Impact Permit in the event that archaeological evidence is found during construction (**conditions 2.5.3 & 8.8**).

k. Salinity and soil aggressivity

A Salinity Assessment has been prepared by Geotechnique Pty Ltd and submitted as part of the DA. The report identifies that the soils at the site are generally non-saline and non-aggressive to steel, but mildly aggressive to concrete. The report states that, as the development will involve disturbing the soils and possibly exposing soils that are moderately aggressive to concrete, a Soil Management Plan to mitigate such risks during and after construction should be implemented. The report provides recommendations for during site preparation, as well as during construction of the development. Compliance with the recommendations will be imposed as conditions on any consent issued (**conditions 4.12, 7.1.14 & 7.15**).

l. Cut and fill and retaining works

Cut and fill is proposed to provide an even building platform for the development. The development is proposed to be stepped, to reduce the level of cut and fill required. Site benching has been limited to 1m. The Applicant has identified that 31,488 sq.m of fill is to be removed from the site as part of site preparation works, such as excavation of the basement. **Conditions** will be imposed on any consent issued requiring the legal disposal of fill, with receipts to be submitted to Council prior to issue of an Occupation Certificate (**condition 10.21.2**). In addition, a **condition** will be imposed on any consent requiring a

dilapidation report for Terry and Rouse Roads for Council's Maintenance Section (**condition 3.6.2**).

m. Fencing

The Applicant has identified that a front fence of 1.8m high, constructed of aluminium slats and posts, is proposed along the Terry Road frontage. In addition, the Applicant has identified 1.8m timber lapped and capped fencing on all other side and rear property boundaries, including adjoining the future public reserve to the north of the site. Council will not support lapped and capped timber to the future public reserve. It is noted, however, that fencing details have not been submitted to Council. A prior to Construction Certificate condition will be imposed on any consent issued requiring the submission of fencing details, for the separate approval of Council (**condition 4.5**). Whilst Council has no objections to the height of fencing adjoining Terry Road and the public reserve to the north, the fencing is to be open style metal palisade fencing for security and aesthetic reasons.

n. External building materials and colours

Initial concerns were raised with the Applicant regarding the 4th floor weatherboard finishes, from a maintenance and durability perspective. The Applicant revised the proposed colours and finishes, now proposing a variety of materials to be used, including rendered and painted finishes for the facade walls, a combination of solid balustrades as well as glazed balustrade treatments, and Alucobond cladding for some walls. Balcony balustrades are of various types and serve differing purposes, being painted and rendered solid walls as compositional devices to divide facades, whilst the glass plate balustrades allow for maximum views.

The proposed external colours and finishes are considered suitable given the scale of the development, long term maintenance and overall architectural design of the buildings. A **condition** will be included requiring finishes to comply with final approved details (**condition 4.3.1**).

o. Developer contributions

The subject site falls within Contributions Plan No. 22 – Area 20 Precinct. The following Section 94 contributions are applicable to the site, per stage:

| Stage | Base contribution payable* |
|--------------|----------------------------|
| 1 | \$1,079,190 |
| 2 | \$1,088,894 |
| 3 | \$1,084,472 |
| 4 | \$1,051,951 |
| Total | \$4,304,507 |

*Subject to indexation at time of payment

p. Impacts during construction

Conditions of Consent will be imposed to mitigate any potential impacts on the amenity of the surrounding neighbourhood resultant from the development (**condition 8.4**).

q. Social and economic impacts

It is considered that the proposed residential flat buildings will have a positive social and economic impact on the locality. The development provides for greater housing diversity and choice within the Blacktown local government area. In addition, the site is in close

proximity to commercial centres and public transport, which are considered appropriate for higher densities.

r. BCA compliance

A **condition** of consent will require that the proposed development complies with the applicable requirements of the Building Code of Australia, including accessibility requirements (**conditions 5.1 & 8.2**).

s. Water management

The application has been reviewed by Council's Development Engineers who have raised no objection to the proposed development subject to the implementation of **conditions (condition 6.11.5)**.

t. Soil management

The proposed development is not expected to have an adverse impact in regarding the soil erosion or sedimentation. A **condition** of Consent will require the applicant to ensure that the proposal is carried out in compliance with erosion and sedimentation controls (**condition 6.4**).

u. Waste management

A Waste Management Plan (WMP) has been prepared and submitted as part of the application. Council has identified that, whilst Council is capable of servicing the site for 1100L general waste bins, Council cannot service 1100L recycling bins. The Applicant has provided evidence that the site is capable of being serviced by a private contractor with respect to recycling bins.

Notwithstanding this, Council continues to have concerns in relation to the separation of collection methods between Council and private contractors, as future tenants would still be required to pay full Council waste removal fees as well as private contractor fees. As such, a **condition** will be imposed on any consent issued requiring arrangements to be made for the site to be serviced by a private contractor only (**condition 12.9.1**).

11 Section 79C consideration

11.1 Consideration of the matters prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 is summarised below:

| Heads of Consideration 79C | Comment | Complies |
|---|--|----------|
| <p><i>a. the provisions of:</i></p> <p><i>(i) any environmental planning instrument (EPI)</i></p> <p><i>(ii) any development control plan (DCP)</i></p> <p><i>(iii) the regulations</i></p> | <p>The provisions of the relevant EPIs relating to the proposed development are summarised under Section 6 of this report. The proposal is considered to be consistent with the relevant SEPPs, including, Growth Centres SEPP, SEPP (Infrastructure) 2007 and the 10 'design quality principles' of SEPP 65.</p> <p>The proposed development is a permissible land use within the R3 Medium Density Residential zone, and satisfies the zone objectives outlined under the Growth Centres SEPP. The proposal does seek to vary the building height control by up to 550mm under Clause 4.6 of the Growth Centres SEPP. Given that the variation is less than 5% of the development standard and is only point encroachments as a result of the topography of the land, the variation is</p> | Yes |

| | | |
|---|--|-----|
| | <p>considered acceptable in this instance.</p> <p>The Growth Centres DCP 2010 applies to the site. The proposed development is compliant with all of the numerical controls established under the DCP. The proposal does seek a variation to the Area 20 Indicative Layout Plan which shows the land as a school site, however, this is considered acceptable as the zoning permits RFBs and DEC has not objected to the proposal.</p> | |
| <i>b. the likely impacts of that development including, environmental impacts on both the natural and built environments, and social and economic impacts in the locality</i> | <p>An assessment of the key issues relating to the proposed development is provided under Section 10 of this Report. It is considered that the likely impacts of the development, including traffic, noise, parking and access, bulk and scale, overshadowing, privacy, stormwater, waste management and the like, have been satisfactorily addressed.</p> <p>A thorough site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties. Appropriate measures, including CCTV, lighting and signage will also ensure that security and safety is maximised on and around the site. These will be conditioned in any consent granted (conditions 4.7 & 4.9).</p> <p>In view of the above, it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts given the nature of the zone.</p> | Yes |
| <i>c. the suitability of the site for the development</i> | <p>The subject site is zoned R3 Medium Density Residential and RE1 Public Recreation pursuant to the Growth Centres SEPP. Residential flat buildings are permissible within the R3 portion of the site, with development consent.</p> <p>The site has an area and configuration suited to the form of development proposed. The design solution is based on sound site analysis and responds positively to the different types of land uses adjoining the site. The site's close proximity to services, facilities, public transport and a major arterial road network also makes this a suitable site for higher residential densities.</p> <p>Whilst the existing area is currently large lot rural residential living, the site and surrounding area has been identified under the Area 20 rezoning for R3 Medium Density Residential.</p> <p>The site is therefore considered suitable for the proposed development.</p> | Yes |
| <i>d. any submissions made in accordance with this Act, or the regulations</i> | <p>As noted in Section 9 of this Report, a total of 3 submissions have been received regarding the proposal. It is considered that the issues raised within the submissions do not warrant refusal of the application and in many instances can be addressed via suitable conditions of consent.</p> | Yes |
| <i>e. the public interest</i> | <p>It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal provides high quality housing stock and provides for a wider range of housing diversity within the Blacktown Local Government area.</p> | Yes |

12 General comments

- 12.1 The proposed development has been assessed against the matters for consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. It is considered that likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. Further, the subject site is considered suitable for the proposed development.
- 12.2 The proposal is consistent with the objectives of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the R3 Medium Density zone and is permissible in the zone with development consent. The proposal also complies with the provisions set out in State Environmental Planning Policy (Infrastructure) 2007 and the Blacktown City Council Growth Centre Precincts Development Control Plan 2010, and is considered satisfactory with regard to relevant matters such as built form, access, stormwater drainage, site contamination, salinity, social and economic impacts and the like, subject to the imposition of suitable conditions of consent to satisfactorily control the development.
- 12.3 The proposed variation to building height is considered acceptable, as the variation is a 4.6% variation to the development standard and is a result of the topography of the land. Additional floor levels are not being sought as a result of this minor building height variation.
- 12.4 The inconsistency with the Area 20 ILP is considered satisfactory as the development is permissible within the zone as established by the Growth Centres SEPP. A DCP cannot prohibit a land use.

13 Recommendation

- 13.1 The Development Application be approved by the Sydney West Joint Regional Planning Panel subject to the conditions held at Attachment 1.
- 13.2 The Applicant be advised of the Sydney West Joint Regional Planning Panel's decision.
- 13.3 The Department of Education and Communities be advised of the approval of the application and that they will need to identify an alternative site for a school in the Area 20 Precinct.



MELISSA PARNIS

ASSISTANT TEAM LEADER, PLANNING (NORTH)



JUDITH PORTELLI

MANAGER DEVELOPMENT SERVICES AND ADMINISTRATION



GLENNYS JAMES

DIRECTOR CITY STRATEGY AND DEVELOPMENT

1 ADVISORY NOTES**1.1 Terminology**

1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.

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

1.2 Scope of Consent

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

1.2.2 The applicant is required to lodge a separate Development Application (Building) for Council's consideration for the demolition of the existing dwelling and associated structures. Any application made must include a Site Plan, Site Investigation Report, Work Plan, and Waste Management Plan, for the disposal of the demolition materials and should also address potential contamination concerns. A copy of the contractor's licence as issued by WorkCover Authority NSW is also to be submitted.

1.3 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 separate approval for any ancillary development not approved by this consent, including:

- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
- (c) demolition of any existing buildings, and
- (d) the installation of a vehicular footway crossings servicing the development, and
- (e) separate Council approval under the Roads Act 1993 is required for any crane used to construct this development that swings over public air space.

1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

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- (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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- 1.3.4 The demolition or removal of the existing building(s) or structure(s) is not approved by this consent. A separate Application must be lodged with Council prior to the demolition or removal of the existing building(s) or structure(s).

1.4 **Services**

- 1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Electricity 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 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

- 1.4.3 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

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

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1.5 Identification Survey

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

1.6 Roads and Maritime Services

- 1.6.1 All works/regulatory signposting associated with the development are to be at no cost to the Roads & Maritime Services (RMS) or Council.

1.7 Services

- 1.7.1 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.

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 Enclosure No. |
|------------------------------------|---------|------------------------------|
| Site Plan 04-17 Rev. B | 7/04/14 | 57A |
| Basement Plan 05-17 Rev. B | 7/04/14 | 57B |
| Ground Floor 06-17 Rev. B | 7/04/14 | 57C |
| Level 1 Floor Plan 07-17 Rev. B | 7/04/14 | 57D |
| Level 2 Floor Plan 08-17 Rev. B | 7/04/14 | 57E |
| Level 3 Floor Plan 09-17 Rev. B | 7/04/14 | 57F |
| Roof Plan 10-17 Rev. B | 7/04/14 | 57G |

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| | |
|--|-----------|
| Elevations – Block A 7/04/14 11-17 Rev. B | 57H |
| Elevations – Block B 7/04/14 12-17 Rev. B | 57I |
| Elevations – Block C 7/04/14 13-17 Rev. B | 57J |
| Elevations – Block D 7/04/14 14-17 Rev. B | 57K |
| Sections & Details 7/04/14 15-17 Rev. B | 57L |
| Bulk Earthworks Plan 7/04/14 Dwg. 401 Issue A | 57M |
| Landscape 08/04/14 Masterplan DAL101 & DAL102 Rev. B | 57N & 57O |
| External Colours 7/04/2014 and Finishes 01-01 Issue DA | 58B |

* Unless modified by any condition(s) of this consent

- 2.1.2 The proposed 2 lot subdivision is to be in accordance with the following drawings/details, subject to compliance with any other conditions of this consent:

| Drawing No. | Dated | Council's File Enclosure No. |
|--|------------|------------------------------|
| Plan of proposed Subdivision of Lot 209 DP 208203 Drawing No. 22944 – SUB 1 | 04.04.2014 | 61K |

- 2.1.3 This consent grants approval for the development to be constructed in the following stages, subject to full compliance with all other conditions of this consent:

- (a) Initial 4 lot subdivision;
- (b) Stage 1 – Building A;
- (c) Stage 2 – Building B;
- (d) Stage 3 – Building C; and
- (e) Stage 4 – Building D.

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

- (a) 29 x 1 bedroom units;
- (b) 186 x 2 bedroom units; and
- (c) 41 x 3 bedroom units.

2.2 Suburb Name

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

Suburb: ROUSE HILL

2.3 Compliance with BASIX Certificate

- 2.3.1 All commitments listed in the BASIX Certificate number: 520728M dated 19 December 2013 and held at Enclosure 2D on Council File JRPP-14-91 shall be complied with.

2.4 Engineering Matters

2.4.1 Definitions

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

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

Council does not permit the private certification of works on existing public roads or reserves, or any land under the care and control of Council.

- 2.4.1.2 The Construction Certificate for Engineering works may be issued by Council's Co-ordinator Engineering Approvals or by an appropriately qualified certifier. For

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Council to issue the Construction Certificate a separate application must be made on the prescribed form complete with detailed plans and specifications.

2.4.2 Design and Works Specification

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version)
- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (e) Blacktown City Council Stormwater Quality Control Policy DCP Part R

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements MUST be submitted to Council's Co-ordinator, Engineering Approvals with any application for Construction Certificate, Road Act 1993 or Local Government Act 1993 Approval.

