



Report to the Sydney Central City Planning Panel

Development application

DA number	JRPP-16-03306	Date of lodgement	31 March 2016
Applicant	Brooks Projects Architects		
Owner	Li and Qing Unit Trust		
Proposed development	Construction of a part 3 and part 4 storey residential flat building containing 106 apartments, 2 levels of basement car parking, associated landscaping and stormwater drainage works		
Street address	Grange Avenue, Marsden Park (proposed lot 7 approved by DA-15-02309 currently lot 9 DP 802880)		
Notification period	26 April 2016 (14 days)	Number of submissions	1

Assessment

Panel criteria (section 9.1 Direction, EP&A Act)	Capital investment value (CIV) over \$30 million (DA has CIV of \$23,294,004 million)
Report prepared by	Bertha Gunawan
Report date	12 July 2018
Recommendation	Deferred commencement approval subject to conditions listed in attachment 7.

Attachments

1. Location map
2. Aerial image as of June 2018
3. Zoning extract
4. Detailed information about proposal and DA submission material
5. Development application plans
6. Assessment against planning controls
7. Summary of objector's concerns and our response
8. Report to Council on 27 June 2018 for adoption of Planning Proposal
9. Draft conditions of consent

Checklist

Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

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

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)? Yes

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1. Executive summary

- 1.1. The key issues that need to be considered by the Panel in respect of this application are:
 - Location, design and provision of communal open space;
 - Reduced separation distance under the ADG for Level 1 (ground) between internally facing balconies; and
 - Reduced street setbacks from 6 m to 4.5 m
- 1.2. Assessment of the application against the relevant planning framework and consideration of matters by our technical departments has not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3. The application is therefore satisfactory when evaluated against Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended)
- 1.4. This report recommends that the Panel approve the application subject to a deferred commencement condition which seeks to resolve plan inconsistencies, unresolved design issues surrounding the functionality and useability of the communal open spaces, and accurate revision of the landscape design including improvements to the interface between public and private areas and correct terrace/deck locations. The Panel approve the application subject to a Deferred Commencement including conditions as recommended and listed in attachment 8.

2. Location

- 2.1. The site is located at Grange Avenue, Marsden Park. The land is former semi-rural land with low density residential development and some rural lands uses such as Baiada Poultry to the north and Riverland Sand and Soil to the west.
- 2.2. The land is located in the North West Growth Centre and was released for development on 5 April 2013 under the terms of State Environmental Planning Policy (Sydney Region Growth Centres) 2006, (Growth Centres SEPP) as part of the Marsden Park Precinct.
- 2.3. The location of the site is shown at attachment 1.
- 2.4. The site is located between Richmond Road to the west and Fermoy Road to the east. This locality will experience significant transition from rural/residential land to medium density residential development once the density under the Growth Centres SEPP is realised.

3. Site description

- 3.1. The proposed building is to be constructed on Lot 7 created from a recent subdivision of consolidated Lots 5 and 9-13 at No. 210 Grange Avenue, Marsden Park. A development application for that subdivision was approved on 6 July 2017 (DA-15-02309).
- 3.2. Proposed Lot 7 is to be a rectangular shaped lot with a frontage of 59 m to Grange Avenue and a depth of 81.55 m, which results in a site area of 5,182 m².
- 3.3. This section of the site comprises vacant undeveloped land. It has a fall from the street to the rear of approximately 3 m. There are no significant trees on the site identified for retention.
- 3.4. An aerial image of the site and surrounding area is at attachment 2.

4. Background

- 4.1. On 30 April 2015, a pre-lodgement meeting was held between Council officers, the applicant and the applicant's representatives, in discussion of the subject development, together with 3 other residential flat buildings on the subject site (which have been lodged with Council under 3 separate Development Applications), as well as multi dwelling housing developments. This site is zoned R2 Low Density Residential, R3 Medium Density Residential and RE1 Public Recreation. The meeting minutes note that a Planning Proposal would be required to vary the location of the RE1 Public Recreation zoned land and, as such, a related DA would not be accepted until the Planning Proposal was lodged with Council.
- 4.2. The Growth Centres SEPP, which came into force on the 28 July 2006, applies to the development of land in the North West Growth Centre. Land in the Marsden Park Precinct was released for development by amendment to the Growth Centres SEPP on 8 May 2013 which inserted Appendix 12 – The Blacktown Growth Centre Precincts plan and contained provisions for development within the Precinct. The land the subject of this application is zoned R3 Medium Density Residential, with a permitted maximum building height of 14 metres. The zoning plan for the site and surrounds is at attachment 3.
- 4.3. On 6 July 2017, Council issued Deferred Commencement Consent to Development Application No. 15-02309 for staged Torrens Title subdivision and provision of new roads on Lots 5 and 9 – 13 DP 802880 Excelsior Avenue (formerly Vine Street) and Grange Avenue, Marsden Park, as follows:
 - Stage 1 to create 1 public reserve lot and 12 residue lots (see plan at attachment 1)
 - Stage 2 to further subdivide:
 - Lots 1, 3, 8, 9, 10 and 11 into 72 dwelling lots with Building Envelope Plans
 - Lot 2 into 10 conventional lots
 - Lot 12 as a residue lot for future multi dwelling housing, subject to a separate DA.
 - Stage 2 is located to the east and south of the proposed park and has no bearing on this application.
- 4.4. The Deferred Commencement condition for that subdivision requires that a Planning Proposal be submitted to Council, to amend the zone as a result of the RE1 zoned land being located a further 27 m to the east of its current location. This Planning Proposal is intended to make the R3 zoned land on the western side of the original park zone wider and more developable for residential flat buildings, which are subject to separate DAs currently under consideration. This amendment will facilitate alterations to the R2 and R3 zoned lands, but not for this part of the site which remains R3 zoned land and can be developed independently.
- 4.5. We requested the applicant to submit the Planning Proposal and for it to be sufficiently progressed by the Department of Planning and Environment (DPE) so as to give effect to the zone boundary variations approved at subdivision stage. This will give certainty to purchasers that they will be purchasing residential land and not land zoned for open space.
- 4.6. On 28 October 2017, the Deferred Commencement Consent for the subdivision was activated, following the lodgement of the Planning Proposal.
- 4.7. Lot 7 is one of the 12 residue lots approved under Stage 1, and is the subject of this Development Application, which was lodged before the Planning Proposal was lodged with Council.

