

1 DEFERRED COMMENCEMENT

1.1 Necessary plan amendments

1.1.1 This development consent is not to operate until such time as the applicant has submitted amended plans to Council's town planning department for separate approval, which address the following matters:

- (a) The encroaching balconies at levels 1-4 (i.e. with a 5 m setback to the north-east boundary) are to be provided with fixed privacy screens.
- (b) The portion of the building fronting Alice Street contains a large wrap-around balcony on the north-east corner of the building at the 5th level. The portion of the balcony located forward of any future adjoining developments 9 m building line is considered satisfactory. The remaining portion of the balcony, however, is to be deleted and replaced with ballast pebbling as provided outside the adjacent units located along the north-east boundary.
- (c) A 6 m setback has been provided from the northern boundary to the balconies of units 96, 128 and 129 at the 5th level. A 9 m setback, however, is required and has been provided at the 6th level (i.e. for the units immediately above). To ensure strict compliance with the ADG and eliminate any unfair burden on any adjoining future development, these 3 units are to be amended to be consistent with those immediately above at the 6th level.
- (d) Unit 100 (at the 6th level) is to be amended to provide a larger living/dining area and a projecting balcony (i.e. similar to unit 95 at the 5th level). A projecting balcony in this location will not impact on the building separation requirements and provides an opportunity to enlarge the living area of this unit.
- (e) A 2 bedroom unit containing 2 bathrooms must have a minimum floor area of 75 sqm. To ensure strict compliance with this requirement, units 4, 10, 16 and 22 must be increased in area from 73 sqm to 75 sqm.

1.2 All of the requirements listed above must be completed within 5 years of the date of this "deferred commencement" consent. Should these matters not be completed to Council's town planning sections satisfaction within the specified time period, this "deferred commencement" consent will lapse.

2 ADVISORY NOTES

2.1 Terminology

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

2.1.2 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.

2.2 Scope of Consent

- 2.2.1 The applicant is required to lodge either a separate Development Application for Council's consideration, or a separate Complying Development Certificate where permitted by the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, for the demolition of the existing dwelling and associated structures. Any application made to Council must include a Site Plan, Site Investigation Report, Work Plan, and Waste Management Plan, for the disposal of the demolition materials and should also address potential contamination concerns. A copy of the contractor's licence as issued by WorkCover Authority NSW is also to be submitted.
- 2.2.2 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

2.3 Other Approvals

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

2.4 Services

- 2.4.1 The applicant is advised to consult with:
- (a) Sydney Water Corporation Limited
 - (b) Energy provider
 - (c) Natural Gas Company
 - (d) The relevant local telecommunications carrier

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

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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.

- 2.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.
- 2.4.3 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.
- 2.4.4 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.
- 2.4.5 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- 2.4.6 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

2.5 **Tree Planting and Service Locations**

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

2.6 **Identification Survey**

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

3 GENERAL

3.1 Scope of Consent

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

Drawing No.	Dated	Council's File Encl. No.
Architectural plans		
Basement 3 plan A112	22/04/16	114M
Basement 2 plan A113	22/04/16	114N
Basement 1 plan A114	09/05/16	120A
Ground floor plan A115	22/04/16	114P
Level 1 plan A116	22/04/16	114Q
Level 2 plan A117	22/04/16	114R
Level 3 plan A118	22/04/16	114S
Level 4 plan A119	22/04/16	114T
Level 5 plan A120	22/04/16	114U
Roof plan A121	22/04/16	114V
East elevation George St A127	22/04/16	114BB
North elevation A128	22/04/16	114CC
West elevation Alice St A129	22/04/16	114DD
South Elevation Olive St A130	22/04/16	114EE
Section AA A134	22/04/16	114II
Section BB	22/04/16	114JJ
Finishes		
Schedule of finishes prepared by GM Architects	30/07/15	2E
Landscape concept plans		

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Ground floor Issue C	10/12/15	64A
Rooftop plan Issue C	10/12/15	64B
Planting schedule Issue B	07/07/15	64C
Demolition details		
Demolition plan A106	22/04/16	114G
Demolition and waste management plan prepared by GM Architects	14/07/15	19A
Waste management details		
Waste management plan A125	22/04/16	114Z
Waste management plan A126	09/05/16	120B
Ramp clearances A146	22/04/16	114UU
Garbage truck clearance A147	22/04/16	114VV
Waste management plan prepared by Elephants Foot	28/04/16	117A
BASIX Certificate		
Ref: 649559M_02	23 December 2015	63A
CPTED Checklist		
Crime Prevention through Environmental Design checklist	Undated	61A

* Unless modified by any conditions of this consent.

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

- (a) 23 x 1 bedroom units (including 1 studio)
- (b) 106 x 2 bedroom units
- (c) 9 x 3 bedroom units.

3.2 Suburb Name

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

Suburb: Seven Hills

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

Suburb: Seven Hills

3.3 Engineering Matters

- 3.3.1 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 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.

- 3.3.2 Any Construction Certificate issued in relation to this consent shall incorporate and address the design of those works required by Scope of Engineering Works and other sections of this consent which do not require separate Roads Act 1993 or Local Government Act 1993 approval and any ancillary works necessary to make the construction effective. All works on existing public roads require separate engineering approval pursuant to the Roads Act 1993.
- 3.3.3 The Construction Certificate for Engineering works may be issued by Council or by an appropriately qualified certifier. For Council to issue the Construction Certificate a separate application must be made on the prescribed form complete with detailed plans and specifications. You are further advised that Council does not permit the private certification of works on existing public roads or reserves Council property or any property under the care and control of Council.
- 3.3.4 Prior to the issue of any Construction Certificate for the approved development it is necessary to obtain the separate approval of Council pursuant to the Roads Act 1993 for all relevant civil works on existing public roads as nominated in "Prior to Construction Certificate (Engineering)" and/or "Scope of Engineering Works and other sections of this consent " The application for this Engineering Approval must be made on the prescribed form and is to include detailed design plans and specifications prepared by a Chartered Professional Engineer or suitably experienced Registered Surveyor.

3.4 Design and Works Specification

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

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- (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) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (e) Blacktown City Council On Site Detention General Guidelines and Checklist
- (f) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook THIRD Edition December 1999.

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

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

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

3.4.2 **Payment of Engineering Fees**

3.5 **Payment of Engineering Fees**

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

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

- 3.5.2 If it is the applicant's intention to engage Council to undertake Construction inspections and the issue of the Compliance Certificate for engineering works, it will be necessary to contact Council's Development Services Engineer for a quote. A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

- 3.5.3 The payment of the following fee pursuant to Section 608 of the Local Government Act 1993 and/or Section 223 of the Roads Act 1993. The fee is subject to review ON 30 June 2016 and may vary at the actual time of payment.

- (a) Engineering Inspection Fee for stormwater connection.

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The above fee may not be applicable or could be reduced if a Construction Certificate for the engineering works is required as per conditions of this Consent and Council is requested to issue that Certificate.

3.6 Other Fee and Bond/Securities

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

(a) Vehicular Crossing Application and Inspection Fee

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

3.7 Other Necessary Approvals

- 3.7.1 A separate application or details (as necessary) shall be submitted for the separate approval of Council under the provisions of the Local Government Act 1993 and/or the Roads Act 1993 for any of the following (a) 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.

3.8 Other Matters

- 3.8.1 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.
- 3.8.2 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.

4 PRIOR TO DEMOLITION

4.1 Advisory

- 4.1.1 Where any work on an older building is proposed, the applicant should ascertain whether the building contains any contaminants that may present a potential health risk to humans (including asbestos, lead-based paint and the like) and apply appropriate precautions during the work. Further information regarding safe working methods may be obtained from the following organisations and publications (including those which may supersede such publications):
- a. NSW WorkCover Authority (Ph: 13 10 50) – "Short Guide to Working with Asbestos",

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

4.2 Notification to neighbours

- 4.2.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 7 days prior to the intended work and include the following information:
 - (a) date/s, hours and duration of the works.
 - (b) contact name and phone number of the applicant
 - (c) contact name and phone number of the licensed demolisher
 - (d) WorkCover NSW contact number 131050, and email address contact@workcover.nsw.gov.au

5 DURING DEMOLITION

5.1 Work Method

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

Note: If any asbestos material is found on site, asbestos disposal dockets shall be lodged with Council at the completion of the demolition and prior to commencement of the construction of the development to verify that all asbestos materials have been disposed of in accordance with EPA and WorkCover requirements.

- 5.1.2 All persons responsible for the demolition works shall be accredited by WorkCover and disposal dockets shall submitted to Council.
- 5.1.3 All demolition works are to comply with safety requirements of Australian Standard 2601.

5.2 Noise Control

- 5.2.1 Any noise generated during the construction of the development shall not exceed the limits specified in the Protection of the Environment Operations Act, 1997.
- 5.2.2 The hours of work for any noise generating construction of the proposed development are to be limited to between 7.00am and 6.00pm, Mondays to Fridays inclusive, 7am to 1 pm Saturdays or if audible on residential premises 8am to 1 pm, with no construction activities to be undertaken on Sunday and Public Holidays.

5.3 Signs on Demolition Sites

- 5.3.1 A sign must be erected in a prominent position on any work site on which the demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited, and
 - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

5.4 Protection of Neighbouring Buildings

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

5.5 Site Safety

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

5.6 Protection of Public Places

- 5.6.1 If the work involved in the demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the enclosure of a public place,
- a hoarding or protective barrier must be erected between the work site and the public place. Such hoarding or barrier must be designed and erected in accordance with Council's *Local Approvals Policy*.

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

5.7 Building Materials and Waste

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

5.8 Disconnection of Services

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

5.9 Soil Erosion and Sedimentation Control

- 5.9.1 Soil erosion and sediment control measure shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and be installed prior to the

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commencement of any demolition works. Infringement Notices, incurring a monetary penalty, may be issued by Council where measures are not provided or maintained.

- 5.9.2 All required soil erosion and sediment control measures are to be maintained during the entire demolition period until disturbed areas are restored by turfing, paving or revegetation.
- 5.9.3 To minimise any dust nuisance, all haulage roads, demolition areas and stockpiles are to be regularly watered.

6 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

6.1 DA plan consistency

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

6.2 Road Deposit/Bond

- 6.2.1 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 \$174.00
- (b) Road maintenance bond of \$5,000.00 and
- (c) Road maintenance bond administration fee of \$100.00

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

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

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

- (a) Vehicular Crossing Application and Inspection Fee: \$135.

NOTE: This amount is valid until the 30th June 2016 after which time it will be reviewed in accordance with Council's Goods and Services Pricing Schedule.

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

6.3 Lot Registration

- 6.3.1 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.

6.4 Services/Utilities

6.4.1 The following documentary evidence shall accompany any Construction Certificate:

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

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

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

7 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

7.1 Section 94 Contributions

7.1.1 The following monetary contributions pursuant to *Section 94 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) either by Council or any accredited certifier, whichever occurs first.

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

CONTRIBUTION ITEM	AMOUNT (indexed to date of consent) *	Relevant C.P
Stormwater Quality	\$46,105.00	19
Traffic Management (High density development)	\$207,140.00	19
Traffic Management	\$289,813.00	19
Open space (High density development)	\$1,002,142.00	19
Open space	\$277,610.00	19
Community facilities	\$72,606.00	19

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TOTAL CONTRIBUTIONS	\$1,895,416.00	
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* Next CPI due 25 January 2017

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

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

S.94 CP No. 19 – Blacktown Growth Precinct

The Section 94 contribution(s) have been based on the total developable area, the total number of units, the GFA of the business/retail space, the site's road frontage (First Ave and Humphries Lane only) and the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 94 contribution(s) will be adjusted accordingly.

Developable Area: 0.53571 hectares
Additional Population: 296.5 persons

7.2 Aesthetics

7.2.1 The approved development is to be constructed as follows:

- (a) In accordance with the schedule of materials, finishes and colours prepared by GM Architects dated 30 July 2015 and held at enclosure 2E on Council's file JRPP-15-01865. The approved finishes include glass, rendered and painted finishes, louvres and ALUCOBOND PLUS. The finishes must also be durable, graffiti resistant and easily cleanable.
- (b) Air conditioning units should be fully integrated into the building design and should not be highly visible from the street if located on balconies.
- (c) The external walls of the building are to be free of plumbing and fixtures, service conduits/wiring and other building services.
- (d) 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.

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

7.3 Adaptable Housing Units

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

7.4 Landscaping

- 7.4.1 Soil fill should be used to batter between the existing ground levels around the site perimeter and the various proposed finished levels of the ground floor such that the top edges of the basement walls do not protrude above the finished ground level. A detailed plan, showing finished ground levels relative to adjacent ground floor slab levels, is to be submitted to Council's Manager Development Assessment for separate approval prior to release of a Construction Certificate.
- 7.4.2 The development is to be provided with a communal open space area at the ground level and the roof top level, and a meeting room/gymnasium at the ground level for the exclusive use of the residents. The outdoor communal open space areas are to be embellished with paving, timber decking, bench seating, tables, barbeques, synthetic grass, as well as suitable trees and shrubs within landscape planter boxes. All details are to be included as part of the construction certificate.
- 7.4.3 A detailed landscaping plan is to be submitted for separate approval and is to include advanced tree specimens (75 or 100 litre bags size stock) as recommended by the arboricultural impact assessment prepared by Redgum Horticultural. The plan is also to be consistent with the approved landscape concept plans, however, additional landscaping/planter boxes and screening are to be provided around the perimeter of the roof top open space to prevent occupants and visitors from accessing the edge of the building where overlooking opportunities exist. All landscaping and screening details are to be provided as part of the Construction Certificate.

Note: The construction of a barrier fence on the rooftop area may also be required to prevent accidental falls, suicide attempts and death or injury. The fence is to be designed in a way to prevent it from being used as a natural ladder. Any barrier should be provided in clear glass, so that it does not add to the overall bulk and scale of the building. Details are to be included as part of the construction certificate.

7.5 Street tree planting and retention of trees

- 7.5.1 The recommendations provided in the Arboricultural Impact Assessment (section 7.0), prepared by Redgum Horticultural, are to be implemented. A monetary bond or bank guarantee is also to be submitted to Council. The bond, which is to be to an agreed value with Council's Tree Management Section, is to be submitted prior to the release of a Construction Certificate. The bond will be retained in part or whole if the recommendations of the applicant's Arboricultural Impact Assessment are not adhered to and/or if the health of the trees to be retained is considered poor at the completion of the construction works. A final report, by the Site Arborist, shall recommend to Council the full or partial return of the bond 1 year from the issue of an Occupation Certificate. At Council's Tree Management Section's discretion, this period may be reduced where the Site Arborist is able to guarantee the ongoing health and survival of the relevant trees.

Note: Trees 2, 3 and 8 within the assessment report are located on Council's footpath reserve and are permitted to be removed as they have structural weakness. Replacement street trees will be required.

- 7.5.2 A minimum of 10 street trees are required. All street tree planting is to be identified on the construction plans, including the tree species type and pot size. A minimum 45 litre pot size is required and staking of the plant will be necessary. All street tree planting is to be undertaken to the satisfaction of Council's Tree Management Section.

If the applicant wishes to undertake the planting and maintenance of the street trees (at no cost to Council) the applicant is, subject to any alternative arrangements satisfactory to the Council, to lodge a tree bond of \$300 per tree and \$120 inspection fee to ensure the health and vigour of the trees. Council will return the bond 12 months after the issue of a final Occupation certificate if the trees are in a state of good health and vigour to Council's satisfaction. The applicant is to make arrangements with Council tree management co-ordinator and obtain any necessary clearances from relevant service authorities, prior to undertaking any street tree planting.

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

7.6 Police requirements

- 7.6.1 The construction certificate plans are to demonstrate compliance with the submitted 'Crime Prevention through Environmental Design' checklist held at Enclosure 61A on Council's file JRPP-15-01865. This includes the provision of CCTV, appropriate street numbering, signage, sensor/security lighting, key locked letterboxes, secure residential parking and security doors.

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

7.7 Letterboxes

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

7.8 Lighting

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

- (a) The location, method of lighting, levels of illumination, and the spacing between all lighting. The lighting is to be designed in accordance with Australian/New Zealand lighting standards for public space, pedestrian walkways and basement car park areas.

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

7.9 Access/Parking

- 7.9.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 7.9.2 Sight distance is to be maintained at the basement entrance off Alice Street to satisfy AS 2890.1 section 3.2.4 in terms of both pedestrian and vehicular sight distances.
- 7.9.3 The development plans nominate 206 car parking spaces across the 3 basement levels as follows:
 - 57 spaces for visitors; and
 - 149 spaces for the residential units.