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

Any variations from these design requirements must be separately approved by Council's Co-ordinator, Engineering Approvals.

2.4.3 Payment of Engineering Fees

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

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

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

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

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2.4.3.3 Fees are required to be paid to Council's Development Services Unit pursuant to Section 223 of the Roads Act 1993 for;

(a) The checking of engineering drawings for half road reconstruction and the issue of an Engineering Approval pursuant to the Roads Act 1993.

(b) All construction inspections for the works approved by (a) above. The required fee will be determined upon submission of the relevant plans to Council. This fee is subject to periodic review and may vary at the actual time of payment.

2.4.4 Other Fee and Bond/Securities

2.4.4.1 In conjunction with the civil engineering works required to be constructed as part of this development you will be required to submit to Council security bond(s) for maintenance and/or path paving works as well as a contribution for the final asphaltic concrete (AC) surfacing of the roadwork. These matters are individually addressed within the Consent conditions.

2.4.5 Other Necessary Approvals

2.4.5.1 A separate application or details (as necessary) shall be submitted for the separate approval of Council's Co-ordinator, Engineering Approvals under the provisions of the Local Government Act 1993 and/or the Roads Act 1993 for any of the following (a) The installation of a vehicular footway crossing servicing the development as required by "Scope of Engineering Works and other sections of this consent" (b) Works on or occupation of existing public roads - that are not covered by a Roads Act Approval - which may require a Road Occupancy Licence or Work Zone Permit.

2.5 Other Matters

2.5.1 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.

2.5.2 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.

2.5.3 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of the Department of Environment and Climate Change (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

2.6 Dedication of RE1 zone

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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2.6.1 The following nominated land is to be dedicated to Council and:

- (a) Compensation for the land is to be determined as at the date of this consent determination.
- (b) A valuation of the land is to be submitted to Council prior to the issue of any related Construction Certificate to facilitate negotiations on this matter. Failure to address this matter may result in significant delays as Council will require the exchange of contracts for the sale of the land to be dedicated prior to the release of any Occupation Certificate.
- (c) Council shall be entitled to offset against the amount of compensation payable pursuant to this condition, the amount of any Section 94 Contribution(s) payable by the applicant.

Nominated Land: Proposed Lot 91 - zoned RE1

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

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

- 3.1.1 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.

3.2 Road Deposit/Bond

- 3.2.1 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 \$164.00;
- (b) Road maintenance bond of \$5000.00; and
- (c) Road maintenance bond administration fee of \$97.00.

The bond is required to cover the cost of any damage to Council's public assets (eg: 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.

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3.3 **Lot Registration**

- 3.3.1 The land to which this approval relates is to be identifiable with a Lot and Deposited Plan number and registered with the Department of Lands.

3.4 **Services/Utilities**

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

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

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority (PCA) prior to the Construction Certificate (CC) being issued. The Section 73 Certificate must be submitted to the PCA prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

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

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

- 3.5.1 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

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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.

3.6 Other Matters

3.6.1 A Work Method Statement and Construction Traffic Management Plan (CTMP) must be prepared for the development by a suitably qualified person and submitted to Council's Co-ordinator, Traffic Management for separate approval prior to the release of the Construction Certificate. The Work Method Statement is to demonstrate how the basement is to be excavated. The CTMP is to address truck movements associated with the construction, in particular the disposal of excavated soil from the site as well as the impact on adjacent pedestrian and traffic movement.

3.6.2 A dilapidation report shall be carried out for any of the potentially affected existing buildings surrounding the proposed development as well as Terry and Rous Roads. A copy of the report shall be submitted to Council's Manager, Development Services prior to construction commencing.

3.7 Acoustic Assessment

3.7.1 In accordance with the State Environmental Planning Policy (Infrastructure) 2007, an acoustic assessment is to be prepared by a suitably qualified consultant consistent with the Department of Planning's *Development near Rail Corridors and Busy Guidelines – Interim Guideline*. In this regard, the report is to demonstrate that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Any recommendation of the Assessment report are to be implemented.

3.8 Tree Retention

3.8.1 The recommendations of the Tree Inspection Report prepared by Treehaven Environscapes dated 20/12/2013 are to be implemented.

3.9 Special Infrastructure Contributions

3.9.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 94EE of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of

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Planning and Infrastructure before a Subdivision Certificate is issued in relation to any part of the development to which this consent relates.

More information

Information about the special infrastructure contribution can be found on the Department of Planning's website:
<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx>

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Section 94 Contributions

- 4.1.1 The following monetary contributions pursuant to Section 94 of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are BASE contributions which WILL BE INDEXED from the nominated base date to the date of payment. Payment of the indexed amounts must be made (BY BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. NOTE Council DOES NOT accept payment of S.94 Contributions by credit card or EFTPOS) prior to the issue of a Construction Certificate (for building works) either by Council or any accredited certifier, whichever occurs first.

| Contribution Item | Base Amount | Relevant C.P. | Base Date |
|-------------------|-------------|---------------|-----------|
|-------------------|-------------|---------------|-----------|

STAGE 1

| | | | |
|-----------------------------------|-----------|----|-----------------|
| (i) Stormwater Quantity | \$50,833 | 22 | 1 December 2012 |
| (ii) Stormwater Quality | \$31,814 | 22 | 1 December 2012 |
| (iii) Traffic Management | \$75,519 | 22 | 1 December 2012 |
| (iv) Open Space | \$880,714 | 22 | 1 December 2012 |
| (v) Community Facilities | \$6,864 | 22 | 1 December 2012 |
| (vi) Combined Precinct Facilities | \$33,446 | 22 | 1 December 2012 |

Stage 1 Developable Area: 0.3907 hectares
Stage 1 Additional Population: 124.8 persons

STAGE 2

| | | | |
|-----------------------------------|-----------|----|-----------------|
| (i) Stormwater Quantity | \$47,073 | 22 | 1 December 2012 |
| (ii) Stormwater Quality | \$29,461 | 22 | 1 December 2012 |
| (iii) Traffic Management | \$69,933 | 22 | 1 December 2012 |
| (iv) Open Space | \$901,179 | 22 | 1 December 2012 |
| (v) Community Facilities | \$7,024 | 22 | 1 December 2012 |
| (vi) Combined Precinct Facilities | \$34,224 | 22 | 1 December 2012 |

Stage 2 Developable Area: 0.3618 hectares

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Stage 2 Additional Population: 127.7 persons

STAGE 3

| | | | |
|-----------------------------------|-----------|----|-----------------|
| (i) Stormwater Quantity | \$58,223 | 22 | 1 December 2012 |
| (ii) Stormwater Quality | \$36,439 | 22 | 1 December 2012 |
| (iii) Traffic Management | \$86,498 | 22 | 1 December 2012 |
| (iv) Open Space | \$863,777 | 22 | 1 December 2012 |
| (v) Community Facilities | \$6,732 | 22 | 1 December 2012 |
| (vi) Combined Precinct Facilities | \$32,803 | 22 | 1 December 2012 |

Stage 3 Developable Area: 0.4475 hectares
Stage 3 Additional Population: 122.4 persons

STAGE 4

| | | | |
|-----------------------------------|-----------|----|-----------------|
| (i) Stormwater Quantity | \$43,976 | 22 | 1 December 2012 |
| (ii) Stormwater Quality | \$27,523 | 22 | 1 December 2012 |
| (iii) Traffic Management | \$65,332 | 22 | 1 December 2012 |
| (iv) Open Space | \$875,068 | 22 | 1 December 2012 |
| (v) Community Facilities | \$6,820 | 22 | 1 December 2012 |
| (vi) Combined Precinct Facilities | \$33,232 | 22 | 1 December 2012 |

Stage 4 Developable Area: 0.3380 hectares
Stage 4 Additional Population: 124 persons

The contribution(s) will be indexed according to the Australian Bureau of Statistics' Implicit Price Deflator for Gross Fixed Capital Expenditure (Private Dwellings) and the Consumer Price Index (Sydney Dwellings).

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Development Services Unit:

S.94 CP No. 22 – Area 20 Precinct

The Section 94 Contribution(s) have been based on the total developable area, the site's road frontage and/or the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 94 Contribution(s) will be adjusted accordingly.

4.2 Accessible Units

- 4.2.1 At least 10% of the total number of residential units must be designed for persons with a disability. All details are to be shown on the Construction Certificate plans.

These conditions are imposed for the following reasons:

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4.3 Aesthetics/Appearance

- 4.3.1 The development approved by this consent is to be constructed in accordance with the schedule of materials, finishes and colours submitted as part of the development application (Exterior Finishes Schedule dated 07/04/14 and held at Enclosure 58F on Council File JRPP-14-91).
- 4.3.2 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.

4.4 Reflectivity

- 4.4.1 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.

4.5 Fencing

- 4.5.1 The following additional information is required to be submitted for Council's Manager, Development Services separate approval prior to the issue of any Construction Certificate for the approved development.
- (a) Details of all fencing materials and finishes, including colour samples from brochures and the like. The following details must also be provided:
 - (i) Fencing adjoining RE1 zoned land to the north is to be 1.8m pre-painted open metal (pool type) fencing.
 - (ii) Fencing adjoining Terry Road is to be decorative style 1.8m high constructed of aluminium slats and posts, with a 12m return to the boundary of the southern property boundary.
 - (iii) Pre-painted open metal (pool type) fencing is to be provided around the children's play equipment. The fencing is to be a minimum height of 1.2 metres and is to be provided with a self-closing latch top child-proof gate.

4.6 Retaining Walls

- 4.6.1 Details of any retaining walls to be constructed on site as part of the development are to be submitted. In this regard, all retaining walls are to be constructed of masonry (i.e. no timber walls).

4.7 Lighting

- 4.7.1 A detailed lighting plan, prepared by a suitably qualified person, is to be submitted for the separate approval of Council's Manager, Development Services and Administration. The Plan is to provide the following:

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- (a) The location, method of lighting, levels of illumination, and the spacing between all lighting. The lighting is to be designed in accordance with Australian/New Zealand lighting standards for public space, pedestrian walkways and basement 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) The method of illuminating all public areas/accessways, pedestrian walkways, fence lines, residential entry/exit points, lift areas, foyers, garbage disposal areas and common open spaces from dusk to dawn. In this regard, vandal proof security lighting and/or motion activated lighting is to be provided throughout the complex to discourage undesirable persons from congregating within the public/communal areas at night;
- (d) Appropriate vandal proof security lighting to ensure the basement car parks, vehicle and building entry points, stairwells, walkways and public/communal 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.
- (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 (e.g. around lift entries, basement car parks and courtyard building entries) to enable face recognition when CCTV cameras are in use.

4.8 Letterboxes

- 4.8.1 Details regarding the location, size and design of the proposed letter-box wall/s are to be submitted for the separate approval of Council's Manager, Development Services. In this regard, the proposed "letter-box wall/s" should be illuminated, tamper-proof and provided in a prominent location so as to minimise vandal attacks. Each box should also be appropriately numbered and provided with a key lock. Street numbers should also be displayed to ensure the site is easily identified.

4.9 Security

- 4.9.1 A specialist security advisor is to prepare a "total" security management plan to ensure all levels of security and safety are addressed. A copy of the plan is to be submitted for the separate approval of Council's Manager, Development Services. The security management plan is to address relevant matters such as:

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- (a) The constant monitoring of all public spaces, the roof-top recreation areas, building entry points, lift entry/exit points and the basement car park by a fully integrated CCTV system. As part of the Plan, the number and placement of the CCTV cameras is to be nominated. The CCTV system is to include back to base 24 hour video surveillance/alarm system, complete with a suitable image bank to cater for long-term file storage and is to be monitored by a professional security company. The CCTV camera and monitoring systems should also be housed within a secure area (card-key access) within the Building Manager's office.
- (b) The video surveillance is to be installed in areas such as the basement car park, entry and exit points of the basement driveway, near to mail box facilities and near entry and exit doors.
- (c) Erection of signage to refer to the existence of video surveillance systems.
- (d) A detailed on-going funding model outlining the cost of employing an on-site 24 hour Building Manager and Security Personnel, and how these costs will be met once the development is Strata Titled and in private ownership.
- (e) Installation of security mirrors to eliminate any potential areas of concealment and vehicular conflict points.
- (g) Measures proposed to maintain a clear delineation between public and private areas. In this regard, the resident recreation areas are to be available for the exclusive use of residents and their visitors only. Access to the children's play area, residential units and resident basement car parking spaces should therefore be via a card-key system only. Details of the secure "resident only" card-key security system and the gated residential entry pavilions are to be submitted for the separate approval of Council's Manager, Development Services. Appropriate signage is also required to advise of these access restrictions.

A copy of the Total Security Management Plan (TSMP) is to be submitted for both Council's Manager, Development Services and the Quakers Hill Local Area Command's (LAC) separate approval prior to the release of any Building Construction Certificate. Should no response be received from the Quakers Hill LAC within 28 days, Council may proceed to determine the TSMP.

4.10 Parking/Bicycles

- 4.10.1 A minimum of 297 residential car parking spaces and 52 visitor car spaces are to be provided on site. The car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Car Space: 2.6m x 5.4m

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

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

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128 resident and 22 visitor bicycle parking must also be provided as indicated on the approved plans.

4.10.2 Off-street parking associated with the proposed development should be designed in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.

4.10.3 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

4.10.4 An overall parking tenancy plan (i.e. for all stages of the development) is to be submitted for the separate approval of Council's Manager, Development Services. In this regard, the plan must provide for the following:

- (a) Parking that has been calculated on the basis of each individual tenancy size or the number of bedrooms within each residential unit.
- (b) Secure direct "resident only" access from the resident car parking areas to the associated residential units. In this regard, residents must be allocated basement car parking that is located directly under their building. Similarly, the visitor car parking spaces should be proportionately distributed between the buildings.
- (c) Stacked car parking spaces provided at the basement. Spaces provided in a stacked formation must be allocated to the 1 housing unit to ensure the ownership relates to the same tenancy.