- 4.8. The Planning Proposal was reported to Council following exhibition on 27 June 2018. The Planning Proposal was adopted and will be forwarded to the NSW Department of Planning and Environment for publication. A copy of that report is provided at attachment 8.
- 4.9. The application was lodged with Council on 31 March 2016 and due to the planning proposal and requests for further information, this application has been delayed for some time. Some information was still outstanding at the time of completing this assessment report and consequently a 'deferred commencement' recommendation is made allowing final outstanding matters to be resolved without further delay to the application's consideration by the Panel.

5. The proposal

- 5.1. The development application has been lodged by Peter Brooks Architects.
- 5.2. The applicant proposes the construction of a part 3 storey and part 4 storey residential flat building containing 106 residential apartments over two basement levels containing 145 car parking spaces. The apartments comprise 29 x 1 bedroom (27.3%), 62 x 2 bedroom (58.4%) and 15 x 3 bedroom (14.1%) apartments, 11 of which are to be adaptable dwellings.
- 5.3. Other details about the proposal are at attachment 4, including the SEPP65 Assessment, and a copy of the development plans is included at attachment 5.

6. Assessment against planning controls

- 6.1. A full assessment of the development application against relevant planning controls is provided at attachment 6, including:
- Environmental Planning and Assessment Act 1979 (as amended 2018)
 - State Environmental Planning Policy (State and Regional Development) 2011
 - State Environmental Planning Policy (Infrastructure) 2007
 - State Environmental Planning Policy No. 55 – Remediation of Land
 - State Environmental Planning Policy (Sydney Region Growth Centres) 2006
 - Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River
 - Central City District Plan
 - Blacktown City Council Growth Centre Precincts Development Control Plan 2016

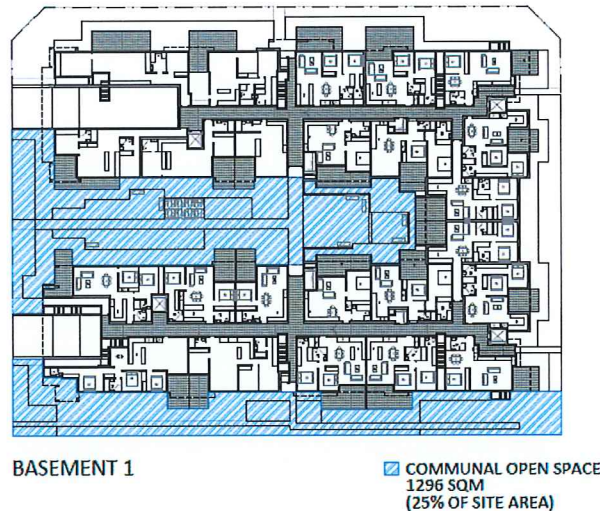
7. Key issues

7.1. Compliance with the Apartment Design Guide

7.1.1 Communal Open Space

- Location and provision of Communal open space is divided between a centrally located area of 768 m² and an area on the western side of the building of 420 m². An extract of the communal open space location as submitted by the applicant as part of the ADG assessment report is provided below. The applicant indicates that the blue shaded areas form part of the communal open space, achieving 25% compliance. However, the useability is questionable given the location of some areas along the street frontage,

adjoining the basement car parking access and in the case of the western COS, it is located at the back of the building away from many of the apartments within the side setback.



- This issue was raised with the applicant as it was considered to be poorly located and undersized if correctly marked on the plan in relation to the central open space which adjoins the street. In relation to the western open space it appears to meet a landscaping and setback function, rather than a well-designed and useable communal open space as intended by the ADG. The amount of useable communal open space is more like 955 m² (18.3%) if the portions of the COS forward of the building line to Grange Avenue and proposed road no. 2 are excluded from the calculation. The provision of roof top communal open space was considered as part of the assessment but there was no logical point of access to the rooftop without a complete redesign of the floorplan at Levels 3 and 4 to facilitate access. In addition, roof top open space would also require lift overruns which would increase the building height above 14 m, beyond the maximum building height permitted.
- It has also been considered that the site is heavily constrained due to the three street frontages, which effectively reduces the opportunities for locating communal open space to the side or rear of the site. This would normally be achieved where there is only 1 or 2 street frontages. The creation of the centrally located communal open space is therefore effective in creating an area that is both accessible and has good solar access. However, this arrangement would require exception design measures and useability to outweigh the shortfall in area.
- In accepting the location and general provision of communal open space it is acknowledged however that the current landscape design does not achieve the objectives of Part 3D 'Communal Open Space' of the Apartment Design Guide for the full 25%, and that revised plans are required to ensure that a high quality space is delivered.
- Accordingly, to make the remainder of the COS areas more usable, a deferred commencement condition is recommended to resolve the following issues:

- Reconsideration of pathway locations, a reduction in the amount of pathways transecting the 2 spaces could increase the useable areas, especially along the open space to the western boundary
- Size of private terraces at Level 1 and their relationship to the communal open space to be better resolved
- Provide sections showing the relationship between the private balconies/terraces and the proposed communal open spaces
- Provide landscape detail and sections along the street frontages and all planting within the COS areas
- Provide details of the location of BBQ areas and seating and any other improvements to be delivered within the Communal open space for occupant's use
- There is no detail provided as to whether shading is to be provided over any of the deck areas
- Reduction in the amount of decked area is to be reduced and provision of detail as to how this space relates to the private terraces immediately adjoining them
- Ensuring that the architectural plans are consistent with the landscape plans in relation to the size and location of private terraces/balconies as they currently conflict
- Resolution of the western open space is to make it more inviting, with seating options and useable space for residents.