The car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1. Suitable bicycle parking must also be provided as indicated on the approved plans.

- 7.9.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.1 – Appendix C for the disabled parking spaces and access to the lifts. Headroom clearance at the basement ramps must comply with the requirements of AS 2890.1 (section 5.3) for a disabled vehicle.
- 7.9.5 A roller shutter and card-key system should be installed at the segregation point between the visitor spaces and the secure residential parking spaces. An additional roller door is to be installed at the entry/exit point of the basement car

park. All details are to be shown on the Construction Certificate plans.

7.10 Salinity and Aggressive Soil Management

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

8 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

8.1 Demolition

- 8.1.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the NSW WorkCover Authority under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2002 – Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be attached to the Construction Certificate.
- 8.1.2 A report from a suitably qualified environmental consultant shall be lodged with Council stating that, where the land has been affected by any contaminants (including asbestos, organochlorins, arsenic, lead, petroleum residues and the like), the land has been remediated in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 as amended 2013 (NEPM). A copy of the report is to be attached to the Construction Certificate and must state that the land is suitable for residential use in accordance with the residential thresholds required by the NEPM 2013.

8.2 Building Code of Australia Compliance

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

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Satisfy Provisions of Building Code of Australia Volume One: 2015

- (a) Part E 1.3 Location of Fire Hydrants/Booster within 10metres of a Fire Source Feature.

8.3 Site Works and Drainage

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

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

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

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

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

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

Such details shall accompany the Construction Certificate.

8.4 BASIX Certificate Compliance

- 8.4.1 The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: Ref: 649559M_02 dated 23 December 2015 and held at Enclosure 63A on Council's file JRPP-15-01865.

9 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

9.1 Acoustic matters

- 9.1.1 The following acoustic matters are to be addressed:

- (a) A qualified acoustic engineer must certify that the building has been designed to minimise the noise intrusion from any external noise source and

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when constructed the building shall satisfy the following criteria with windows and doors closed:

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

- (b) The recommendations of the submitted acoustic assessment, prepared by Acoustic Logic dated 9 June 2015 and held at Enclosure 17A on Council's file, are to be implemented (including the minimum recommended glazing thicknesses). All mitigation/acoustic measures are to be identified on the construction plans.
- (c) The submitted acoustic assessment must ensure compliance with the Department of Planning's document titled 'Development Near Rail Corridors and Busy Roads-Interim Guidelines'. The document is available on the Department of Planning and Environment's website. If necessary, the acoustic report is to be updated and all recommended acoustic measures are to be identified on the construction plans.
- (d) All mechanical plant items must be selected prior to the release of a construction certificate.
- (e) A certificate must also be provided by a qualified acoustic engineer stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:
- does not exceed an L_{Aeq} sound pressure level of 5dB (A) above the ambient background noise level when measured:
 - at the most effected point on or within any residential property boundary or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
 - cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

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

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

9.2 Waste collection area

- 9.2.1 The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular

cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

10 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

10.1 Compliance with Conditions

10.1.1 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.

10.1.2 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.

10.2 Road-works/Traffic management

10.2.1 A traffic management/control plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (traffic control devices for works on roads) and current RMS Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RMS accredited.

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

10.2.3 Dedication at no cost to Council of 5m x 5m splay corner at the street intersection of Alice Street and Olive St, to accommodate any possible future road connection.

10.3 Drainage

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

10.4 Erosion and Sediment Control

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

10.5 On-Site Detention

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- 10.5.1 On-site detention systems within private or common courtyard areas shall be designed so they do not impact on the amenity of the development or the use of such areas.
- 10.5.2 A certificate from a Registered Engineer (NPER) to be submitted to Council certifying that the structures associated with the on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- 10.5.3 A certificate from a Professional Civil Engineer/Registered Surveyor must be obtained verifying that the On Site Detention system will function hydraulically in accordance with the requirements of Upper Parramatta River Catchment Trust and Council's current development guide.
- 10.5.4 Any Construction Certificate issued for or including an On-site Stormwater Detention (OSD) System must be accompanied by:
- a. A Drainage Design Summary Sheet per Appendix B1 of the Upper Parramatta River Catchment Trust Handbook, Version 3.
 - b. Full drainage calculations and details for all weirs overland flow-paths and diversion/catch drains - including catchment plans and areas, times of concentration and estimated peak run-off volumes.
 - c. A completed OSD Detailed Design Submission and Checklist per Appendix B9 of the above-mentioned Handbook.
 - d. A complete address of Council's OSD General Guidelines and Checklist requirements.
 - e. A Maintenance Schedule is to be presented with the designer's name, his signature and date on it in accordance with the Upper Parramatta River Catchment Trust handbook guideline. (If an underground tank is involved this must include reference to WorkCover Authority of NSW Occupational Health & Safety Act 1983 and Confined Spaces Regulation.)

10.6 Asset Management

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

10.7 Tree Preservation

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

10.8 Ancillary Works

10.8.1 Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this consent effective. Such works shall include but are not limited to the following:

- (a) the relocation of underground services where required by the positioning of new drainage and road infrastructure.
- (b) the relocation of above ground power and telephone services.
- (c) the matching of new infrastructure into existing or future designed infrastructure.

10.9 Scope of Engineering Works

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

10.10 Road and Drainage works

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

10.10.2 Drainage from the site must be connected into Council's existing drainage system and generally consistent with plan reference 20150116, Rev D, as prepared by S&G Consultants and dated 07/12/2016.

10.11 On Site Stormwater Detention System

10.11.1 On-Site Detention

- (A) On-site detention of stormwater runoff from the site must be provided to achieve the following nominated minimum site storage capacity and maximum permissible site discharge.
 - i. Nominated Minimum Storage: 470 cu.m/ha
 - ii. Nominated Maximum Discharge: 80 L/s/ha
- (B) Council acknowledges the submission of On-site Stormwater Detention concept plans reference 20150116, Rev D, as prepared by S&G Consultants and dated 07/12/2016 held on Council file JRPP-15-01865 at enclosure 60A. The Construction Certificate issued in this regard must be generally in accordance with these concept plans.
- (C) Any variation to the following design parameters of the above mentioned concept plan will require a lodgement of a Section 96 application to Council for amendment of the consent;
 - i. location of storage area
 - ii. alteration of the type of storage - i.e. changing from above ground to below ground storage
 - iii. location of discharge outlet from the system.
- (D) Professional accreditation of OSD designers and certifiers must be in accordance with the requirements of the Upper Parramatta River Catchment Trust and Council's Policy.
- (E) The concept plan referred to above is for Development Application purposes only and is not to be used for construction.

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

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

10.12 Vehicular Crossings

- 10.12.1 The construction of Council's standard residential footway and layback crossing to service the development with a minimum width of 5 metres at the street alignment in accordance with Council's Plan No. A(BS)102S.

10.13 Finished Boundary Levels

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

10.14 Consistency with Approved development Plans

- 10.14.1 This involves a change to the original application plans as submitted to Council. The change must be reflected on any plans submitted to Council with any Construction Certificate relating to engineering/building works for the proposed development.

11 PRIOR TO DEVELOPMENT WORKS

11.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

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

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This condition does not apply to:

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

11.1.3 Should the development work:

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

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

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

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

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

11.1.5 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.

11.1.6 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.

11.1.7 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.

11.1.8 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.

11.2 Notification to Council

- 11.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.
- 11.2.2 At least five (5) full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$20,000,000.

11.3 Home Building Act

- 11.3.1 The construction of *residential building work* within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the NSW Home Building Compensation Fund "Statement of Cover" under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under Part 3 of the Act, the number of the owner-builder permit.

11.4 Sydney Water Authorisation

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

OR

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

11.5 Construction Details

- 11.5.1 Structural details of the nominated building component(s), prepared and/or certified by a professional engineer or other appropriately qualified person, shall be lodged

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with Council prior to commencing or erecting that portion of the approved development.

Nominated Component

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

11.6 Use of Crane

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

11.7 Tree retention

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

12 DURING CONSTRUCTION (BUILDING)

12.1 Safety/Health/Amenity

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

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- obstructed or rendered inconvenient, or
- (b) involves the enclosure of a public place,

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

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

- 12.1.4 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.
- 12.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 12.1.6 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.
- 12.1.7 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.
- 12.1.8 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
 - (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 12.1.9 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.

12.2 **Building Code of Australia Compliance**

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

12.3 **Surveys**

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

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

12.4 Nuisance Control

- 12.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 12.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 12.4.3 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.

12.5 Stormwater Drainage

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

12.6 Waste Control

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

12.7 Tree Protection

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

12.8 Construction Inspections

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

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

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

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

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

12.9 Site Cut and Fill levels

- 12.9.1 The extent of cut and fill on the development site is restricted to that which is indicated on the approved plans. The maximum height of fill on the development site shall be 600mm and the maximum height of cut shall be 900mm.
- 12.9.2 Any ground re-shaping by cut and/or fill shall not compromise the structural integrity of any adjacent building, structure or service conduit on the subject or adjoining land.

12.10 Site Contamination

- 12.10.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, a Remediation Action Plan (RAP) is to be submitted to Council’s Manager, Development Services for consideration and all potentially contaminated material is to be tested, removed or undergo remediation. A suitably qualified environmental consultant is to be on site for regular monitoring of the approved site works. In the event remediation work is required to be undertaken, it must be done in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 as amended 2013 (NEPM).
- 12.10.2 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:
 - a) The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
 - b) Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity

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are not negatively impacted upon by dust generated from the development site.

- c) Any filling shall be undertaken in accordance with the fill protocol approved by Council's Manager Development Assessment.

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

12.11 Aboriginal Archaeology

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

12.12 Salinity and Aggressive Soil Management

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

12.13 Waste Management

- 12.13.1 The measures outlined in the submitted Waste Management Plan, must be implemented during the demolition and construction phases of the development. This includes the sorting and storage of waste and recyclable building materials on site for collection and disposal by the nominated waste/recycling contractor to the nominated disposal site.

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

13 DURING CONSTRUCTION (ENGINEERING)

13.1 Notice of work Commencement

- 13.1.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$20,000,000.
- 13.1.2 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the

notice is to also be provided to Councils Development Services Engineers.

13.2 Service Authority Approvals

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

13.3 Boundary Levels

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

13.4 Maintenance of Soil Erosion Measures

- 13.4.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.
- 13.4.2 Re-vegetation must be applied to disturbed areas as soon as practical after completion of earthworks and must be established prior to release of the maintenance security. All open drains must be turfed.
- 13.4.3 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

13.5 Inspections of Works

- 13.5.1 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
 - (a) Pipes before backfilling including trench excavation and bedding

- (b) Sand Backfilling
 - (c) Final pipe inspection
 - (d) Pit bases and headwall aprons
 - (e) Concrete pit tops
 - (f) Connection to existing system
 - (a) Final Inspection
- iv. Construction of on-site detention system
- (a) Steel and Formwork for tank/HED control pit
 - (b) Completion of HED control pit
 - (c) Pit formwork
 - (d) Pipes upstream/downstream of HED control pit before backfilling
 - (a) Completion of OSD system
- v. 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.

- 13.5.2 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) 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).
- 13.6 **Public Safety**
- 13.6.1 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.
- 13.7 **Site Security**
- 13.7.1 Chain wire gates and security fencing must be provided around the site in order to prevent unauthorised access and dumping of rubbish.
- 13.8 **Traffic Control Plan**

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

14 PRIOR TO OCCUPATION CERTIFICATE

14.1 Consolidation of Lots

- 14.1.1 The lots shall be consolidated into one title which shall be registered with the Department of Lands.

14.2 Road Damage

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

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

14.3 Compliance with Conditions

- 14.3.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 14.3.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

14.4 Service Authorities

- 14.4.1 A final written clearance shall be obtained from Sydney Water Corporation, an energy provider and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.
- 14.4.2 The following documentary evidence shall accompany any Occupation 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

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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. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.

14.5 Temporary Facilities Removal

- 14.5.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 14.5.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 14.5.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 14.5.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 14.5.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

14.6 Fire Safety Certificate

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

14.7 Fire Safety

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

14.8 Surveys/Certificates/Works As Executed plans

- 14.8.1 A Work-As-Executed plan (to a standard suitable for scanning) signed by a

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

- 14.8.2 Upon completion of the works a certificate from a Registered Surveyor must be obtained and submitted to Council verifying the finished floor levels for the lots have been achieved upon completion of the construction of the floor. All levels must be to Australian Height Datum
- 14.8.3 Upon completion of the works a certificate from a Registered Surveyor must be obtained and submitted to Council verifying the finished surface levels for the lot(s) have been maintained in accordance with those established at the time of creation of the lot.
- 14.8.4 A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the on-site detention system as constructed will function hydraulically in accordance with the approved design plans.
- 14.8.5 A certificate from a Registered Engineer (NPER) must be lodged with Council verifying that the structures associated with the on-site detention systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 14.8.6 The applicant is required to have a Registered Surveyor certify that each of the lots created is serviced by a minimum width of 2.5m of vehicular crossing of the footway and internal driveway. A copy of the certificate shall be submitted to Council
- 14.8.7 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.
- 14.9 **Easements/Restrictions/Positive Covenants**
 - 14.9.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
 - (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
 - (b) The standard format for easements and restrictions as accepted by the Lands Title Office.

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- 14.9.2 Restrictions and positive covenants must be registered with Land and Property Information over the on-site detention storage areas and outlet works.
- 14.9.3 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.
- 14.10 **Dedications**
- 14.10.1 Dedication at no cost to Council of 5m x 5m splay corner at the street intersection of Alice Street and Olive St, to accommodate any possible future road connection.
- 14.11 **Inspections**
- 14.11.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.
- 14.12 **Fee Payment**
- 14.12.1 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.
- 14.13 **External finishes**
- 11.13.1 The approved development is to be constructed in accordance with the schedule of materials, finishes and colours prepared by GM Architects dated 30 July 2015 and held at enclosure 2E on Council's file JRPP-15-01865.
- 14.14 **Letterboxes**
- 14.14.1 The letterboxes are to comply with the details submitted as part of the Construction Certificate and must comply with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 14.14.2 The street number must be displayed prominently at the front of the building to comply with Local Government Act, 1973 Section 124, Order 8. The street number is to be visible at night.
- 14.15 **Power Boards**
- 14.15.1 All power boards must be housed within a cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.
- 14.16 **Security/Surveillance**
- 14.16.1 The development is to comply with the submitted 'Crime Prevention through Environmental Design' checklist held at Enclosure 61A on Council's JRPP-15-01865 and the details submitted as part of the Construction Certificate. The

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development is to provide CCTV, appropriate street numbering, signage, key locked letterboxes, secure residential parking and security doors.

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

14.17 **Lighting**

- 14.17.1 Vandal proof and security lighting is to be provided in accordance with the approved Construction Certificate plans to provide for the safety and convenience of occupants and visitors at night. The car parking areas must also be provided with sufficient lighting to enhance the safety of users.

- 14.17.2 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and visitors at night.

14.18 **Landscaping**

- 14.18.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

14.19 **Street Tree Planting**

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

14.20 **Car Parking**

- 14.20.1 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability for residents and their visitors.
- 14.20.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 14.20.3 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.6. – 2009
- 14.20.4 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose. In this regard, a minimum of 122 resident spaces and 28 visitor car parking spaces must be provided on site in accordance with the RMS guidelines.

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- 14.20.5 A roller shutter and card-key system is to be installed at the segregation points between the visitor and residential parking areas, and at the entry/exit points of the basement car parks.
- 14.20.6 Bicycle racks are to be provided on site in accordance with the Apartment Design Guide (ADG).
- 14.20.7 The ceiling of each basement car park is to be painted white to enhance lighting illumination.
- 14.21 **Ancillary Work**
- 14.21.1 Each dwelling unit is to be provided with a mechanical drying appliance within the unit.
- 14.22 **Waste Management**
- 14.22.1 Basement access for collection vehicles is to be built in accordance with the dimensions indicated on the approved vertical cross-section plan showing adequate truck entry and exit, and in all manoeuvring areas.
- 14.22.2 The applicant is to ensure that the accessway and ramps are rated for at least 24 tonne trucks.
- 14.22.3 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.
- 14.22.4 Prior to the issue of an Occupation Certificate evidence is to be submitted to confirm that appropriate arrangements have been made with the private contractor for the disposal of waste and recycling.
- 14.22.5 Waste and recycling collections undertaken by a private contractor are to be provided by the Owner's Corporation. The private contractor's details are to be provided to Council's Sustainable Resources Officer for our records.
- 14.22.6 Appropriate provisions are to be included in the Strata Management Agreement for the ongoing management of waste and recyclables on the property. The agreement is to indicate:
- i. Requirements for the appointment of a building manager/caretaker to manage bins and bulky waste on site in accordance with the approved waste management arrangements.
 - ii. Who is responsible for maintaining the garbage collection system and bin cleaning, and ensuring waste collection points are clear and unobstructed prior to collection times.
 - iii. That residents are unable to access Council's household clean-up service, or garbage/recycling service given that the development will be serviced by a private waste and recycling contractor.
 - iv. That no bins are to be located or placed in the approved collection points outside the scheduled collection time for that area.