4.10.5 The Quakers Hill Crime Prevention Officer has expressed concerns in relation to the security of the basement car park and the potential for a high level of theft to occur in this area. Accordingly, a roller shutter and card-key system is to be installed at the segregation points between the visitor and residential parking areas. While boom-gates may be installed at the entry/exit points of the basement car park to control normal daily use, a roller shutter door and out-of-hours card-key system must be installed at the entry/exit points to restrict after-hour access to the basement car parks. Any non-resident wishing to gain access to the basement car parks outside normal business hours will therefore need to contact the on-site security guard/building manager. All details are to be shown on the Construction Certificate plans.

4.10.6 Paint work in the basement car park is to be of white colour.

4.11 Site Contamination

4.11.1 The development is to comply with the recommendations of the Preliminary Contamination Assessment (Report No. 13046/1-AAR2) dated 19 December 2013 and held at Enclosure 2F on file JRPP-14-91. Prior to the release of any Construction Certificate a final validation report must be submitted to Council's Manager,

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Development Services to confirm there is no residual soil contamination and that the subject site is suitable for the proposed residential purposes.

4.12 Salinity

- 4.12.1 The recommendations of the Salinity Assessment (Report No. 13046/2-AAR2) dated 19 December 2013 prepared by Geotechnique Pty Ltd for the site are to be implemented.

5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

5.1 Building Code of Australia Compliance

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

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

- 5.1.2 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:

- (a) Section C, D, E, F and J

5.2 Site Works and Drainage

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

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

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

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nuisance to adjoining properties.

5.3 Demolition

- 5.3.1 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.

5.4 Hazardous Materials and Waste

- 5.4.1 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling. A copy of the report is to be attached to the Construction Certificate.

5.5 BASIX Certificate Compliance

- 5.5.1 The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 520728M dated 19 December 2013 and held at Enclosure 2D on Council File JRPP-14-91.

6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

6.1 Compliance with Conditions

- 6.1.1 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.
- 6.1.2 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.

6.2 Road-works

- 6.2.1 Road pavements are to be designed by a Professional 'Civil Engineer in accordance with the current version of Council's Engineering Guide for Developments and based upon soil tests performed by a registered NATA soils Laboratory and the traffic loadings listed in "Scope of Engineering Works" of this consent. The pavement designs must be lodged with Council's Co-ordinator,

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Engineering Approvals for approval prior to issue of the Construction Certificate for Engineering works.

- 6.2.2 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 RTA Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RTA accredited.

6.3 **Drainage**

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

6.4 **Erosion and Sediment Control**

- 6.4.1 Soil erosion and sediment control measures for road, drainage, 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.

6.5 **Compaction Requirements**

- 6.5.1 Special attention is drawn to the following requirements of Council's current Works Specification – Civil.

- (i) Submission of compaction certificates for fill within road reserves.
- (ii) Submission of compaction certificates for road subgrade.
- (iii) Submission of compaction certificates for road pavement materials.
- (iv) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A Restriction as to User with Council's standard wording must be placed on filled lots.
- (v) Certificates from road material suppliers.

6.6 **Asset Management**

- 6.6.1 A detailed estimate of the cost of civil engineering work must be submitted to Council's Co-ordinator, Engineering Approvals 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.

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6.7 **Other Approvals/Clearances/Adjoining Owners Permission.**

6.7.1 Written permission from the affected property owners shall be obtained to:

- (a) discharge stormwater onto adjoining land
- (b) carry out works on adjoining land
- (c) drain the site across adjoining land

prior to the issue of any Construction Certificate. A copy of any such permission and evidence of the creation of necessary easements must be submitted to Council's Co-ordinator, Engineering Approvals prior to the issue of any Construction Certificates.

6.8 **Tree Preservation**

6.8.1 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.

6.8.2 The recommendations of the Tree Inspection Report prepared by Treehaven Environments dated 20/12/2013 are to be implemented.

6.9 **Ancillary Works**

6.9.1 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.

6.10 **Street Furniture**

6.10.1 A notation is to be placed on the Engineering Construction Plans "that all light poles and street name poles will be black powder coated to the satisfaction of Blacktown City Council. Further that these light poles will comply with Council's specifications.

6.11 **Scope of Engineering Works**

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

6.11.1 **Road and Drainage works**

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6.11.1.1 Existing road(s) must be constructed generally as follows:

| Name | Width | Length (m) | Formation (m) | Traffic Loading (m) <u>N(E.S.A.)</u> |
|----------|--------|---------------|------------------|---|
| Terry Rd | 20.115 | Approx. 120m | 4.55/11/4.55 | 1x10 ⁶ |

Half width construction only, fronting developable area of site. The section of Terry Rd and Rouse Rd fronting the proposed reserve to be constructed as part of the S94 contribution plan.

6.11.1.2 Drainage from the site must be connected into Council's existing or proposed drainage system. Where it is proposed to discharge stormwater directly into the proposed basin within the proposed reserve, approval must be sought from Council's Co-ordinator, Engineering Approvals with regard to the design levels and discharge detail to ensure it does not adversely impact on the design of the future bio-retention basin.

6.11.1.3 Stormwater Drainage must generally be provided as shown in the stormwater concept plans by Umbrella Group Consulting Engineers Drawing No UMB13162.CIV.DA Drawings 000 to 301 revision A except as otherwise conditioned within this consent. Stormwater Quality provisions must comply with Council's DCP Part R, the Engineering Guide for Development 2005 and the Facility for Advancing Water Biofiltration "Adoption Guidelines" for a lined standard biofiltration system.

6.11.2 Vehicular Crossings

6.11.2.1 Construction of Council's standard commercial and industrial vehicular footway crossing in accordance with Council plan A(BS)103S at each driveway.

6.11.3 Footpaths

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

6.11.3.2 Path paving is to be provided to the frontage of the developable area in Terry Road and constructed as 2.5m wide cycleway in accordance with Council Plan No A(BS)134S. Linemarking and signposting is to be provided in accordance with the requirements of Austroads "Guide to Road Design" Part 6A Pedestrian and Cyclist Paths and the RTA NSW Bicycle Guidelines 2003.

6.11.4 Finished Boundary Levels

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

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6.11.5 **Stormwater Quality Control**

- 6.11.5.1 A Maintenance Schedule must be provided for the stormwater treatment measures in accordance with the requirements of Council's Stormwater Quality Control Policy. The designer of the stormwater treatment measures must prepare the Maintenance Schedule and this schedule must show the designer's name, signature and date on it.

7 **PRIOR TO DEVELOPMENT WORKS**

7.1 **Safety/Health/Amenity**

- 7.1.1 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.

- 7.1.2 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.

- 7.1.3 Should the development work:

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

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

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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.

- 7.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 7.1.5 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.
- 7.1.6 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.
- 7.1.7 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.
- 7.1.8 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.

7.2 Notification to Council

- 7.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.
- 7.2.2 At least five (5) full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by

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evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$10,000,000.

7.3 Sydney Water Authorisation

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

OR

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

7.4 Adjoining Owners

- 7.4.1 Written permission from the respective owner(s) must be obtained to:

- (a) discharge stormwater onto adjoining owner's land.
- (b) carry out works on adjoining land.
- (c) drain the site across land owned by others.

A copy of such written permission shall be lodged with Council.

7.5 Construction Details

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

Nominated Component

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

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- (h) Retaining walls

7.6 Site Contamination

7.6.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, an amended Remediation Action Plan (RAP) is to be submitted to Council's Manager, Development Services for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.

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

- a) The applicant is to ensure that validation for the entire subject site can be prepared by a suitably qualified environmental consultant in accordance with Council's Contamination Land Policy.
- b) 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.
- c) 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.
- d) Any filling shall be undertaken in accordance with the fill protocol approved by Council's Manager, Development Services.

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.

7.7 Use of Crane

7.7.1 Any crane used in the construction of this development must have approval under the Roads Act 1993 from Council's Co-ordinator, Engineering Approvals to swing over public air spaces.

7.7.2 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.

8 DURING CONSTRUCTION (BUILDING)

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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8.1 **Safety/Health/Amenity**

8.1.1 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.

8.1.2 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:

- (c) the name, address and telephone number of the principal certifying authority for the work, and
- (d) 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
- (e) stating that unauthorised entry to the work site is prohibited.

8.1.3 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.

8.1.4 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.

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

8.1.6 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.

8.1.7 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.

8.1.8 Should any excavation associated with the ongoing development works extend

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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.

8.1.9 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.

8.2 Building Code of Australia Compliance

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

8.3 Surveys

8.3.1 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.

8.3.2 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.

8.4 Nuisance Control

8.4.1 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.

8.4.2 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.

8.4.3 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.

8.5 Waste Control

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

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.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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8.6 Construction Inspections

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

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

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

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

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

8.7 Site Contamination

8.7.1 In relation to site contamination matters should any contamination be found and remediation works be required, then a Remediation Action Plan (RAP) shall be prepared by a suitably qualified environmental consultant and be submitted to Council's Manager, Development Services for approval. Any required remediation works shall be undertaken during the course of the engineering work. Final validation of the site for every aspect of these works shall be submitted for Council's Manager, Development Services for approval prior to release of the Occupation Certificate.

8.8 Aboriginal Archaeology

8.8.1 Should any archaeological material be uncovered during construction activities on any location within the approved development, then all works are to cease

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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.

8.9 Other matters

- 8.9.1 All construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

9 DURING CONSTRUCTION (ENGINEERING)

9.1 Compaction Requirements

- 9.1.1 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):

- (a) Submission of compaction certificates for fill within road reserves.
- (b) Submission of compaction certificates for road sub-grade.
- (c) Submission of compaction certificates for road pavement materials (sub-base and base courses).
- (d) Compliance Certificates from road material suppliers.

9.2 Tree Protection

- 9.2.1 Prior to the commencement of any earthworks the site shall be inspected by Council's representative or an appropriately accredited private certifier and the applicant's representative to identify and appropriately mark:-

- (i) The trees to be retained.
- (ii) All areas to be left undisturbed and cordoned off.

9.3 Maintenance of Soil Erosion Measures

- 9.3.1 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.

9.4 Filling of Land & Compaction

- 9.4.1 Regular wetting down of the site must be undertaken during the course of works being carried out in order to control wind blown dust from the site.
- 9.4.2 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.

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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9.5 Inspections of Works

9.5.1 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) Construction of Road Pavement

- (a) Boxing out
- (b) Sub-grade roller test
- (c) Subsoil drainage
- (d) Sandstone roller test layer 1
- (e) Sandstone roller test layer 2
- (f) Kerb pre-laying
- (g) Kerb during laying including provision of roof-water outlets
- (h) Sandstone depth
- (i) Pavement profiles

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- (j) DGB depths and roller tests
- (k) Wearing Course
- (l) Kerb final
- (m) Concrete tests
- (n) Formwork concrete pavements
- (o) Final inspection

(v) Provision of Street Furniture

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

(vi) 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

(vii) Stormwater Quality Control

- (a) Installation of Stormwater Quality Control devices
- (b) Final Inspection

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

- (a) All road drainage

(ix) 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.

- 9.5.2 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)

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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).

9.6 Public Safety

- 9.6.1 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.

9.7 Site Security

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

10 PRIOR TO OCCUPATION CERTIFICATE

10.1 Road Damage

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

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.

10.2 Compliance with Conditions

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

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

10.3 Temporary Facilities Removal

- 10.3.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 10.3.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.

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- 10.3.3 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.
- 10.3.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 10.3.5 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's Maintenance Section. 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.

10.4 Services/Utilities

- 10.4.1 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.
- 10.4.2 A final written clearance shall be obtained from Integral Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Notification of Arrangement, etc) has not previously been issued.

10.5 Fire Safety Certificate

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

10.6 Landscaping/Car Parking

- 10.6.1 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 10.6.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.

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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10.6.3 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.

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

10.7 Fee Payment

10.7.1 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.

10.8 Engineering Matters

10.8.1 Surveys/Certificates/Works As Executed plans

10.8.1.1 A works-as-executed plan (to a standard suitable for microfilming) under the hand of a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed.

10.8.1.2 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.

10.8.1.3 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council's Co-ordinator, Engineering Approvals verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Council's Stormwater Quality Control Policy.

10.8.1.4 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):

(a) Submission of compaction certificates for fill within road reserves.

(b) Submission of compaction certificates for road sub-grade.

(c) Submission of compaction certificates for road pavement materials (sub base and base courses).

(d) Compliance Certificates from road material suppliers.

10.8.1.5 The submission to Council's Co-ordinator, Engineering Approvals of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

10.8.2 Easements/Restrictions/Positive Covenants

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

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

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

10.8.2.2 Restrictions and positive covenants must be provided over the Stormwater Quality Control devices and outlet works. Prior to Council's Manager, Development Services endorsing the Restrictions and Positive Covenants, all the engineering conditions in the consent must be complied with. All relevant STM documentations as required by the conditions of consent must be submitted to Council in accordance with Council's standards and requirements. All submitted documentations will be checked by Council's officer for compliance prior to endorsement of required instruments.

In summary the following documentations will be required;

1. An approved and certified design plan of the STM system by an accredited certifier.
2. STM maintenance schedule including a manufacturer maintenance manual.
3. Inspection Certificate from an Accredited Certifier or a (NPER registered) Professional Engineer for the installation of STM system.
4. A certificate from a chartered professional engineer verifying that the installed STM (including its specific name, type and model number) will function effectively in accordance with Council's Stormwater Quality Control Policy.
5. Works as executed (WAE) plan for STM system in accordance with Council' requirements.

10.8.2.3 Should Council's Co-ordinator, Engineering Approvals approve the location of Bioretention 8 within Lot 129 DP 208203, it will be necessary to create an Easement to Drain Water minimum 2.5 metres wide, free of cost to Council. The easement shall be created under the Conveyancing Act 1919 and have Blacktown City Council benefited.

10.8.3 **Bonds/Securities/Payments in Lieu of Works**

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

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10.8.3.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council's Co-ordinator, Engineering Approvals prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.

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

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

10.8.3.3 Concrete path paving must not be placed until about 75% of the lots have been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Pricing Schedule. The security will be released upon satisfactory completion of the works.