In order for the communal open space to be effective it ideally should be located behind the front building line, screened from the street by landscaping, have changes in levels to create privacy, be well designed and useable. As outlined above, this can be achieved by the deferred commencement condition requiring reconsideration of the landscape design for the site, to ensuring that the requirements of the ADG are adequately addressed in relation to Part 3D 'Communal Open Space'.

7.1.2 Reduced separation distance under the ADG for Level 1 internally facing balconies

- Part 3F 'Visual Privacy' of the ADG requires a shared separation distance of 12m for buildings up to 4 storeys in height between habitable rooms. The proposed development achieves setbacks of at least 12 m for windows and balconies from Levels 2 – 4. However, at ground floor level the balconies project into the shared space with reduced setbacks to 10 m. The architectural design uses 1.5 m high privacy screens along the balcony edge to achieve privacy, although use of landscaping or moveable screens may be preferable and should be explored as part of the revised landscape design.
- The applicant hasn't provided any sections to demonstrate the relationship between the COS and balconies at ground floor level, or the relationship between terraces/balconies which are less than 12 m apart, especially those on the corners of the building which are considerably closer. Provided an appropriate landscape treatment is resolved within the communal open space, the reduced setback at ground level between balconies can be supported. This requirement is addressed in the Deferred Commencement Condition.
- The revised Landscape Plan will be required to be approved by Council prior to activation of the Development Consent.

7.2. Compliance with Blacktown Growth Centres DCP 2018

- 7.2.1 As outlined above the site has three street frontages which impacts upon the achievement of the side and rear boundary setbacks required under the Growth Centres SEPP. The applicant has set out a number of reasons to support the variations to the side and rear setback including the following:
- The primary frontage to Grange Avenue substantially satisfies the controls with a setback in excess of 6 m and elements comprising less than half the width of the elevation being at 4.5 m
 - The side at right angles to this frontage is taken to be the side boundary and controls are satisfied
 - The 2 other frontages might be considered to be secondary street frontages. A minimum 4.5 m setback would apply if these elevations were regarded as a second frontage to the building.

It is considered that the three street frontages presents a constraint that requires some flexibility in the application of the street boundary setbacks. The overall design achieves a predominantly 6m setback with setbacks of 4.5 m to balconies and architectural features to achieve articulation which is considered acceptable in this instance.

8. Issues raised by the public

- 8.1. The proposed development was notified to property owners and occupiers in the locality for a period of 14 days from 26 April 2016. The development application was also advertised in the local newspapers and a sign was erected on the site.
- 8.2. Council received 1 submission.
- 8.3. The issues raised relate to the existing poultry hatchery operation located approximately 145 m to the north of the site. The objector is the previous owner of the subject DA land. A summary of each issue and our response is provided in attachment 7.
- 8.4. The objection is considered to not warrant refusal of the Development Application.
- 8.5. The objection relates to the potential impact of the poultry farm on the new residents some 145 m to the south, and vice versa. The potential impacts to the new residential development are considered to be mitigated by distance.
- 8.6. This is a rural area transitioning to urban and the poultry farm site is designated for a future public school to meet the needs of the incoming population. In this interim period, the 2 land uses will need to co-exist. This is a common situation in release areas.

9. External referrals

- 9.1. The development application was referred to the following external authorities for comment:

Authority	Comments
NSW Police	Acceptable subject to conditions (see Draft condition in attachment 9)

10. Internal referrals

10.1. The development application was referred to the following internal sections of Council for comment:

Section	Comments
Waste	Acceptable subject to conditions (see draft conditions in attachment 9)
Engineering	Acceptable subject to conditions (see Draft conditions in attachment 9)
Traffic	Acceptable subject to conditions (see Draft conditions in attachment 9)
Building	Acceptable subject to conditions (see Draft conditions in attachment 9)

11. Conclusion

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

12. Recommendation

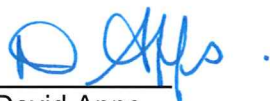
1. Approve development application JRPP-16-03306 subject to a deferred commencement consent including the conditions listed in attachment 9.
2. Council officers to notify the applicant and submitter of the Panel's decision.



