

**1 ADVISORY NOTES**

**1.1 Terminology**

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

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

**1.2 Scope of Consent**

1.2.1 Separate development consent may be required from Council prior to the use of each individual unit/the approved building(s). The applicant is advised to contact Council's Development Services Unit in this regard.

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

1.2.3 Separate approval is required prior to the fit out of each of the retail units on the ground floor. The applicant is advised to contact Council's Development Services Unit in this regard.

1.2.4 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.

1.2.5 Should it be intended to subdivide the approved development into strata title allotments, Council will require the lodgement of a separate Development Application for consideration. Council advises that any new Development Application for Strata Subdivision will not be approved until such time as the approved development has reached practical completion and issues such as visitor car parking, internal and external boundary fencing, landscaping or any other works required in accordance with this Notice of Determination and all associated Construction Certificates have been fully completed to Council's satisfaction.

**1.3 Other Approvals**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary development not approved by this consent, including:
- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
  - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
  - (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
  - (d) the erection of any advertising sign, not being "Exempt Development" within the State Environmental Planning Policy (Exempt and Complying Development) 2008, and
  - (e) the use or fit-out of any shop or commercial premises not being "Exempt Development" within the State Environmental Planning Policy (Exempt and Complying Development) 2008, and
  - (f) the installation of a vehicular footway crossing servicing the development.
  - (g) separate Council approval under the Roads Act 1993 is required for any crane used to construct this development that swings over public air space.
- 1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.3.4 The demolition or removal of the existing building(s) or structure(s) is not approved by this consent. 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.

#### 1.4 Services

- 1.4.1 The applicant is advised to consult with:

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

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

All approved building construction plans attached to the Construction Certificate

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

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

- 1.4.2 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.3 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.4.4 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

## **1.5 Tree Planting and Service Locations**

- 1.5.1 In order to facilitate street tree planting that does not impact on public utilities, the applicant is advised to liaise with the relevant service authorities regarding the location and use of their specific service allocation within the public road reserve.
- 1.5.2 The proposed street tree planting shall be reviewed in relation to the existing / proposed street lighting layout to ensure that the intended tree planting does not interfere with the street light spill. Documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting shall be submitted to Council prior to the issue of a Construction Certificate relating to the approved development.

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**1.6 Identification Survey**

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

**2 GENERAL**

**2.1 Scope of Consent**

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

<b>Drawing No.</b>	<b>Dated</b>	<b>Council's File Enclosure No.</b>
Site/ Ground Floor Plan ALD-15 1/6B	Sept 16	94A
First Floor Plan ALD-15 2/6A	Sept 16	81J
Second Floor Plan ALD-15 3/6A	Sept 16	81K
Basement Floor Plan ALD-15 4/6C	Sept 16	98C
Roof Plan ALD-15 5/6A	Sept 16	81M
Elevations/ Section ALD-15 6/6C	Nov 16	97C
Truck Swept Path Inbound ALD-15 TR 1/2	Sept 16	96D
Waste Rooms and Bin Travel Paths ALD-15WS 1/1	Sept 16	96C
Landscape Plan L-01 and L-02 Issue B	11/05/16	81O

\*Unless modified by any conditions of this consent.

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

- (a) 4 x 1 bedroom apartments
- (b) 20 x 2 bedroom apartments
- (c) 2 x 3 bedroom apartments

**2.2 Suburb Name**

- 2.2.1 The land the subject of this consent is known to be located in the following suburb.

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This suburb name shall be used for all correspondence and property transactions:

Suburb: PROSPECT

**2.3 Compliance with BASIX Certificate**

- 2.3.1 All commitments listed in the BASIX Certificate number: 657077M\_03 dated 18 May 2016 shall be complied with.

**2.4 Services**

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

**2.5 Suburb Name**

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

Suburb: Prospect

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

Suburb: Prospect

**2.6 Engineering Matters**

**2.6.1 Definitions**

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

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

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

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

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

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

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

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

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

## 2.6.2 Design and Works Specification

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

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

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

## 2.6.3 Payment of Engineering Fees

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 2.6.3.1 If it is the applicant's intention to engage Council to undertake the checking of the engineering design plans and the issue of the Construction Certificate for the engineering works nominated in the "Prior to Construction Certificate (Engineering)" section, it will be necessary to submit the relevant engineering plans to obtain a quote for this service.

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

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

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

#### **2.6.4 Other Fee and Bond/Securities**

- 2.6.4.1 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: \$140.

NOTE: This amount is valid until the 30<sup>th</sup> June 2017 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.

#### **2.7 Other Matters**

- 2.7.1 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.

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

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

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

**3.1 DA Plan Consistency**

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

**3.2 Road Deposit/Bond**

- 3.2.1 The following current fee and bond (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:

- (a) Road inspection fee of \$169.00;
- (b) Road maintenance bond of \$5000.00; and
- (c) Road maintenance bond administration fee of \$80.00

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

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

**3.3 DCP 2015**

- 3.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Development Control Plan 2015.

**3.4 Services/Utilities**

- 3.4.1 Separate documentary evidence from a recognised energy provider shall be provided stating that the requirements of that Authority have been met with regard to the nearby high voltage transmission line.

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

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

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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### 3.5 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

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

### 3.6 Other Matters

- 3.6.1 A Construction Traffic Management Plan (CTMP) must be prepared for the development by a suitably qualified person prior to the release of the Construction Certificate. The CTMP must detail construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control methods.
- 3.6.2 A dilapidation report shall be carried out for any of the potentially affected existing buildings surrounding the proposed development. A copy of the report shall be submitted to Council prior to construction commencing.

### 3.7 Acoustic Measures

- 3.7.1 The recommended acoustical treatments detailed in the Traffic, Business Zone and Noise Impact Assessment prepared by Acoustic Noise and Vibration Solutions Pty Ltd (Ref No. 2015-408) dated 29 October 2015 are to be detailed on the Construction Certificate Plans.

### 3.8 Salinity and Aggressive Soil Management

- 3.8.1 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.

### 3.9 Environmental Health

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

Internal Space	Time Period	Criteria $L_{Aeq}(\text{period})$
Living Areas	Any time	40 dB(A)

These conditions are imposed for the following reasons:

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Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 dB(A)

3.9.2 A certificate must be provided by a qualified acoustic engineer stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:

- a) does not exceed an  $L_{Aeq}$  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.
- b) cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

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

3.9.3 Any asbestos material is to be handled and treated in accordance with the WorkCover document *"Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos"* dated March 2008.

3.9.4 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.

3.9.5 All areas potentially/contaminated shall be remediated in accordance with the Remedial Action Plan prepared by SLR (Report Number 610.14727-R1) dated 30 September 2015. Upon completion of remediation an appropriately qualified geoscientist shall prepare a validation report. The validation report shall be carried out in accordance with;

- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (1997)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995).
- Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (1992).
- National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013

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

### **3.10 Street Tree Planting and CBD Pavement Treatment**

3.10.1 Prior to the issue of a Construction Certificate relating to the approved development, full detail plans in relation to the proposed street tree planting and landscaping consistent with Council's adopted Street Tree Guidelines shall be submitted to and approved by Council's Manager Civil and Park Maintenance. The Street Tree Plan shall observe the species palette identified by Council's Street Tree Guidelines for Street Trees in the CBD and will include the following:

- cross-sections showing dimensions of tree pits
- minimum of 100 litre containers or a species to be nominated by Council
- details of root protection barriers
- soil specifications
- location of tree pits in relation to any awning within the street setback, services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

These shall be submitted to Council for the approval of Council's Manager Civil and Park Maintenance. NOTE: Any tree planting to be undertaken as part of the approved development shall be available to Council for inclusion in future carbon sequestration programs.

3.10.2 Prior to the issue of any Construction Certificate, the person having the benefit of the development consent is to enter into an arrangement satisfactory to the Council for the planting and maintenance of tree(s) along the frontage of the development site for the purposes of improving the amenity of the streetscape. The Applicant is to undertake the planting and maintenance of street tree/s at no cost to Council and obtain any necessary clearances from relevant Service Authorities.

The Applicant is to lodge a tree bond of \$250.00 per tree with Council to ensure the health and vigour of the tree/s. This bond shall be returned six (6) months after the completion of the development (i.e. issue of the final Occupation Certificate) if the trees are in a state of good health and vigour to Council's satisfaction.

3.10.3 Prior to the issue of a Construction Certificate relating to the approved development, full detail plans in relation to the pavement treatment along the Aldgate Street pavement shall be submitted to and approved by Council's Manager Civil Maintenance. This shall be at the full cost of the Applicant.

### **3.11 Adaptable Housing Units**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 3.11.1 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.

**3.12 Awnings**

- 3.12.1 Details of the proposed awnings over Council's road reserve, including colour samples of the materials / finishes from brochures or the like are to be submitted for the separate approval of Council's Maintenance Engineers. The height and width of the proposed footpath awning is to comply with the following requirements:

- (a) The general provisions applicable to awnings under the Local Approvals Policy 2015 Parts A, E, E1 and E2.
- (b) It must not cover, obstruct or interfere with facilities essential to the function or occupation of any building (e.g. ventilation ducts/openings and architectural features).
- (c) Must have a minimum horizontal distance of 600mm from the road kerb/shoulder.
- (d) Must have a minimum height of 3.2 m to the underside of the awning (i.e. measured above the adjacent finished / proposed footway level).
- (e) Must have a maximum height of 5 m to the upper side of the awning (excluding the overhead support components).

- 3.12.2 Under awning lighting is to be provided to enhance pedestrian amenity and safety.

- 3.12.3 Certification is to be provided by a NPER engineer as to the structural integrity of the awning and compliance with the BCA and other relevant standards.

**3.13 Endeavour Energy**

- 3.13.1 The conditions of Endeavour Energy letter dated 14 October 2015 and signed by the applicant are to be met.

**3.13.2 Network Capacity / Connection**

The applicant for the development of the site will need to submit an application for connection of load for the additional buildings via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount or indoor / chamber substations will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please find attached for the applicant's reference is a copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm.

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### 3.13.3 Earthing

The construction of any building or structure (including fencing) that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with AS/NZS 3000:2007 'Electrical installations' to ensure that there is adequate connection to the earth. Inadequate connection to the earth places persons and the electricity network at risk.

### 3.13.4 Noise

The electricity network is operational 24/7/365 ie. all day, every day of the year. Overhead power lines can produce an audible sound or buzz as a side effect of carrying electricity. The sound can be louder if there is increased moisture (during rain, fog, frost etc.) or pollutants in the air. The sound usually occurs at the poles at the insulators supporting the power lines. The transformer in substations may emit a hum – especially when under heavy load say in the summer peak when use of air conditioning is at its highest. These sounds are generally not an issue in non-urban / non-residential areas but with increasing density and building heights Endeavour Energy believes it is worth considering. Where development is proposed in the vicinity of electricity infrastructure, Endeavour Energy is not responsible for any acoustic / noise amelioration measures for such noise that may impact on the nearby proposed development.

The 'Acoustic Report for Lot. 102, Aldgate St, Prospect Reference No.: 2015-408' makes reference in section 3.2 to Clause 102 of the State Environmental Planning Policy – (Infrastructure) 2007 – 'Impact of Road Noise or Vibration on Non-road Development'. Whilst the Policy does not make reference to noise or vibration in relation to electricity transmission or distribution networks, for the purposes of a building for residential use, the same guidance LAeq levels are not exceeded in relation to any electrical infrastructure.

### 3.13.5 Electric and Magnetic Fields (EMF)

Endeavour Energy recognises that a causal link between power-line EMF exposure and demonstrated health effects has not been established, even after much scientific investigation throughout the world. There are no state or federal exposure standards for 50/60- hertz (Hz) EMF based on demonstrated health effects. Nor are there any such standards world-wide. Among those international agencies that provide guidelines for acceptable EMF exposure to the general public, the International Commission on Non-Ionizing Radiation Protection established a level of 1000 milligauss (mG). Endeavour Energy recognises that timely additional research is unlikely to prove the safety of power-line EMF to the satisfaction of all.

Endeavour Energy is committed to ensuring that its activities and assets conform to all relevant International and Australian Standards, National Health and Medical Research Council (NH&MRC) Standards, Energy Networks Association (ENA) Standards and NSW legislation. This includes a commitment to a policy of prudent avoidance as endorsed by the ENA with regard to the location of assets and electric

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and magnetic fields. Please find attached a copy of ENA's 'Electric & Magnetic Fields – What We Know, January 2014' which can also be accessed via the ENA's website at <http://www.ena.asn.au/>.

### 3.13.6 Public Safety

The development will involve work on or near electricity infrastructure, workers run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

### 3.14 Intersection treatment of Aldgate Street and Blacktown Road

- 3.14.1 Prior to the release of any Construction Certificate on the site, the developer is to obtain approval for the design of a right-turn seagull bay at the intersection of Aldgate Street and Blacktown Road from the Local Traffic Committee.

The design and construction of the seagull bay is to be at full cost of the applicant/ developer.

### 3.15 Waste management

- 3.15.1 Roads and driveways for the path of travel of trucks servicing the development must be rated for at least 24 tonne trucks.
- 3.15.2 The applicant must demonstrate that the residential waste room can accommodate all required bins for the site without stacking them in tandem fashion (i.e. all 1100L bulk waste bins and all 240L recycling bins) as residents will be accessing this room. The design of the residential waste room is to be endorsed by Council's Waste Services Section prior to the release of a Construction Certificate.
- 3.15.3 The development is to be designed so that waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.