10.8.4 Inspection of Work

10.8.4.1 All road stormwater drainage structures (pipelines and pits) must be inspected by a CCTV in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to Council's Co-ordinator, Engineering Approvals in the form of VHS video tape or DVD of the inspection video, a hard copy printout of the SEWRAT (or equivalent) report, and a CCTV certified statement in accordance with section 6.8 of Council's Works Specification Civil and that any defects identified by this inspection have been rectified.

10.9 Street Tree Planting

10.9.1 Prior to the issue of the final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to Council's Maintenance Section satisfaction.

10.10 Graffiti Management Plan

10.10.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council's Manager, Development Services. The plan is to address the following issues:

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

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- (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

10.11 Total Maintenance Plan

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

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

A copy of the plan is to be submitted to Council's Manager, Development Services for separate approval prior to the release of any Occupation Certificate.

10.11.2 The Owners Corporation is to manage the total maintenance plan. Where appropriate, the recommendations of the plan are to be integrated into a Strata Management Agreement/bi-laws.

10.12 Emergency Evacuation Plan

10.12.1A detailed Emergency Evacuation and Management Plan is to be prepared in conjunction with a specialist consultant in accordance with Australian Standard "Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces". As part of the Emergency Plan, an "audio" system is to be installed at strategic locations (e.g. car park entry/exits, lift door access, select public areas) to ensure the safety of residents and the public in the event of an emergency.

A copy of the Emergency Evacuation Plan is to be submitted for Council's Manager, Development Services and the Quakers Hill LAC's separate approval prior to the release of any Occupation Certificate. A copy of the Emergency Evacuation Plan must also be issued to all emergency services groups inviting them to review and comment on the Plan prior to its finalisation.

10.13 Landscaping

10.13.1 All landscaping, landscape/recreation features and children's play equipment required for each stage of the development shall be completed in accordance with the approved landscaping design plans.

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

10.14 Fencing

10.14.1 All new fencing, entry pavilions and retaining walls required for each stage of the development shall be completed in accordance with the approved details submitted to satisfy Conditions 4.5 of this consent. All fencing/retaining work must be provided at full cost to the developer.

10.15 Lighting

10.15.1 Vandal proof and security lighting required for each stage of the development is to be provided in accordance with the approved details submitted to satisfy Condition 4.7 of this consent.

10.16 Signage

10.16.1 Directory boards and signage required for each stage of the development must be provided on site in accordance with the approved details submitted to satisfy Conditions 4.10 of this consent.

10.16.2 Appropriate crime prevention signage is to be installed throughout the development, including signage stating private property, trespassers will be prosecuted, 24 hour security and CCTV 24 hours per day.

10.17 Letterboxes

10.17.1 The letterboxes required for each stage of the development 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.

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

10.18 Power Boards

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

10.19 Security/Surveillance

10.19.1 The measures outlined in the Total Security Management Plan, required by condition 4.9.1 of this consent, are to be provided to Council's satisfaction. The Plan must also provide a detailed funding model outlining the cost of employing an on-

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site Building Manager and Security Personnel on an on-going basis, and how these costs will be met once the development is Strata Titled and in private ownership.

10.20 Car Parking

10.20.1 The car parking allocation, required by Condition 4.10.4 of this consent, is to be incorporated into a Parking Management Strategy which will also include the following responsibilities for the Managing Agent/future Body Corporate:

- (a) Measures to ensure a clear segregation between the residential and non-residential parking spaces is maintained at all times.
- (b) The ongoing maintenance of the parking area to ensure the allocation is in accordance with condition 4.10.4.

The parking strategy is to be submitted to Council for separate approval, prior to the release of any Construction Certificate.

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

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

10.20.4 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.

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

10.20.6 In accordance with the parking tenancy plan submitted to satisfy Condition 4.10.4 of this consent, all car spaces are to be appropriately signposted for their intended use and allocation.

10.20.7 The ceiling of each basement car park is to be painted white to enhance lighting illumination.

10.20.8 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.

10.21 Waste

10.21.1 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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10.21.2 A suitable agreement outlining the provisions and responsibilities relating to the waste arrangements must be submitted to Council's Waste Services Section for information. In this regard, the agreement will be required to include:

- (a) Provision for the placement of waste and recycling bins.
- (b) Responsibility for:
 - (i) The maintenance of the garbage and recycling collection system.
 - (ii) Ensuring that designated collection points are clear and unobstructed for collection vehicles.
 - (ii) The residential bins are collected within the basement and not at street level.
 - (iv) Cleaning of bins and garbage rooms, and ensuring they are kept free of odours and pests.

Appropriate signage must be provided in the "garbage areas" to advise where waste and recycling materials are to be placed, and what are appropriate materials for recycling.

10.22 Noise Assessment

10.22.1 Verification prepared by a suitably qualified person is to be submitted to the Principal Certifying Authority that the recommendations of the Acoustic Assessment undertaken to satisfy condition 3.8.1 of this consent have been implemented.

10.23 Salinity

10.23.1 Final validation from a suitably qualified person must be submitted to Council verifying that the recommendations of the Salinity Assessment (Report No. 13046/2-AAR2) dated 19 December 2013 prepared by Geotechnique Pty Ltd have been implemented.

11 PRIOR TO SUBDIVISION CERTIFICATE

11.1 Consent Compliance

11.1.1 A Subdivision Certificate shall not be issued until all conditions of this consent have been satisfied.

11.2 Additional Inspections

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

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.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

11.3 Fee Payment

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

11.4 Final Plans

- 11.4.1 The submission of a final plan of subdivision, together with 7 exact copies and the appropriate fee. The final plan of subdivision will not be released until all relevant conditions of the determination have been complied with.

- 11.4.2 Where any permanent control marks are placed in accordance with the Survey Practice Regulation 1990 in the preparation of the plan, 2 copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision.

11.5 Other Matters

- 11.4.3 All dwellings, fencing, landscaping, clotheslines, hot water systems, mailboxes and driveways are to be completed in accordance with the approved plans and conditions of this consent to Council's satisfaction prior to the release of the Strata Subdivision Certificate.

- 11.4.4 The Strata Management Agreement is to include the Management Agreement identifying the site is to be serviced by a private waste contractor and the agreement submitted to satisfy condition 10.21.3 of this consent.

12 OPERATIONAL (PLANNING)

12.1 Access/Parking

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

- 12.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land, within the designated loading/unloading bays. Loading and unloading operations are not to obstruct the internal accessways/roads or car parking spaces at any time.

- 12.1.3 The on-site Building Manager is to supervise the use and operation of the street level loading bays to ensure that they remain for the exclusive use of large trucks only, and that no trucks reverse out of the loading bays.

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

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.
(b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
(c) It is in the public interest that they be imposed.

Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

12.1.5 All vehicles are to enter and leave the site in a forward direction at all times.

12.2 Graffiti Removal

12.2.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed in accordance with the approved "Graffiti Management Plan" and no later than 48 hours of detection.

12.3 Noise & Nuisance

12.3.1 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.

12.3.2 The use of the land is not to interfere with the amenity of the surrounding residential area.

12.3.3 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.

12.3.4 In accordance with the requirements of Council's DCP, no plant or equipment shall generate a noise level greater than 5dBA above the ambient L90 sound level.

12.3.5 No nuisance or interference with the amenity of the area shall be created by reason of any process or operation on the land causing the emission of noise, dust, smoke or any polluted discharge whatsoever. The Protection of the Environment Operations Act 1997 requires Council to investigate complaints where only one person complains.

12.4 Use of Premises

12.4.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.

12.5 Storage

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

12.5.2 No goods or materials shall be stored, displayed for sale or manufactured at any time outside the building.

12.6 Landscaping

12.6.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.

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.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property
- (c) It is in the public interest that they be imposed

Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

12.6.2 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.

12.6.3 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.

12.7 Lighting & Security

12.7.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.

12.7.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

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

12.8 Waste

12.8.1 Arrangements shall be made for an effective commercial refuse removal service. In this regard, a private contractor must be engaged and appropriate provisions are to be included in the future Strata Management Plan for the ongoing management of waste and recyclables on the property during the operations of the development. The following provisions are to be addressed in the Strata Management Plan:

(i) Indicate responsibility for the maintenance of the garbage collection system;

(ii) Indicate responsibility for the cleaning of bins;

(iii) Ensure that designated collections points are clear and unobstructed for collection vehicles;

(iv) After collection the bins would need to be removed back in the bin storage areas as soon as practical and before 5pm on the day of collection; and

12.8.2 The managing agent and future Body Corporate is to be responsible for ensuring the implementation of the ongoing waste management system, including the collection of all recycled materials.

12.8.3 Contact details of the private contractor used to provide the collection services will need to be provided to Council's Waste Services Section once the development is operational.

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.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

12.8.4 All waste and recycling must be collected by a private contractor a minimum of 2 times each week.

12.9 Emergency Procedures

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

12.10 Clothes Drying

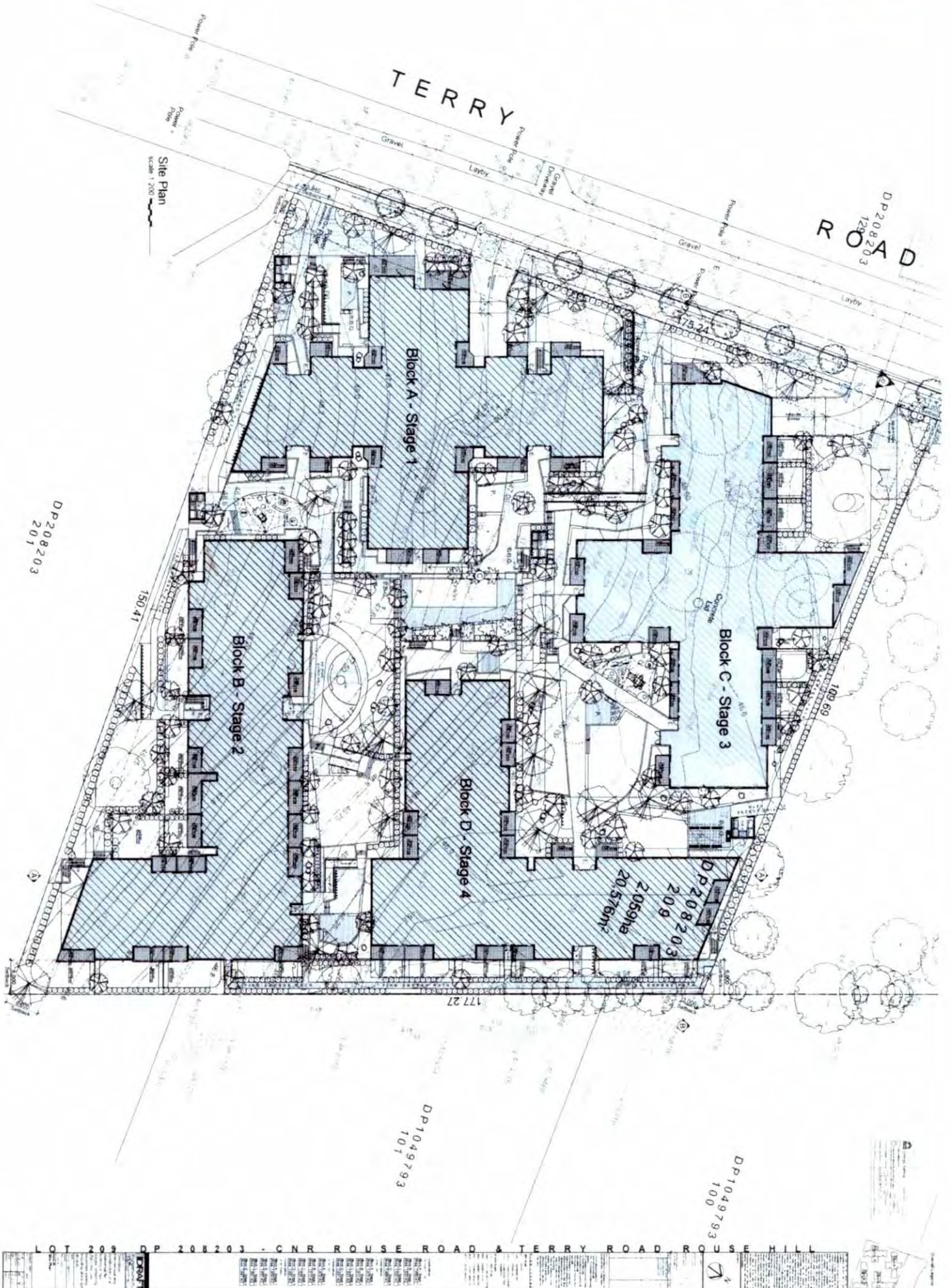
12.11.1 The hanging/drying of clothes on balconies (where visible from a public place) is prohibited. If the development is to be strata subdivided, a clause is to be included in the Plan of Strata Management prohibiting the drying of clothes on balconies (where visible from a public place). Any future Strata Management Plan is to contain a restriction to this effect.