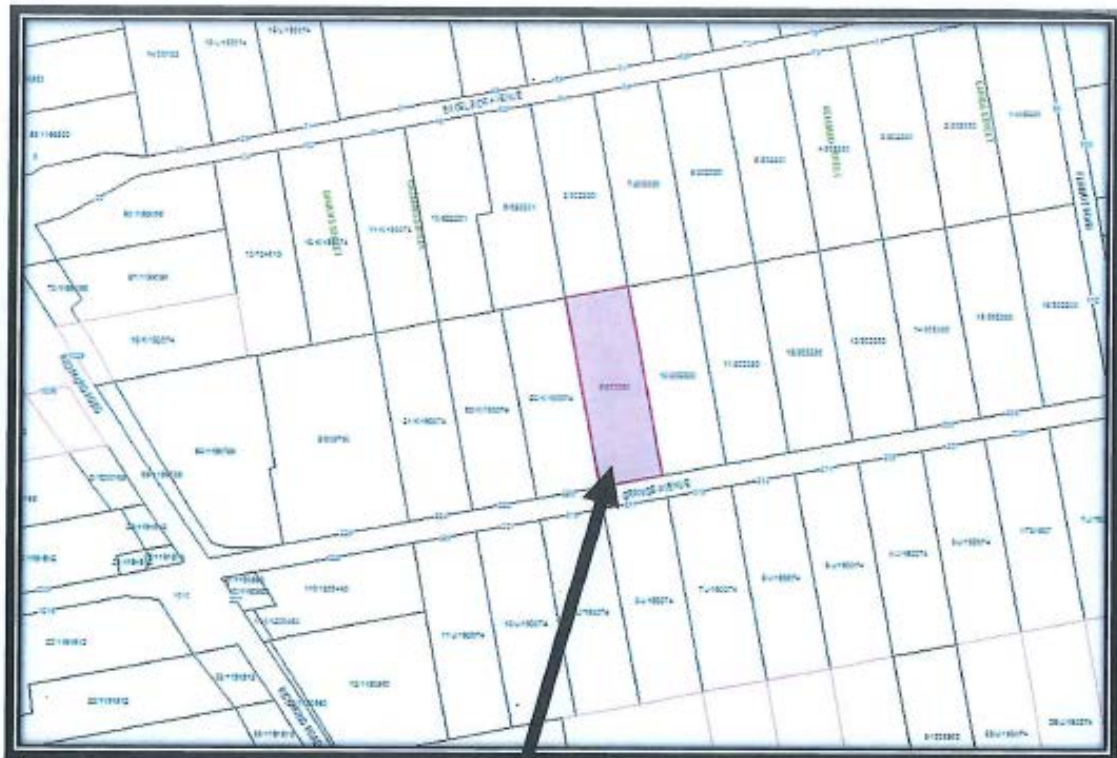
Bertha Gunawan
Assistant Team Leader Projects



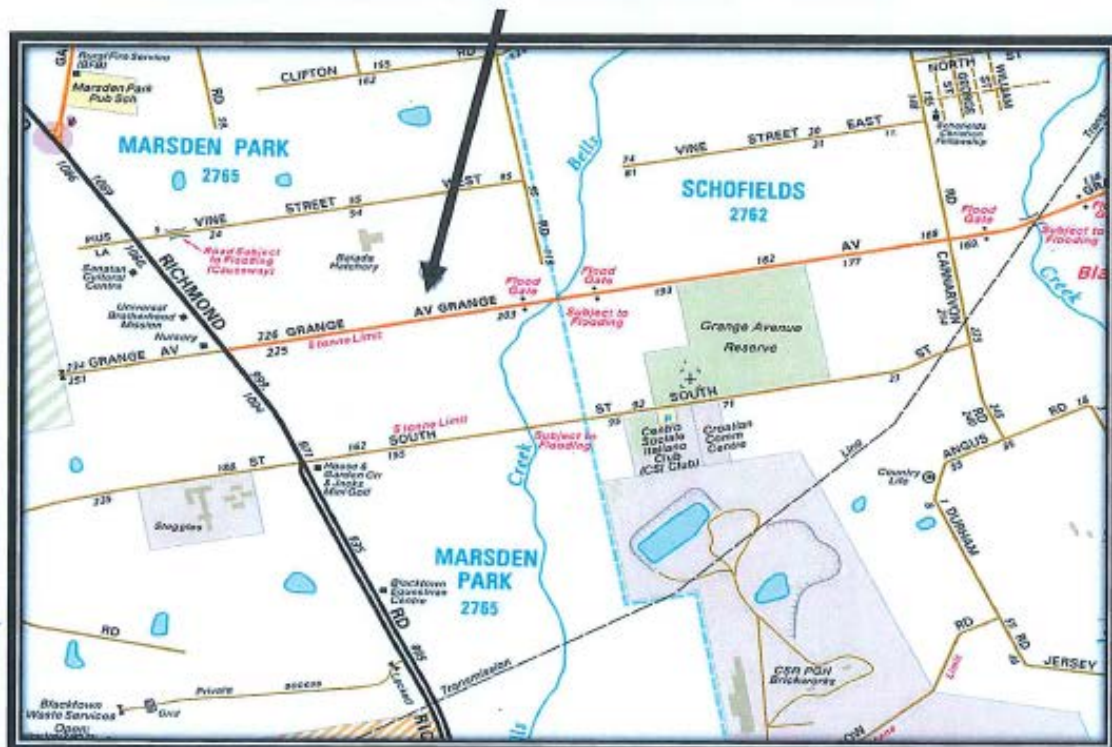
Judith Portelli
Manager Development Assessment