## 4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

### 4.1 Necessary plan amendments

- 4.1.1 The following amendments are to be made to the plans prior to the release of a construction certificate:

- (a) The terraces for the residential units U2, U3 and U4 on the first floor must not extend to more than 2 metres from the eastern boundary. The 2 metres wide

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section between these terraces and the eastern boundary must be utilized for two parallel planter boxes, each 1 metre wide, to a point 10 metres from the northern property boundary. The eastern planter box along the property boundary must be 0.6m deep. The planter box adjacent to the terrace must be 1.2 metres deep. A solid barrier to a height of 2 metres above the level of the terrace must be erected on the wall between the two planter boxes, parallel to and 1 metre distant from the boundary. The 2 metres high barrier must not extend to the north beyond a point 10 metres from the northern property boundary. From a point 10 metres from the northern property boundary there must be only be one planter box with a width on 2 metres. The planter boxes must be densely vegetated.

- (b) Ground level areas identified as 'common open space' must be available at all times for the exclusive use of residents for open space and recreation purposes. This space constitutes part of the common property. As such the common open space to the west of Shop 7 must not be used by or in conjunction with any of the occupants of the shops on the ground floor.
- (c) The size of the courtyards for apartments U2 and U14 must be increased by incorporating into each courtyard the respective adjacent areas nominated as common open space that are unsuitable for that purpose. The planter box along the northern edge of the courtyard for U2 must be moved 2.6 metres to the north so that the planter box forms part of the balustrade for the courtyard. The northern courtyard wall for U14 must be removed, and the eastern courtyard wall projected northwards to include a gate from the common open space into the enlarged courtyard. A 1 metre wide planter box must be incorporated along the western side of the courtyard for U14.
- (d) The section of the building immediately to the south of Shops 6 and 7 must be redesigned to create a prominent entrance and foyer for the residences within the building. The entrance to the building must be visible within the western façade of the building. The foyer must have access from the on ground car parking area by way of a ramp that satisfies AS1428.
- (e) An acoustic barrier must be constructed parallel to the western boundary of the site at a distance of not less than 100 mm from that boundary. The acoustic barrier must have a height of 2.1 metres and be constructed of lapped and capped hardwood timber.

#### **4.2 Section 94 Contributions**

- 4.2.1 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 Subdivision Certificate.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF

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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	Relevant CP
i. Stormwater Quality	\$38,532	19
ii. Traffic Management – Medium to High Density	\$32,276	19
iii. Traffic Management – All residential development	\$45,158	19
iv. Open Space – Medium to High Density	\$156,152	19
v. Open Space – All residential development	\$43,257	19
vi. Community Facilities	\$11,313	19

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

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

S.94 CP No. 19 – Blacktown Growth Precinct

The Section 94 Contributions have been based on the potential additional population nominated below. Should the final plan of survey indicate any change to the potential additional population, the Section 94 Contributions will be adjusted accordingly.

Additional Population: 46.2 persons  
Developable area: 0.4477 hectares

#### 4.3 **Aesthetics/Landscaping**

- 4.3.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.
- 4.3.2 All landscaping must be in accordance with the landscape details approved by condition 2.1.1 of this development consent.
- 4.3.3 All common open space areas are to be appropriately illuminated by the use of suitable outdoor lighting or the like, to provide for the safety of residents at night. Details of all outdoor lighting are to be identified on the Construction Certificate plans. Note: If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining residential properties/units are to be protected.
- 4.3.4 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.

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**4.4 Access/Parking**

- 4.4.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.

The loading facility must be designed so that trucks do not interfere with resident's vehicles during loading/unloading operations.

- 4.4.2 The layout of the car parking areas (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking dimensions) should be in accordance with AS2890.1-2004 and AS2890.6-2009.
- 4.4.3 A total of 78 parking spaces are to be provided on site, being 41 commercial car parking spaces, 26 residential car parking spaces and 11 resident visitor car parking spaces. Suitable bicycle parking must also be provided as indicated on the approved plans.
- 4.4.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009.

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

**5.1 Building Code of Australia Compliance**

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

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

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

- (a) Part C 3.2 Protections of openings within 3 metres of an Fire Source Feature

**5.2 Site Works and Drainage**

- 5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local

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Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.

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

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

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

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

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

Such details shall accompany the Construction Certificate.

### 5.3 **Fire Services**

5.3.1 Where any external on-site fire hydrant or hydrant booster assembly is to be located within any building setback from a boundary, the hydrant or booster assembly shall be located or protected in accordance with the requirements of AS 2419.1.

5.3.2 Where any external on-site water storage tank is required by AS 2118.1 or AS 2419.1, details of the location and type of any proposed tank are to be submitted to and approved by Council prior to the issue of the relevant Construction Certificate.

### 5.4 **Internal Works**

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

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Complying Development Codes) 2008.

## 5.5 **BASIX Certificate Compliance**

The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 657077M\_03 dated 18 May 2016.

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

### 6.1 **Compliance with Conditions**

6.1.1 All conditions in the "Prior to Construction Certificate (Engineering)" Section and the relevant conditions in the "General" Section of this consent, must be complied with prior to the issue of any Construction certificates.

6.1.2 All fees for Construction and Compliance Certificates, Roads Act 1993 and Local government Act 1993 approvals must be paid to Council prior to the issue of any of the above certificates or approvals.

### 6.2 **Drainage**

6.2.1 Where drainage involves the provision of drains across land owned by others evidence of the creation of necessary easements must be submitted to Council for concurrence prior to the issue of a Construction Certificate for engineering works.

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

### 6.3 **Erosion and Sediment Control**

6.3.1 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.

### 6.4 **On-Site Detention**

6.4.1 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.

6.4.2 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.

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- 6.4.3 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.
- 6.4.4 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.)

## 6.5 **Asset Management**

- 6.5.1 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.

## 6.6 **Scope of Engineering Works**

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

### 6.6.1 **Road and Drainage works**

- 6.6.1.1 Redundant gutter and/or footway crossing(s) must be replaced with integral kerb and gutter. The footway area must be restored by turfing.
- 6.6.1.2 Inter-allotment drainage must be provided where any part of any lot does not drain to a public road. The inter-allotment drainage design must include the disposal of stormwater from upstream properties. Where inter-allotment drainage

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pipelines have already been constructed stormwater slope junction connection points are to be provided to serve the proposed lots. (For infill residue lots subdivision ONLY)

- 6.6.1.3 Overland flows up to the 1% A.E.P. (100 year Average Recurrence Interval) event must be intercepted at the boundary of the site and conveyed through the site in a piped or channelled discharge system and discharged in a satisfactory manner.
- 6.6.1.4 Drainage from the site must be connected into Council's existing drainage system.
- 6.6.1.5 Any drainage currently entering the site is to be collected and conveyed in an approved manner to the nearest appropriate point of discharge.

**6.6.2 On Site Stormwater Detention System**

**6.6.2.1 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.

Nominated Minimum Storage: 470 cu.m/ha

Nominated Maximum Discharge: 80 L/s/ha

(B) Council acknowledges the submission of On-site Stormwater Detention concept plan reference No 2015408 by ANAcivil PTY. LTD dated 12.08.16(Council file DA-15-02411). The Construction Certificate issued in this regard must be generally in accordance with this concept plan.

(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.

### 6.6.3 **Vehicular Crossings**

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

Nominated Lot(s):                      Minimum 4.0 metres x 2 (Aldgate), Prospect.

### 6.6.4 **Footpaths**

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

## 7 **PRIOR TO DEVELOPMENT WORKS**

### 7.1 **Safety/Health/Amenity**

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

Each toilet provided shall be:

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

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

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

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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.

**7.1.3 Should the development work:**

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

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

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

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

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

**7.1.5 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.**

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

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

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

- (a) shall be preserved and protected from damage, and

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

## **7.2 Notification to Council**

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

7.2.2 At least five (5) full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$10,000,000.

## **7.3 Tree Protection**

7.3.1 Any tree not approved for removal or more than 3m from the building perimeter is to be effectively protected against damage.

## **7.4 Home Building Act**

7.4.1 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.

## **7.5 Sydney Water Authorisation**

7.5.1 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

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requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

OR

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

#### **7.6 Roads and Traffic Authority**

- 7.6.1 Written evidence shall be obtained from the Roads & Traffic Authority indicating compliance with its requirements, including the payment of any necessary works supervision fees. A copy of such approval shall be lodged with Council.

#### **7.7 Adjoining Owners**

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

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

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

#### **7.8 Construction Details**

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

##### Nominated Component

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

#### **7.9 Other Necessary Approvals**

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- 7.9.1 Prior to any earthworks or removal of topsoil being undertaken on the site, it will be necessary for the applicant to contact the Western Sydney Aboriginal Stakeholder Groups to arrange for the initial earthworks to be monitored for the presence of any archaeological artefacts.

A minimum of 14 days notice shall be given to the group which is engaged to carry out the monitoring.

Upon completion of the monitoring process, written evidence shall be submitted by the applicant to Council, from the group concerned, documenting the inspection and their findings. This is to be done prior to any further construction works commencing.

#### **7.10 Other Matters**

- 7.10.1 Any temporary structure (such as a stage, tent or Marquee for entertainment purposes, or the like) not complying with the provisions of the Exempt Activity Table of Council's current Local Approvals Policy and the provisions of State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) shall be subject to a separate Development Application for the proposal.

#### **7.11 Use of Crane**

- 7.11.1 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.
- 7.11.2 The crane used must be provided with a light in accordance with the requirements of the Civil Aviation Authority (CASA) requirement. This may require a separate approval from CASA.

### **8 DURING CONSTRUCTION (BUILDING)**

#### **8.1 Safety/Health/Amenity**

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

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(e) stating that unauthorised entry to the work site is prohibited.

**8.1.3 Should the development work:**

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

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

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

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

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

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

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

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

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

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

**8.2 Building Code of Australia Compliance**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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8.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

**8.3 Surveys**

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

8.3.2 A registered surveyor's report indicating that the required minimum Australian Height Datum floor level has been achieved, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

**8.4 Nuisance Control**

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

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

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

**8.5 Waste Control**

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

**8.6 Construction Inspections**

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

(a) After excavation for, and prior to placement of, any footings; and

(b) Prior to pouring any in-situ reinforced concrete building element; and

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

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

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(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.

## **8.7 Site Contamination**

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

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

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

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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.

8.8 During the course of works to be undertaken on site, the following conditions shall be complied with at all times:

- (a) All truck movements should be by truck or by "truck and dog trailer" not exceeding a length of 19m. No B-Doubles will be permitted to transport fill material on Blacktown City Council roads.
- (b) All truck movements in the Blacktown LGA must be on designated heavy vehicle roads, as listed in the RTA's road register (see the RTA's website for regular updates) and as agreed to by Council.

**8.9 Aboriginal Archaeology**

8.9.1 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.

**8.10 Salinity and Aggressive Soil Management**

8.10.1 All salinity management measures provided in the Geotechnical and Salinity Assessment Report required by condition 5.9.1 of this consent shall be implemented during construction.

**9 DURING CONSTRUCTION (ENGINEERING)**

**9.1 Notice of work Commencement**

9.1.1 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.

9.1.2 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.

**9.2 Service Authority Approvals**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 9.2.1 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.

**9.3 Compaction Requirements**

- 9.3.1 Land shall be filled where necessary. All fill including existing fill shall be compacted in accordance with the Council's "Works Specification - Civil (current version)". A compaction certificate shall be obtained from a Registered Engineer (NPER) verifying that the correct compaction requirements have been met.
- 9.3.2 Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with the current version of Council's "Works Specification - Civil".

**9.4 Maintenance of Soil Erosion Measures**

- 9.4.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.
- 9.4.2 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.
- 9.4.3 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.

**9.5 Filling of Land & Compaction**

- 9.5.1 Land shall be filled where necessary. All fill including existing fill must be compacted in accordance with the Council's "Works Specification - Civil (Current Version)". A compaction certificate is to be obtained from a practising Civil Engineer verifying that the correct compaction requirements have been met.
- 9.5.2 Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with Councils "Works Specification - Civil (Current Version)".
- 9.5.3 Regular wetting down of the site must be undertaken during the course of works being carried out in order to control wind blown dust from the site.
- 9.5.4 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.
- 9.5.5 Trucks transporting fill must have their loads covered.

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- 9.5.6 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.
- 9.5.7 Site filling and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 9.5.8 Provisions of "Shaker Pads" and wash-down areas for trucks leaving the site details are to be shown on plans.
- 9.5.9 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.
- 9.5.10 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.
- 9.5.11 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.
- 9.5.12 Only clean fill shall be deposited on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site.

## **9.6 Inspections of Works**

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

(i) Soil Erosion and Sediment Control

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

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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(ii) Traffic Control

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

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

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

(iv) Provision of Street Furniture

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

(v) Footpath Works

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

(vi) Construction of on-site detention system

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

(ix) Traffic Control

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

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

(a) All road drainage

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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(xi) Final overall Inspections

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

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

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

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

**9.7 Public Safety**

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

**9.8 Site Security**

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

**9.9 Traffic Control Plan**

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

**10 PRIOR TO OCCUPATION CERTIFICATE**

**10.1 Road Damage**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 10.1.1 The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant/developer.

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

## **10.2 Compliance with Conditions**

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

## **10.3 Service Authorities**

- 10.3.1 A final written clearance shall be obtained from Sydney Water Corporation, 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.
- 10.3.2 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 Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.

## **10.4 Engineering Matters**

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

- 10.4.1.1 A Work-As-Executed plan (to a standard suitable for scanning) signed by a Chartered Professional Engineer or a Registered Surveyor must be lodged with

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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 Work-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 the Upper Parramatta River Catchment Trust or Council.

10.4.1.2 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.

10.4.1.3 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.

**10.4.2 Easements/Restrictions/Positive Covenants**

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

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

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

10.4.2.2 Restrictions and positive covenants must be provided over the on-site detention storage areas and outlet works.

10.4.2.3 Restrictions and/ or positive covenant must be provided over the overland flow-path.

**10.5 Temporary Facilities Removal**

10.5.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.

10.5.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.

10.5.3 Any temporary soil erosion control measure installed during development works

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shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.

- 10.5.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 10.5.5 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.

**10.6 Fire Safety Certificate**

- 10.6.1 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).
- 10.6.2 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).