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.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

Kerry Robinson
GENERAL MANAGER

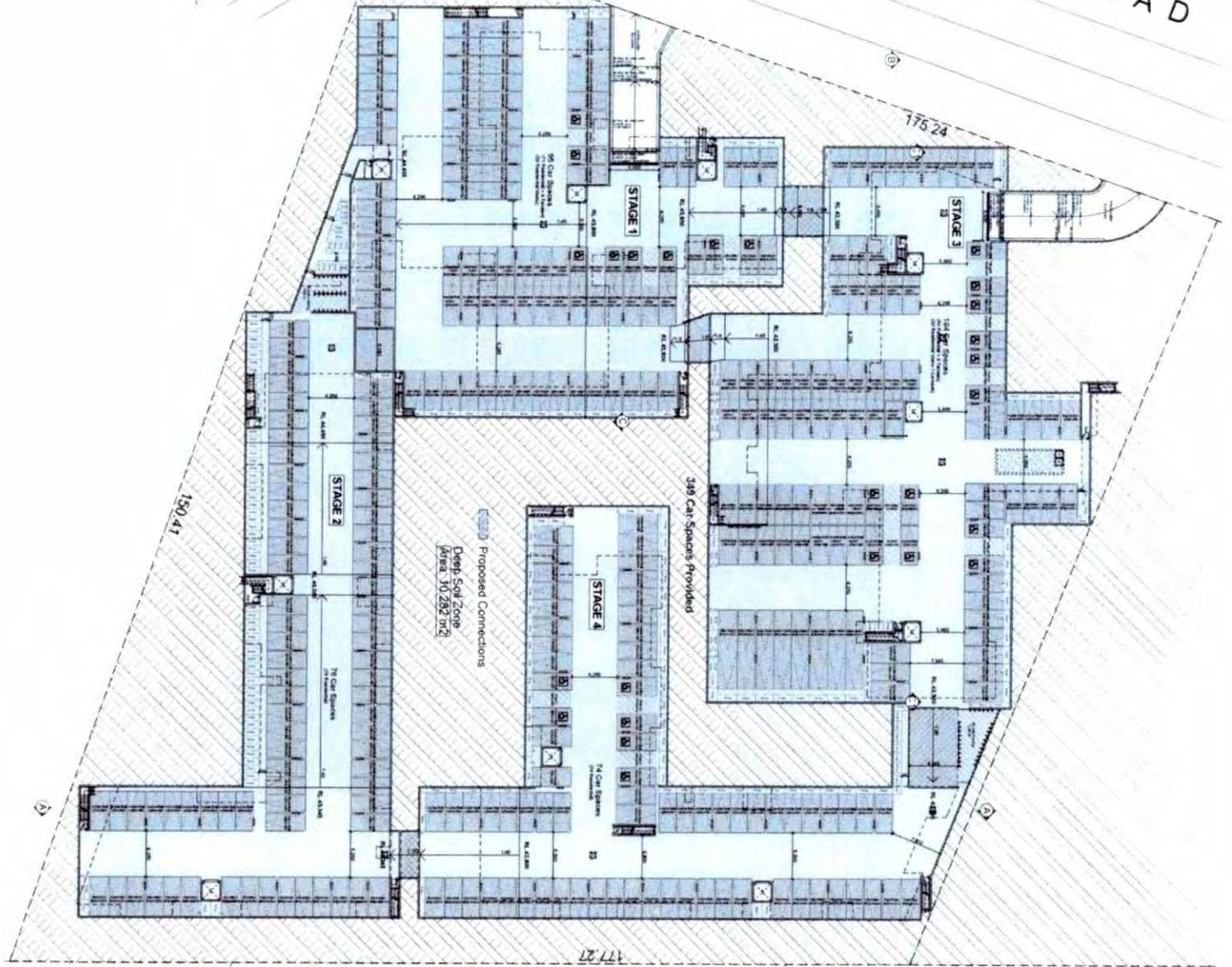
Per _____
Blacktown City Council



TERRY

ROAD

Basement Plan
scale 1:200



TERRY

ROAD

Ground Floor Plan
Scale: 1:200



ROAD

150.41

175.24

109.68

177.27

LOT 209 DP 208203 - CNR ROUSE ROAD & TERRY ROAD, ROUSE HILL

DRAFT

1. *Phragmites australis* (Cav.) Trin. ex Steud.
 2. *Phragmites australis* (Cav.) Trin. ex Steud.
 3. *Phragmites australis* (Cav.) Trin. ex Steud.
 4. *Phragmites australis* (Cav.) Trin. ex Steud.
 5. *Phragmites australis* (Cav.) Trin. ex Steud.
 6. *Phragmites australis* (Cav.) Trin. ex Steud.
 7. *Phragmites australis* (Cav.) Trin. ex Steud.
 8. *Phragmites australis* (Cav.) Trin. ex Steud.
 9. *Phragmites australis* (Cav.) Trin. ex Steud.
 10. *Phragmites australis* (Cav.) Trin. ex Steud.

 ∇ [illegible]

TERRY

ROAD

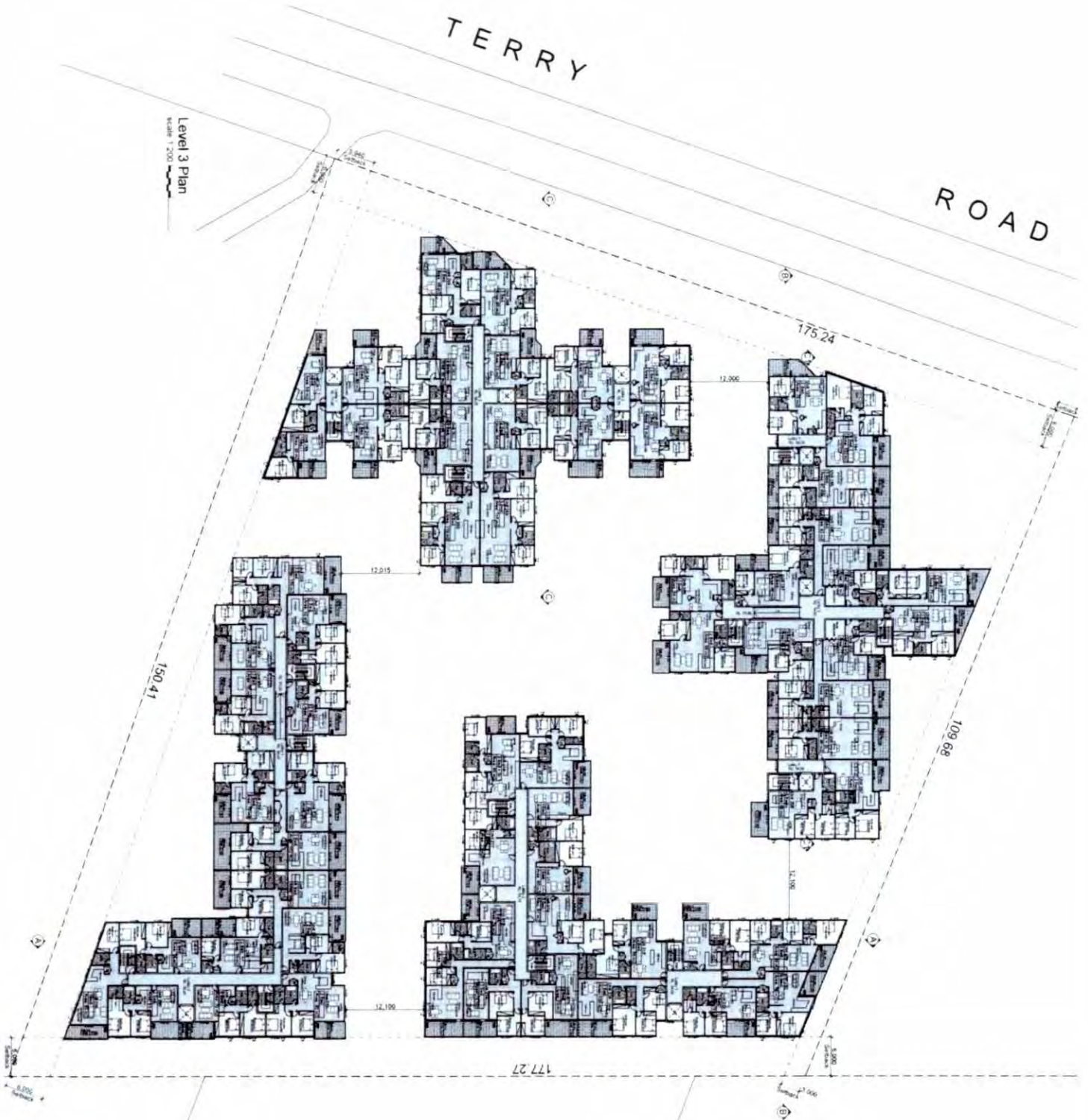
Level 2 Plan
Scale 1:200



TERRY

ROAD

Level 3 Plan
Scale 1:200

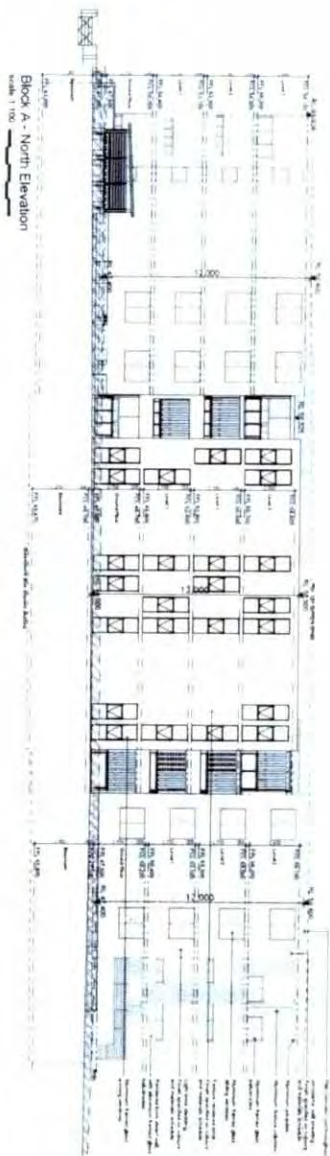


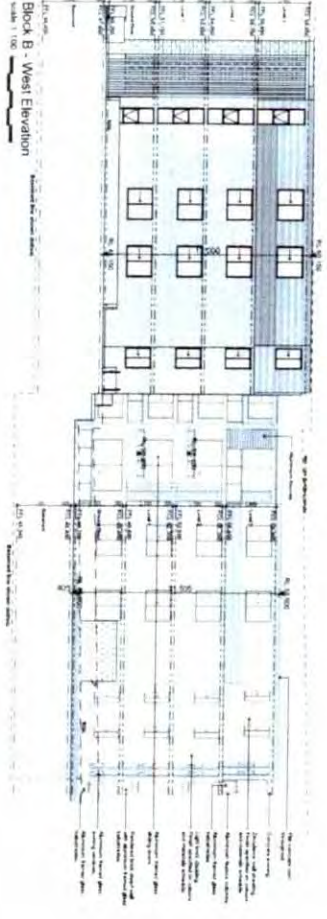
TERRY

ROAD

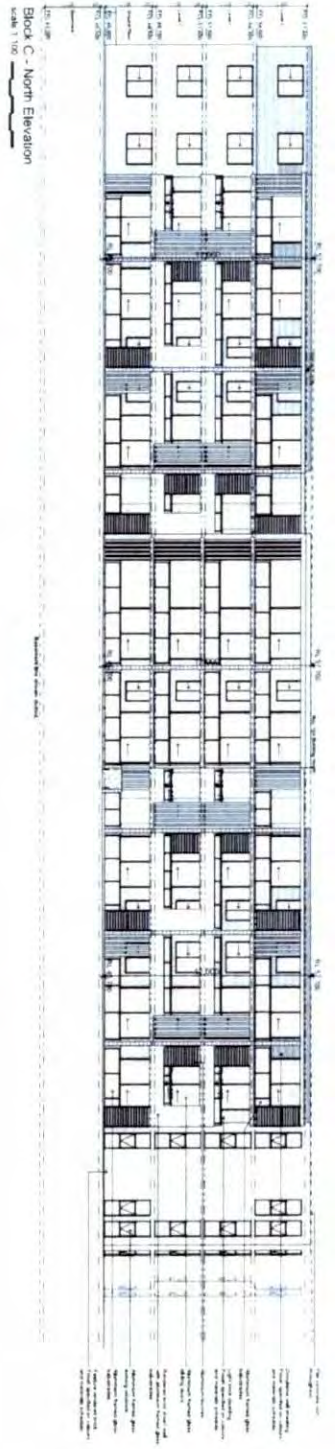
Roof Plan
Scale: 1/320'