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- v. The method of communication to new tenants and residents regarding Councils' waste management services and collection system for the complex.
- 14.22.7 The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.
- 14.22.8 Appropriate provisions are to be made for the storage and collection of waste. A separate caged bulky waste storage area and waste chutes are to be provided in accordance with the approved plans. On-site waste collection areas, the loading bay and manoeuvrability paths are also to be suitably line-marked and sign-posted to ensure areas are kept clear of obstructions that may prohibit their future use. Parking barriers/locks are to be provided in the loading bay to prevent unauthorised parking in this area.
- 14.23 **BASIX**
- 14.23.1 All commitments listed in the BASIX Certificate Number: 649559M_02 dated 23 December 2015 and held at enclosure 63A on Council's file JRPP-15-01865 shall be complied with prior to the issue of an Occupation Certificate for the development.
- 14.24 **Adaptable Housing Units**
- 14.24.1 Certification from a qualified Access Consultant confirming that the Adaptable Housing Units are capable of being modified when required by the occupants in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) is to be submitted to Council's Manager Development Assessment.
- 14.25 **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**
- 14.25.1 An Occupation Certificate must not be issued unless all design verifications have been provided in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000.
- 14.26 **Graffiti Management Plan**
- 14.26.1 A "Graffiti Management Plan" is required which addresses the following issues:
 - (a) Methods to minimise the potential for graffiti.
 - (b) Management/notification procedures for the rapid removal of graffiti.
 - (c) Annual review of any "management agreement" for the removal of graffiti to ensure the property is maintained at its optimum level.

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

14.27 **Acoustic verification**

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

15 **OPERATIONAL (PLANNING)**

15.1 **Graffiti removal**

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

15.2 **Access/Parking**

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

15.3 **General**

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

15.4 **Noise & Nuisance**

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

of the Spectrum Management Agency.

15.5 Landscaping

- 15.5.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 15.5.2 Sightlines must be kept free from obstructions. If a lack of natural surveillance occurs this would quickly encourage anti-social behaviour and criminal offences specifically malicious damage to the area. The 'fear of crime' would also no doubt increase if there is sign of malicious damage, rubbish, broken bottles etc. around the development. Regular maintenance and up-keep of the site must therefore be adhered to.
- 15.5.3 The management of vegetation, gardens, planter boxes, communal areas, BBQ facilities, children's play equipment, etc. is to be incorporated within the future strata management plan once the development is occupied.

15.6 Use of Premises

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

15.7 Waste Management

- 15.7.2 Waste and recycling collections undertaken by private contractor are to be provided by the Owner's Corporation.

15.8 Clothes Drying

- 15.8.1 Clothes drying is to be conducted in the mechanical dryers. The drying of clothes on balconies (where visible from a public place) is prohibited. If the development is to be strata subdivided, a clause is to be included in the Plan of Strata Management prohibiting the drying of clothes on balconies (where visible from a public place).

16 OPERATIONAL (ENVIRONMENTAL HEALTH)

16.1 Environmental Management

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

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

APPENDIX A – Clause 4.6 Exception

In accordance with Clause 4.6 of the Blacktown LEP 2015, a revised request for an exception to Clause 4.3 Height of Building development standard is submitted to Blacktown Council in support of the subject Development Application.

The objectives of Clause 4.6 are addressed as follows:

(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.**

Comment:

In accordance with Clause 4.3 of the Blacktown LEP 2015, the Height of Building standard for the site is 20 metres. Further, the Blacktown DCP 2015 states that "the height of any residential flat building is to be in accordance with Clause 4.3 of the Blacktown LEP 2015.

The proposal seeks consent for a 6 storey building that is up to 22.5 metres measured to the highest point, being the lift over-run. However, no portion of habitable floor area is located within the portion of the building that departs from the height and the non-compliant height contains the roof terrace, lift over-run and fire stair. Further, the proposal is a six storey building, which is of a form that is contemplated by both the Blacktown LEP 2015 and Blacktown DCP 2015.

As such, the proposal results in a height departure of is equivalent to 2.5 metres and is primarily attributed to the roof top terrace level which includes the balustrade and lift over-run. In addition, the architectural roof features on the southern western corner of the buildings also penetrates the 20 metre height control.

Additionally, the height variation is exacerbated by the sloping topography of the site, where some portions of the building result in greater compliance with the height standard.

In accordance with the findings of *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* and *Abdul-Rahman v Ashfield Council [2015] NSWLEC 1122*, both Justice Pain and Commissioner O'Neill accept that a "reasonable approach to determine the number of storeys that could be permitted is to consider the number that could fit within the maximum allowable height limit". Adopting the position of Justice Pain and Commissioner O'Neill, allowing 3 metres per floor is reasonable.

Therefore, the number of storeys that can fit within 20 metres is 6 storeys ($20/3 = 6.6$).

The height is measured in accordance with the definition of building height, being from the existing ground level to the highest point, which includes the lift over-run. An extract of the definition under the Blacktown LEP 2015 is provided below.

building height (or **height of building**) means the vertical distance between ground level (existing) and 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.

ground level (existing) means the existing level of a site at any point.

The portion of the building that is above the height control is illustrated in the following section plan from the architectural plans prepared by GM Architects.

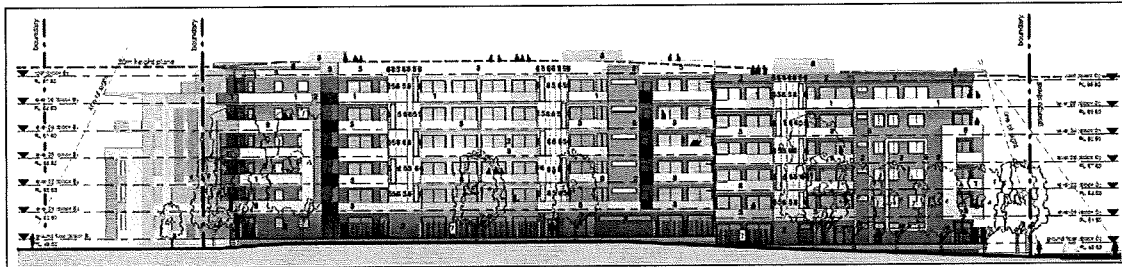


Image 1: Olive Street elevation - 20 metre height shown in blue (Source: GM Architects)

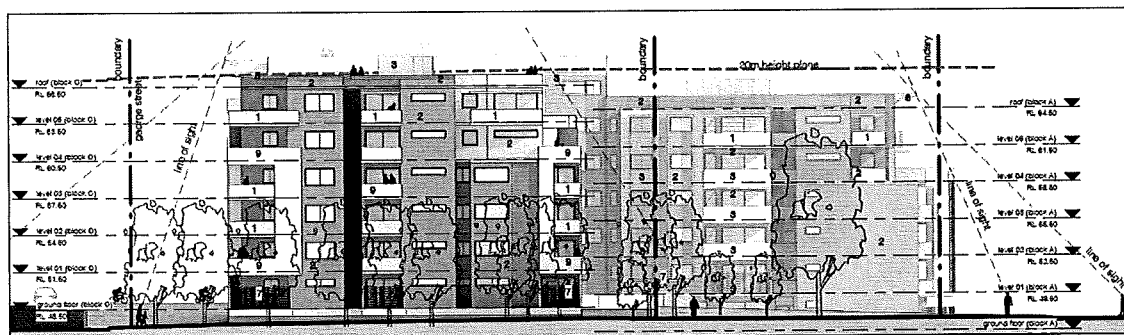


Image 2: George Street elevation - 20 metre height shown in blue (Source: GM Architects)

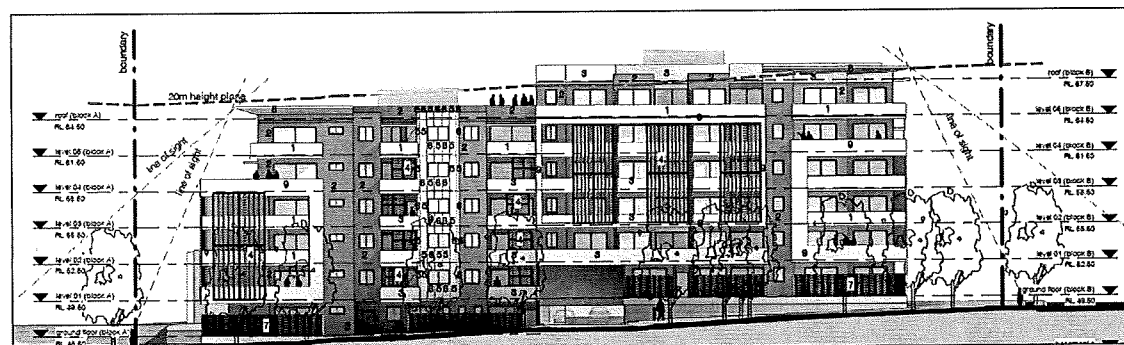


Image 3: Alice Street elevation - 20 metre height shown in blue (Source: GM Architects)

This Clause 4.6 establishes that in the circumstances of this case, the departure can be supported as the application satisfies the five principles of the 'Wehbe' test and additionally, satisfies the test established under *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, in that there are sufficient environmental planning grounds to justify the variation, with the environmental planning grounds being particular to the circumstances of the proposed development, as opposed to grounds that would apply to any similar development in the vicinity of the subject site.

The following summarises the environmental planning grounds justify the contravention of the standard:

-
- i. The proposed 6 storey built form is within the 20 metre height standard, with the exception of the 2.5 metres departure that is attributed to the roof top terrace, which includes the lift over-run, balustrade and fire stair. A 20 metre height control contemplates a building of 6 storeys.

This is consistent with the findings of *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 and *Abdul-Rahman v Ashfield Council* [2015] NSWLEC 1122, where both Justice Pain and Commissioner O'Neill accept that a "reasonable approach to determine the number of storeys that could be permitted is to consider the number that could fit within the maximum allowable height limit". In this instance, the number of storeys that can fit within 20 metres is 6 storeys.

Therefore, the proposed height results in a built form that would be reasonably contemplated for the site.

- ii. The building complies with the setback controls, providing a 9 metre front setback, and 6 metre side/rear setback. Balcony encroachments within the setback are limited to 1 metre.
- iii. Sight lines are provided on each elevation plan. The sight lines demonstrate that the additional height is not highly visible from the footpath or public spaces.
- iv. The height variation is a result of the roof terrace and associated lift and fire stair access to it. If the roof terrace was not provided, then the development would likely comply with the height standard, however, this would compromise the provision of common open space for future residents and reduce the potential amenity that can be achieved by the roof terrace. Hence, this demonstrates that as a result of the height variation, the development facilitates a better urban outcome for the site.
- v. The building is a well designed development that exhibits good urban design and will deliver a suitable streetscape presentation and building form that includes good finishes and materials.
- vi. The proposed bulk and scale of the development is reflective of the desired future character for the site and locality and the design is considered to be a good urban outcome that will compliment future adjoining development.
- vii. There is no undue or adverse environmental planning impact as a result of the additional height, in terms of shadow, holistic amenity, privacy, traffic, view loss or streetscape presentation.
- viii. The proposal retains compliance with the objectives of the height of building standard.
- ix. The proposal retains compliance with the zone objectives.

Holistically, for the reasons above, permitting flexibility in the height standard will result in the development achieving a better urban outcome for the site.

This Clause 4.6 Exception establishes that while the proposal departs from the numerical development standard, there are sufficient environmental planning grounds to justify the variation, with the grounds being particular to the circumstances of the proposed development, and therefore establishes that there is planning merit in permitting the numerical departure. Furthermore, there are minimal adverse impacts that arise from the additional height.

(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.

Comment:

The proposal seeks consent for a building height that is 22.5 metres measured from the ground level (existing) to the highest point including the lift over-run.

In accordance with Clause 4.3 of the Blacktown LEP 2015, the Height of Building standard for the site is 20 metres. On this basis the proposed departure is equivalent to 2.5 metres and is primarily attributed to the roof top terrace level which includes the balustrade, lift over-run and fire stair.

This clause allows Council to grant consent to a numerical departure to Clause 4.3 of the Blacktown LEP 2015.

(3) Development 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) 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.

Comment:

The proposed variation to the height standard is assessed with consideration to the principles established by the Land and Environment Court in *Wehbe V Pittwater Council [2007] NSW LEC 82*. His Honour Preston CJ set out 5 ways of establishing that compliance with the standard is unreasonable or unnecessary. The 5 parameters were further tested in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* where Justice Pain found that meeting the objectives of the standard was not sufficient to demonstrate that compliance was unreasonable or unnecessary. The findings of *Four2Five Pty Ltd v Ashfield Council NSWLEC 90* requires the identification of grounds particular to the circumstances of the proposed development, as opposed to grounds that would apply to any similar development in the vicinity of the site.

In order to satisfy the test under *Wehbe* and *Four2Five*, each principle in *Wehbe* is addressed, which demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard, which are grounds that are particular to the proposed development.

His Honour Preston CJ set out five alternative ways of establishing that compliance is unreasonable or unnecessary in the preparation of a SEPP 1 objection in *Wehbe v Pittwater Council* (2007) NSW LEC 827, albeit only one of these 5 ways needs to apply in order for the objection to be well founded. The same approach has been held by the Land and Environment Court to be appropriate in assessing a Clause 4.6 request.

His Honour Preston CJ sets out the following 5 alternative criteria:

- a. Establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.*
- b. Establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*
- c. Establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*
- d. Establish that the development standard has been virtually abandoned or destroyed by*

the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unreasonable or unnecessary.

e. Establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary..."

Each criteria under Wehbe is addressed follows.

Wehbe Criterion (a)

- *a. Establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.*

The objectives of the Height standard under the Blacktown LEP 2015 are:

- (a) to minimise the visual impact, loss of privacy and loss of solar access to surrounding development and the adjoining public domain from buildings,*
- (b) to ensure that buildings are compatible with the height, bulk and scale of the surrounding residential localities and commercial centres within the City of Blacktown,*
- (c) to define focal points for denser development in locations that are well serviced by public transport, retail and commercial activities,*
- (d) to ensure that sufficient space is available for development for retail, commercial and residential uses,*
- (e) to establish an appropriate interface between centres, adjoining lower density residential zones and public spaces.*

An assessment in relation to each objective is provided:

Objective (a)

Objection (a) refers to visual impact, loss of privacy and solar access to adjoining properties and public domain areas.

The amended plans include sight lines taken from the footpath adjacent to the site and from across the road. The sight lines demonstrate that the portion of the building that does not comply with the height is not highly visible from a public area. Additionally, the applicant has deleted the architectural roof feature from the building, which reduces the building height and scale of development, mitigating any perceived visual impact. Therefore, there is no visual impact as a result of the additional height.

The proposal is supported by shadow diagrams prepared by GM Architects. The shadow diagrams illustrate that there is a minor amount of shadow cast upon the dwellings across the road on Olive Street at 9am to 10am, and dwellings across the road on George Street between 2pm and 3pm. However, overall, adjoining dwellings will retain a minimum of 3 hours of solar access.

In relation to loss of privacy, the proposal has been designed with balconies and window openings to provide for visual interest and relief. Additionally, the amended application complies with the setback controls. The proposed openings do not generate a privacy impact to low density dwellings. Furthermore, privacy screens can be installed.

The visual impact arising from the additional height is not considered to be unreasonable or adverse. The roof terrace provides for visual interest and relief, via landscaping treatments. This is considered to be of benefit to the visual catchment from the public domain and supports the overall architectural integrity and quality of the development.

There is no environmental impact that arises out of the additional height and the proposal complies with objective (a).

Objective (b)

Objective (b) refers to the compatibility of the height with the surrounding locality and commercial centre. The site is located within the Seven Hills town centre and results in a built form that would be reasonably contemplated for the site, given the R4 High Density Residential zone and the permissible height.