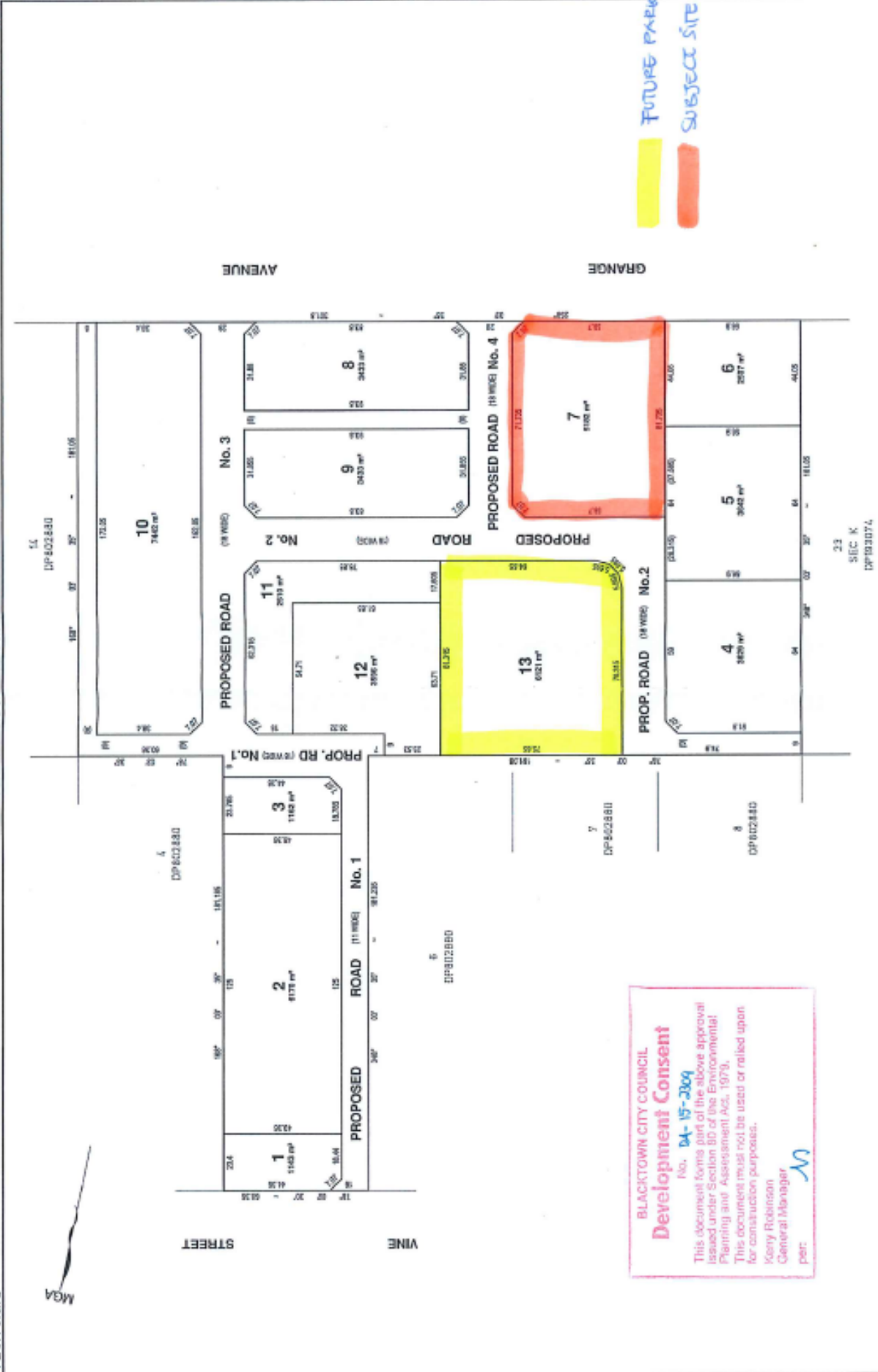


David Apps
Acting Director Design and Development



LOCATION OF SUBJECT SITE





BLACKTOWN CITY COUNCIL
Development Consent
 No. DA-15-2369
 This document forms part of the above approval issued under Section 80 of the Environmental Planning and Assessment Act, 1979.
 This document must not be used or relied upon for construction purposes.
 Kerry Robinson
 General Manager
 per: [Signature]