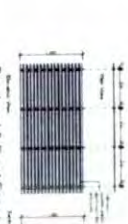
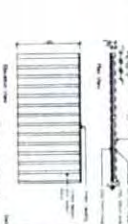
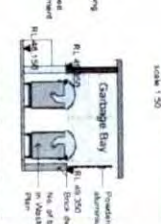
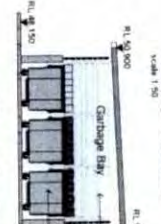
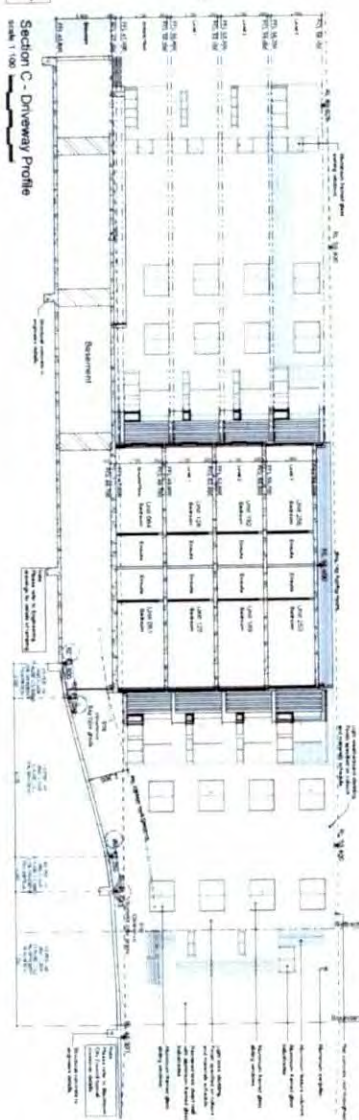
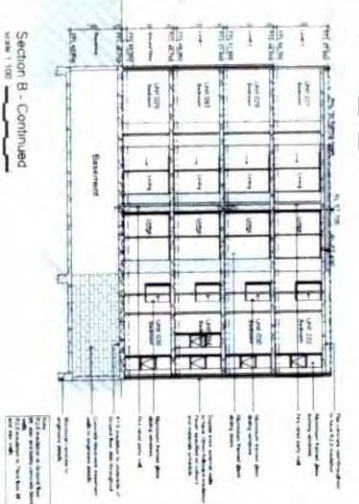
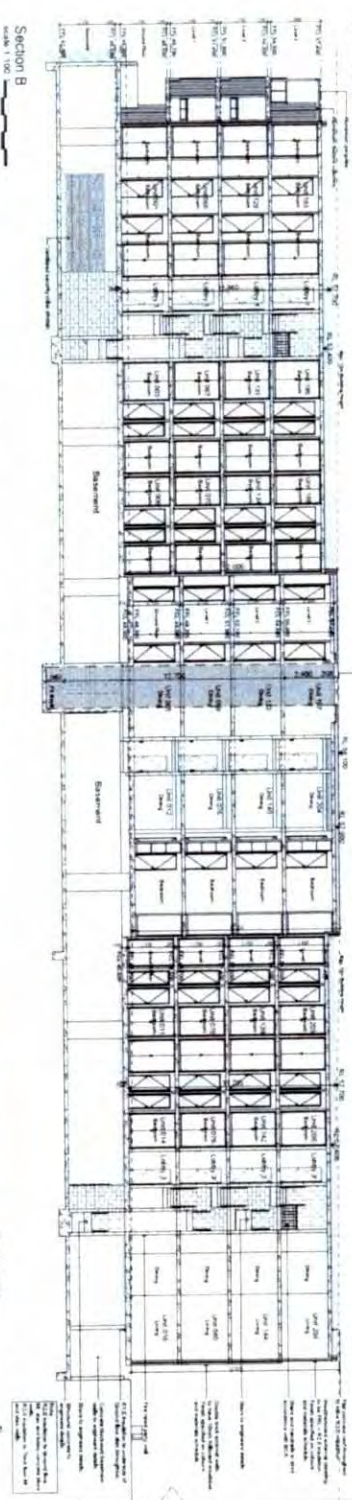
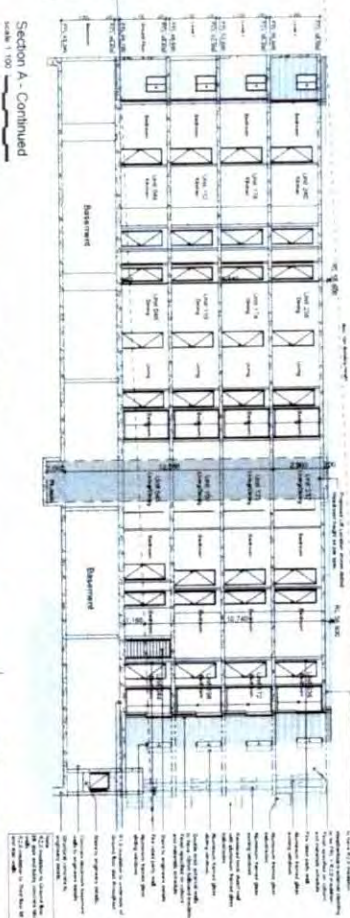
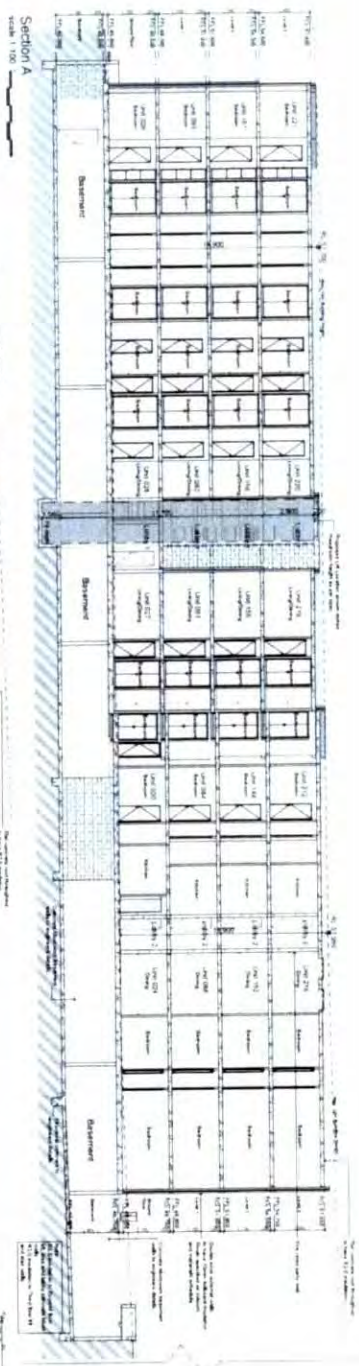




B
 Block B
 North Elevation
 Scale 1:100
 Date: 10/10/2018
 Drawn by: [Name]
 Checked by: [Name]



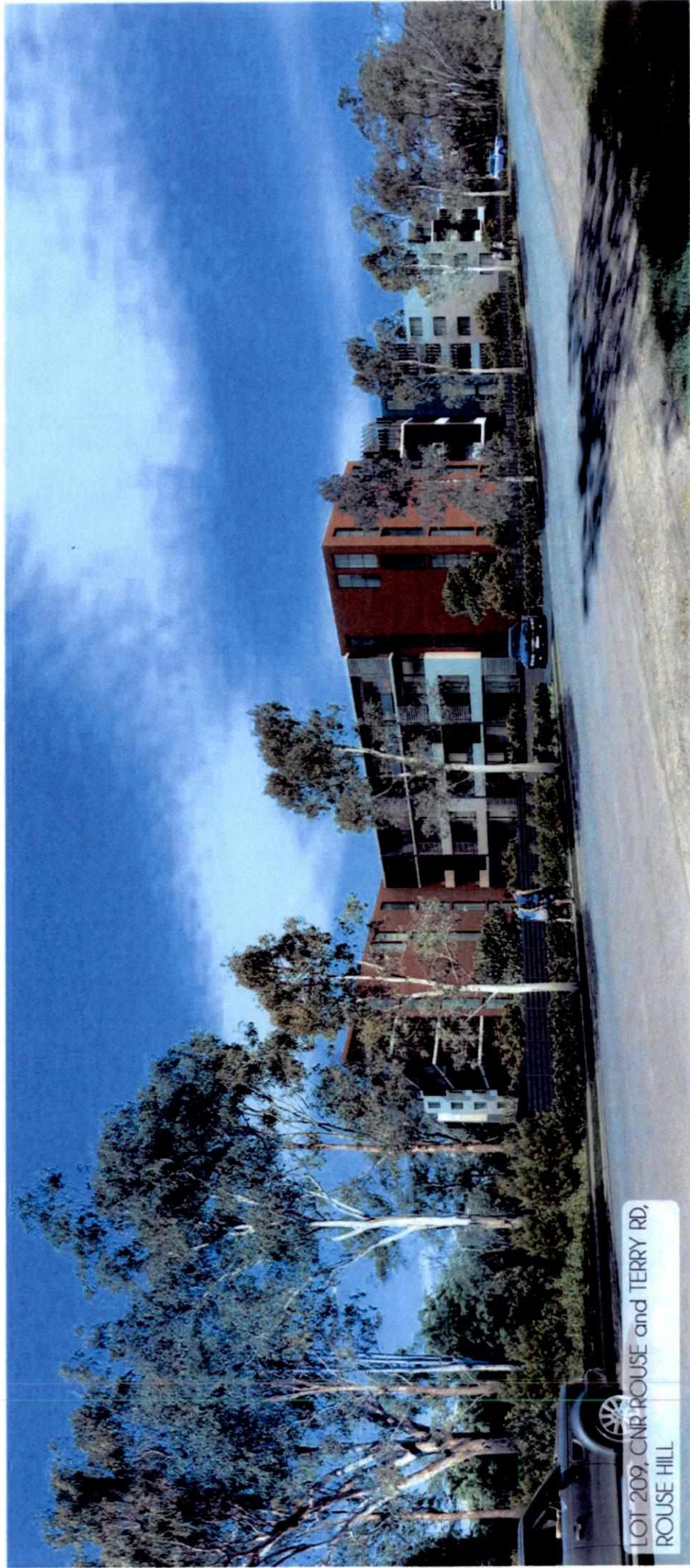




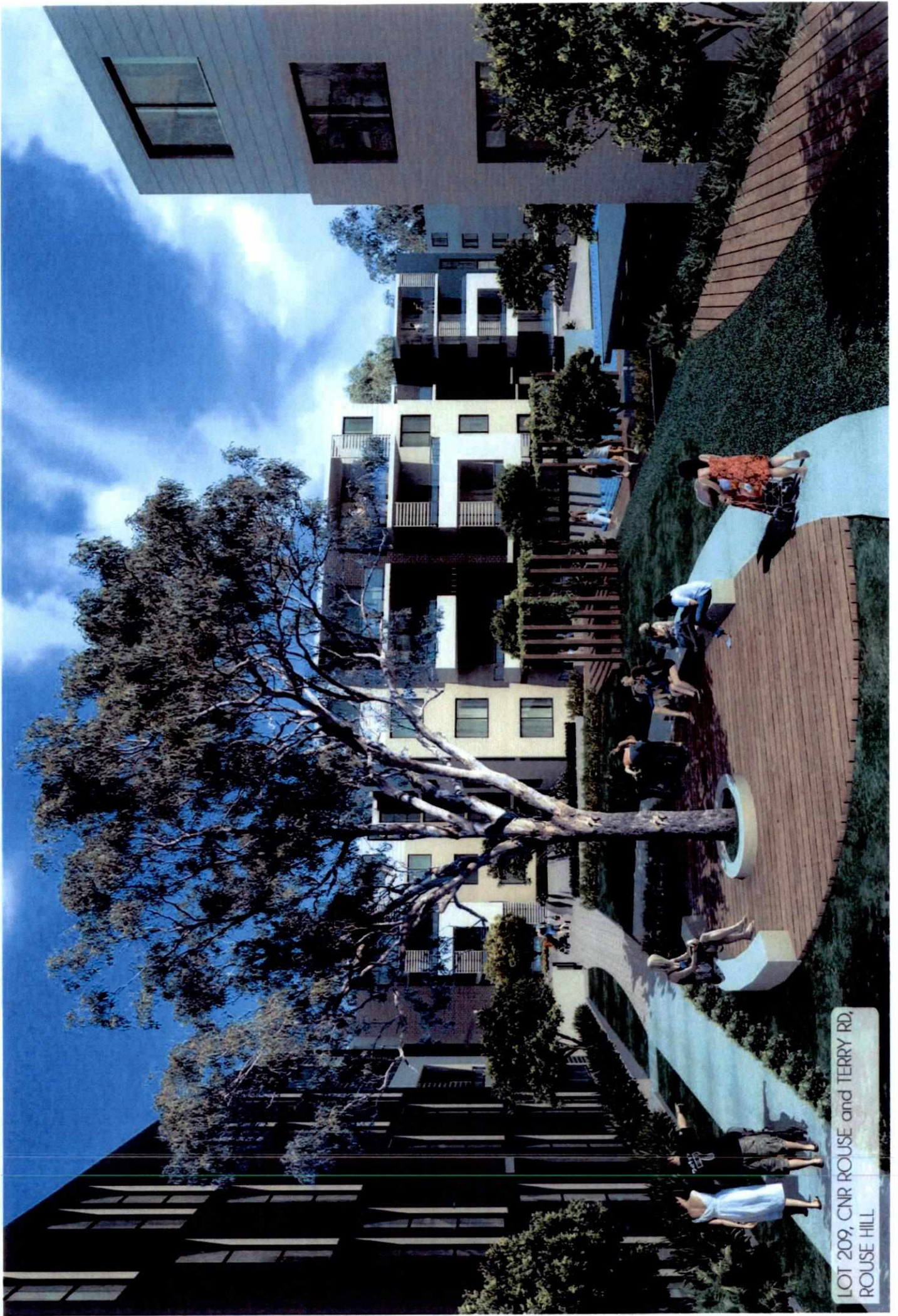
Note:
3 x 1100L General Waste
2 x 1100L Recycling
(paper & corrugated)
Total:
12 x General Waste
8 x Recycling



LOT 209, CNR ROUSE and TERRY RD,
ROUSE HILL



LOT 209, CNR ROUSE and TERRY RD,
ROUSE HILL



LOT 209, CNR ROUSE and TERRY RD,
ROUSE HILL

| | | |
|-----|----------------|------------|
| No. | Amendment | Date |
| A | Original Issue | 04/04/2014 |



NOTES:

1. THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.
2. AREAS AND DIMENSIONS ARE APPROXIMATE ONLY AND SUBJECT TO FINAL SURVEY.
3. LAND USE ZONES SOURCED FROM AREA 20 PRECINCT INDICATIVE LAYOUT PLAN DATED 16 AUG 2011.