The Principles of *Project Venture Developments Pty Ltd v Pittwater Council (2005) NSWLEC 19*, establishes that for a development to be compatible with the local area it does not need to be the 'same as other development, but rather being capable of existing in harmony with other development' meaning, compatibility does not mean replication. The planning principles of Project Venture state that compatible development means being 'capable of existing together in harmony' and 'that it is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance'.

Former Senior Commissioner Roseth, establishes in *Project Venture Developments Pty Ltd v Pittwater Council (2005) NSWLEC 19* that the "most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping".

The proposed development draws on this planning principle in developing a residential flat building that is complimentary and compatible with the local area and sits harmoniously with the adjoining development. This is demonstrated via a generally compliant building with the 20 metre height standard at the site frontage, a compliant 9 metre front setback and 6 metre side and rear setbacks that shall maintain a consistent relationship with adjoining future high density development.

This establishes that the proposal is reflective of the built form that is likely to occur on adjoining site in the R4 High Density Residential context.

The proposal provides an adequate transition to surrounding development and is a permissible land use in the R4 High Density Residential zone. It is considered that the proposal is of an acceptable bulk and scale that is reflective of the desired future character and provides a suitable streetscape presentation. The proposal is considered to contextually be of an appropriate fit that sits harmoniously with the surrounding streetscape.

On this basis, it is considered that the proposed development adequately satisfies the principles in *Project Venture Developments Pty Ltd v Pittwater Council (2005) NSWLEC 19* and the minor additional height does not compromise the compatibility of the development. It is considered that the proposal satisfies objective (b).

Objective (c)

In relation to objective (c), the site is located within the Seven Hills town centre and is well serviced by public transport and local services. The site is within a suitable locality to accommodate increased density and is a suitable focal point for a taller building. The application satisfies objective (c).

Objective (d)

Objective (d) relates to sufficient space being available for development of residential uses. The proposed height variation delivers on this objective through the provision of a residential flat building that includes 138 new dwellings. Therefore, the application satisfies objective (d).

Objective (e)

The site is located within a High Density Residential area, which includes some low density dwellings located opposite the site. The immediate adjoining dwellings on Alice Street, Olive Street and George Street are all zoned R4 High Density and are likely to be redeveloped in the near future. The interface is established by the roadway, and the proposal is considered to have a suitable relationship with adjoining development. The proposal is permissible in the zone and is of a built form that would be expected for the site. The proposal complies with this objective.

It is concluded that the proposal achieves compliance with the objectives of the Height standard and therefore, strict compliance with the numerical standard is unnecessary or unreasonable, given compliance would not result in a better planning outcome.

In summary, compliance with the height standard is considered unreasonable and unnecessary, given the proposal complies with the objectives of the standard, and therefore the proposal is equivalent to or, put simply, the same as a development that would strictly comply with the numerical height standard. Therefore, strict compliance with the height standard is unreasonable or unnecessary in this instance and satisfies the requirements of test (a) in *Wehbe v Pittwater Council* (2007)

Wehbe Criterion (b)

- *b. Establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*

The underlying objective and purposes remain relevant to the proposed development. The proposed development is consistent with the objectives of the Height standard as contained in the Blacktown LEP 2015. This has been addressed.

Wehbe Criterion (c)

- *c. Establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*

The underlying objective or purpose of the height standard would be thwarted if compliance was required. This position is determined on the basis that the development delivers a better urban outcome for the site.

Additionally, the proposal delivers 138 new dwellings. Whilst it is not an objective of the height standard to provide housing, it is considered that the holistic spirit and intent of the Blacktown LEP 2015 does seek to provide housing choice to meet the needs of the community.

If there was a reduction in height, then there would be a reduction in floor space, which would automatically reduce the component of dwellings that the development seeks to provide. This is undesirable, given the development is facilitating a high proportion of dwellings, whilst aiming to respect the purpose and objective of the standard.

Therefore, the underlying purpose of the Blacktown LEP 2015 could be thwarted, if compliance was required.

The proposal in its current form achieves the underlying objective and therefore, the variation supports the objectives. However, if compliance was required it would be unreasonable, as the resulting development could thwart the underlying objective, with greater emphasis being placed upon the underlying objective of the Blacktown LEP 2015, as stated above.

The development as amended, results in positive social outcomes and this would be thwarted if compliance was required.

Wehbe Criterion (d)

- *d. Establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unreasonable or unnecessary.*

The Council has not abandoned or destroyed the standard. The standard remains applicable to the proposed development.

Wehbe Criterion (e)

- *e. Establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary..."*

The R4 High Density Residential zoning of the land is appropriate for the site. The objectives of the R4 High Density Residential zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To enable certain activities to be carried out within the zone that do not adversely affect the amenity of the neighbourhood.*
- *To permit residential flat buildings in locations close to public transport hubs and centres.*

The proposal delivers a residential flat building that will provide for the housing needs of the community within a high density area. The development includes a variety of housing choice, including studio, 1 bedroom, 2 bedroom and 3 bedroom apartments. The site is located within the Seven Hills town centre and is well serviced by public transport and local services. The site is within a suitable locality to accommodate increased housing growth.

In conclusion, the proposal complies with the objectives of the R4 High Density Residential zone.

Therefore, the proposal satisfies the 5 criteria under Wehbe, with the justification being particular to the circumstances of the application.

In summary, there are sufficient environmental planning grounds for the variation. These grounds include:

- i. The proposed 6 storey built form is within the 20 metre height standard, with the exception of the 2.5 metres departure that is attributed to the roof top terrace, which includes the lift over-run, balustrade and fire stair. A 20 metre height control contemplates a building of 6 storeys.

This is consistent with the findings of *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 and *Abdul-Rahman v Ashfield Council* [2015] NSWLEC 1122, where both Justice Pain and Commissioner O'Neill accepted that a "reasonable approach to determine the number of storeys that could be permitted is to consider the number that could fit within the maximum allowable height limit". In this instance, the number of storeys that can fit within 20 metres is 6 storeys.

Therefore, the proposed height results in a built form that would be reasonably contemplated for the site.

- ii. The building complies with the setback controls, providing a 9 metre front setback, and 6 metre side/rear setback. Balcony encroachments within the setback are limited to 1 metre.
- x. Sight lines are provided on each elevation plan. The sight lines demonstrate that the additional height is not highly visible from the footpath or public spaces.
- iii. The height variation is a result of the roof terrace and associated lift and fire stair access to it. If the roof terrace was not provided, then the development would likely comply with the height standard, however, this would compromise the provision of common open space for future residents and reduce the potential amenity that can be achieved by the roof terrace. Hence, this demonstrates that as a result of the height variation, the development facilitates a better urban outcome for the site.
- iv. The building is a well designed development that exhibits good urban design and will deliver a suitable streetscape presentation and building form that includes good finishes and materials.
- v. The proposed bulk and scale of the development is reflective of the desired future character for the site and locality and the design is considered to be a good urban outcome that will compliment future adjoining development.
- vi. There is no undue or adverse environmental planning impact as a result of the additional height, in terms of shadow, holistic amenity, privacy, traffic, view loss or streetscape presentation.
- vii. The proposal retains compliance with the objectives of the height of building standard.
- viii. The proposal retains compliance with the zone objectives.

In summary, this written request provides sufficient justification to contravene the development standard by demonstrating that:

a. The compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, given that the application satisfies the 5 criteria under Wehbe and poses no adverse environmental planning impact. This assessment demonstrates that the justification is particular to the application, and not grounds that would apply to other sites.

b. That there are sufficient environmental planning grounds to justify the contravention of the standard, as outlined above.

Accordingly, the application satisfies sub-clause (3) of Clause 4.6.

(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.***

Comment:

This request has adequately addressed the matters required under sub-clause (3) and it adequately satisfies the relevant test to establish that compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravention.

The development is of a height that is compatible with the desired future character of the area, which is that of a high density residential area. The proposal will deliver a residential flat building that is of a height consistent with the height controls, apart from a 2.5 metre departure. The development is of a form, style and design that is consistent and complimentary with the future built form, and when considered contextually the proposal is reasonably contemplated from the planning controls under the Blacktown LEP 2015.

Additionally, the development is in the public interest as it is consistent with the objectives of the standard and the objectives for development within the R4 High Density Residential zone, as detailed within this Clause 4.6.

Additionally, the proposed numerical departure retains compliance with the relevant objectives of the Environmental Planning & Assessment Act 1979, being the objects set down in Section 5(a)(i) and (ii):

(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

(ii) the promotion and co-ordination of the orderly and economic use and development of land,

The proposal facilitates the orderly and economic use and development of the site and the numerical non-compliance is not contrary to any matter of State or Regional planning significance.

Concurrence from the Director-General has been given to Council to permit a departure to a development standard where there is sufficient planning merit.

(5) 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 or regional 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.

Comment:

The proposed variation to the height standard does not raise any matters of significance for state or regional planning. The variation is also not contrary to any state policy or ministerial directive.

There is no public benefit of maintaining the development standard in this instance as there is no adverse impact as a result of the increased height.

The design exhibits a suitable design response and provides compliant levels of residential amenity for future occupants, whilst maintaining amenity to adjoining sites.

It is therefore considered acceptable that an exception to the Height of Building development standard is granted in this instance for the reasons set out in this Clause 4.6.

Conclusion

The proposed variation to the Height of Building development standard is considered to have sufficient environmental planning grounds that are particular to the application that justify the contravention. Therefore, the additional height can be supported.

On this basis, it is appropriate and acceptable to vary the numerical Height of Building standard.



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Unit Specifics			
Dwelling	Type	Area	Private Open Space
01	2 bedroom	76 m ²	54 m ²
02	2 bedroom	86 m ²	33 m ²
03	2 bedroom	77 m ²	15 m ²
04	2 bedroom	73 m ²	21 m ²
05	1 bedroom	63 m ²	25 m ²
06	2 bedroom	100 m ²	13 m ²
07	2 bedroom	83 m ²	12 m ²
08	2 bedroom	86 m ²	30 m ²
09	2 bedroom	77 m ²	14 m ²
10	2 bedroom	73 m ²	17 m ²
11	2 bedroom	76 m ²	22 m ²
12	2 bedroom	100 m ²	13 m ²
13	2 bedroom	83 m ²	12 m ²
14	2 bedroom	86 m ²	30 m ²
15	2 bedroom	77 m ²	14 m ²
16	2 bedroom	73 m ²	17 m ²
17	2 bedroom	76 m ²	13 m ²
18	2 bedroom	100 m ²	13 m ²
19	2 bedroom	83 m ²	12 m ²
20	2 bedroom	86 m ²	30 m ²
21	2 bedroom	77 m ²	14 m ²
22	2 bedroom	73 m ²	17 m ²
23	2 bedroom	76 m ²	13 m ²
24	2 bedroom	100 m ²	13 m ²
25	2 bedroom	83 m ²	12 m ²
26	2 bedroom	80 m ²	58 m ²
27	2 bedroom	78 m ²	12 m ²
28	2 bedroom	76 m ²	13 m ²
29	2 bedroom	100 m ²	13 m ²
30	2 bedroom	83 m ²	12 m ²
31	2 bedroom	80 m ²	14 m ²
32	2 bedroom	78 m ²	12 m ²
33	2 bedroom	76 m ²	13 m ²
34	2 bedroom	80 m ²	15 m ²
35	2 bedroom	106 m ²	39 m ²
36	2 bedroom	77 m ²	20 m ²
37	2 bedroom	83 m ²	19 m ²
38	1 bedroom	55 m ²	12 m ²
39	1 bedroom	44 m ²	9 m ²
40	2 bedroom	80 m ²	10 m ²
41	2 bedroom	106 m ²	18 m ²
42	2 bedroom	77 m ²	16 m ²
43	2 bedroom	83 m ²	25 m ²
44	1 bedroom	55 m ²	13 m ²
45	1 bedroom	65 m ²	13 m ²
46	2 bedroom	99 m ²	17 m ²

Unit Specifics			
Dwelling	Type	Area	Private Open Space
47	2 bedroom	80 m ²	10 m ²
48	2 bedroom	106 m ²	18 m ²
49	2 bedroom	77 m ²	16 m ²
50	2 bedroom	83 m ²	25 m ²
51	1 bedroom	55 m ²	13 m ²
52	1 bedroom	66 m ²	13 m ²
53	2 bedroom	99 m ²	17 m ²
54	2 bedroom	80 m ²	10 m ²
55	2 bedroom	106 m ²	18 m ²
56	2 bedroom	77 m ²	16 m ²
57	2 bedroom	83 m ²	25 m ²
58	1 bedroom	55 m ²	13 m ²
59	1 bedroom	66 m ²	13 m ²
60	2 bedroom	99 m ²	17 m ²
61	2 bedroom	80 m ²	10 m ²
62	2 bedroom	106 m ²	18 m ²
63	2 bedroom	77 m ²	16 m ²
64	2 bedroom	83 m ²	25 m ²
65	1 bedroom	55 m ²	13 m ²
66	1 bedroom	66 m ²	13 m ²
67	2 bedroom	99 m ²	17 m ²
68	2 bedroom	80 m ²	10 m ²
69	2 bedroom	106 m ²	18 m ²
70	2 bedroom	77 m ²	16 m ²
71	2 bedroom	83 m ²	28 m ²
72	1 bedroom	55 m ²	14 m ²
73	1 bedroom	66 m ²	14 m ²
74	2 bedroom	99 m ²	19 m ²
75	2 bedroom	101 m ²	29 m ²
76	2 bedroom	78 m ²	16 m ²
77	2 bedroom	78 m ²	16 m ²
78	2 bedroom	101 m ²	40 m ²
79	2 bedroom	101 m ²	18 m ²
80	2 bedroom	78 m ²	11 m ²
81	2 bedroom	78 m ²	11 m ²
82	2 bedroom	101 m ²	18 m ²
83	3 bedroom	104 m ²	12 m ²
84	2 bedroom	101 m ²	18 m ²
85	2 bedroom	78 m ²	11 m ²
86	2 bedroom	78 m ²	11 m ²
87	2 bedroom	101 m ²	18 m ²
88	3 bedroom	104 m ²	12 m ²
89	2 bedroom	101 m ²	18 m ²
90	2 bedroom	78 m ²	11 m ²
91	2 bedroom	78 m ²	11 m ²
92	2 bedroom	101 m ²	18 m ²

Unit Specifics			
Dwelling	Type	Area	Private Open Space
93	3 bedroom	104 m ²	12 m ²
94	2 bedroom	101 m ²	18 m ²
95	2 bedroom	56 m ²	15 m ²
96	2 bedroom	83 m ²	24 m ²
97	2 bedroom	101 m ²	18 m ²
98	3 bedroom	104 m ²	12 m ²
99	2 bedroom	101 m ²	18 m ²
100	1 bedroom	50 m ²	8 m ²
101	2 bedroom	72 m ²	10 m ²
102	2 bedroom	101 m ²	18 m ²
103	3 bedroom	104 m ²	12 m ²
104	2 bedroom	101 m ²	40 m ²
105	2 bedroom	77 m ²	17 m ²
106	3 bedroom	97 m ²	19 m ²
107	2 bedroom	57 m ²	12 m ²
108	2 bedroom	90 m ²	17 m ²
109	2 bedroom	101 m ²	18 m ²
110	2 bedroom	77 m ²	15 m ²
111	3 bedroom	97 m ²	12 m ²
112	1 bedroom	57 m ²	11 m ²
113	2 bedroom	90 m ²	17 m ²
114	2 bedroom	76 m ²	15 m ²
115	2 bedroom	101 m ²	18 m ²
116	2 bedroom	77 m ²	15 m ²
117	3 bedroom	97 m ²	12 m ²
118	1 bedroom	57 m ²	11 m ²
119	2 bedroom	90 m ²	17 m ²
120	2 bedroom	76 m ²	15 m ²
121	2 bedroom	101 m ²	18 m ²
122	2 bedroom	77 m ²	15 m ²
123	3 bedroom	97 m ²	12 m ²
124	1 bedroom	57 m ²	11 m ²
125	2 bedroom	90 m ²	17 m ²
126	2 bedroom	76 m ²	15 m ²
127	2 bedroom	101 m ²	18 m ²
128	1 bedroom	56 m ²	18 m ²
129	2 bedroom	61 m ²	36 m ²
130	1 bedroom	57 m ²	11 m ²
131	2 bedroom	90 m ²	17 m ²
132	2 bedroom	76 m ²	15 m ²
133	2 bedroom	101 m ²	19 m ²
134	1 bedroom	50 m ²	8 m ²
135	2 bedroom	81 m ²	12 m ²
136	1 bedroom	57 m ²	11 m ²
137	2 bedroom	90 m ²	27 m ²
138	2 bedroom	76 m ²	15 m ²
Grand total: 138		11413 m ²	2354 m ²