**10.7 External Finishes**

- 10.7.1 The development approved by Council is to be constructed in accordance with the approved schedule of materials, finishes and colours. All landscaping, fencing, retaining walls and driveways are to be provided in accordance with the approved plans, and the details submitted and approved as part of the Construction Certificate.

**10.8 Landscaping**

- 10.8.1 All landscaping and common open space areas 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.
- 10.8.2 All common open space areas and internal driveways shall be appropriately illuminated by the use of suitable outdoor lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night. The loading dock area and car parking areas must also be provided with sufficient lighting to enhance the safety of users.

**10.9 Car Parking**

- 10.9.1 Off-street commercial, resident and resident visitor car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its

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availability for residents and their visitors.

- 10.9.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 10.9.3 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.6. - 2009
- 10.9.4 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 78 car parking spaces are to be provided on site.
- 10.9.5 Car parking throughout the development is to be line-marked to identify its intended purpose for residential, residential visitor or commercial car parking. In this regard, the basement car parking is only to be designated for residential, residential visitor and commercial tenants car parking. At-grade car parking is to be used for commercial visitor car parking. No commercial visitor car parking is to be provided in the basement.
- 10.9.6 Access to the basement is to be secured by a key-accessed roller door or similar to secure the car park and to ensure its use for the intended purposes.
- 10.9.7 The car parking allocation is to be incorporated into a Parking Management Strategy which will also include the following responsibilities for the Managing Agent/future Body Corporate:
  - (a) Measures to ensure a clear segregation between the commercial, residential and non-residential parking spaces is maintained at all times.
- 10.9.8 Bicycle racks are to be provided on site.
- 10.9.9 On-site waste collection areas, loading areas and manoeuvrability paths are to be suitably line-marked and sign-posted to ensure areas are kept clear of obstructions that may prohibit their future use.

#### **10.10 Ancillary Work**

- 10.10.1 Each dwelling unit is to be provided with a mechanical drying appliance within the unit.
- 10.10.2 Mail boxes are to be provided on site in accordance with the requirements of Australia Post.
- 10.10.3 The awning must be constructed in accordance with the those details submitted as part of the Construction Certificate. The height and width of the awning must comply with the requirements of Council's Maintenance Section.
- 10.10.4 Plumbing services are to be provided to the commercial tenancy to enable the

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

Kerry Robinson  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council

installation of a potential kitchen.

#### 10.11 Street Tree Planting

- 10.11.1 Prior to the issue of any Occupation Certificate, all required street tree planting and payments of bonds are to be completed to Council's Manager Civil and Park Maintenance satisfaction.

#### 10.12 Pavement Treatment and Awnings

- 10.12.1 Prior to the issue of any Occupation Certificate, the pavement treatment along the Aldgate Street frontage are to be completed to Council's Manager Civil and Park Maintenance satisfaction.

- 10.12.2 The awnings must be constructed in accordance with the details submitted as part of the Construction Certificate. The height and width of the awning must comply with the requirements of Council's Civil and Park Maintenance section.

#### 10.13 Other Matters

- 10.13.1 All commitments listed in the BASIX Certificate number: 657077M\_03 dated 18 May 2016 shall be complied with prior to the issue of an Occupation Certificate for the development.

- 10.13.2 All fencing, landscaping, clotheslines, hot water systems, TV antennae, mailboxes, driveways and the common open space area are to be completed in accordance with the approved plans and conditions of this consent to Council's satisfaction prior to the release of the Occupation Certificate.

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

- 10.13.4 Directional signage is to be provided opposite the entry of the car park, indicating the loading bay and garbage collection to the left and the car park to the right.

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

- 10.14.1 No occupation certification must be issued unless all design verifications have been provided in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000, a certifying authority must not issue 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](#)

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Kerry Robinson  
GENERAL MANAGER

Per \_\_\_\_\_  
Blacktown City Council

Development.

**10.15 Graffiti Management Plan**

10.15.1 A “Graffiti Management Plan” is to be submitted for the separate approval of Council’s Manager, Development Services. The plan is to address the following issues:

- (a) Methods to minimise the potential for graffiti;
- (b) Management/notification procedures for the “early” removal of graffiti;
- (c) Annual review of any “management agreement” for the removal of graffiti to ensure the property is maintained at its optimum level; and
- (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

10.15.2 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.

**10.16 Intersection treatment of Aldgate Street and Blacktown Road**

10.16.1 Prior to the release of any Occupation Certificate on the site, the right-turn seagull bay at the intersection of Aldgate Street and Blacktown Road approved by the Local Traffic Committee to satisfy condition 3.14.1 of this consent must be constructed and operational to the satisfaction of Council’s Manager Transport and Access.

The design and construction of the seagull bay is to be at full cost of the applicant/developer.

**10.17 Acoustic validation**

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

**10.18 Lighting**

10.18.1 All lighting is to comply with relevant Australian Standards, including Australian Standard 4282 to ensure no spillage of light affecting the amenity of adjoining residential properties.

**10.19 Waste Management**

10.19.1 Prior to the release of an Occupation Certificate, the strata manager is to sign the

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**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council

'Agreement for Onsite Waste Collection' form and submit it to Council for their records.

10.19.2 Any future Strata Management Agreement should indicate:

- requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan.
- responsibility for maintenance of the waste system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times.
- the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.

## **11 OPERATIONAL (PLANNING)**

### **11.1 Graffiti Removal**

11.1.1 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.

### **11.2 Access/Parking**

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

11.2.2 All loading and unloading operations shall take place at all times wholly within the confines of the land. All vehicles must enter and exit the site in a forward direction at all times.

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

### **11.3 General**

11.3.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.

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

11.3.3 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.

11.3.4 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment

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Per \_\_\_\_\_  
Blacktown City Council

Operations Act 1997.

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

**11.4 Landscaping**

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

- 11.4.2 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.

- 11.4.3 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.

**11.5 Use of Premises**

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

**11.6 Waste Management**

- 11.6.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.

- 11.6.2 All waste generated on site must be disposed of in accordance with the approved Waste Management Plan.

- 11.6.3 The Owners Corporation will be responsible for ensuring that clear access is provided to Council collection trucks entering the property.

**11.7 Emergency Procedures**

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

**11.8 Clothes Drying**

- 11.8.1 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).

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Per \_\_\_\_\_  
Blacktown City Council

**11.9 Awnings**

11.9.1 The integrity of the awning must be checked by a NPER engineer engaged by the body corporate every 5 years to ensure compliance in line with the BCA and other relevant standards. A certificate of compliance is to be forwarded to Council's Civil and Park Maintenance Section for its records every 5 years.

11.9.2 No hanging is permitted under the awning which may affect the minimum clearance height of 2.4m.

11.9.3 The property owner is responsible for the maintenance of the awnings at all times.

**11.10 Hours of Operation**

11.10.1 The ground floor retail premises are approved for the following hours of operation:

Monday to Sunday: 9 am to 5 pm.

Any operation outside of these hours will require the separate approval of Council.

**12 OPERATIONAL (ENVIRONMENTAL HEALTH)**

**12.1 Environmental Management**

12.1.1 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.

12.1.2 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.

12.1.3 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.

12.1.4 To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10pm and 7am.

12.1.5 All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

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Per \_\_\_\_\_  
Blacktown City Council

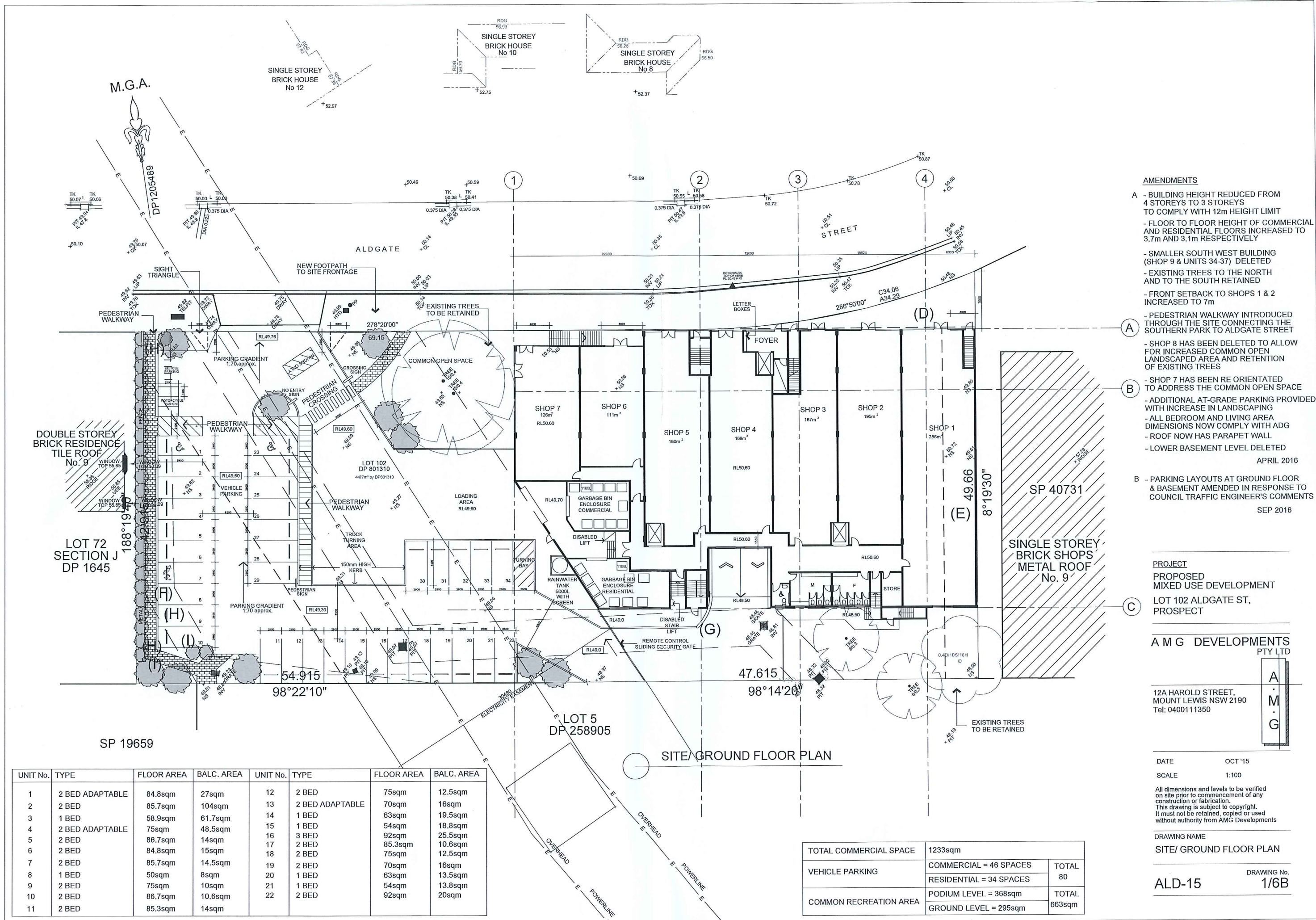
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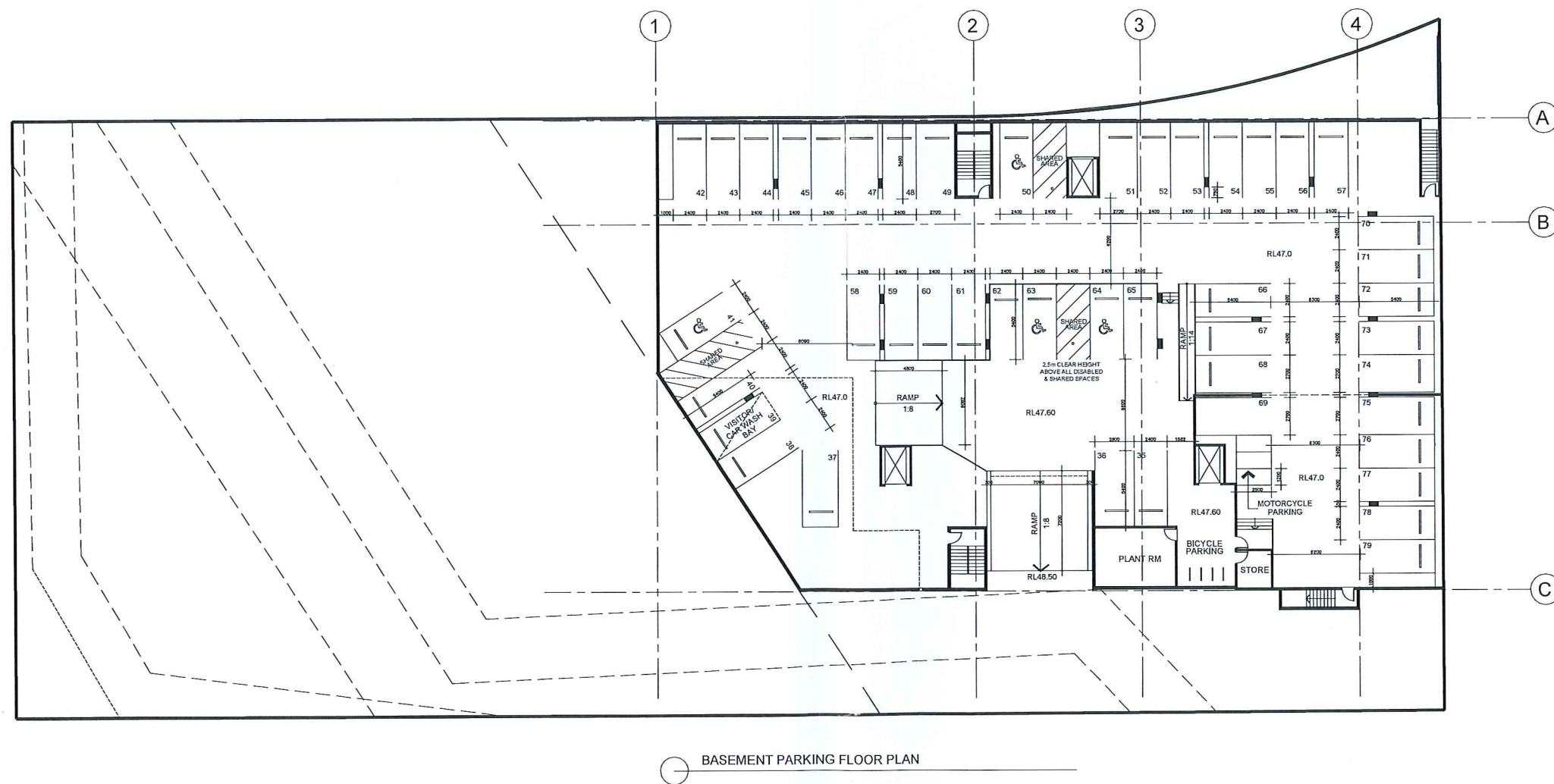
Kerry Robinson  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council