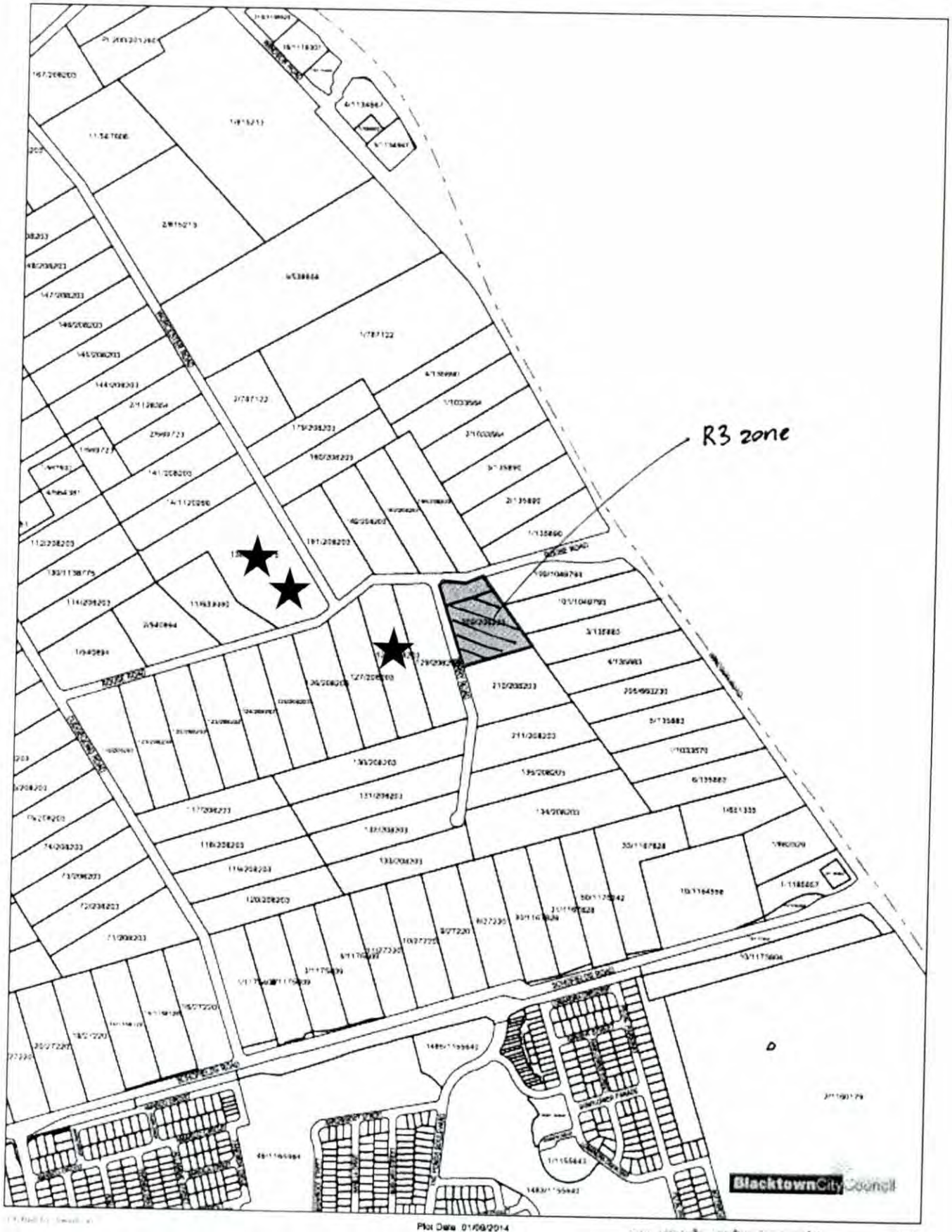
PROUST & GARDNER
CONSULTING PTY LIMITED
SURVEYORS & PLANNERS

405 Pacific Highway
PO Box 132
Lindfield NSW 2070

Tel: 9416 1335
Fax: 9416 3845
Email: png@png.com.au

**PLAN OF PROPOSED SUBDIVISION
LOT 209 DP 208203
ROUSE RD & TERRY RD, ROUSE HILL**

Scale : 1:1500 @ A4 Date : 04/04/2004 Plan No. : 22944 - SUB1





planning consultants

16 May 2014
Our Ref: 8348A.6WG

**Written request for exception to a Development Standard Clause 4.3 Height of Buildings
Development Standard of the Area 20 Precinct Plan SEPP (Sydney Region Growth
Centres) 2006**

**Proposed Residential Flat Building Development at 9 Terry Road, Rouse Hill
(DA No. JRPP-14-91)**

1.0 Introduction

DFP has been commissioned by Winter Properties Pty Ltd to prepare a request pursuant to Clause 4.6 of the SEPP Growth Centres SEPP 2006 in respect of the proposed residential flat building development at 9 Terry Road, Rouse Hill.

DFP has prepared a Statement of Environmental Effects that was lodged with the abovementioned development application that should be read in conjunction with this Clause 4.6 Variation request.

2.0 Proposed Development

Development consent is sought for the construction of 4 x 4 storey residential flat buildings in 4 stages including strata subdivision at 9 Terry Road, Rouse Hill. The development proposal consists of the following:

- 256 units
- 21 x 1 bedroom units
- 8 x 1 bedroom units + study units
- 179 x 2 bedroom units
- 7 x 2 bedroom units + study units
- 41 x 3 bedroom units

A total of 349 car parking spaces are provided in 1 basement level.

The residential flat building contains 4 residential levels and 1 basement level.

The basement level provides the following number of parking spaces:

- 297 resident car parking spaces
- 52 visitor car parking spaces including 1 car washing bay
- 128 resident bicycle spaces
- 22 visitor bicycle spaces

The development proposal contains a 300mm parapet which has an RL of 57.7 on Building C. Building C is at the lowest point of the development and accordingly has the highest height when measured from natural ground level to the upper most point being the parapet. The roof level of Building C is RL 57.4.



The lowest point at natural ground level below the parapet of Building C is RL 45.15. Therefore the maximum height of the building is 12.55 metres measured to the parapet and 12.25 metres measured to the roof level above.

3.0 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

3.1 Clause 4.3 Height of Buildings

Clause 4.3 Height of Buildings states:

- "(1) The objectives of this Clause are as follows:
- (a) To establish the maximum height of buildings on land within the Area 20 Precinct,
 - (b) To minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
 - (c) To facilitate higher density development in and around commercial centres and major transport routes.
- (2) The height of the building on any land is not to exceed the maximum height for the land on the Height of Buildings Map."

The Height of Buildings Map indicates that the maximum height limit is 12 metres.

Building Height is defined in the dictionary of the SEPP (Sydney Region Growth Centres) 2006 as follows:

"Building Height (or Height of Building) means the vertical distance between ground level (existing) at any point to the highest point of the building including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flag poles, chimneys, flues and the like."

3.2 Height of the Proposed Development

Building C is located on the lowest part of the site and the parapet at the northern most part of Building C has a maximum height of 12.550 metres, whilst the roof level at that point is 12.25 metres.

Accordingly the maximum height of the building exceeds the 12 metre height limit by 550mm. Attached to this Clause 4.6 Variation Request is a 3D CAD model of the development which indicates the areas where the development exceeds the 12 metre height limit. The 3D model indicates that it is only Building C where the height limit is exceeded by more than the 300mm parapet. The north eastern section of Block C exceeds the height limit by 500mm.

The northern parapet of Block A also exceeds the height limit, however this is less than 300mm. Similarly sections of the northern parapet of Block B and Block D also exceed the height limit by less than 300mm.

3.3 Clause 4.6 Exceptions to Development Standards

Sub-clause 1 and 2 state the following:

- "(1) The objectives of this Clause are as follows:
- (a) To provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) To achieve better outcomes for and from development by allowing flexibility in particular circumstances.



- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this Clause does not apply to a development standard that is expressly excluded from the operation of this Clause."*

Variation to the height limit is not expressly excluded from the operation of this Clause and accordingly consent may be granted.

3.4 Sub-Clause 4.6(3) – Written Request

"Sub-Clause 4.6(3) relates to the making of a written request to justify an exception to a development standard and states:

- (3) *Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *The compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and,*
 - (b) *That there are sufficient environmental planning grounds to justify contravening the development standard."*

The proposed development does not comply with the Height of Buildings Development Standard pursuant to Clause 4.3 of the SEPP (Sydney Region Growth Centres) 2006 as the proposed development exceeds the maximum height limit by 550mm at the parapet of the northern elevation of Block C, however, strict compliance is considered to be unreasonable and unnecessary in the circumstances of this case as justified in this written request below.

3.5 Sub-Clause 4.6(4) – Justification

Clause 4.6(4) provides that consent must not be granted for development that contravenes a development standard unless:

- (a) *The consent authority is satisfied that:*
- (i) *The applicant's written request has adequately addressed the matters required to be demonstrated by Sub-Clause (3), and*
 - (ii) *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *The concurrence of the Director-General has been obtained."*

Furthermore, Sub-Clause 4.6(5) provides that in deciding whether to grant concurrence, the Director-General must consider:

- (a) *Whether contravention of the development standard raises any matter of significance for State Environmental Planning, and*
- (b) *The public benefit of maintaining the development standard, and*



- (c) Any other matters required to be taken into consideration by the Director-General before granting concurrence.

4.0 Written Justification for the Exceedance of the 12 metre Building Height Development Standard

This Section provides the written justification that will demonstrate why exceeding the Building Height Development Standard is appropriate in this case. The development is considered to be consistent with the zone objectives and the objectives of the height limit. The exceedance of the height limit does not generate any adverse amenity impacts on the future residents of the development or future adjoining development and accordingly it is considered that the proposal is in the public interest.

4.1 Zone Objectives

The subject site is zoned R3 Medium Density Residential and the objectives of that zone are addressed below:

- “• To provide for the housing needs of the community within a medium density residential environment.”

Residential flat buildings are permissible in this zone and accordingly are considered to be medium density residential development. The development proposal provides 256 residential units that will be located in close proximity to public open space and will be within walking distance of the existing Rouse Hill town centre, future Cudgegong town centre, future Cudgegong Railway Stations. In order to comply with the 12 metre height limit, it will be necessary to remove part of the top floor of Building C that would reduce the amount of housing provided to meet the needs of the future community.

- “• To provide a variety of housing types within a medium density residential environment.”

The subject site has an area of 2.057 hectares and accordingly there are ample opportunities to provide a residential flat building development on the site.

- “• To enable other land uses that provide facilities or services to meet the day to day needs of residents.”

The northern section of the subject site is zoned for public recreation and will contain a rain garden that is required to facilitate future development in the locality. Exceedance of the 12 metre height limit does not offend this objective.

- “• To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.”

The development proposal provides residential development in a location close to facilities such as the existing Rouse Hill Anglican School, the future adjoining open space and other facilities that will be available within both the Rouse Hill town centre and the Cudgegong Railway Station precinct town centre. The development proposal will provide residents in the locality that provide demand for these types of services. Complying with the 12 metre height limit will reduce the number of residential units that can be constructed on the site which will reduce the demand for these services as the population will be reduced.



Accordingly, it is considered that the development proposal is consistent with the objectives of the R3 zone and the exceedance of the height limit by 550mm does not affect the proposal's consistency with the zone objectives.

4.2 Objectives of the Height Development Standard

The objectives of the Height Clause are discussed below.

"(a) To establish the maximum height of buildings on land within the Area 20 Precinct."

The maximum height limit on the site is 12 metres, whilst the maximum height of the development which occurs at the northern part of Building C at the parapet is 12.55 metres.

"(b) To minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space."

It is the sloping nature of the site that generates the non-compliance with the 12 metre height limit. It is the northern extent of each of the 4 buildings that breaches the height limit with only the northern section of Building C exceeding the height limit by more than the extent of the 300mm parapet. The attached 3D model indicates that the breach in height limit is minimal across the extent of the whole development. The exceedance of the height limit by a maximum of 550mm will not affect the way in which the building is perceived from public places. The 12 metre building height limit provides sufficient space for a 4 storey building to be constructed and accordingly it is considered that 4 storey buildings are part of the desired future character of the locality, however the 12 metre height limit cannot be complied with where a site is sloping in nature without deleting an entire residential floor.

It is the opinion of DFP that if parts of the parapet were removed or the fourth storey of Building C was deleted, the development proposal would appear unbalanced and unresolved, reducing the visual amenity of the development.

Shadow diagrams were submitted with the development application plans and the assessment of the proposal against the provisions of SEPP 65 indicated that 180 units, or 70% of the units, received 4 hours or more of sunlight at the winter solstice and accordingly the additional building height does not cause adverse overshadowing impacts within the development.

As it is the northern face of the buildings that generally exceed the height limit, any additional shadows cast by the parapet wall will not extend the overall shadow length. The internal courtyards receive a significant amount of solar access and no shadows are cast onto the public open space located directly to the north of the development site. Accordingly it is considered that the breach of the height limit does not have an adverse impact on the visual amenity of the building, does not affect the amenity of adjoining development in terms of solar access and will not reduce the amount of sunlight available to residents on the site.

"(c) To facilitate higher density development in and around commercial centres and major transport routes."

The subject site is located within close proximity to Rouse Hill town centre and the future Cudgegong Railway Station precinct which is evident in the R3 zone that allows 4 storey residential flat buildings. Compliance with the height limit would require reduction of a floor on part of Building C and deletion of parapets on the other buildings that would not be consistent with the objective of facilitating higher density in close proximity to major transport routes.



4.3 The Grounds of the Objection to the Height Limit

The proposed variation to the Height Development Standard has been considered in light of the abovementioned objectives and potential environmental impacts and strict compliance is considered to be unreasonable and unnecessary for the following reasons:

1. The breach of the height limit is generated by the slope of the site which is evident that the height limit is breached along the façade at the lowest point of natural ground level of each of the 4 buildings. This is demonstrated in the attached 3D model. The 12 metre height limit does not contemplate construction of 4 storey buildings on sloping sites.
2. The maximum exceedance of the height limit is 550mm which occurs in the central section on the northern elevation of Building D, which is the lowest point on the site. When this section of the building is viewed in context with the remainder of the 4 storey development, the exceedance of the height limit will not be visually perceivable.
3. The numerical non-compliance with the height limit equates to 4.6% which is considered to be a minimal non-compliance.
4. The exceedance of the height limit does not reduce the amount of solar access available to the units within the development, nor to the open space within the development. This is the case as the exceedance of the height limit is limited along the northern sections of the building and not the southern edges where the shadows will be cast.
5. The exceedance of the height limit will not exacerbate loss of solar access to adjoining properties.
6. Compliance with the height limit would require the deletion of an entire floor of Building C and the deletion of the parapets from Building A, B and D. The height limit can be complied with along the southern ends of Block C and accordingly compliance would be achieved if half the floor of Block C was removed. This would result in a very unbalanced and unresolved built form which would have a detrimental visual impact when viewed from Terry Road and from the open space to the north. Deletion of the parapets on Blocks A, B and C would result in a poor built outcome.
7. The exceedance of the height limit will not reduce views from adjoining properties or within the development itself.
8. The proposal is considered to demonstrate good urban design, is not excessive in terms of bulk and scale and will provide a positive contribution to the streetscape, and
9. The non-compliance is considered to be minor and does not involve the construction of a whole additional floor.

The encroachments are generally limited to the northern extent of the parapet walls with the exception of the northern elevation of Block C, which is located on the lowest point of the site. The desired future character of the area is for 4 storey residential flat buildings and the proposal is compatible with this character. The exceedance of the height limit will not be discernable as the land directly to the north is zoned for Open Space and accordingly there will be no other residential flat buildings adjoining the location where the height limit is exceeded. Accordingly, there will be no future development adjoining this development to judge the height exceedance against. The development will be read as a 4 storey residential flat building adjoining the open space and rain garden.



4.4 Director-General's Consideration

As indicated above, Sub-Clause 4.6(5) of the SEPP (Growth Centres) 2006 also requires the Director-General, in deciding whether to grant concurrence, to consider the following:

- "(a) Whether contravention of the Development Standard raises any matters of significance for State Environmental Planning"*

The breach of the height limit is not of state or regional significance.