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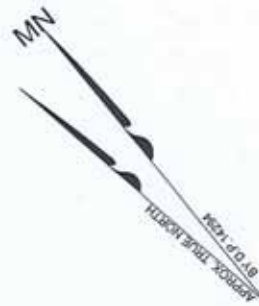
scale 1:300

OLIVE

STREET

GEORGE

STREET



DP 14294
LOT 57
Site Area - 708.2sqm (By Dp)

DP 14294
LOT 56
Site Area - 701.9sqm (By Dp)

DP 14294
LOT 59
Site Area - 695.6sqm (By Dp)

DP 14294
LOT 58
Site Area - 692.8sqm (By Dp)

DP 14294
LOT 55
Site Area - 645sqm (By Dp)

DP 14294
LOT 54
Site Area - 645sqm (By Dp)

DP 14294
LOT 53
Site Area - 851.3sqm (By Dp)

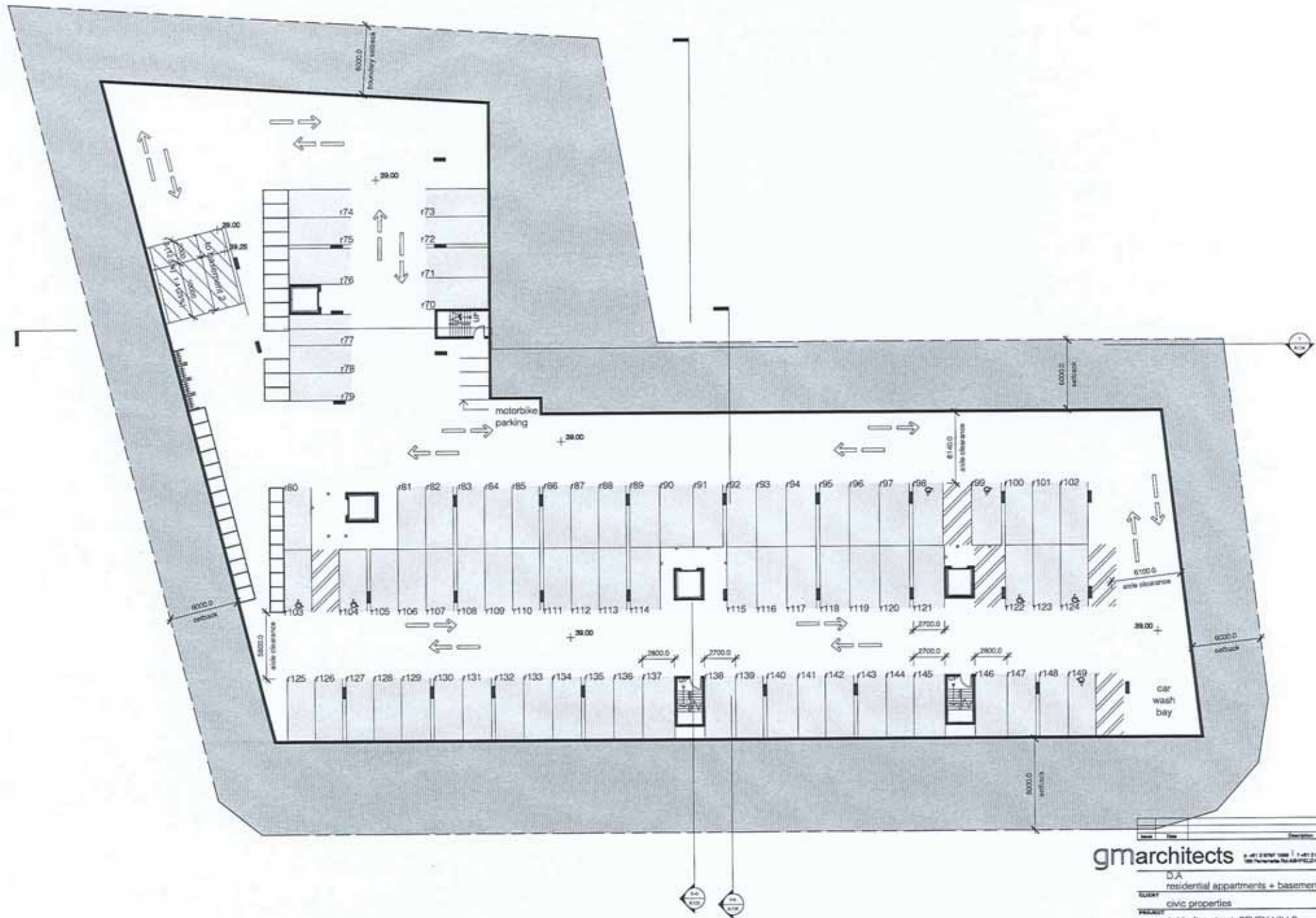
DP 14294
LOT 52
Site Area - 657.6sqm (By Dp)

STREET

ALICE



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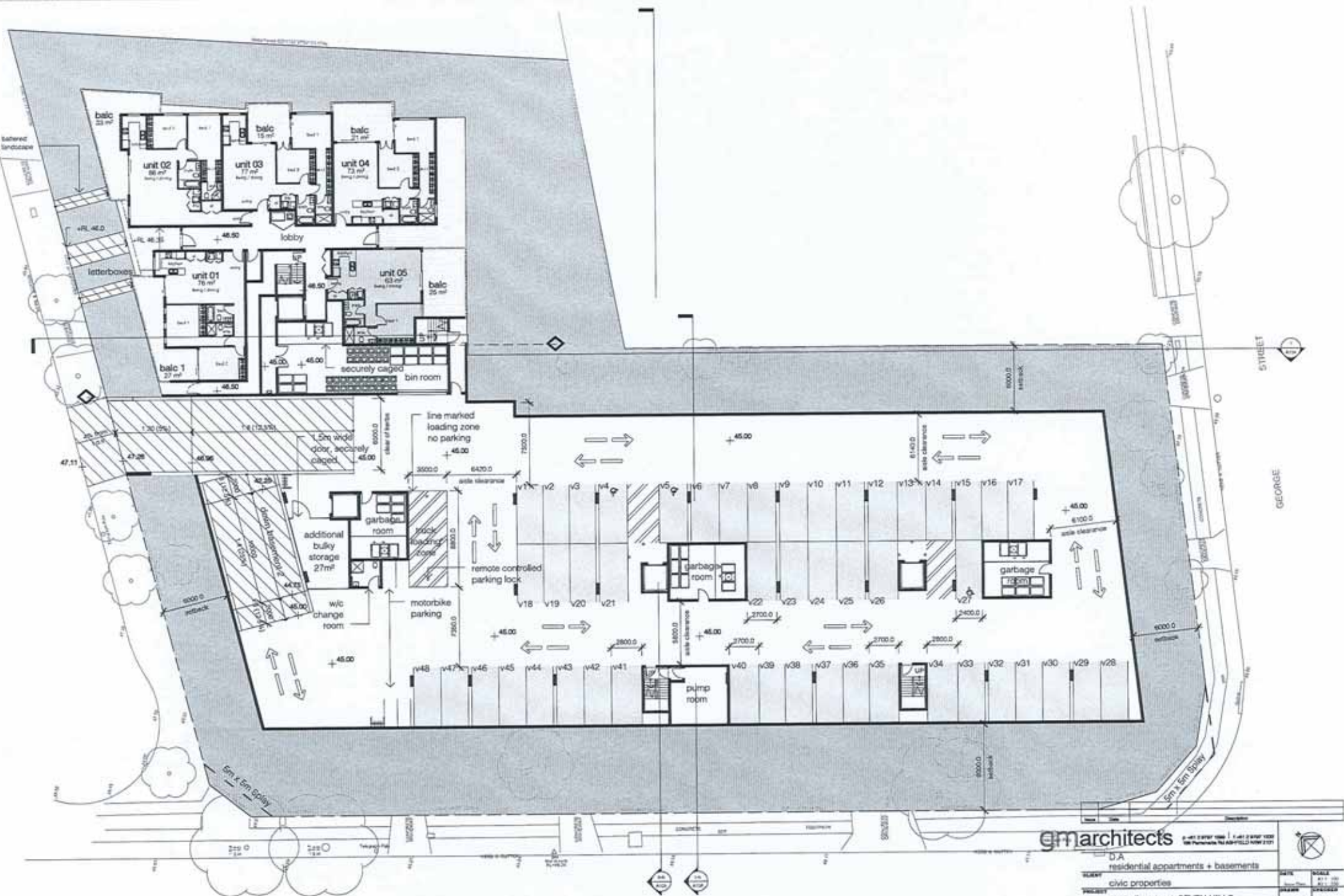


basement 3 plan

gmarchitects

client: residential apartments + basements
 project: 1-11 olive street, SEVEN HILLS
 title: basement 3 plan

DATE	REVISION
DATE	REVISION
DATE	REVISION
DATE	REVISION



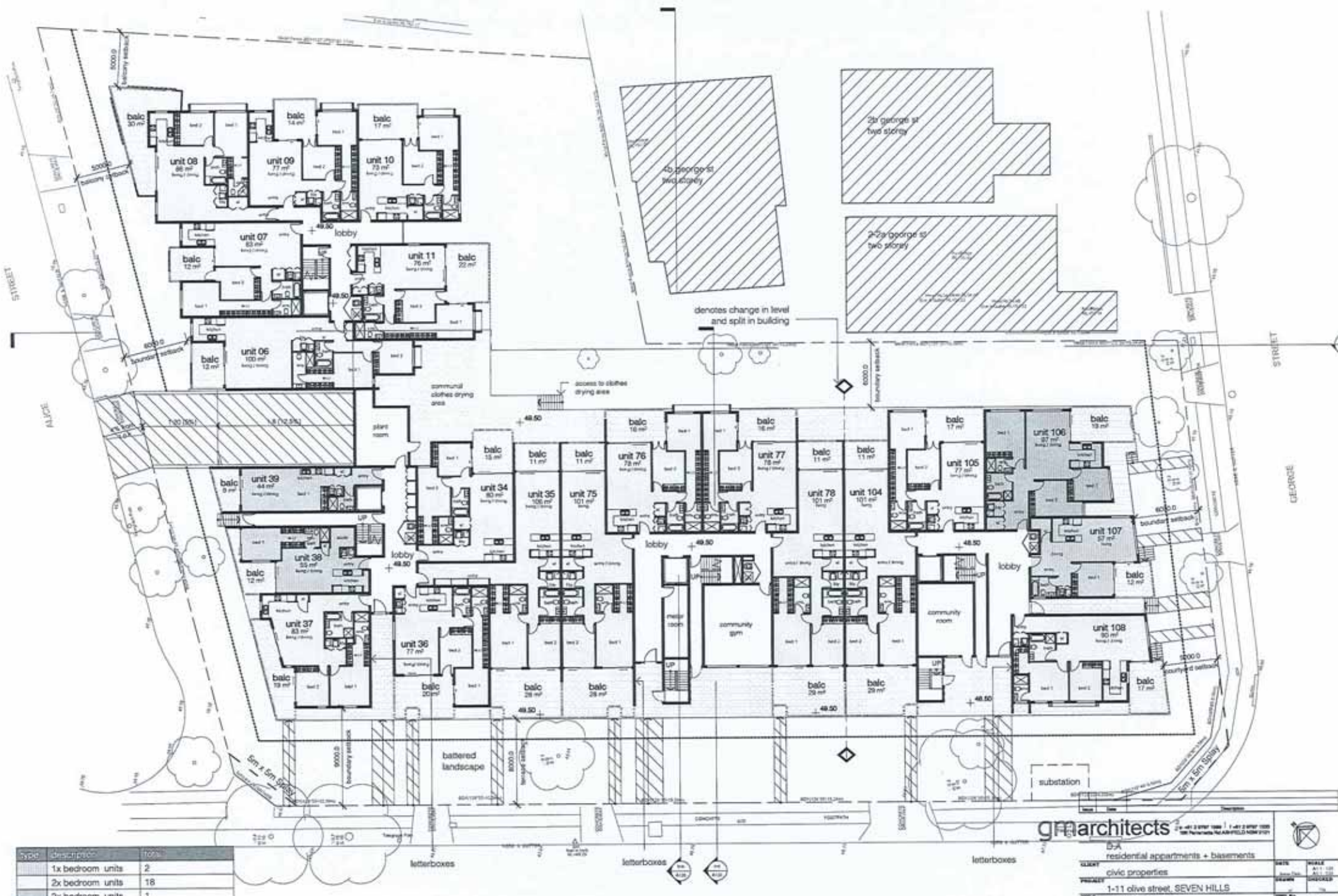
gmarchitects

U.A.
residential apartments + basements
civic properties
1-11 olive street, SEVEN HILLS
basement 1 plan



DATE
DRAWN
CHECKED
SCALE
A11 - 1:100
A12 - 1:100
A13 - 1:100
A14 - 1:100

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type	description	count
	1x bedroom units	2
	2x bedroom units	18
	3x bedroom units	1

ground floor plan

OLIVE

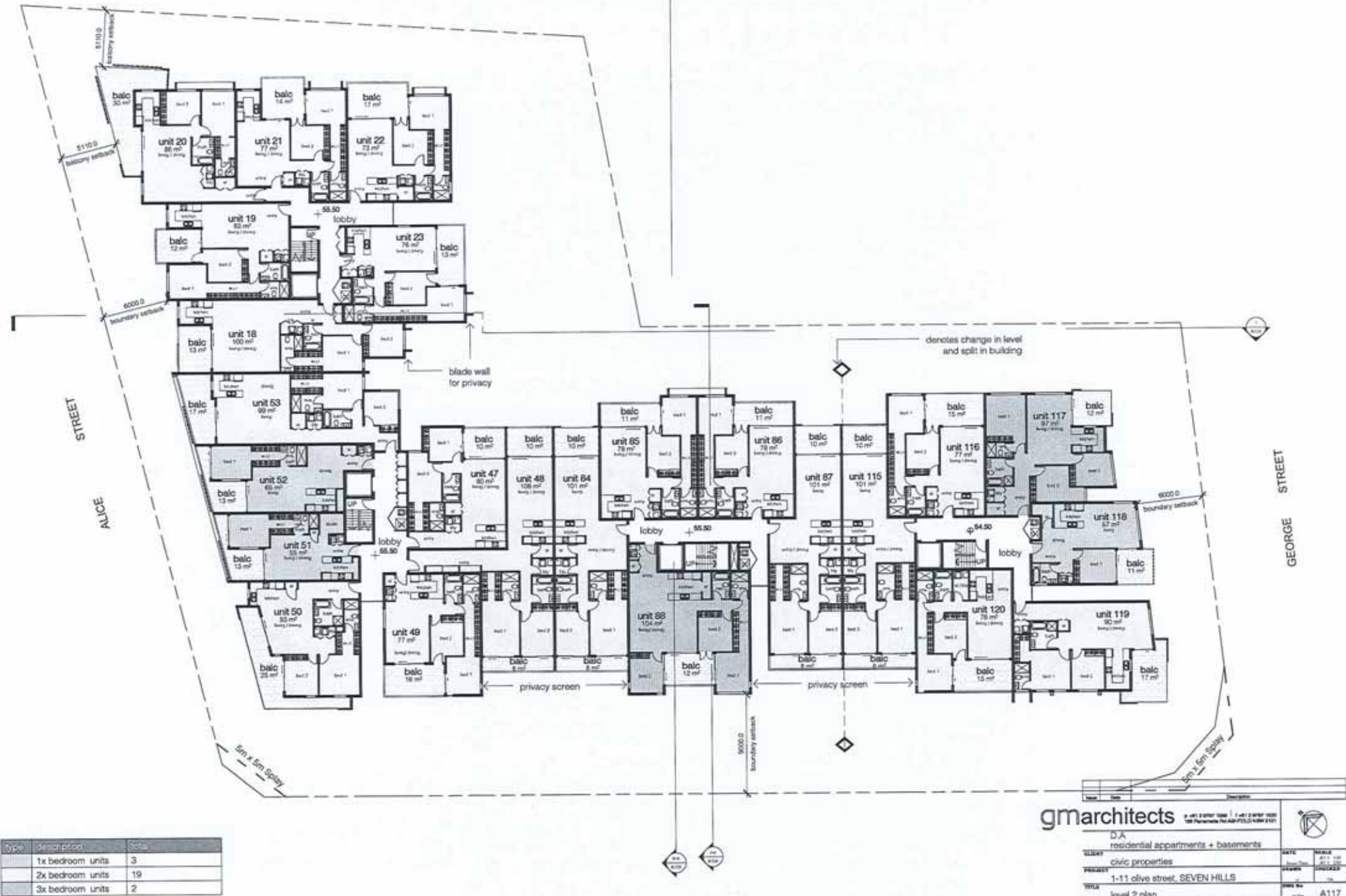
STREET

2/08/2016 11:37:11 AM

gmarchitects 2/08/2016 11:37:11 AM
 1-11 clive street, SEVEN HILLS
 ground floor plan
 A115

client	residential apartments + basements	date	2/08/2016
project	civic properties	drawn by	A115
title	1-11 clive street, SEVEN HILLS	checked by	A115
		scale	A115