<p>NOTES:</p> <ol style="list-style-type: none"> 1. ALL DIMENSIONS & AREAS ARE SUBJECT TO FINAL SURVEY. 2. FINAL PLAN MUST INCLUDE VARIOUS EXAMINER'S COMMENTS AND RESTRICTIONS SUBJECT TO DA APPROVAL. 	<p>Surveyor: ALAN TURNER Date of Survey: 15/03/2018 Surveyor's Plat: 6880</p>	<p>PLAN OF PROPOSED SUBDIVISION OF CONSOLIDATED LOTS 9 & 9-13 IN DP 803886</p>	<p>L.O.A: BLACKTOWN Locality: MARSDEN PARK Subdivision No: Lengths are in meters. Reduction Ratio 1:1000</p>	<p>Registered</p>	<p>DP DRAFT</p>
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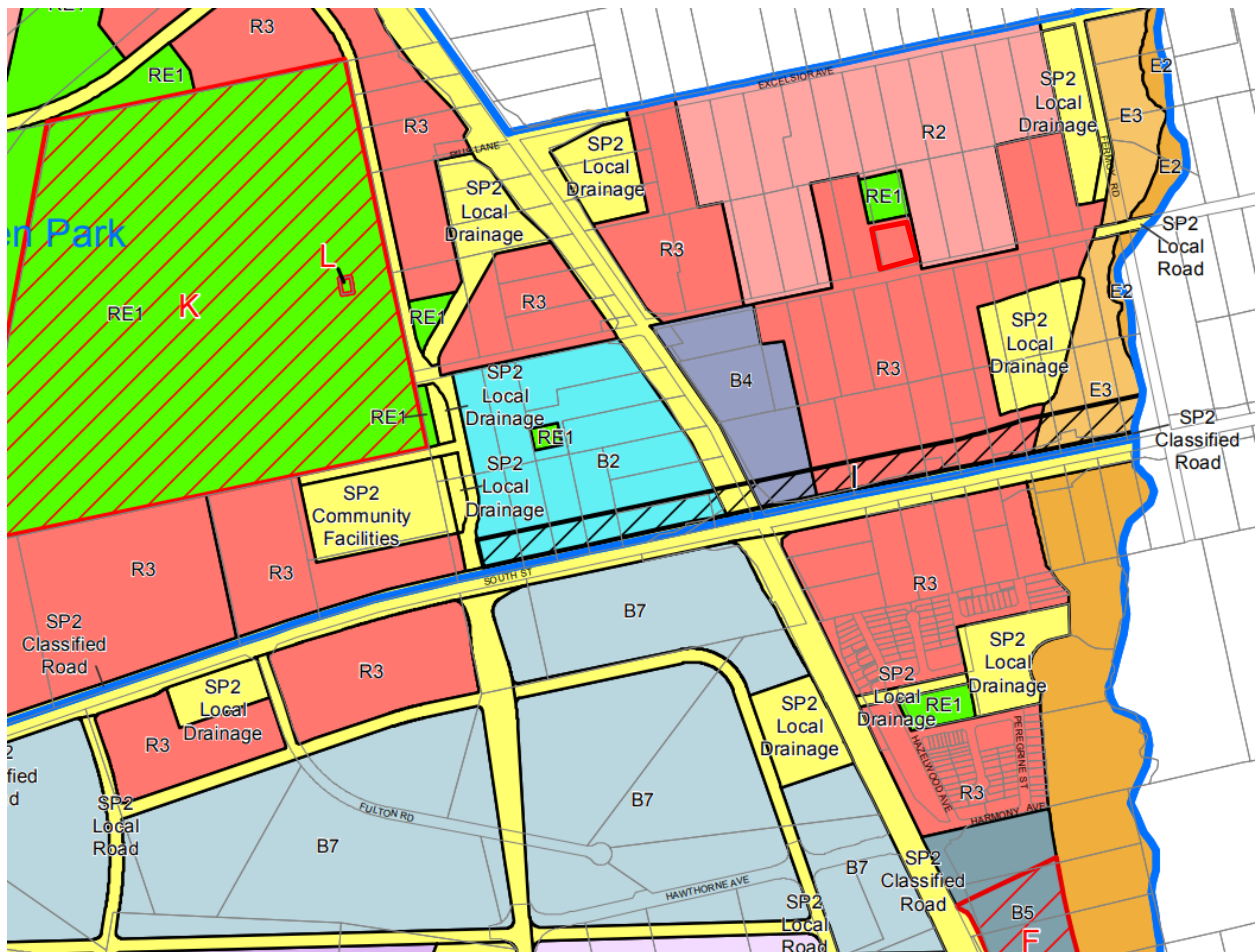
Aerial map (5 June 2018)



(Source: Six Maps)

Zoning extract SEPP (Sydney Region Growth Centres) 2006

(Sheet NW LZN_005)



Detailed information on proposal and DA submission material

1. Overview

- 1.1. The development application (DA) was lodged by Peter Brooks Architects, proposing:
 - Construction of a part 3, part 4 storey residential flat building containing 106 apartments, over 2 levels of basement car parking for 136 cars.
 - The building form comprises 2 x 4storey wings linked by a 3 storey section on the southern (Grange Avenue) frontage.
 - The U-shaped building form creates a centrally located and northerly orientated communal open space.
 - A secondary communal open space is provided adjacent to the western site boundary as depicted on the landscape plans submitted with the application.
- 1.2. The proposal was reviewed by Council at a Pre-Application discussion (PAM C15/29455 & C15/29414). Many of the matters raised in the PAM minutes relate to submission requirements and are not specific to the detailed application. The current application was lodged on 31 March 2016.
- 1.3. The application has been accompanied by the following consultant reports:
 - SEPP 65 Report and ADG Review;
 - Assessor Certificate BDAV14510600 dated 30 November 2015;
 - Basix Certificate 687275M dated 30 November 2015;
 - BCA Report – Tom Miskovich & Associates dated 30 November 2015;
 - Civil Drawings – C&M Consulting Engineers dated 23 October 2015
 - Crime Prevention report – CPTED table
 - SEE Revision A – Mike George Planning Pty Ltd dated November 2015;
 - Stormwater Report – C&M Consulting Engineers dated November 2015;
 - Traffic Report – TDG Consulting dated August 2016
 - Access Final – Morris Golding Accessibility Consulting dated 26 November 2015.
- 1.4. Site access is achieved from proposed Road No. 2 on the northern side of the site. Each driveway access is 6m wide. Separate pedestrian pathways are provided into the building from each street frontage.
- 1.5. A centrally located communal open space is provided which has a northerly aspect and an area of 768m². A secondary communal open space is provided along the western boundary and provides a further 420m² of shared outdoor space for residents use.
- 1.6. The architectural design is supported by a SEPP 65 report and ADG review. Amended plans (Revision C) were submitted on 8 May 2018 to address outstanding concerns relating to the roof design, screening to balconies across the centrally located communal open space and the provision of individual entries to some street facing apartments. There are some outstanding anomalies between the Architectural Plans and the Landscape Plans which have not been resolved on the current plan amendments and are addressed in more detail by a deferred commencement condition.

2. Residential component

- 2.1. The residential component comprises a range of apartment sizes and layouts ranging from 50m² up to 102.9m². Many apartments face the public domain due the site having three street frontages with the internally facing apartments overlooking the centrally located communal open space. The U-shape building arrangement seeks to maximise access to sunlight by orientating as many units towards the north as possible.
- 2.2. Of the 106 residential apartments there are 29 x 1 bedroom apartments (27.3%), 62 x 2 bedroom apartments (58.4%) and 15 x 3 bedroom apartments (14.1%). Eleven (11) of the apartments have been designed as adaptable apartments.