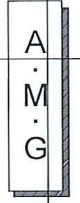
BASEMENT PARKING FLOOR PLAN

- AMENDMENTS**
- BUILDING HEIGHT REDUCED FROM 4 STOREYS TO 3 STOREYS TO COMPLY WITH 12m HEIGHT LIMIT
  - FLOOR TO FLOOR HEIGHT OF COMMERCIAL AND RESIDENTIAL FLOORS INCREASED TO 3.7m AND 3.1m RESPECTIVELY
  - SMALLER SOUTH WEST BUILDING (SHOP 9 & UNITS 34-37) DELETED
  - EXISTING TREES TO THE NORTH AND TO THE SOUTH RETAINED
  - FRONT SETBACK TO SHOPS 1 & 2 INCREASED TO 7m
  - PEDESTRIAN WALKWAY INTRODUCED THROUGH THE SITE CONNECTING THE SOUTHERN PARK TO ALDGATE STREET
  - SHOP 8 HAS BEEN DELETED TO ALLOW FOR INCREASED COMMON OPEN LANDSCAPED AREA AND RETENTION OF EXISTING TREES
  - SHOP 7 HAS BEEN RE ORIENTATED TO ADDRESS THE COMMON OPEN SPACE WITH INCREASE IN LANDSCAPING
  - ALL BEDROOM AND LIVING AREA DIMENSIONS NOW COMPLY WITH ADG
  - ROOF NOW HAS PARAPET WALL
  - LOWER BASEMENT LEVEL DELETED
- APRIL 2016
- B - PARKING LAYOUTS AT GROUND FLOOR & BASEMENT AMENDED IN RESPONSE TO COUNCIL TRAFFIC ENGINEER'S COMMENTS
- SEP 2016

**PROJECT**  
 PROPOSED  
 MIXED USE DEVELOPMENT  
 LOT 102 ALDGATE ST,  
 PROSPECT

**AMG DEVELOPMENTS**  
 PTY LTD

12A HAROLD STREET,  
 MOUNT LEWIS NSW 2190  
 Tel: 0400111350



DATE OCT '15  
 SCALE 1:100

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DRAWING NAME  
 BASEMENT PARKING  
 FLOOR PLAN

ALD-15 DRAWING No. 4/6B







LOT 72  
SECTION J  
DP 1645

DOUBLE STOREY  
BRICK RESIDENCE  
TILE ROOF  
No. 9

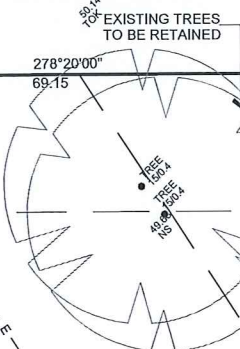
SINGLE STOREY  
BRICK HOUSE  
No 12

SINGLE STOREY  
BRICK HOUSE  
No 10

SINGLE STOREY  
BRICK HOUSE  
No 8

ALD GATE

STREET



LOT 102  
DP 801310  
4477m<sup>2</sup> by DP801310

SINGLE STOREY  
BRICK SHOPS  
METAL ROOF  
No. 9

LOT 5  
DP 258905

FIRST FLOOR PLAN

#### AMENDMENTS

- BUILDING HEIGHT REDUCED FROM 4 STOREYS TO 3 STOREYS TO COMPLY WITH 12m HEIGHT LIMIT
- FLOOR TO FLOOR HEIGHT OF COMMERCIAL AND RESIDENTIAL FLOORS INCREASED TO 3.7m AND 3.1m RESPECTIVELY
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- ADDITIONAL AT-GRADE PARKING PROVIDED WITH INCREASE IN LANDSCAPING
- ALL BEDROOM AND LIVING AREA DIMENSIONS NOW COMPLY WITH ADG
- ROOF NOW HAS PARAPET WALL
- LOWER BASEMENT LEVEL DELETED

APRIL 2016

#### PROJECT

PROPOSED  
MIXED USE DEVELOPMENT  
LOT 102 ALD GATE ST,  
PROSPECT

A M G DEVELOPMENTS  
PTY LTD

12A HAROLD STREET,  
MOUNT LEWIS NSW 2190  
Tel: 0400111350

DATE OCT '15  
SCALE 1:100

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DRAWING NAME  
FIRST FLOOR PLAN

ALD-15  
DRAWING No. 2/6A

**Energy Rating**

Certificate Number 15250043

☐ single-dwelling rating

☒ multi-unit development (attach listing of ratings)  
If selected, data specified is the average across the entire development

heating 17.7 MJ/m<sup>2</sup>

cooling 23.21 MJ/m<sup>2</sup>

Recessed downlights confirmation: ☐ Rated with ☒ Rated without

Assessor Name/Number Roy Mock VIC/BD4V13/1525

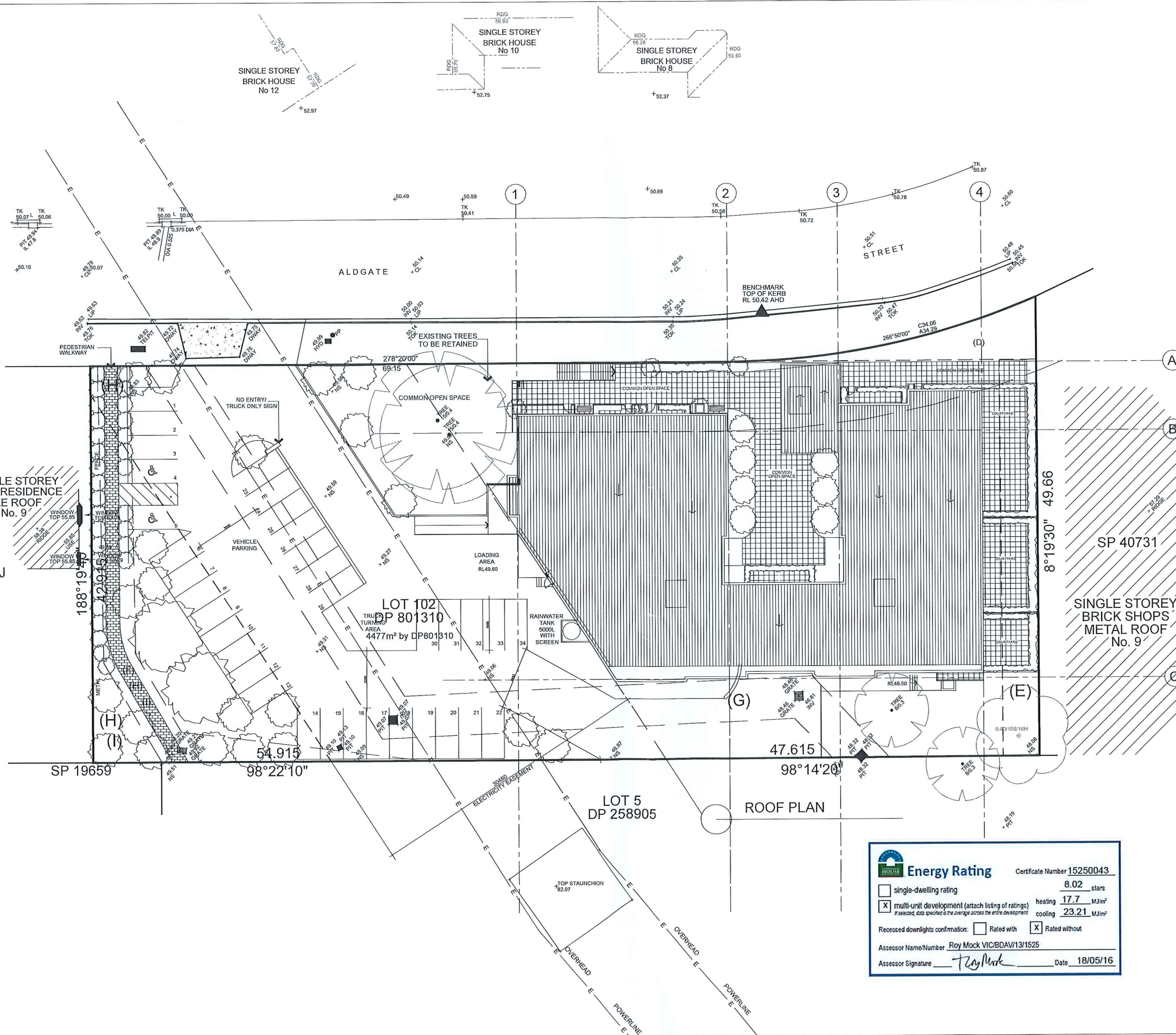
Assessor Signature *Roy Mock* Date 18/05/16



M.G.A.



LOT 72  
SECTION J  
DP 1645



- AMENDMENTS**
- BUILDING HEIGHT REDUCED FROM 4 STOREYS TO 3 STOREYS TO COMPLY WITH 12m HEIGHT LIMIT
  - FLOOR TO FLOOR HEIGHT OF COMMERCIAL AND RESIDENTIAL FLOORS INCREASED TO 3.7m AND 3.1m RESPECTIVELY
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- APRIL 2016

**PROJECT**  
PROPOSED  
MIXED USE DEVELOPMENT  
LOT 102 ALDGATE ST,  
PROSPECT

**A M G DEVELOPMENTS**  
PTY LTD

12A HAROLD STREET,  
MOUNT LEWIS NSW 2190  
Tel: 0400111350

DATE OCT '15  
SCALE 1:200

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DRAWING NAME  
ROOF PLAN

ALD-15  
DRAWING No. 5/6A

**Energy Rating** Certificate Number 15250043

☐ single-dwelling rating

☒ multi-unit development (attach listing of ratings)

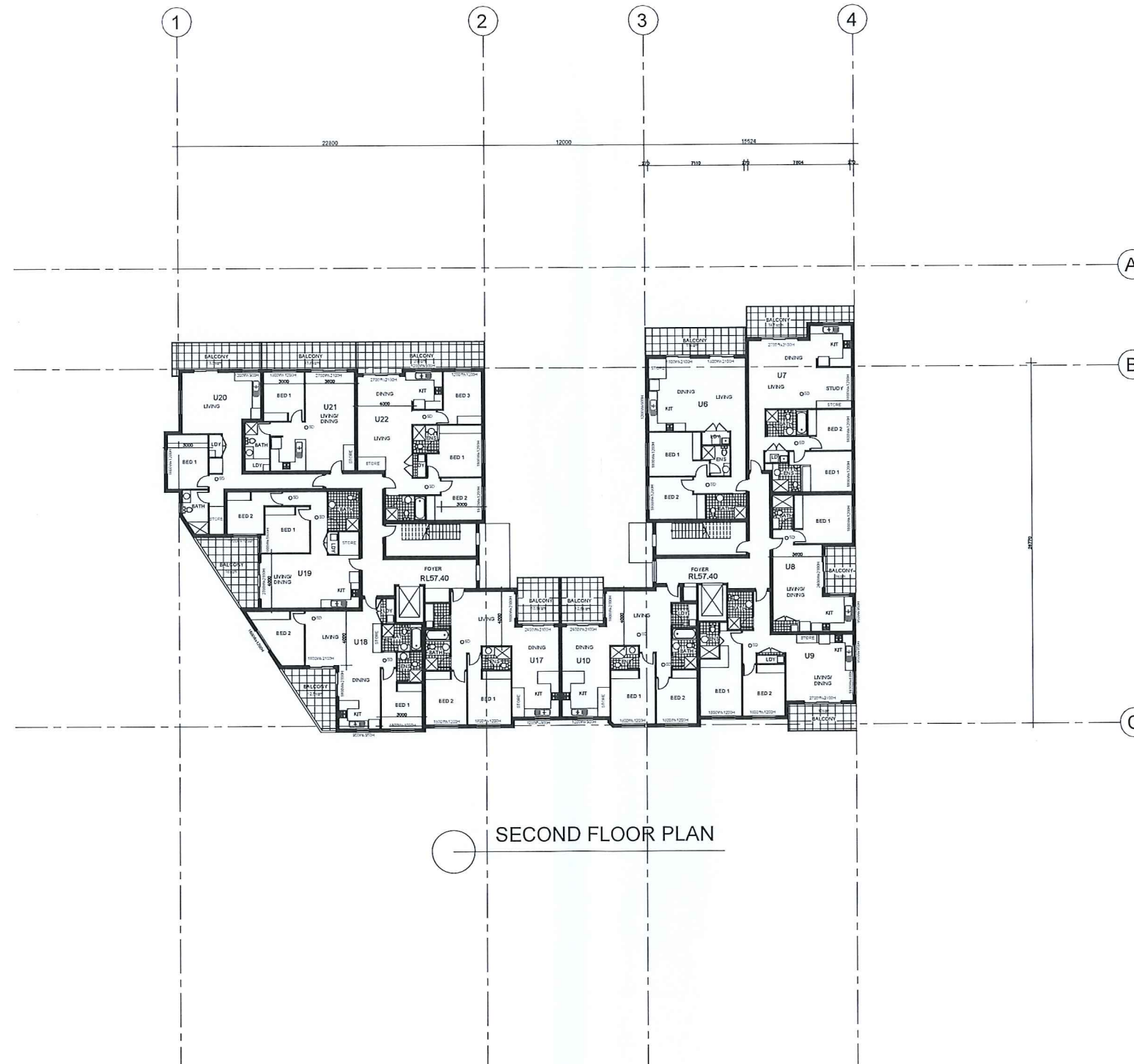
heating 8.02 stars  
cooling 17.7 MJ/m²  
cooling 23.21 MJ/m²