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type	description	total
	1x bedroom units	3
	2x bedroom units	19
	3x bedroom units	2

level 2 plan

OLIVE STREET

2/08/2016 11:40:13 AM

gmarchitects

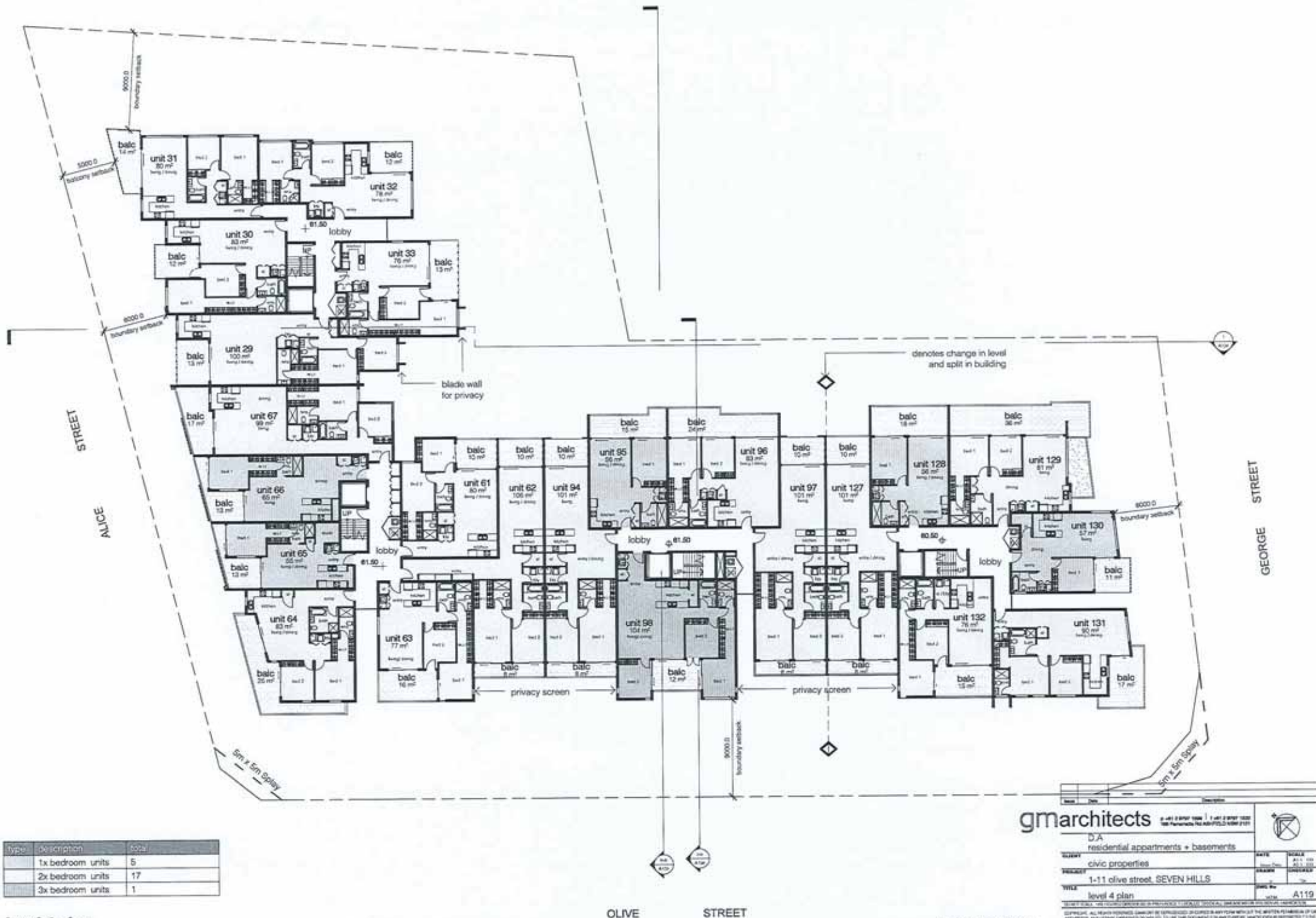
D.A. residential apartments + basements

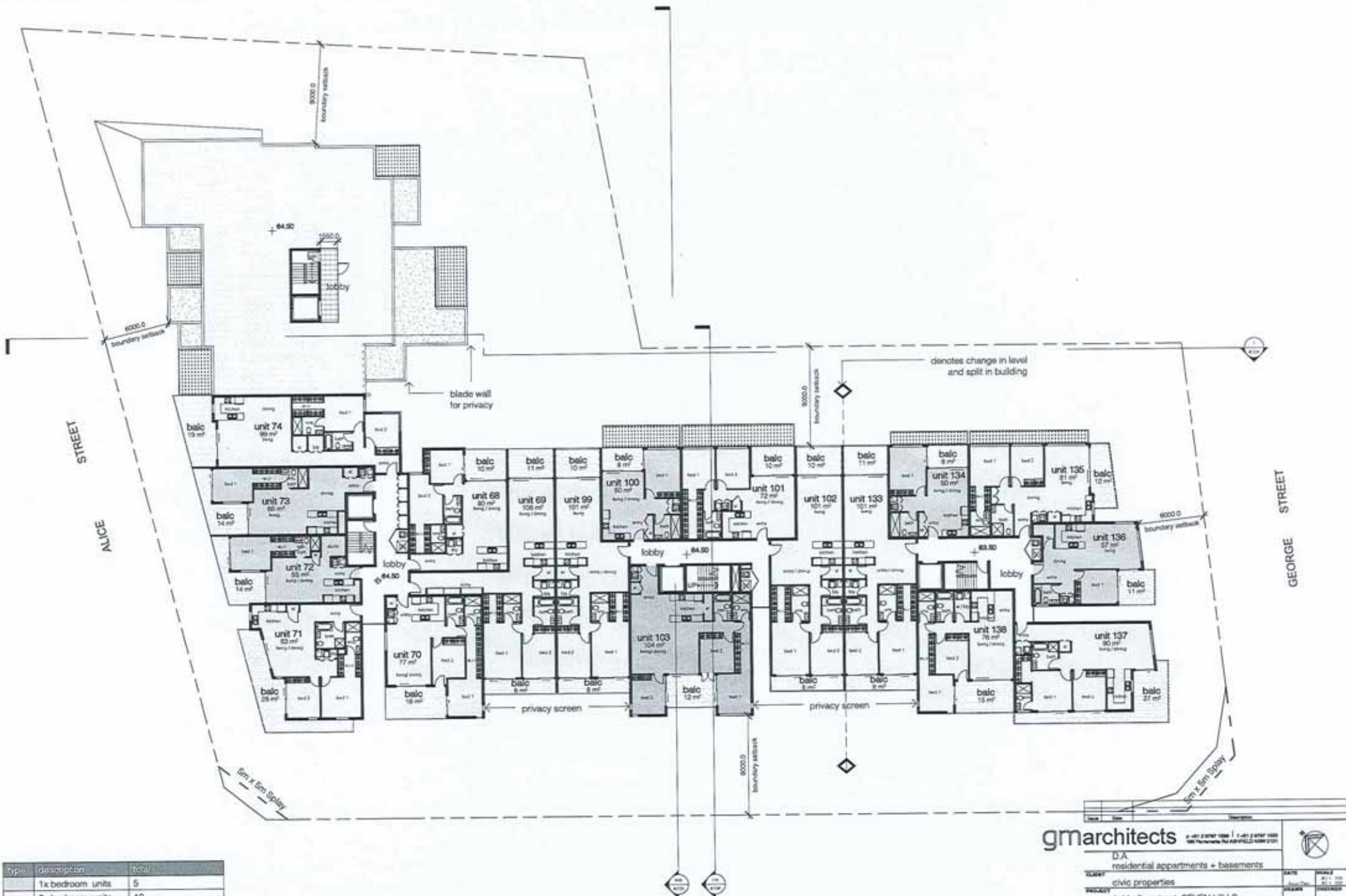
civic properties

1-11 olive street, SEVEN HILLS

level 2 plan

DATE: 2/08/2016
DRAWN: A117
CHECKED: A117
SCALE: 1:100
PROJECT: 1-11 olive street, SEVEN HILLS
TYPE: level 2 plan





type	description	total
	1x bedroom units	5
	2x bedroom units	12
	3x bedroom units	1

level 5 plan

OLIVE STREET

2/8/2016 11:43:59 AM

DA
residential apartments + basements

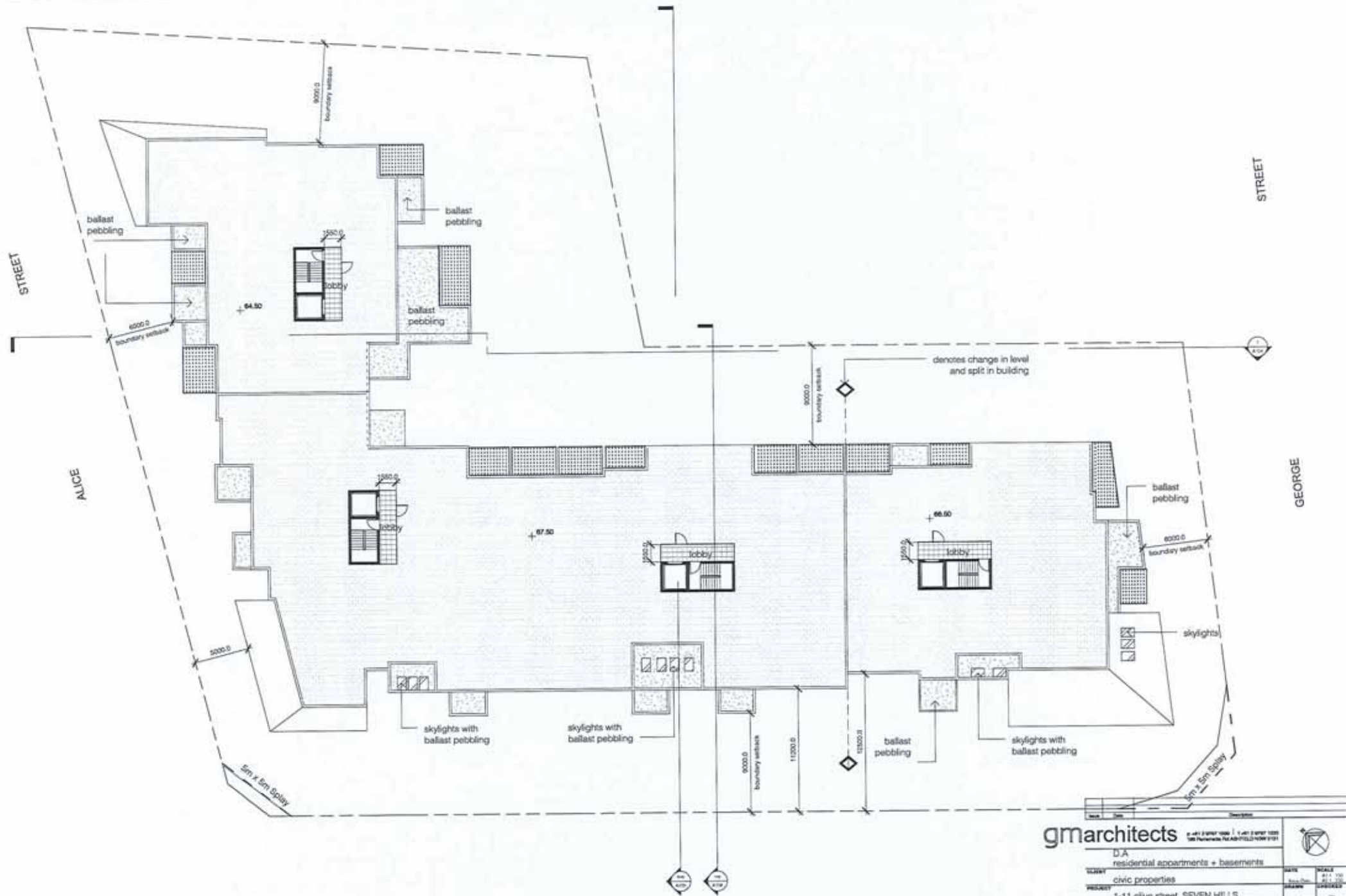
civic properties

1-11 olive street, SEVEN HILLS

level 5 plan

DATE: 2/8/2016
DRAWN: [signature]
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SCALE: 1:100
SHEET: A120

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roof plan

OLIVE

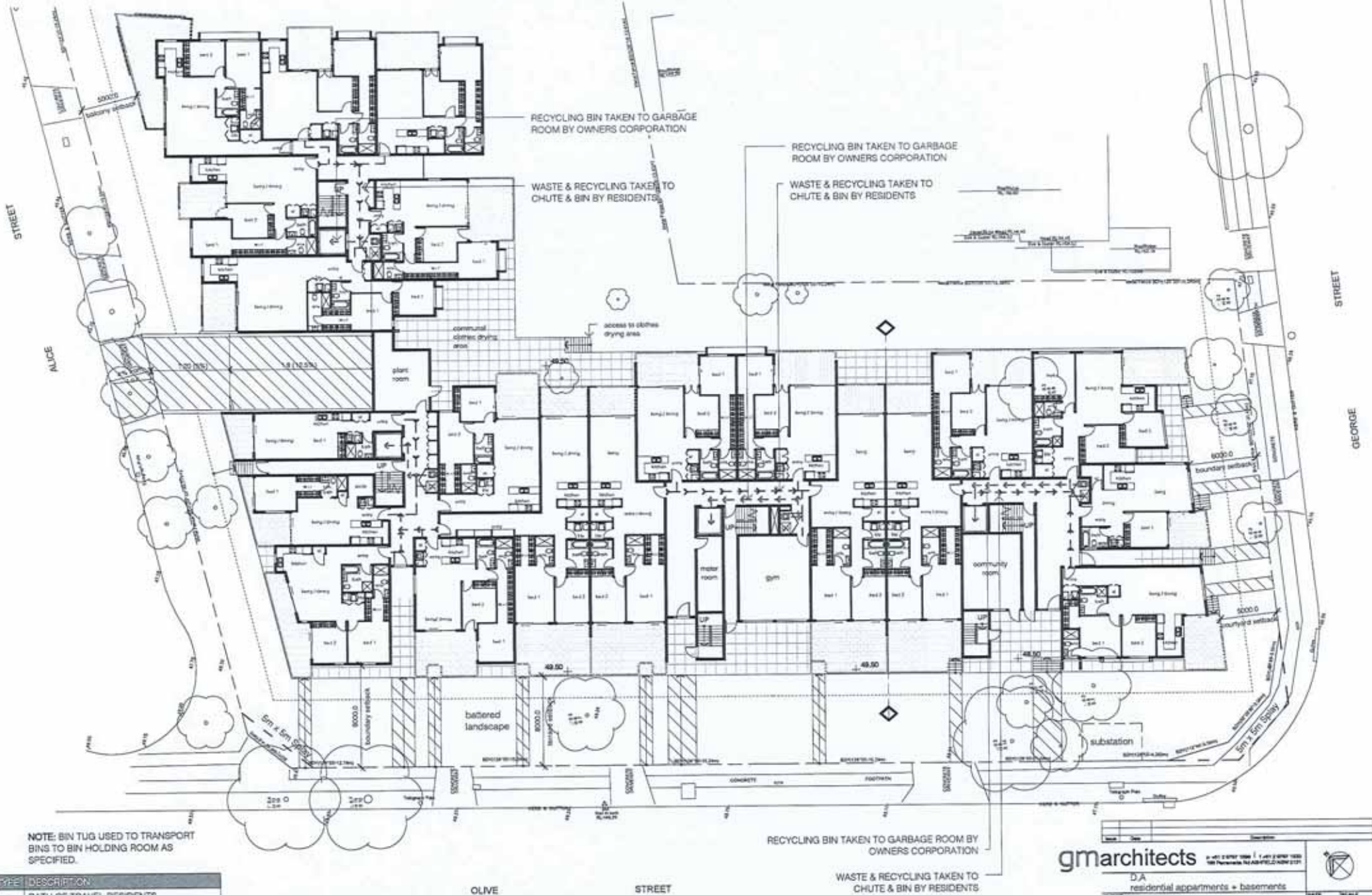
STREET

2/08/2016 11:44:05 AM

gmarchitects

PROJECT	residential apartments + basements	DATE	2/08/2016
CLIENT	civic properties	SCALE	A1:1
LOCATION	1-11 olive street, SEVEN HILLS	DATE	2/08/2016
TITLE	roof plan	SCALE	A1:21





NOTE: BIN TUG USED TO TRANSPORT BINS TO BIN HOLDING ROOM AS SPECIFIED.