3. General

- 3.1. The previous subdivision approval (DA-15-02309) established the lot configuration of the subject site and the adjoining lots. The subject site is identified as Lot 7 on the subdivision plan below. It is located directly east of Lot 13 which is zoned RE1 and will form part of the public open space available to the neighbouring development.

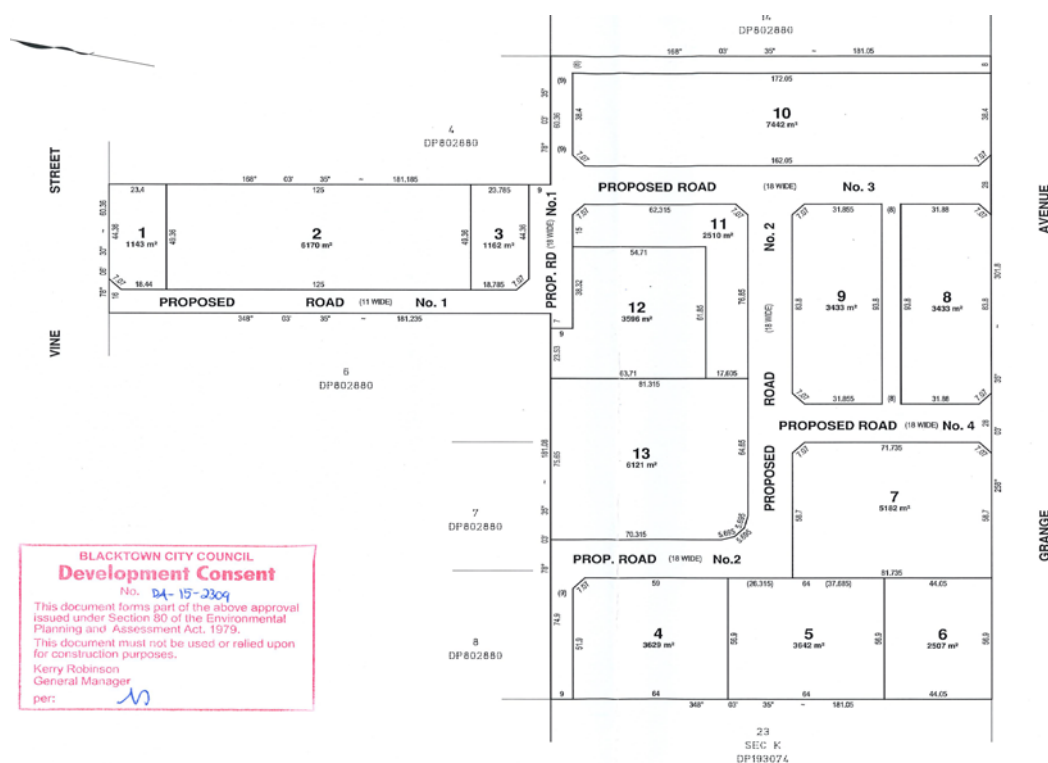


Figure 1: Subdivision plans (DA-15-02309)

4. Traffic, parking, noise, other matters

- 4.1. The basement car parking is accessible from proposed Road No. 2 and provides parking for 114 resident spaces and 22 visitor spaces. Bicycle parking for 25 bicycles is also provided within the basement. A Parking and Traffic report prepared by TDG Consulting, dated August 2016 has been submitted in support of the proposal and concludes that the proposed parking is adequate for the development proposed and the trips generated can be accommodated on nearby roads.

PROPOSED LOT 7 - 210 GRANGE AVENUE

MARSDEN PARK

RESIDENTIAL APARTMENTS

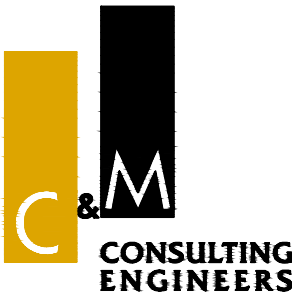
CIVIL ENGINEERING WORKS

DRAWING INDEX	
DRAWING No.	DRAWING TITLE
01451_7_100	COVERSHEET, DRAWING INDEX AND LOCALITY SKETCH
01451_7_110	GENERAL NOTES AND LEGEND
01451_7_201	BASEMENT LEVELS
01451_7_202	LEVEL 1 PLAN AND CATCHMENT PLAN
01451_7_301	DRIVEWAY LONGITUDINAL SECTIONS
01451_7_701	SEDIMENTATION & EROSION CONTROL PLAN
01451_7_702	SEDIMENTATION & EROSION CONTROL DETAILS