Recessed downlights confirmation: ☐ Rated with ☒ Rated without

Assessor Name/Number Roy Mock VIC/BDV13/1525

Assessor Signature *Taylork* Date 18/05/16





SECOND FLOOR PLAN

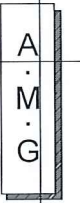
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APRIL 2016

**PROJECT**  
**PROPOSED**  
**MIXED USE DEVELOPMENT**  
 LOT 102 ALDGATE ST,  
 PROSPECT

**A M G DEVELOPMENTS**  
 PTY LTD

12A HAROLD STREET,  
 MOUNT LEWIS NSW 2190  
 Tel: 0400111350



DATE OCT '15  
 SCALE 1:100

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DRAWING NAME  
 SECOND FLOOR PLAN

ALD-15  
 DRAWING No. 3/6A

<b>Energy Rating</b>		Certificate Number <b>15250043</b>
<input type="checkbox"/> single-dwelling rating	<b>8.02</b> stars	
<input checked="" type="checkbox"/> multi-unit development (attach listing of ratings) <small>If selected, data specified is the average across the entire development</small>	heating <b>17.7</b> MJ/m <sup>2</sup> cooling <b>23.21</b> MJ/m <sup>2</sup>	
Recessed downlights confirmation: <input type="checkbox"/> Rated with <input checked="" type="checkbox"/> Rated without		
Assessor Name/Number <b>Roy Mock VIC/BD4V13/1525</b>		
Assessor Signature <i>[Signature]</i> Date <b>18/05/16</b>		





fencing:  
For all fencing types and materials refer to the Architects plans.

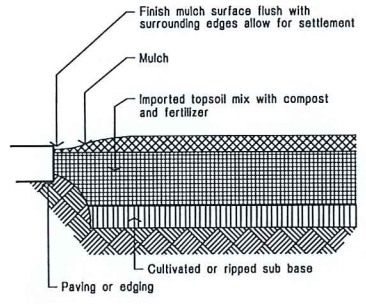
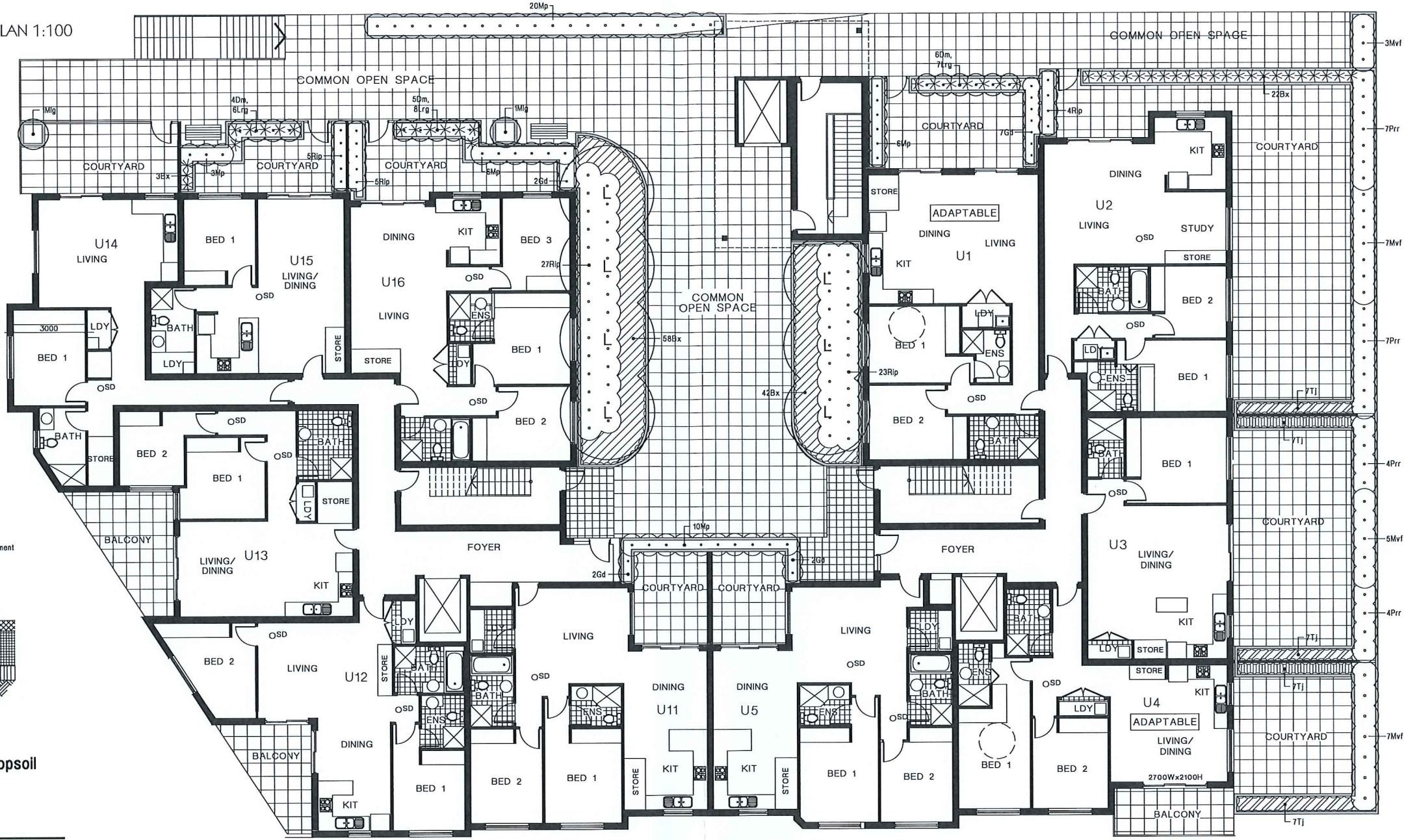
Code	Latin Name [Common Name - Mature Height]	Qty	Size	Stake
<b>■ Trees</b>				
L	Lagerstroemia indica 'Natchez' (Crepe myrtle - 5m)	7	35 litre	yes
M	Eucalyptus maculata (Spotted gum - 15m)	5	35 litre	yes
<b>■ Shrubs</b>				
Bx	Buxus microphylla 'Japanica' (Box - 1m)	125	5 litre	-
CJ	Callistemon 'Little John' (Dwarf Bottlebrush - 1m)	110	5 litre	-
Ck	Callistemon 'Captain Cook' (Bottlebrush - 2m)	8	5 litre	-
Chr	Callistemon 'Hannah Ray' (Bottlebrush - 5m)	5	5 litre	-
Cwa	Callistemon 'White Anzac' (White Bottlebrush - 1.5m)	81	5 litre	-
De	Doranthus excelsa (Gymea lily - 1m)	72	15 litre	-
Dm	Dracaena 'Marginata' (Dracaena - 2m)	15	5 litre	-
Ep	Eriostemon profusion (Free flowering wax flower - 1.3m)	11	5 litre	-
Ghg	Grevillea 'Honey gum' (Grevillea - 1.2m)	12	5 litre	-
Gd	Gardenia augusta 'Florida' (gardenia - 1.3m)	13	5 litre	-
Gl	Grevillea 'Moonlight' (Moonlight grevillea - 3m)	29	5 litre	-
Mg	Magnolia 'Little Gem' (Dwarf Magnolia - 4m)	2	5 litre	-
Mt	Melaleuca thymifolia (Rock Myrtle - 1m)	15	5 litre	-
Mvf	Metrosideros villosus 'Figi fire' (N/A - 2m)	22	5 litre	-
Mp	Murraya paniculata (Cosmetic bark tree - 3m)	46	5 litre	-
Prr	Photinia 'Red Robin' (Photinia - 2.5m)	22	5 litre	-
Rip	Raphiophis 'Oriental Pearl' (Dwarf Indian hawthorne - 1m)	64	5 litre	-
Sre	Syzygium australe 'Resilience' (Lilly Pilli - 3m)	60	5 litre	-
Sc	Syzygium 'Cascade' (Syzygium - 3.5m)	26	5 litre	-
Wz	Westringia 'Zena' (Westringia - 1m)	77	5 litre	-
<b>■ Groundcovers</b>				
DJl	Dianella 'Little Jess' (Dianella - 0.4m)	50	150mm pot	-
Di	Dietes iridoides (Wild iris - 0.8m)	67	150mm pot	-
Lrg	Lirioden 'Evergreen Giant' (Giant lilyorchid - 0.5m)	21	150mm pot	-
Li	Lomandra longifolia (Lomandra - 1m)	8	150mm pot	-
Lt	Lomandra longifolia 'Tanika' (Fine leaf dwarf lomandra - 0.6m)	273	150mm pot	-
TJ	Trachelospermum jasminoides (Star Jasmine - 0.3m)	35	150mm pot	-



Issue:	rev. DA	date:	11/05/16	Issue no:	B
file name:			c:\	drawing No:	
drawn:	HK	scale:	1:150 @ A1		
checked:	RE	project No:	3911b		L-01/2

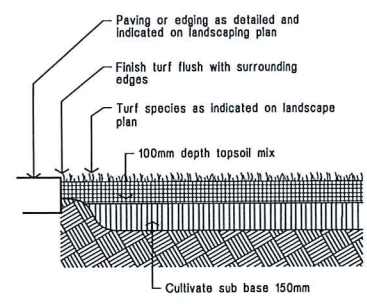


FIRST FLOOR  
PLANTERBOX PLAN 1:100



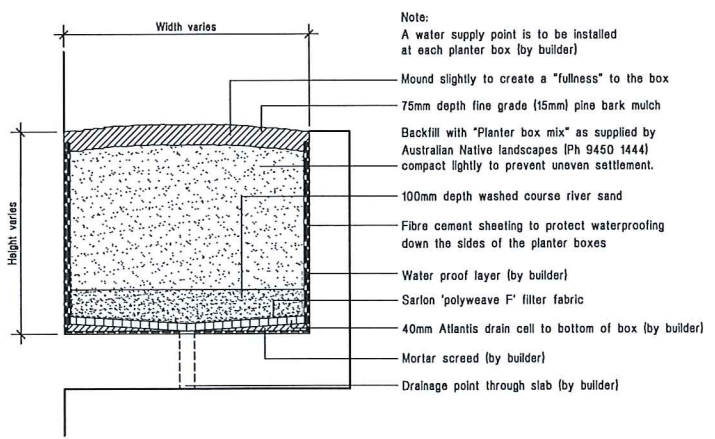
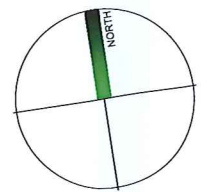
Ground preparation  
Planting area using imported topsoil  
Detail. Not.To.Scale.

- LEGEND**
- turf  
Excavate / grade all areas to be turfed to 120mm below required finished levels. Do not excavate within 1500mm of the trunk of any existing tree to be retained. Ensure that all surface water runoff is directed towards inlet pits, kerbs etc. and away from buildings. Ensure that no ponding will occur. Rip the subgrade to 150mm. Install 100mm depth of imported topsoil. Just prior to spreading the turf, spread "Shirley's No. 17 lawn fertilizer" over the topsoil at the recommended rate. Lay "Kikuyu" turf rolls closely butted. Fill and small gaps with topsoil. Water thoroughly.
  - brick garden edging  
Lay a single course of paving bricks in a mortar haunch (200mm wide and 100mm deep). The edges are to be laid in even curves and straight lines as shown on the plan. Where tight curves are shown use half bricks to show a more even curve. The top of the edges to finish flush with the adjacent turf and mulch levels.
  - mulch only  
75mm depth selected mulch
  - planter boxes  
Planter box on top of concrete slab (Refer to detail)
  - planting areas  
Ensure that the mass planting areas have been excavated to 300mm below finished levels. Rip to a further depth of 150mm. Supply and install 300mm soil mix. Soil mix to comprise of one part approved compost to three parts topsoil. Topsoil shall be either imported topsoil or stockpiled site topsoil (if suitable i.e. No clay). Install 75mm depth of selected mulch.
  - maintenance:  
All landscape works are to be maintained for a period of three months from the date of practical completion. This includes all watering, weeding, spraying and re-mulching necessary to achieve vigorous growth. Any defects which arise during this period are to be rectified immediately. Any plants or areas of turf which fall during this period are to be replaced at no additional cost.
  - irrigation:  
All planting areas on the landscape plan are to be covered by a fully automatic drip irrigation system. All pipework is to be PVC to satisfy AS 1477. All installation is to satisfy the Sydney Water Code and AS 3500. The system is to be installed by a suitable licenced contractor. All equipment and workmanship is to be guaranteed for a minimum period of 12 months.
  - fencing:  
For all fencing types and materials refer to the Architects plans.



Ground preparation  
Grassed area: turf using imported topsoil  
Detail. Not.To.Scale.

LANDSCAPE PLAN 1 : 100



Typical planter box  
Detail. Not.To.Scale.