TYPE	DESCRIPTION
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←	PATH OF TRAVEL OWNERS CORPORATION
□	RECYCLE BIN 240L
GC	GARBAGE CHUTE

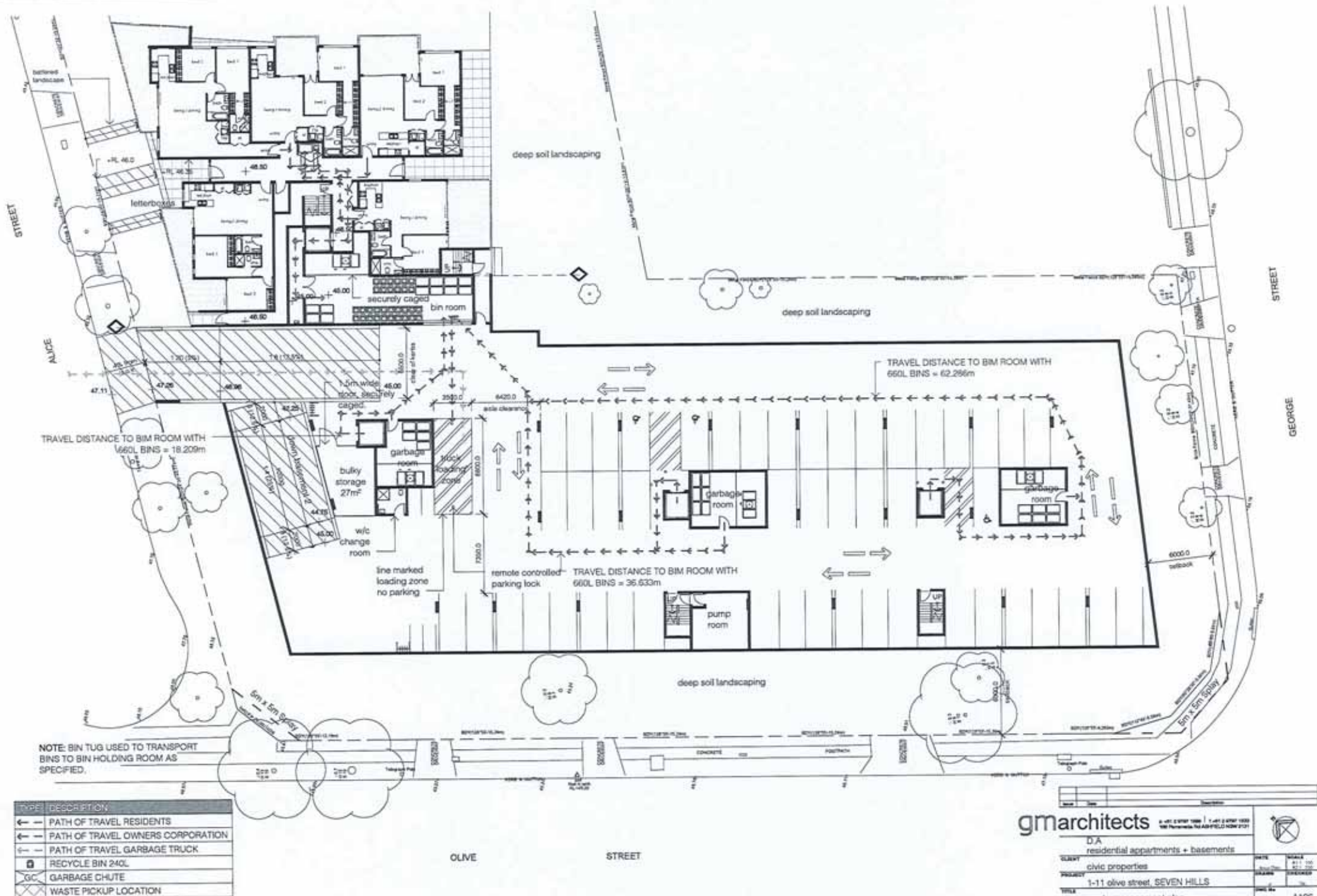
waste management plan

2/08/2016 11:44:27 AM

gmarchitects

D.A.
residential apartments + basements
civic properties
1-11 olive street, SEVEN HILLS
waste management plan

DATE	SCALE
10/10/2015	A1: 1:100
PROJECT	DRAWN
1-11 olive street, SEVEN HILLS	10/10/2015
TITLE	DATE
waste management plan	10/10/2015
	A125



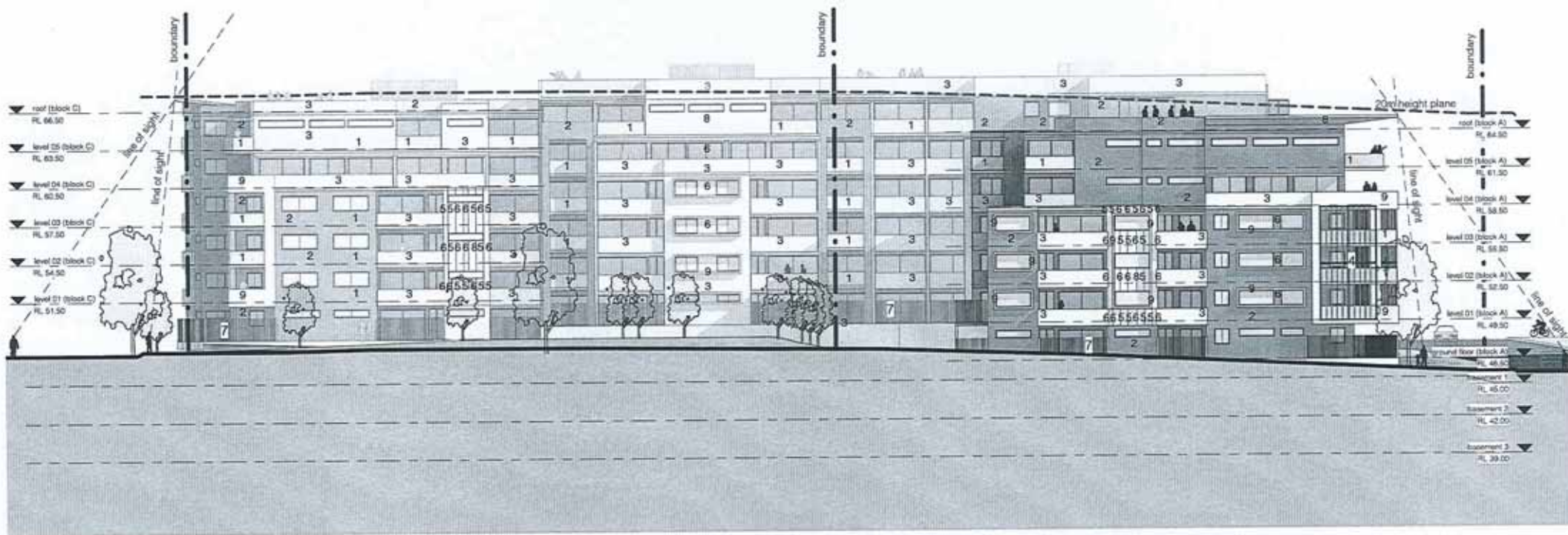


Schedule of Finishes

1. Clear Glazing - Jade Lustre
2. Painted - Tornado P202-N7
3. Painted - Dulux Lexicon Half
4. Anodised Silver Aluminium Louvres (matt finish)
5. Aluminium Cladding - Signal Grey 120
6. Aluminium Cladding - Alucabond Light Grey 104 (between windows)
7. Steel Flatbar Fencing
8. Aluminium Cladding - Alucabond Seafoam Green Metallic 604
9. Aluminium Cladding - Alucabond White 16 (sunhood over windows)

east elevation - george street

gmarchitects		DATE: 2/08/2016 11:44:49 AM		SCALE: A1:1 - 1:100	
D.A.		PROJECT: residential apartments + basements		DRAWN: [signature]	
CLIENT: civic properties		PROJECT: 1-11 clive street, SEVEN HILLS		CHECKED: [signature]	
TITLE: east elevation - george street		PROJECT: 1-11 clive street, SEVEN HILLS		SCALE: A127	
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Schedule of Finishes

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6. Aluminium Cladding - Alucabond Light Grey 104 (between windows)
7. Steel Flatbar Fencing
8. Aluminium Cladding - Alucabond Seafoam Green Metallic 604
9. Aluminium Cladding - Alucabond White 16 (sunhood over windows)

north elevation

gmarchitects		Description	
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2/08/2016 11:45:02 AM



Schedule of Finishes

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2. Painted - Tornado P202-N7
3. Painted - Dulux Lexicon Half
4. Anodised Silver Aluminium Louvres (matt finish)
5. Aluminium Cladding - Signal Grey 120
6. Aluminium Cladding - Alucabond Light Grey 104 (between windows)
7. Steel Flatbar Fencing
8. Aluminium Cladding - Alucabond Seafoam Green Metallic 604
9. Aluminium Cladding - Alucabond White 16 (sunhood over windows)

west elevation - alice street

gmarchitects		DATE: 2/08/2016 TIME: 11:45:14 AM	
D.A.		SCALE: 1:100	
residential apartments + basements		DRAWN: A129	
civic properties		CHECKED: A129	
1-11 clive street, SEVEN HILLS		DATE: 2/08/2016	
west elevation - alice street		TIME: 11:45:14 AM	

2/08/2016 11:45:14 AM



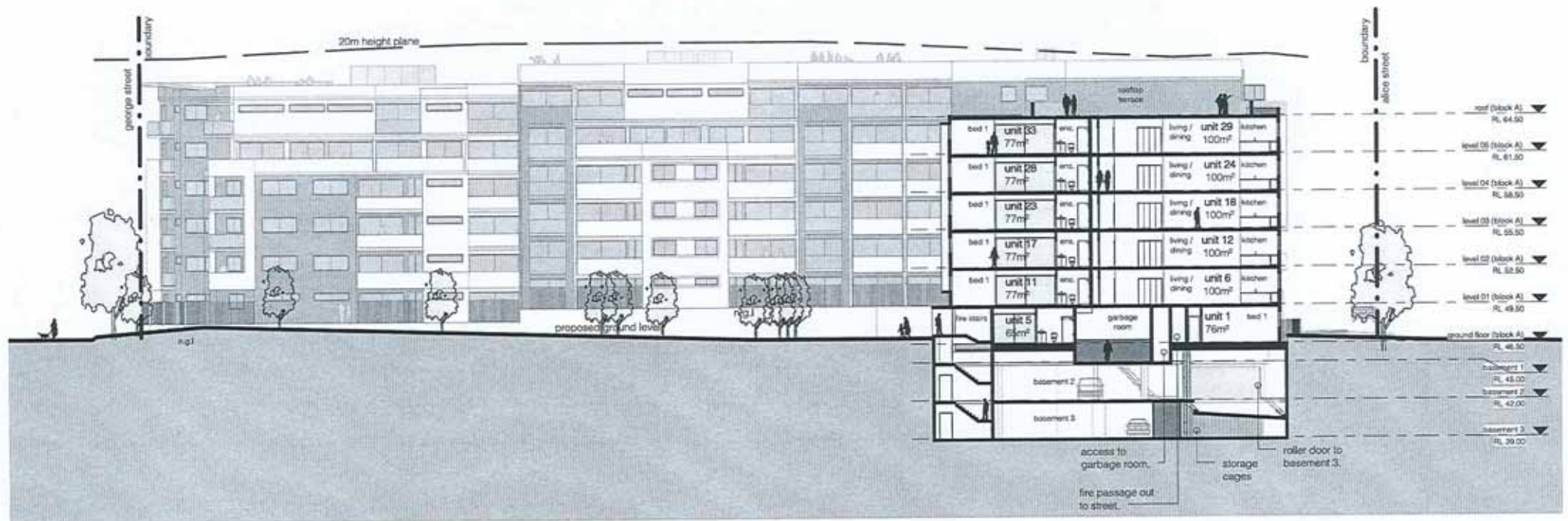
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3. Painted - Dulux Lexicon Half
4. Anodised Silver Aluminium Louvres (matt finish)
5. Aluminium Cladding - Signal Grey 120
6. Aluminium Cladding - Alucabond Light Grey 104 (between windows)
7. Steel Flatbar Fencing
8. Aluminium Cladding - Alucabond Seafoam Green Metallic 604
9. Aluminium Cladding - Alucabond White 16 (sunhood over windows)

south elevation - olive street

gmarchitects		14/11/2016 11:45:26 AM	
D.A.		residential apartments + basements	
civic properties		1-11 olive street, SEVEN HILLS	
south elevation - olive street		A130	
DATE		SCALE	
DRAWN		CHECKED	
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DRAWN		CHECKED	

208/2016 11:45:26 AM



section aa

Rev	Date	Description
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gmarchitects