- "(b) The public benefit of maintaining the development standard"*

There is a public benefit in allowing the proposed development to proceed with the maximum building height of 12.55 metres. The additional height is generated by the slope of the site. If the development was required to comply with the height limit, half of Block C would be required to be reduced to 3 storeys in height and the parapets of Building A, B and C would be required to be deleted. Deletion of half a floor of Block C would result in an unbalanced and unresolved built form and deleting the parapet walls would result in a poor built outcome. It is not in the interest of the public to construct unresolved, unbalanced buildings purely to ensure compliance with the 12 metre building height, especially given that the proposal is for a 4 storey building in a locality where the height limit allows 4 storey residential flat buildings. Deleting the units from Block C and the parapets from the buildings would result in a development that would be out of character and of poor built form which is certainly not in the public interest.

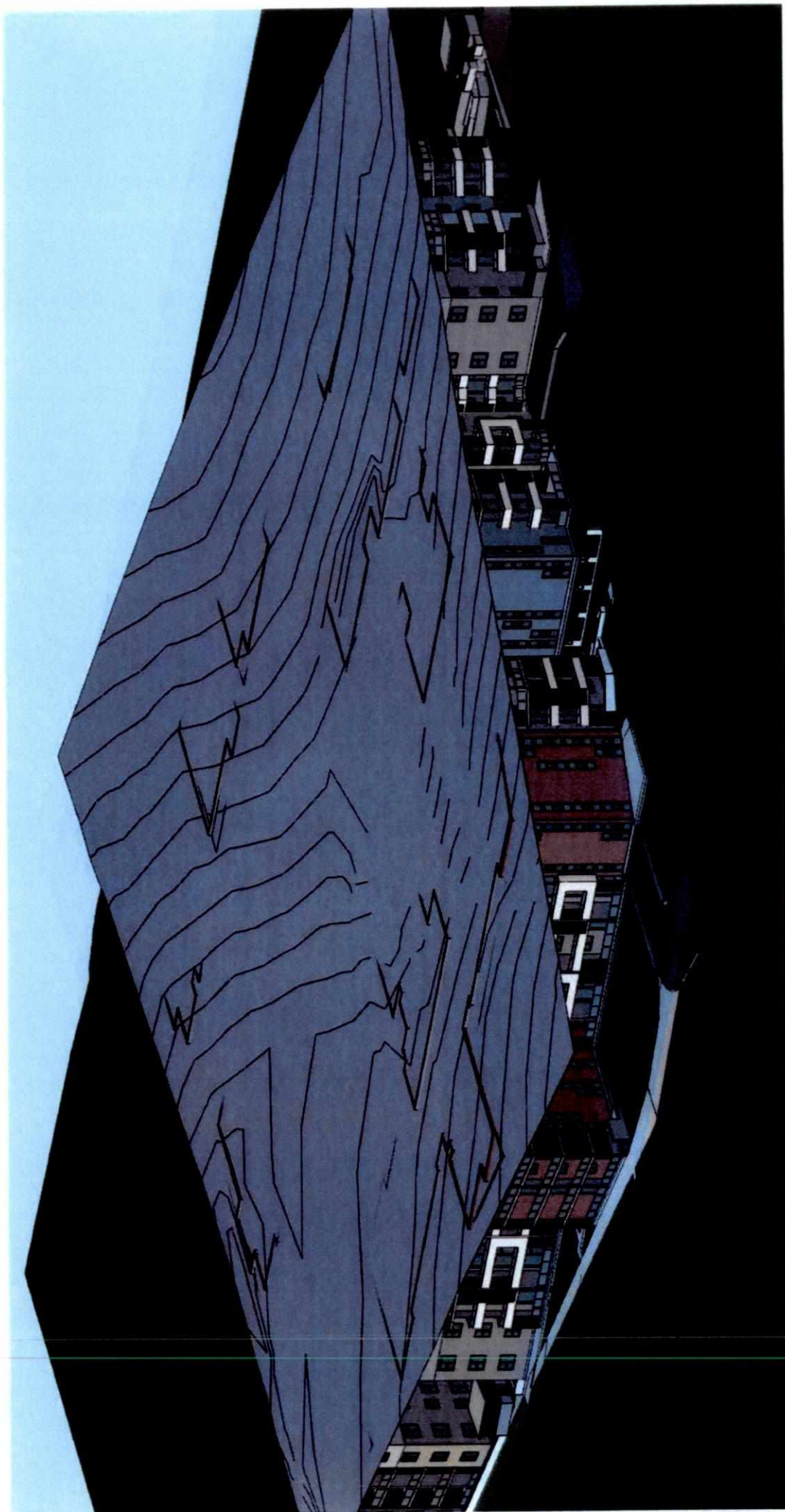
- "(c) Any other matters required to be taken into consideration by the Director-General before granting concurrence."*

Deleting a floor would not assist in providing residential units in a locality close to future public transport options and would not be in the interest of housing affordability.

5.0 Conclusion and Recommendation

We have assessed the proposed residential flat building against the relevant statutory provisions of Clause 4.6 of the SEPP (Growth Centres) 2006 and prepared this written request which provide written justification that complies with the 12 metre height of building development standards is unreasonable and unnecessary in this circumstance. The non-compliance with the height limit by a maximum of 550mm is generated by the slope of the land and is limited to the northern extent of each of the buildings which represents the lowest point beneath each building. To require compliance with the 12 metre height limit would require the removal of half a floor of Block C and deletion of all parapet walls which would result in an unbalanced and unresolved built form that would not be consistent with the desired future character of the locality. Furthermore, compliance with the development standard would not be in the interest of providing a range of housing types within close proximity to the existing Rouse Hill town centre or the future Cudgegong Railway Station and would not be in the interest of housing affordability.

Accordingly, the justification within this written request is considered to be well founded and the development is worthy of consent.



Assessment against the 10 'design quality principles' for residential flat development

i. **Principle 1: Context**

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

The subject site is the first development of its scale within the Area 20 Precinct of the North West Growth Centre, as identified by the Growth Centres SEPP. The existing character of the precinct is that of large lot rural residential living. Notwithstanding this, the surrounding locality was similarly zoned R3 Medium Density Residential within the Area 20 Precinct on 21 October 2011. As such, the precinct is currently undergoing transition.

The site is situated within a convenient distance to the Rouse Hill Regional Shopping Centre, local schools, parks and entertainment facilities. The site is also located near the major arterial road of Windsor Road.

The desired character of an area is largely determined by the planning controls specified under the Growth Centres SEPP and DCP. The following objectives are established for the R3 zone:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.

General compliance with these policies has ensured that an appropriate design solution has been derived.

The design of the development consists of a "courtyard" style type residential flat building over 4 storeys with basement parking. It is considered that the development will contribute to the quality and identity of the area. The sites close proximity to services, facilities and a major arterial road network also makes this a highly desirable site for the development.

ii. **Principle 2: Scale**

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

The proposed development is generally consistent with the maximum permissible building height of 12 metres, as established on the site and adjoining sites. Whilst the development does propose point encroachments up to 550mm, the development also complies with the numerical guidelines of the Growth Centres DCP. The proposed buildings are well designed and well articulated to justify their height.

The site provides for adequate building separation internally within the development and to adjoining sites to allow for future developments on adjoining sites to achieve their full potential.

iii. **Principle 3: Built Form**

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The proposed design has been developed in keeping with the requirements of the Residential Flat Design Code (RFDC) and the Growth Centres SEPP and DCP requirements in relation to building alignment, setbacks and building type.

The proposed built form consists of 4 individual apartment buildings, all 4 storeys in height. The development consists of 256 residential apartments, comprising a mix of 1, 2 and 3 bedroom units.

The built form provides for variation in design, through variation in roof height and articulation in building façade. The colours and finishes incorporate a variety of materials, texture and colour, including light and dark facebrick and aluminium finishes.

The proposed development provides an acceptable level of internal amenity, providing more than 4,000sq.m of communal open space. The development has been provided with setbacks and open space areas which fully comply with the minimum requirements and ensure that the development maintains an appropriate built form.

iv. **Principle 4: Density**

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

The Growth Centres SEPP establishes a maximum floor space ratio of 1.75:1 on the subject site. The proposed development provides a floor space ratio of 1.56:1, which complies with the development control.

In addition, the Growth Centres SEPP establishes a minimum residential density of 25 dwellings per hectare, which is a minimum number of dwellings which must be built on the site. Based on the R3 portion of the site of 1.536 hectares, a minimum of 39 dwelling must be built. The development proposes 256 units, which provides a residential density of 166 dwellings per hectare. The development complies within the required minimum density of the site.

The density of the proposed development fits in with the objectives of the Growth Centre planning instruments, which aim to cater for an increasing population through the provision of higher density housing near regional centres. The density proposed is compatible with the future character of the area, and can be comfortably accommodated on site. Given the proposed massing and well articulated building form, it is believed that the proposed density will be appropriate for the site.

The proposed density is also considered sustainable given the proximity of current infrastructure and services, including recreation facilities, support services and the Rouse Hill Town Centre.

v. **Principle 5: Resource, Energy and Water Efficiency**

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

The proposal has been designed so each unit receives a satisfactory level of natural light, energy and ventilation. Adequate building separation has been provided between buildings to ensure common open spaces receive adequate solar access. In particular, the proposal provides:

- 70% of the units with at least 3 hours of solar access to the main living areas.
- Active and passive sun control systems.
- Installation of low energy saving devices.
- Natural cross-flow ventilation to 63% of the units.
- On-site detention of run-off from paved areas to reduce peak flows.

The submitted Waste Management Plan (WMP) also details measures to maximise recycling during the construction and operational phases of the development. A condition will be imposed on any consent requiring evidence that the WMP has been implemented (condition 8.5.1).

vi. **Principle 6: Landscape**

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

The landscape design will be integrated with the proposed buildings to provide a high level of aesthetic quality on the development site and a high level of amenity for the future occupants of the development.

The proposal provides for a central common open space area amongst the residential flat buildings of 4,397sq.m. The common open space area is embellished with multiple children's play areas, gazebos, BBQs and a common pool. A deep soil zone of 10,282sq.m has been provided to enable planting of mature vegetation throughout the development. Substantial landscape areas are provided throughout the entire common open space area.

The application has been supported with the submission of a landscape masterplan prepared by Canvas landscape architects. The landscape design incorporates large canopy tree planting, small tree planting and shrub planting throughout the development. A variety of feature elements, including timber decking, feature sandstone boulders and pedestrian walkways that interconnect throughout the development are proposed. Indigenous or low water use species have been incorporated throughout the landscape design, equating of 2,450sq.m of the landscaped area on site.

The overall landscape design ensures that the amenity of future residents and adjoining landowners is of a high standard.

vii. Principle 7: Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

The efficient yet spacious unit layouts provide a high level of amenity for all residents, and generally promote good visual and acoustic privacy.

Each unit is provided with an adequate outdoor private open space in the form of a balcony or terrace that is directly accessible from the internal living areas. All apartments have direct access to the basement via centrally located lifts and stairs, where parking for residents and visitors will be provided. Adequate storage areas have also been provided in the form of basement storage cubicles. All apartments have easy access to waste rooms, provided on each floor near the lifts, for the disposal of garbage into chutes and recyclables into collection bins.

70% of the proposed units also receive a minimum 3 hours solar access to the main living areas, and 63% of the units achieve natural cross-flow ventilation.

viii. Principle 8: Safety and Security

Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

The proposal affords good casual surveillance of the street frontage and internal common open space areas through the design of the residential flat buildings promoting good casual surveillance. Appropriate lighting and CCTV is also to be provided to all common areas to increase the safety of those areas, especially at night. With regards to the parking areas, secure access is to be maintained at all times. Separation between the resident and visitor parking spaces has been achieved through their location, and basement car parking is to be provided with security garage doors at the basement level.

ix. Principle 9: Social dimensions and housing affordability

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the

case of precincts undergoing transition, provide for the desired future community. New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

The ground level also provides substantial on-site recreation facilities for residents, including a children's playground, barbeque facilities and relaxation spaces. Pedestrian links are also available to the public parks.

The proposal will provide an alternative type of housing to the area, and will provide high levels of amenity to each apartment. The apartments are diverse in design and orientation, and will provide a suitable mix of dwellings for people to choose from.

While most of the units have 2 bedrooms to reflect market demand (with 187 x 2 bedroom units provided), the provision of 29 x 1 bedroom and 41 x 3 bedroom apartments provides reasonable housing choice and affordability for the community, therefore satisfying the intent of this principle.

The design also provides 26 adaptable apartments (i.e. 10 % of the total number of units), as required by the DCP and the BCA, thus providing a choice of attractive living locations and facilities to persons with disabilities and their families. The design promotes easily accessible common facilities and outdoor recreation spaces, and caters towards ease of use for everyone from children right through to the elderly.

The development provides high levels of amenity to future residents and alternate housing opportunities in the locality. The proximity of the site to the Rouse Hill Regional Centre will also add to future occupant's quality of life.

x. **Principle 10: Aesthetics**

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

The development has been architecturally designed. The proposal has a high degree of architectural definition with an innovative design that positively responds to the provisions of the Growth Centres SEPP. Overall, it is considered that the appearance of the development is appropriate for its location.

The development provides a well articulated building form and an interesting streetscape, while the façade treatment of the buildings reflects contemporary architectural initiatives consistent with the objectives of this principle.

The use of quality finishes will also add to the visual interest of the buildings. The materials and colours have been selected to give the buildings an identity, and to 'soften' the apparent bulk and scale of the development. A variety of materials will be used, including facebrick, rendered and painted finishes for the facade walls, a combination of aluminium feature privacy columns and louvres.

The overall colour scheme, coupled with a large amount of glazing, will help give the proposal a sharp, modern look whilst not overpowering its surroundings. The feature colours will add warmth, interest and a sense of identity to the building. The development

will also be complemented with soft landscaping, various pavement patterns and colours, and timber decks, adding to the overall aesthetics of the development.

The choice and composition of the building elements are contemporary to reflect the time, but have also been chosen to reflect the desired future character of the area.

Accordingly, it is determined by the above assessment that the proposed development is acceptable when considered against the 10 design principles identified under SEPP 65.