NOTE:  
FOR PLANT SCHEDULE &  
ADDITIONAL DETAILS REFER  
TO DRAWING NO. L-01

11.05.16  
27.10.15  
DATE  
Revised DA issue to include new Architects design  
DA Issue  
AMENDMENT  
B  
A  
ISSUE

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Project:  
**PROPOSED MIXED USE DEVELOPMENT**  
Lot 102 Aldgate Street,  
**PROSPECT**  
Client:  
A M G Developments Pty Ltd

Issue:	rev. DA	date:	11/05/16	issue no:	B
file name:		scale:	C	drawing No:	
drawn:	HK	scale:	1:100 @ A1	project No:	3911b
checked:	RF				L-02/2







## Section 79C Assessment

DA no. : JRPP-15-2411

**Proposal:** 3 storey shoptop housing development with 22 apartments**Location:** Lot 102 Aldgate Street, Prospect

Heads of Consideration 79C	Comment	Complies
<p>a. The provisions of :</p> <ul style="list-style-type: none"> <li>(i) Any environmental planning instrument (EPI)</li> <li>(ii) Any development control plan (DCP)</li> <li>(i) The regulations</li> </ul>	<p>The provisions of the relevant EPIs relating to the proposed development are summarised under Section 6 of this report. The proposal is considered to be consistent with the relevant planning instruments.</p> <p>The proposed development is a permissible land use within the B1 Neighbourhood Centre zone and satisfies the zone objectives outlined under BLEP2015. The development complies with the maximum building height established within BLEP2015.</p> <p>Consideration must also be given to the provisions of SEPP No.65 and the Apartment Design Guide. A detailed assessment is included at Attachment 4. The proposal complies with the numeric requirements of the SEPP except for the front and side setbacks. In relation to the merit assessment of some design criteria the proposal has some shortcomings. In particular improvement is required in relation pedestrian access and the quality of the public space.</p> <p>The Blacktown DCP2015 applies to the site. The proposed development is compliant with all of the numeric controls established under the DCP, with the exception of front setback requirements and the minimum side setback/building separation. The variations are discussed in detail under Attachment 6 and are considered acceptable. Given that the non-compliances can be addressed through conditions of consent, it is recommended that the development be supported, subject to those conditions.</p>	Yes
<p>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</p>	<p>An assessment of the key issues relating to the proposed development is provided under Section 9. It is considered that the likely impacts of the development, including traffic, noise, parking and access, bulk and scale, stormwater, waste management and the like, have been satisfactorily addressed.</p> <p>It is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.</p>	Yes
<p>c. The suitability of the site for the development</p>	<p>The subject site has been zoned B2 Neighbourhood Centre with a 12 m building height limit. Shoptop housing is permissible on the site with development consent.</p> <p>The site is suited to the form of development proposed. The design solution is generally</p>	Yes

Heads of Consideration 79C	Comment	Complies
	adequate and responds to the different residential, business and industrial uses surrounding the site.  The site is therefore considered suitable for the proposed development.	
d. Any submissions made in accordance with this Act, or the regulations	5 submission has been received regarding the revised proposal. There was 1 submission in support and 4 submissions raised objections. It is considered that the issues raised do not warrant refusal of the application and any irrelevant issues can be addressed by suitable 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 a different form of housing stock and will provide the opportunity for expanded retail and business services within this part of Blacktown City.	Yes

**SEPP 65: Design Quality of Residential Flat Development**

A design statement from an architect addressing the 9 design quality principles prescribed by State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development was submitted with the original application. The officer's assessment of the proposal against the 9 principles is made below.

*It is noted that the DA was lodged following Amendment 3 of SEPP 65 and the evaluation utilises the Apartment Design Guide.*

<b>Principle 1: Context &amp; Neighbourhood Character</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<p>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.</p> <p>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.</p>	<p>The site is vacant land, previously used for a public park, adjacent to local neighbourhood shops. It is located in a low density residential neighbourhood. The site forms part of the transition from the nearby industrial area to the residential neighbourhood.</p> <p>The density, height bulk and scale of the proposal correspond to the local suburban character.</p> <p>The proposal has responded to the natural environment, by retaining a number of trees on the site and proposing tree planting where possible subject to the site constraints including an electricity transmission easement.</p> <p>Overall, the development is considered satisfactory with regard to relevant matters such as siting, bulk and scale, privacy, traffic impacts, parking and stormwater drainage.</p>
<b>Principle 2: Built Form &amp; Scale</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>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.</p> <p>Appropriate built form defines the public</p>	<p>Scale is in accordance with current controls for the B1 Neighbourhood Centre zone. The height, bulk and scale of the proposal at 3 storeys is appropriate for a mixed use development in a 2 storey suburban environment.</p> <p>The built form is contemporary, with separate commercial and residential entries, shutters, and balconies.</p> <p>The development is restricted in the parts of the site that can contain buildings due to the electricity easement.</p> <p>The proposal includes a landscaped pedestrian link from the street through the site to the adjacent public park and</p>

domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	the industrial area beyond.
<b>Principle 3: Density</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>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.</p>	<p>The density proposed is in accordance with current controls for the B1 zone and is consistent with the low density suburb. Residences are provided with balconies and landscaped common open space areas.</p>
<b>Principle 4: Sustainability</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<p>Good design combines positive environmental, social and economic outcomes.</p> <p>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.</p>	<p>Sustainability of the proposal is satisfactory. Four trees are proposed to be retained. The site contains numerous trees but, due to the zoning and site constraints, including the previous use and electricity easement, most trees will be removed. Remediation works will remove contamination and render the site suitable for residential use. However, the remediation works will also require the removal of trees.</p> <p>The proposal satisfies BASIX and includes a rainwater tank to collect roof water for re-use.</p> <p>The internal design of apartments satisfies the ADG for solar access and natural ventilation to the specified standard.</p> <p>Photovoltaic panels are not proposed.</p> <p>Roof top gardens are not proposed.</p>
<b>Principle 5: Landscape</b>	

Control	Town Planning Comment
<p>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.</p> <p>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.</p> <p>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.</p>	<p>Accessible, central Common Open Space on the ground level and first storey is provided as required.</p> <p>The loss of existing trees on site is unfortunate, however new tree and shrub planting will be provided within the limitations of the electricity easement constraint. This will shield the carpark from the neighbouring dwellings.</p> <p>Deep soil zones are provided in the ground level landscaped and communal open space areas.</p>
<b>Principle 6: Amenity</b>	
Control	Town Planning Comment
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>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.</p>	<p>Room dimensions, solar access and natural ventilation are adequate according to the Apartment Design Guide.</p> <p>All units have balconies and many have an outlook to the central COS or street. Conditions proposed to improve privacy.</p> <p>The building is not accessible to Australian Standards. The plans show 3 adaptable units, however, there is no report to verify that the units are adaptable. It appears that the layout of the units does not provide flexible design solutions</p> <p>Conditions will require amendments to design to be certified by access consultant.</p>
<b>Principle 7: Safety</b>	

Control	Town Planning Comment
<p>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.</p> <p>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.</p>	<p>Passive surveillance of the street and COS is provided from shopfronts, unit balconies and windows.</p> <p>Despite the provision of 3 lifts, access for residents and visitors is not ideal. For example, undercover pedestrian access is not provided to any apartments from Aldgate Street (where letterboxes are located). Disabled access to the two lifts at the rear from ground level relies on a chair lift. These entrances are narrow, uncovered and not prominent within the rear façade.</p> <p>Lighting information is not provided, but has been conditioned for.</p>
<b>Principle 8: Housing Diversity &amp; Social Interaction</b>	
Control	Town Planning Comment
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The mix of apartment sizes provided is appropriate for the size of the development.</p>
<b>Principle 9: Aesthetics</b>	
Control	Town Planning Comment
<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design</p>	<p>The front façade creates little visual interest. There are few projections or recesses and minimal modulation at ground level, however the residential building façade above the</p>

<p>uses a variety of materials, colours and textures.</p> <p>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.</p>	<p>podium is broken by the central communal open space.</p> <p>The southern elevation is also a visible façade as it adjoins a public place. It has little modulation and no articulation. This is a particularly poor presentation.</p> <p>The proposed materials, finishes and colours include grey colourbond roof sheeting, painted AFS walling system, alucabond silver finish blade walls, parapet walls, aluminium framed glass commercial shopfronts, powdercoated black aluminium framed windows, glass sliding doors and sunshade louvres. While this appears to be a large palette it is appropriate for a development of this scale.</p>
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### Compliance with Apartment Design Guide (ADG)

SEPP No 65 requires that when assessing an application, Council must have consideration for the design guidelines provided in the Apartment Design Guide (ADG). The following table identified the relevant design concepts and numerical guidelines from the ADG, and an assessment of the proposal against these guidelines.

ADG Requirement	Proposal	Compliance
<b>Controls</b>		
<p><b><u>2F Building Separation</u></b>  Up to four storeys/12m:  - 12m btw habitable rooms / balconies  - 9m btw habitable rooms / balconies &amp; non-habitable rooms  - 6m btw non-habitable rooms</p>	<p>Building is 3 storeys, up to 12 metres high.  On level 2, the side setback is 6m from the property boundary, which is satisfactory.  On level 1, the habitable rooms are setback 6 metres from the boundaries. However the terraces are built to the boundary (on top of the shop below) which is not satisfactory. The adjacent building is 1 storey commercial, with capacity to redevelop for shop top housing, similarly to the existing site. Recommend <b>condition</b> of consent requiring a fixed visual screen within the planter box on the eastern edge of the terraces, to a height of 1.5 metres. Planter boxes are to have a horizontal depth of 1.5 metres.</p> <p>12 metres between habitable rooms facing central common open space on levels 1 and 2.</p> <p>Building is approximately 45 metres</p>	<p>Yes</p> <p>No</p> <p>Condition required to create adequate setback.</p> <p>Yes</p> <p>Yes</p>
<p>Increase setback by 3m at boundary between change in zoning</p>		



ADG Requirement	Proposal	Compliance
	from adjacent R2 property to the west at 9 Aldgate St.	
<b>Siting the Development</b>		
<b><u>3A Site Analysis</u></b> Satisfy the site analysis guidelines-App 1.	A very basic Site Analysis is provided. It does not adequately analyse the context and the relationship to the adjacent open space, retail complex and residences. It is unable to indicate how the design responds to the analysis because the analysis omits many relevant considerations. The poor quality of the design begins with the inadequacy of this site analysis.	No
<b><u>3B Orientation</u></b> Where an adjoining property does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by more than 20%.  4 hours of solar access should be retained to solar collectors on neighbouring buildings.	The adjoining properties currently receive adequate solar access. The proposal will not unreasonably overshadow the adjoining properties.  N/A	Adequate.  N/A
<b><u>3C Public Domain Interface</u></b> Ground level courtyards to have direct access, if appropriate. Ground level courtyards to be above street level for visual privacy. Balconies and windows to overlook the public domain. Front fences to be visually permeable with max 1m height, and limited length. Entries to be legible.  Raised terraces to be softened by landscaping. Mail boxes to be located in lobbies, perpendicular to the street or within the front fence. Basement car park vents not to be visually prominent. Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement car parks or out of view. Ramping for accessibility to be minimised. Durable, graffiti resistant & easily cleanable materials should be used. On sloping sites, protrusion of car parking should be minimised.	N/A. N/A  Balconies and windows provide casual surveillance of the public domain. N/A  Entry from street is legible but the other entrances are not legible. Minimal.  Mailboxes are within street front lobby.  Satisfactory  Utility areas are either in the basement or out of sight.  Large areas of painted materials are proposed. The car parking levels are below finished ground level.	N/A N/A Yes. N/A No Yes Yes Yes Yes No Yes
<b><u>3D Communal &amp; Public Open Space</u></b> COS >25% of the site.	Site area: 4,477 sq m Required 25% = 1,119 sq m Provided :	

ADG Requirement	Proposal	Compliance
	<p>COS Podium = 279sq m  COS Ground level = 473 sq m  POS ground level (western side of carpark) = 350 sq m  COS min dimension &lt; 3m = 98sq m  Total POS and COS = 1,102 sq m, 24.6%  Total COS= 752m<sup>2</sup> 16.8 %  Deficiency of 367 m<sup>2</sup> COS is significant. The application argues this is acceptable due to the presence of adjacent public open space. A pedestrian footpath at the western edge of the site, adjacent to the carpark, provide a link for residents through the site to the public open space.</p>	No
Direct sunlight to >50% of COS for 2 hours between 9am and 3pm.	Sunlight - Satisfactory	Yes
Minimum dimension of 3m.	Minimum dimension < 3m.	No
Direct & equitable access.	Direct and accessible access to the podium is achieved, but not at ground level.	No
If COS cannot be located on Ground Level, provide on the podium or roof.	A portion of COS is located on podium and is required for circulation. Much is narrow and not useable.	No
If COS can't be achieved, provide on rooftop or a common room, provide larger balconies, or demonstrate proximity to public open space & facilities.	The overall provision of COS on the site is adequate. The design uses much of the site for driveways and car parking rather than COS. The on ground space adjoins the shops and street and provides no privacy..	No Apply condition to ensure the ground level COS for resident's use only.
Range of activities (e.g. seating, BBQ, play area, gym or common room). Visual impacts minimised from ventilation, substations and detention tanks.	Seats, BBQ	Appropriate for scale of development
Maximise safety.	The ground level COS is within the electricity easement adjacent to car park and shop entry.	
Public Open Space, where provided, is to be well connected and adjacent to street.	N/A	N/A
<b>3E Deep Soil Zones</b> Minimum area = 7% of site area. Preferred area = 15%. If the site is between 650 to 1500 sqm, minimum dimensions of 3m. If over 1500 sq m then min dimensions of 6m.	<p>Required: 7% = 313 sm  Provided = 773sq m, 17.3%</p> <p>As the site is greater than 1500 sq m only the large area is counted. The narrow landscape strips do not count.</p>	Yes