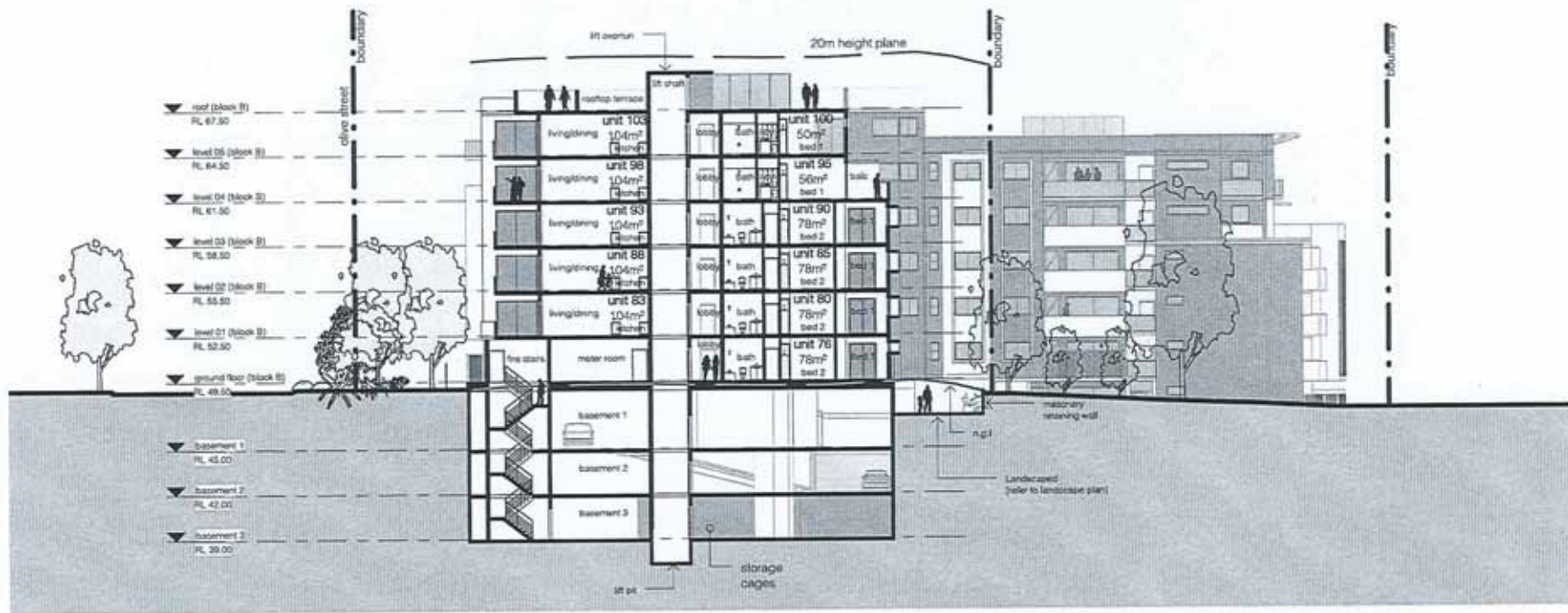
residential apartments + basements

civic properties

1-11 olive street, SEVEN HILLS

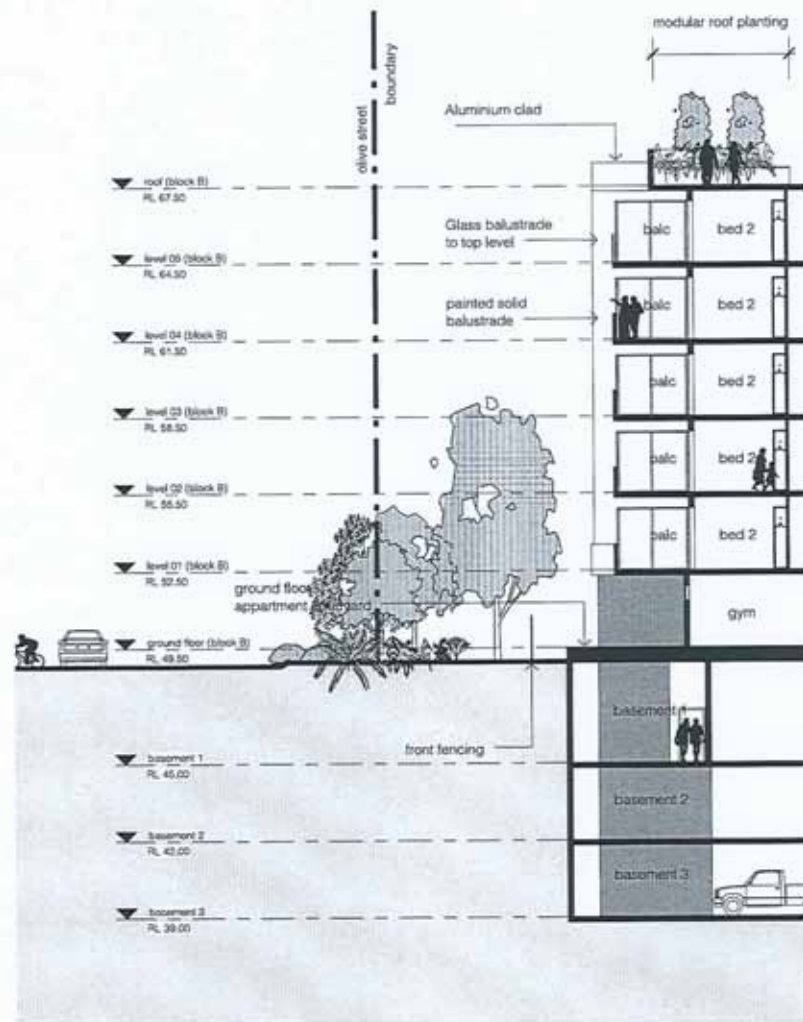
section aa

A134



section bb

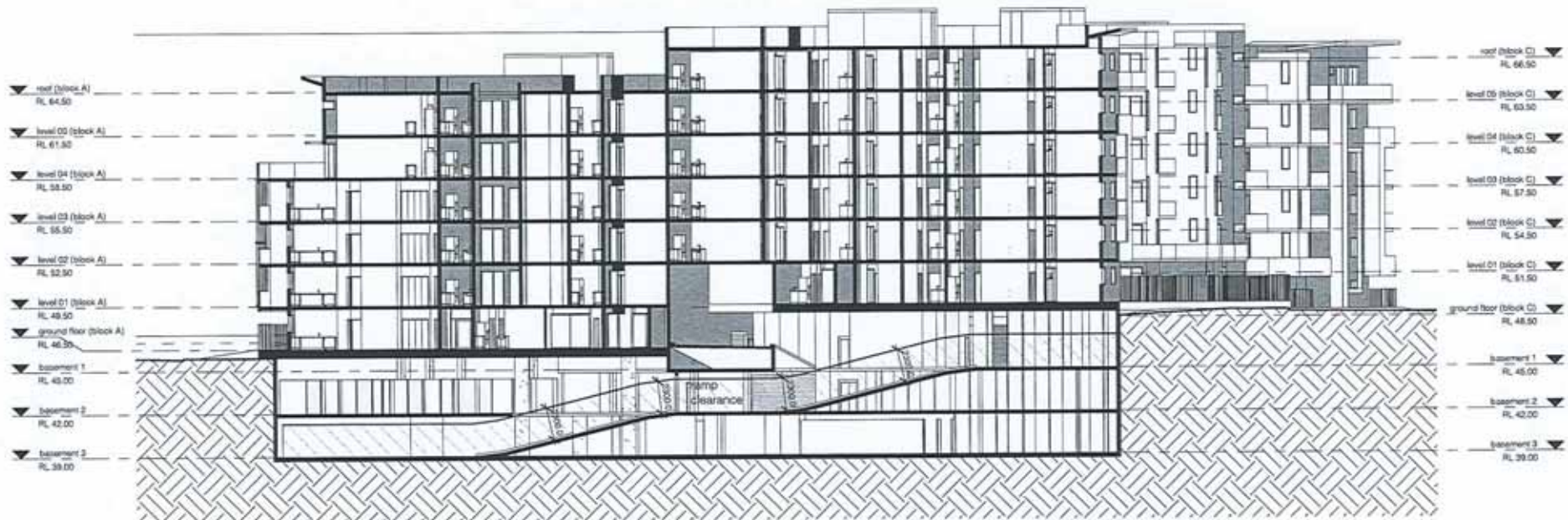
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gmarchitects			
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D.A.			
residential apartments + basements			
CLIENT		DATE	SCALE
civic properties			A11 1:50
PROJECT		DRAWN	CHECKED
1-11 clive street, SEVEN HILLS			
TITLE		DATE	SCALE
section bb			A135
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facade section

Name		Description	
Date		Scale	
gmarchitects 9-1111 2015 1000 1-1111 2015 1000 1000 1000 1000 1000 1000 1000 1000 1000			
D.A.			
residential apartments + basements			
CLIENT	civic properties	DATE	SCALE
PROJECT	1-11 olive street, SEVEN HILLS	DATE	SCALE
TYPE	facade section	DATE	SCALE
A136		A136	

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ramp sections - clearances

1:300

Rev	Date	Description
1	2/08/2016	1:300

gmarchitects 6411 5000 1000 / 1 411 5000 1000
1000 1000 1000 1000 1000 1000

D.A.
residential apartments + basements

CLIENT
civic properties

PROJECT
1-11 olive street, SEVEN HILLS

TITLE
ramp clearances

SCALE
A146

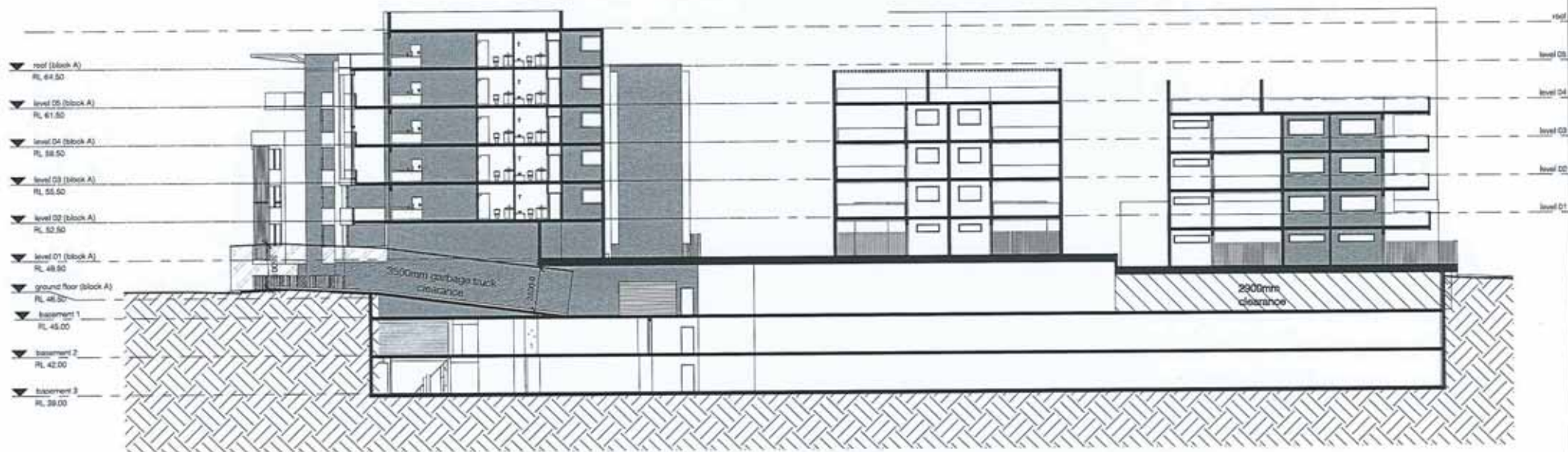
DATE
2/08/2016

BY
D.A.

CHECKED
D.A.

APPROVED
D.A.

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garbage truck - clearance

1 : 300

garbage truck clearance

gmarchitects		D.A.	
residential apartments + basements		civic properties	
1-11 olive street, SEVEN HILLS		garbage truck clearance	
A147		A147	

2/08/2016 11:50:13 AM

Compliance with EP&A Act Section 79C 'Heads of Consideration'

Heads of Consideration 79C	Comment	Complies
a. The provisions of:		
(i) Any environmental planning instrument (EPI)	The provisions of the relevant Environmental Planning Instruments (EPI) relating to the proposed development are summarised under section 6 of this report. The proposal is considered to be consistent with the relevant EPIs, including SEPP (Infrastructure) 2007, SEPP 65 – Design Quality of Residential Flat Development and BLEP 2015. The proposed development is a permissible land use within the R4 High Density Residential zone and satisfies the zone objectives outlined under BLEP 2015. The applicant has submitted a request to vary the 20 m height standard pursuant to clause 4.6 of BLEP 2015. The height control is varied by up to 2.5 m. The proposed variation is discussed in detail in Section 9.1 of the report and is considered satisfactory.	Yes A clause 4.6 request has been lodged by the applicant and is considered satisfactory.
(ii) Any development control plan (DCP)	BDGP 2015 applies to the site. The proposed development is compliant with the numerical controls established under the DCP, with the exception of common open space. The variation is discussed in detail under Section 9.2 and is considered acceptable. Given that the open space provisions comply with the requirements of the ADG it is recommended that the development be supported in its current form.	Yes
(iii) The regulations	There are no regulations to be considered.	N/A
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	An assessment of the key issues relating to the proposed development is provided under section 9 of the report. It is considered that the likely impacts of the development, including traffic, noise, parking and access, bulk and scale, overshadowing, privacy, waste management and the like, have been satisfactorily addressed. A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties. In view of the above it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.	Yes
c. The suitability of the site for the	The subject site is zoned R4 High Density Residential with a 20 m building height limit under BLEP 2015. Residential flat buildings are permissible on the site	Yes

Heads of Consideration 79C	Comment	Complies
development	with development consent. The site has an area and configuration that is suited to this form of development. The design solution is based on sound site analysis and responds positively to the land uses adjoining the site. The site is located within close proximity to the Seven Hills train station and Seven Hills shopping centre. The site is also located near services, facilities and a major arterial road network making it suitable for higher residential densities.	
d. Any submissions made in accordance with this Act, or the regulations	Six (6) submissions were received in objection to the development. It is considered that the issues raised do not warrant refusal of the application. A summary of the objections and a town planning response is provided under section 10 of the report. While the issues raised do not warrant refusal of the application, it is appropriate to impose conditions of consent.	Yes
e. The public interest	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 City area.	Yes

Compliance with State Environmental Planning Policy (SEPP) 65 Design Quality of Residential Apartment Development

A design verification statement has been prepared by the project's registered architect. The statement addresses each of the 9 'design quality principles' listed under schedule 1 of SEPP 65. In determining an application, a consent authority must take into consideration the design quality of the residential apartment development when evaluated in accordance with these 9 design principles. The 9 principles are listed below, together with a town planning response.

Principle 1: Context and neighbourhood character	
Control	Town Planning Comment
Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.	The site is located within the Seven Hills town centre. The site and surrounding sites are zoned R4 High Density Residential under BLEP 2015. The site has a 20 m height limit. This area was rezoned in 2015. The layout and design of the proposal generally responds to the site conditions and the character of the immediate locality. It is considered that the development will contribute to the quality and identity of the area. The sites close proximity to public transport, services, a shopping centre and a main road network also makes this a highly desirable site for high density residential development. The development is consistent with the future desired character of this transitioning locality.
Principle 2: Built form and scale	
Control	Town Planning Comment
Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation 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	The 6 storey height is consistent with the desired future character of this locality. A 2.5 m departure is proposed to the 20 m height limit to accommodate the lift overrun and some portions of the upper floor units in the centre part of the site. The additional height is in part due to the slope of the land. It does not impact on the bulk and scale of the development. The articulation and building elements are considered satisfactory. The scale, bulk and height are appropriate for a high density residential development in the Seven Hills town centre and represent a suitable response to the development controls applicable to the site.

provides internal amenity and outlook.	The development is generally in keeping with the requirements of the Apartment Design Guide (ADG) and Council's DCP requirements in relation to building alignment, setbacks and building type. Some of the 5 th floor balconies, however, do not comply with the recommended 9 m building setback requirement under the ADG. We are therefore recommending that the non-complying units be amended and that details be submitted prior to release of a construction certificate. Details of the non-compliance and recommended conditions of consent are included in section 9.3 of the report.
Principle 3: Density	
Control	Town Planning Comment
Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	There is no FSR control under BLEP 2015 for this site. The proposed residential development comprises 138 units which is an acceptable density for the redevelopment of this site. The site is in close proximity to public transport and is well serviced by infrastructure and community facilities.
Principle 4: Sustainability	
Control	Town Planning Comment
Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	The amended development proposal has been designed so that at least 70% of the units receive satisfactory levels of natural light and at least 60% of units achieve satisfactory ventilation in accordance with the requirements of the ADG. The proposal is supported by a BASIX Certificate. The commitments are incorporated into the design of the building. The proposal demonstrates appropriate waste management during the construction and ongoing use phases.

Principle 5: Landscape	
Control	Town Planning Comment
Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	The proposal provides inadequate landscaping. Most vegetation is removed and limited new planting is provided. The landscaping complements the presentation of the built form as viewed from the public domain where deep soil is provided but this is limited. The development provides 2,178 sqm of open space at the ground level and 1,980 sqm of communal open space at the roof level. The open space areas will be embellished with suitable trees and shrubs, pergolas, bbq facilities, communal gardens and decking. Deep soil planting will also be provided at the ground level. The proposal demonstrates appropriate landscaping for a town centre location, which complements the building design. Overall, the landscaping offers a suitable level of amenity for the future occupants. Conditions will also be imposed on any consent to ensure that suitable street tree species are planted that complement the height and scale of the development.
Principle 6: Amenity	
Control	Town Planning Comment
Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	The proposal is considered to be satisfactory in terms of unit sizes, room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook and service areas. Most of the units comply with the minimum unit areas recommended by the ADG. For those units that don't comply, it is recommended that a minor amendment be made to the plans at the construction certificate stage. This issue, including the recommended condition of consent, is discussed in section 9.3 of the report. All units provide an adequate outdoor private open

	space area in the form of a balcony or terrace which is directly accessible from the internal living area, and all units have direct access to the basement via centrally located lifts and stairs. Adequate storage areas have been provided for each unit and within the basement and waste rooms are conveniently located. The development has been designed to provide ease of access for all future residents and visitors to the site.
Principle 7: Safety	
Control	Town Planning Comment
Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.	The proposal is considered to be satisfactory in terms of future residential occupants overlooking communal spaces while maintaining internal privacy. Public and private spaces are clearly defined and suitable safety measures are integrated into the development. Appropriate lighting will be provided to all common areas to increase the safety of those areas, especially at night. The parking areas will be secure and separation will be provided between the resident and visitor parking compounds. The proposal provides suitable casual surveillance of the public domain.
Principle 8: Housing diversity and social interaction	
Control	Town Planning Comment
Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing	The proposal consists of a mix of dwellings which are responsive to anticipated market and demographic demands. However, it is weighted towards 2 bedroom units. The proposal will also provides a minimum of 14 adaptable units, 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. It is considered that the proposal satisfies these requirements by providing alternate housing

opportunities for social interaction among residents.	opportunities in the locality. The development will provide additional housing choice within the area in close proximity to public transport and services.
Principle 9: Aesthetics	
Control	Town Planning Comment
Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposal comprises an interesting and visually appealing built form which is in line with the desired future character of the transitioning locality. The building has been architecturally designed by a registered architect and is supported by a Design Verification Statement in accordance with the requirements of SEPP 65.