ADG Requirement	Proposal	Compliance
<p><b><u>3F Visual Privacy</u></b>  Building Separation: refer to <b>2F</b> above.  Direct lines of sight should be avoided for windows and balconies across corners.  Appropriate design solutions should be in place to separate POS and habitable windows to common areas.</p> <p>Note: When adjacent to a lower density residential zone an additional 3m side setback is required.</p>	<p>Internal visual privacy is adequate. An attempt is made to use planting to overcome the proximity of the COS to courtyards and bedrooms. On every level there are 4 units that have 6 metres between balconies and windows across corners.  See comment in 2F above re balconies on eastern boundary impacting on potential redevelopment of adjacent site and recommended condition.</p> <p>Building is located 45 metres from adjacent residence to the west.</p>	<p>No</p> <p>Yes</p>
<p><b><u>3G Pedestrian Access &amp; Entries</u></b>  Connect to &amp; activate the public domain.  Easy to identify access.  Internal pedestrian links to be direct.</p>	<p>The residential units are provided with 3 lifts and 3 entrances. Pedestrian access is direct from the main foyer to the street frontage and easily identifiable. However, from the foyer, a lift and stairs provide access to the podium COS, across which access to the units has no weather protection. The other lifts are internal and connect with the basement car park but are not visible or accessible from the street.</p>	<p>Yes</p>
<p><b><u>3H Vehicle Access</u></b>  Access points are safe and create quality streetscapes.</p>	<p>The driveway entrance to the site is located within the easement. Access to residential spaces in the basement is through the commercial carpark.</p>	<p>Yes</p>
<p><b><u>3J Bicycle &amp; Car Parking</u></b>  Sites within 800m of a railway station comply with Guide to Traffic Generating Developments.  <b>&lt; 20 units</b>  1 space for each unit  An additional 0.2 space for each 2br unit  An additional 0.5 space per 3br unit  0.2 space for visitor parking  <b>&gt;20 units</b>  Metropolitan Sub-Regional Centres:  0.4 spaces per 1 bedroom unit.  0.7 spaces per 2 bedroom unit.  1.4 spaces per 3 bedroom unit.  1 space per 7 units (visitor parking)    At least 1 loading dock.    Conveniently located and sufficient numbers of bicycle &amp; motorbike spaces.</p>	<p>This site is not within 800m of a railway station.</p> <p>The proposal is for 22 units (6x1 bed, 14x2 bed and 2x3bed).  Total required: 25.8 spaces  Provided: 33  Total = 80 spaces (33 res &amp; 47 retail).</p> <p>Loading dock is provided.</p> <p>Space is shown on plans for 8 bikes and there is excess capacity in the basement.</p>	<p>Yes</p> <p>Yes</p> <p>This is not within a major centre so the car parking rates are only a guide.</p> <p>Yes</p> <p>Yes</p>

<b>Designing the Building</b>		
<b><u>4A Solar &amp; Daylight Access</u></b> Living rooms & POS receive minimum 2 hours direct sunlight between 9am - 3pm in mid-winter > 70% of units  Maximum number with no sunlight access < 15%.  Suitable design features for operable shading to allow adjustment & choice.	16 units 72.7 % potentially achieve 2 hours when measured at a height of 1m above the floor level. This is less than claimed by the applicant because at 11am some units receive insufficient light through a window.  18.2% of units receive no sunlight.  Some devices are provided which allow for management of solar access.	Yes.  No.  Yes
<b><u>4B Naturally Ventilation</u></b> All habitable rooms naturally ventilated. Number of naturally cross ventilated units > 60%. Depth of cross over apartments < 18m.  The area of unobstructed window openings should be equal to at least 5% of the floor area served.	Habitable rooms are ventilated. 16 units, 72.7% are naturally cross ventilated. N/A  The window areas are satisfactory.	Yes Yes N/A Yes
<b><u>4C Ceiling Heights</u></b> 2.7m for habitable 2.4m for non-habitable Service bulkheads are not to intrude into habitable spaces.	The minimum 2.7m provided for habitable rooms.	Yes
<b><u>4D Apartment Size &amp; Layout</u></b> Studio > 35 sqm 1 bed > 50 sqm 2 bed > 70 sqm 3 bed > 90sqm  + 5 sqm for each unit with more than 1 bathroom.  Habitable Room Depths: limited to 2.5m x Ceiling Height (6.75m with 2.7m ceiling heights) Open Plan Layouts that include a living, dining room and kitchen – max 8m to a window.  Bedroom sizes (excl wardrobe space): Master - 10sqm, Other – 9 sqm  Living rooms/dining areas have a minimum width of: 3.6m - Studio/1 br 4m - 2br/ 3br  Cross-over/cross-through: 4m wide	- All units > 50 sq m. No units less than 70 sq m. No units less than 90 sq m.  Where second bathrooms are provided 2 bed units achieve 75 sq m. however 3 bed units do not. Open plan layouts  Room depths are < 8m for living/dining/kitchen distance to a window.  The minimum bedroom sizes are achieved.  Minimums achieved  N/A	Yes  No Yes Yes Yes Yes N/A
<b><u>4E Private Open Space &amp; Balconies</u></b>		

ADG Requirement	Proposal	Compliance
<p>Studio &gt; 4 sq m  1 bed &gt; 8 sq m &amp; 2m depth  2 bed &gt; 10 sq m &amp; 2m depth  3 bed &gt; 12 sq m &amp; 2.4m depth</p> <p>Ground level/ podium apartments &gt; 15 sq m &amp; 3m depth</p> <p>Extension of the living space.</p> <p>A/C units should be located on roofs, in basements, or fully integrated into the building design.</p>	<p>8 sq m and 2m min.  10 sq m and 2m min.  &gt; 12sq m. one only 2m width</p> <p>Adequate  Suggest changes to Us 14,15 and 16 to improve courtyard and COS relationship.</p> <p>Private OS is an extension of the living space  A/C units are not indicated on the plans. Condition required.</p>	<p>Yes  Yes  No</p> <p>Yes</p> <p>Yes</p> <p>Condition</p>
<p><b><u>4F Common Circulation &amp; Spaces</u></b>  Maximum number of apartments off a circulation core on a single level – 8-12.  Buildings over 10 storeys - maximum of 40 units sharing a single lift.  Daylight &amp; natural ventilation to all common circulation areas above ground level.  Corridors greater than 12m from the lift core to be articulated by more foyers, or wider areas / higher ceiling heights at apartment entry doors.  Maximise dual aspect apartments and cross over apartments.  Primary living room &amp; bedroom windows are not to open directly onto common circulation spaces.  Direct and legible access.  Tight corners and spaces to be avoided.  Well lit at night.  For larger development – community rooms for owners meetings of resident use should be provided.</p>	<p>No more than 6 units off a single core.</p> <p>N/A</p> <p>Daylight and natural ventilation provided.</p> <p>Corridors are &lt; 12m in length.</p> <p>Many are dual aspect apartments.</p> <p>Not satisfied. On the podium, unit windows open onto common space.</p> <p>Achieved.  Achieved.  Not shown.  Not large enough to require a community room.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>
<p><b><u>4G Storage</u></b>  Studio &gt; 4 m<sup>3</sup>  1 bed &gt; 6 m<sup>3</sup>  2 bed &gt; 8 m<sup>3</sup>  3 bed &gt; 10 m<sup>3</sup>  Min 50% within the apartment.</p>	<p>Some storage provided within the units.  There is a small storage area and potential for more in the basement.</p>	<p>Yes</p>
<p><b><u>4H Acoustic Privacy</u></b>  Window &amp; door openings orientated away from noise sources.</p> <p>Noise sources from garage doors, driveways, services, COS and circulation areas to be 3m from bedrooms.  Separate noisy &amp; quiet spaces.  Provide double / acoustic glazing, acoustic seals, materials with low noise penetration.</p>	<p>It is not apparent that this has been considered a relevant issue for shoptop housing.</p> <p>Achieved.</p>	<p>Acceptable</p> <p>Yes</p>

ADG Requirement	Proposal	Compliance
<b><u>4J Noise &amp; Pollution</u></b> In noisy or hostile environments, the impacts of external noise and pollution are to be minimised through the careful siting and layout of buildings. To mitigate noise transmission: Limit the number and size of openings facing the noise sources. Use double or acoustic glazing, acoustic louvres or enclosed balconies (winter gardens). Use materials with mass and/or sound insulation (e.g. solid balcony balustrades, external screens or soffits).	It is not apparent that the layout of the development considers potential noise and pollution impacts. Acoustic measures are required in accordance with consultant's recommendation.	No
<b>Configuration</b>		
<b><u>4K Apartment Mix</u></b> Provide a variety of apartment types. Flexible apartment mix.	63.6% of units are 2 bedroom. 27.3% 1 bedroom and 9% 3 bedroom. For a development of this size there is sufficient variety.	Yes
<b><u>4L Ground Floor Apartments</u></b> Maximise street frontage activity. Direct street access to ground floor apartments. Ground floor apartments to deliver amenity and safety for residents.	N/A	N/A
<b><u>4M Facades</u></b> Front building facades are to provide visual interest whilst respecting the character of the local area.          Building services are to be integrated into the overall façade. Provide design solutions which consider scale and proportion to the streetscape and human scale.	The front façade creates little visual interest. There are few projections or recesses and minimal modulation, however the residential building façade above the podium is broken by the central COS. The southern elevation is also a front façade as it adjoins a public place. It has little modulation and no articulation. Particularly poor.  Building services are not detailed on the plans. There is no apparent consideration for scale or proportion.	There is considerable potential for improvement .
<b><u>4N Roof Design</u></b> Roof treatments are to be integrated into the building design and positively respond to the street.	The roof does not have a parapet because that would increase the height. The roof design does contribute to the public domain. It is a large roof that will be consistent with the nearby industrial buildings.	Yes
<b><u>4O Landscape Design</u></b> <b><u>Site Area</u></b> < 850 sqm - 1 medium tree per 50 sqm of deep soil zone. 850 sqm to 1,500sqm - 1 large tree or 2 medium trees per 90 sqm of DSZ.	The site area is 4474 sq m. 383sq m DSZ. Some existing trees are being retained. 5 spotted gums (large trees) shown on plans.	Yes.

ADG Requirement	Proposal	Compliance
>1,500 sqm - 1 large tree or 2 medium trees per 80 sqm of DSZ.		
<b>4P Planting on Structures</b> Refer to Table 5 for minimum soil standards. Provide suitable plant selection. Provide suitable irrigation and drainage systems and maintenance. Enhance the quality and amenity of COS with green walls, green roof and planter boxes, etc.	Limited planting is provided on the podium. It is provided in concrete boxes of various depths. Mostly small shrubs to provide a visual screen due to privacy issues. Largest plants include magnolia and crepe myrtle.	Suitable for this site
<b>4Q Universal Design</b> 10% adaptable housing.  Flexible design solutions to accommodate the changing needs of occupants.	Inadequate: 3 adaptable units are provided (13%). There is no report to verify that the units are adaptable. The layout of the units does not provide flexible design solutions.	No Apply <b>condition.</b>
<b>4R Adaptive Reuse</b> New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A	N/A
<b>4S Mixed Use</b> Provide active street frontages and encourage pedestrian movement. Residential entries separate and clearly defined. Landscaped COS to be at podium or roof level.	The street frontage is activated.  COS on podium and ground level.	Yes  Adequate
<b>4T Awnings &amp; Signage</b> Awnings to be continuous and complement the existing street character. Provide protection from sun and rain, wrapped around the secondary frontage.  Gutters & down pipes to be integrated and concealed. Lighting under awnings is to be provided. Signage is to be integrated and in scale with the building. Legible and discrete way finding is to be provided.	There is an awning along the principal frontage. There is secondary shop frontage facing onto the residential COS. <b>Condition</b> for awning required.  <b>Condition</b> required.  <b>Condition</b> required.  <b>Condition</b> required.	Yes  Yes
<b>Performance</b>		
<b>4U Energy Efficiency</b> The development is to incorporate passive solar design. Heating & cooling infrastructure are to be centrally located (e.g. basement).	The development incorporates some passive solar devices.  Plant room in basement.	Yes
<b>4V Water Management &amp; Conservation</b> Rainwater collection & reuse. Drought tolerant plants. WSUD measures. Detention tanks should be located under	Satisfies BASIX. Rainwater tank with screen at ground level. Detention tank at rear of building	Yes  Yes

ADG Requirement	Proposal	Compliance
paved areas, driveways or in basement car parks.	adjacent to driveway.	
<b><u>4W Waste Management</u></b> Waste storage should be discreetly located away from the front of the development or in the basement. Waste cupboard within each dwelling. Waste and recycling rooms are to be in convenient and accessible locations related to each vertical core.	Waste services will need to comment on this.	
<b><u>4X Building Maintenance</u></b> The design is to provide protection from weathering. Enable ease of maintenance. The materials are to reduce ongoing maintenance costs.	From the information available it appears that the proposal will enable ease of maintenance.	Yes



Blacktown Local Environmental Plan 2015			
Development Standard	Requirement	Proposal	Compliant
<b>2.7 Demolition requires development consent</b>	The demolition of a building may only be carried out with development consent.	The proposal does not include demolition.	N/A
<b>Zoning B1</b> Neighbourhood Centre Objectives:	To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.	The proposal includes 7 shops of various sizes on the ground level (total area= 1,294 sq m). The financial viability of so much retail is not known. Shop top housing is the predominant use.	Satisfactory
	To allow development that is compatible with the scale and form of the surrounding area.	The 12m height limit intends to ensure the scale is appropriate with the surrounding area. This development is 3 storeys. Facing the street it has a height of 11m, with the height of the commercial shops at the front boundary, including the balustrade above, 5.0m. At the rear the height is 11.8 metres. The maximum height of buildings is 12 m to the top of the lift overrun.	Satisfactory
Permissible Uses:	Business premises.  Neighbourhood shops  Shop top housing.	Business premises could be accommodated within the shops. Shops are permissible. No details are provided of future uses. However, the proposal is satisfactory at this stage. Shop top housing is permissible but other forms of residential are prohibited. The definition of “shop top housing” requires the dwellings to be located above ground floor retail or business premises. The plans indicate retail space along the Aldgate Street frontage.	Satisfactory
PRINCIPAL DEVELOPMENT STANDARDS			
4.3 Height of buildings	Maximum building height is 12m.	The building satisfies the maximum building height standard of 12m.	Satisfactory.

4.4 Floor space ratio	N/A		N/A
4.6 Exceptions to development standards	No exception requested.	Although a variation request is not submitted, there is the potential that one may be required if the lift overrun goes above roof level.	N/A
<b>MISCELLANEOUS PROVISIONS</b>			
5.9 Preservation of trees or vegetation	The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	The site has numerous trees but it is intended to remove most vegetation with 4 trees retained. It is stated that this is essential to allow remediation of contamination. Native vegetation planting will be required as part of the landscaping for the development.	Adequate
5.10 Heritage Conservation	The objective of this clause is to conserve the environmental heritage in Blacktown.	There are no heritage considerations.	N/A
<b>ADDITIONAL LOCAL PROVISIONS</b>			
7.1 Flood planning	Minimise the flood risk to life and property.	The site has no risk of flooding.	N/A
7.2 Terrestrial biodiversity	Protect native fauna and flora.	The site is not identified as containing terrestrial biodiversity.	N/A
7.3 Riparian land & watercourses	Protect and maintain water quality within watercourses.	The site is over 80m to a watercourse.	N/A
7.4 Active street frontages	N/A	N/A	N/A
7.5 Essential services	Adequate arrangements for the supply of water, supply of electricity, management and disposal of sewerage, stormwater drainage or conservation, and suitable road access.	The applicant has demonstrated these items are currently in place.	Satisfactory
7.7 Design Excellence	The site is not identified as requiring design excellence.		N/A
7.10 Minimum site requirements for development on certain land	N/A	N/A	N/A

**Blacktown Development Control Plan 2015 – Part A Introduction and General Guidelines – adopted 15 July 2015**

Development Standard	Requirement	Proposal	Compliant
6 Car Parking	RFB <u>Resident Parking:</u> 1 space per 1 or 2 bedrooms 2 space per 3 bedroom <u>Visitor Parking:</u> 1 space per 2.5 dwellings <u>Retail/business</u> 1 space per 30 sq m <u>Commercial</u> 1 space per 100 sq m	<u>Residential Required:</u> 6 x 1 & 14x 2 Bed= 20 spaces + 2x 3 bed = 4; Total resident = 24 + 8.8 visitor spaces Total: 33 resident/visitor spaces <u>Retail required:</u> 1294/30 + = 43 Total required: 76 Provided: 78 spaces	Yes  Separation of retail and residential and visitor parking in basement needs attention and condition.

**Blacktown Development Control Plan 2015 – Part C Development in the Residential Zones**

Development Standard	Requirement	Proposal	Compliant
<b>Residential Flat Buildings</b>			
6.4 Site Density Controls	Minimum frontage 30 m Minimum depth 30 m Minimum area 1000 sq m	Frontage = 103.21 m Depth = 42 m Area = 4477 sq m	Yes
6.5 Height	Refer to LEP – 12m	Maximum height 11.8m	Yes
6.6 Setbacks (up to 4 storeys)	Front setback – 9m   Side – 6m   Rear - 6m  Balconies can project into the setback by 1 metre  Roof eaves and sunhoods may project 600m. The front setback shall be generally in line with the setbacks characteristic of neighbouring properties.  For corner lots, the main	Ground level shops nil setback. 1 <sup>st</sup> floor units vary from 3 to 7.5 m. 2 <sup>nd</sup> floor units vary from 4.2 to 7.5 m (excluding balconies) Ground level shops nil setback. On eastern boundary 1 <sup>st</sup> floor building 6m and terrace = nil. 2 <sup>nd</sup> floor building and balconies = 6m. Western boundary 45m. 8.0m  Balconies project into front setback by more than 1m as they are 2m wide and the whole of building encroaches. Nil.  The front setback is consistent with the desired	N/A No; but acceptable for shoptop housing  N/A No  Yes Yes Yes No  Yes N/A  N/A

	frontage setback is 9m.	future character of this B1 zoned locality.  N/A	
6.7 Common open space	30sqm for each 1 bedroom unit 40sqm for each 2 bedroom unit 55sqm for each 3 or more bedroom unit  Note: Max. 30% on complying balconies, terraces or ground level courtyards > 2.5x3m. Max. 30% on roof Min. 40% on ground (Note: This must be increased to 70% if no rooftop common open space)	<u>Required:</u> 850 sq m 30% may occur on the balconies/courtyards = 255 sq m. 40% is required at the ground level = 340 sq m. <u>Provided:</u> Total = 1,103.6 473 sq m on ground 279 sq m on podium. 351.6 sq m on balconies/terraces.	Yes
6.8 Separation between buildings	12 metres	Residential levels are 6 metres from eastern boundary (excluding private open space terraces)	Yes
<b>Site Design</b>			
6.9.1 Site planning & landscaping	Landscaping is to complement the development.  The setback along the front boundary is to be densely landscaped. Parking areas are not permitted in this area.	The landscaping is adequate. Options are constrained by easements and site remediation. Hard surfaces cover a large proportion of the site. Small pockets of planting are interspersed and planting on western side to protect adjacent residence. Along half of the southern interface with the open space the boundary is harsh. Pedestrian link to public reserve. Along the street frontage car parking intrudes in the north-west corner. Otherwise there is adequate vegetation. A very commercial appearance for the eastern section.	Yes  Acceptable
6.9.2 Protection of views	Minimise the obstruction of views.	To a small extent the proposal intrudes on the views of residents to the north. Impact on views is to be expected by the zoning. A view of trees is replaced by views of a	Acceptable

		building. An assessment of view loss is not provided.	
6.9.3 Visual & acoustic privacy	Visual privacy and freedom from overlooking is important. There is to be protection from mechanical noise. Noise disturbance is to be minimised.	No specific attention to acoustic and visual privacy. An Acoustic Consultant recommends <b>conditions</b> . The nearest residential neighbour is 45 metres to the west. Acoustic barrier proposed.	Yes
6.9.4 Orientation	Solar access is to be optimised for the majority of units.	The orientation solar access to be maximised. Solar access is satisfactory.	Yes
6.9.5 Parking provision	.	The requirements of the DCP are satisfied.	Yes
6.9.6 Vehicle & pedestrian access	Access from the street is to be attractively landscaped, clear and provide casual surveillance. Clear access to the parking and services is to be provided.	There are numerous access points and they are interconnected.	Yes
6.9.7 Public road access & construction	Public road access is required for new developments.	Adequate	Yes.
6.9.8 Accessways	6m wide	The driveways are 6m wide and there are separate driveways for cars and trucks.	Yes
6.9.9 Fencing & screen walls	Details of fencing are to be shown on the plans.	Fencing and screen details are not clear.	No Fencing not required
6.9.10 Podium design	Podiums over basements more than 0.5m above natural ground level count as a storey.	Included	Yes
6.9.11 Accessibility	10%+ of units shall be designed for persons with a disability.  Buildings with 4+ levels require a lift.	The applicant claims 3 units are accessible (13.6%). In the basement 3 disabled parking spaces are included. Access report was not provided. It appears the units do not comply with the standard. Doorways are too narrow. Two lifts provided to all levels.	No  <b>Conditions</b> required for amendments and access verification report.  Yes
6.9.12 Safety & security	Buildings are to feature casual surveillance and adequate lighting. External materials are to	Casual surveillance is achieved.	Yes

	be robust to discourage vandalism & graffiti.	Building materials are suitable for minimise graffiti.	
<b>Building Design</b>			
6.10.1 General	Floor plans are to achieve an appropriate level of amenity for the future occupants.	The floor plans provide most units with adequate amenity.	Yes
6.10.2 Units types	Unit mix is to respond to market expectations and contain a mix of 1, 2, & 3 bedroom units.	Majority (14) of units are 2 bedroom units = 64%. There are 6x1 bed and 2x 3 bedroom units.	Yes
6.10.3 Floor to ceiling height	Habitable rooms & corridors 2.7m Non-habitable rooms 2.4m Second storey of 2 storey 2.4m Attic spaces 1.5m	Floor to ceiling heights for habitable rooms are at least 2.7m.	Yes
6.10.4 Passenger lift access	Required for 4 levels with no basement, and for 3 levels with basement.	3 passenger lifts provided to podium. Two lifts at rear. Direct internal access from front entry lift to units is not provided.	No. <b>Condition</b> required to improve visibility and disabled access to lifts in rear foyer.
6.10.5 Balconies	At least 2.5m x 3m. If balconies are enclosed, they are to comply with the BCA. Balcony balustrades are to contrast the building to add interest. Clothes hanging/drying is not permitted on the balconies.	These minimum dimensions are not achieved.  SEPP No 65 standard is lower at 2m X 3m and this is achieved.	No  Considered acceptable
6.10.6 Internal & external shading & solar access	Internal & external spaces are to receive reasonable solar access throughout the year.	Sufficient units receive adequate solar access throughout the year.	Yes
6.10.7 Natural ventilation	60%	Sufficient units achieve natural cross flow ventilation.	Yes
6.10.8 Energy performance & sustainability	Submission of a BASIX Certificate	BASIX Certificate provided and satisfactory.	Yes.
6.10.9 Provision of services	An electricity substation is to be to Council & the electricity provider's requirements if required. Electrical reticulation is to be underground. Common accessways and driveways are to be illuminated. A master TV antenna is to be installed within the roof. A toilet accessible by residents, visitors & maintenance contractors	The proposal provides a substation.  Recommended to be <b>conditioned</b> . <b>Condition</b> required.  Recommended to be <b>conditioned</b> . Provided as part of retail component.	Yes, subject to <b>conditions</b> of consent.

	should be provided within the ground floor.		
6.10.10 Provision for other building services	External walls are to be free of plumbing & fixtures, wall mounted A/C, service conduits / wiring.	The plans do not show the services fixtures and conduits.	Yes, subject to <b>conditions</b> .
6.10.11 Waste management	Separate garbage & recycling collections. On-street collection is to be practical. Alternatively, provide on-site collections. Storage areas in the front setback are not encouraged. If provided they are to be screened and comprise building materials compatible with the building. A management plan is required.	The proposal needs to be considered by Council's waste management officer.	
6.10.12 Laundry facilities	A communal area of 20sqm for up to 10 units, plus 10sqm per 10 units to a maximum of 60sqm. Each dwelling is to have 7.5m of drying line or a mechanical drying appliance in the unit.	A communal drying area is not proposed.  Each unit has the capacity for a mechanical drying appliance.	No  Yes

Blacktown Development Control Plan 2006 – Part D Development in the Business zones			
Development Standard	Requirement	Proposal	Compliant
4.8 Car Parking	On site parking must satisfy the requirements contained in Part A.	Sufficient parking provided.	Yes
4.12 Residential Development	Residential development must comply with the residential standards of Part C of the DCP.  In local centres the building should not exceed 2 storeys in height.	Generally satisfies the controls. This is a neighbourhood business zone and development does not compromise the residential scale and form. Therefore compliance with Part C should be sought, as far as possible.. The building is 3 storeys, as permitted in the zone.	Acceptable  Acceptable

## DA-15-02411 - Submission response to first notification issues

Objection issue	Town Planning Response
Inconsistent with character of local area/negative impact on locality	The site is zoned B1 Neighbourhood Centre. The use is permissible in the zone and meets the objectives of the zone. Further, it is a modern design adjoining an existing business centre.
Scale/size of the development	The scale of the development has been revised since initial notification. The development now complies with the 12 m building height, has deleted one of the buildings and meets the required development standards.
Inadequate provision of car parking	The parking complies with the requirement of the Blacktown Development Control Plan 2015.
Traffic impact on surrounding road network	An independent Traffic consultant has been engaged by Council to review the development proposal. The consultant found that the revised design is satisfactory in regards to traffic impact, subject to a <b>condition</b> for a seagull turn bay to be provided at the intersection of Aldgate Street and Blacktown Road.
Permissibility	The site is zone B1 Neighbourhood Centre under the Blacktown Local Environmental Plan 2015. 'Shop top housing' with a maximum height limit of 12 m is permissible on the site, and the revised development meets these standards.
Tree Removal	Unfortunately many trees will need to be removed due to the contamination found on site. However 2 large trees at the front of the development will remain in the ground level communal open space and 2 at the rear of the development. A large area on the western side of the carpark adjacent to 9 Aldgate Street will be landscaped with trees and shrubs. <b>Conditions</b> will be imposed to ensure their protection through the project.
Noise impact	The development is permissible in the zone. The use is typical of that within a B1 zone and restrictions have been placed on the hours of operation of the retail premises to ensure noise impact on adjoining residential properties is satisfactory.
Privacy impact	The revised development provides a minimum 35 m setback to the adjoining R2 zone to the west and is located opposite an R2 zone. Being located on the lower side of Aldgate St, privacy impact to the adjoining residential zones is considered acceptable.
Building design	The building has been architecturally designed and meets the 9 design principles of SEPP 65. The building presents as a 3 storey building with a



Objection issue	Town Planning Response
	variety of finishes including grey colourbond roof sheeting, painted AFS walling system, alucabond silver finish blade walls, parapet walls, aluminium framed glass commercial shopfronts, powdercoated black aluminium framed windows, glass sliding doors and sunshade louvres.
<b>Viability of existing commercial businesses</b>	Competition is not a matter for consideration under Section 79C of the Environmental Planning and Assessment Act 1979.
<b>Crime impact</b>	The development meets the Crime Prevention through Environmental Design (CPTED) standards.
<b>Hours of Operation</b>	The use of the business zone will be <b>conditioned</b> to 9 am to 5 pm. Separate approval will be required should longer hours of operation be sought.
<b>Stormwater impact</b>	Council's Development Engineers have reviewed the revised development and consider is satisfactory in regards to stormwater impact.