LOCALITY SKETCH

NOT TO SCALE



CIVIL AND HYDRAULIC
ENGINEERING DESIGN AND
PROJECT MANAGEMENT

SUITE 26
11 - 13 BROOKHOLLOW AVE
BAULKHAM HILLS NSW 2153

PHONE: (02) 9680 3100
FAX: (02) 9634 6989
ABN 21 118 134 240

LOT 7 - 210 GRANGE AVE, MARSDEN PARK

CIVIL ENGINEERING DESIGN

LGA	BLACKTOWN CITY COUNCIL	DA	-
STATUS	DEVELOPMENT APPLICATION	PROJECT No.	PN01451

1. ALL WORKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THIS TECHNICAL SPECIFICATION.
2. THE CONSTRUCTOR SHALL PREPARE A DILAPIDATION REPORT FOR THE EXISTING INFRASTRUCTURE WITHIN THE ROAD RESERVE, INCLUDING BUT NOT LIMITED TO KERBS, GUTTERS, FOOTPATHS, VEHICULAR CROSSINGS, STREET SIGNS, SERVICE FITTING COVERS, ETC.
3. THE CONSTRUCTOR SHALL REVIEW, BE AWARE AND AT ALL TIMES COMPLY WITH THE SPECIFIC REQUIREMENTS FOR THIS DEVELOPMENT AS SET OUT IN THE DEVELOPMENT APPROVAL FOR THE PROJECT.
4. ANY CHANGES MADE BY THE CONSTRUCTOR TO ANY LEVEL, DIMENSION, LOCATION, POSITION, ALIGNMENT ETC., OF ANY OF THE WORKS SHOWN ON THE DRAWINGS WITHOUT THE WRITTEN CONSENT OF C&M CONSULTING ENGINEERS PTY. LTD. AND OR THE PRINCIPAL CERTIFYING AUTHORITY IS DONE SO AT THE CONSTRUCTORS OWN RISK.
5. THE CONSTRUCTOR SHALL ALLOW TO LIAISE WITH AND PROVIDE SUFFICIENT NOTICE TO THE PRINCIPAL CERTIFYING AUTHORITY TO ENSURE THAT ALL WORKS ARE INSPECTED TO ENABLE COMPLIANCE CERTIFICATES TO BE ISSUED THROUGHOUT THE CONSTRUCTION PERIOD. THE CONSTRUCTOR SHALL LIAISE WITH THE PRINCIPAL CERTIFYING AUTHORITY PRIOR TO ANY CONSTRUCTION WORKS COMMENCING AND PREPARE AN INSPECTION AND TEST PLAN WITH A MUTUALLY AGREED WITNESS AND HOLD POINTS FOR THE CONSTRUCTION WORKS.
6. IF THE PRINCIPAL CERTIFYING AUTHORITY IS NOT BLACKTOWN CITY COUNCIL, THEN THE CONSTRUCTOR MUST CONTACT BLACKTOWN CITY COUNCIL'S WORKS DIVISION TO ENABLE THEIR INSPECTION OF ALL WORKS (INCLUDING EROSION AND SEDIMENT CONTROL MEASURES) WITHIN THE ROAD RESERVE AREA.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL ACCESS TO THE SITE. THE ACCESS SHALL BE ALL WEATHER SAFE ACCESS TO THE CONTRACTOR'S SITE FACILITIES AT ALL TIMES FOR THE DURATION OF THE CONTRACT.
8. A TEMPORARY HOARDING OR FENCE OF MINIMUM 15m HIGH IS TO BE PROVIDED AROUND THE SITE TO PROTECT THE PUBLIC PRIOR TO COMMENCEMENT OF WORKS. HOARDINGS OR FENCES ARE TO BE STRUCTURALLY ADEQUATE. THE CONTRACTOR SHALL OBTAIN AN APPROVAL FROM COUNCIL PRIOR TO ERECTING THE HOARDING OR FENCE.
9. ALL NEW WORKS SHALL MAKE A SMOOTH CONNECTION WITH ANY FORMATIONS, STRUCTURES, ETC.
10. ALL ALTERATIONS AND/OR ADDITIONS TO EXISTING WORK, THE CONTRACTOR SHALL VERIFY THE DIMENSIONS OF THE EXISTING WORK BEFORE PROCEEDING AND NOTIFY THE SUPERINTENDENT OF DISCREPANCIES.
11. THE CONTRACTOR SHALL USE MANUFACTURED ITEMS IN THE WORK ONLY IN ACCORDANCE WITH THE CURRENT PUBLISHED RECOMMENDATIONS OF THE MANUFACTURER RELEVANT TO SUCH USE.
12. THE WORKS SHALL BE CONSTRUCTED IN SUCH A MANNER THAT THERE IS MINIMUM DISTURBANCE TO EXISTING TREES AND VEGETATION.
13. THE PUBLIC FOOTWAY AND ROADWAY FRONTING THE SITE SHALL BE MAINTAINED IN A SAFE AND UNOBSTRUCTED MANNER AT ALL TIMES DURING THE CONSTRUCTION WORKS.
14. THE CONSTRUCTOR SHALL BE RESPONSIBLE FOR REPAIRING TO THE SATISFACTION OF THE ASSET OWNER, ANY DAMAGE CAUSED TO ANY EXISTING INFRASTRUCTURE WITHIN THE ROAD RESERVE, INCLUDING BUT NOT LIMITED TO KERBS, GUTTERS, FOOTPATHS, VEHICULAR CROSSINGS, STREET SIGNS, SERVICE FITTING COVERS, ETC.
15. THE SITE SHALL BE KEPT IN A TIDY CONDITION AT ALL TIMES. LITTER RUBBISH AND BUILDING RUBBLE SHALL BE PLACED IN CONTAINERS OR BINS AND REGULARLY REMOVED FROM SITE AS REQUIRED.

1. THE CONTRACTOR SHALL STRIP THE MATERIAL CLASSIFIED AS TOPSOIL OR MATERIAL CONTAINING ORGANIC MATTER TO A LEVEL PROVIDED BY THE CONTRACTOR'S GEOTECHNICAL ENGINEER AND THE SUPERINTENDENT. THE STRIPPED TOPSOIL SHOULD BE REMOVED AND STOCKPILED PRIOR TO ANY EARTHWORKS OPERATIONS.
2. THE MAXIMUM HEIGHT OF TOPSOIL STOCKPILES SHALL NOT EXCEED 2.5M AND THE MAXIMUM BATTER SLOPE SHALL NOT EXCEED 2H : 1V.
3. ALL EARTHWORKS OPERATIONS SHALL BE CARRIED OUT TO LEVEL 1 SUPERVISION IN ACCORDANCE WITH AS3798 - 2007. THE CONTRACTOR SHALL ISSUE A WRITTEN LETTER FROM THE GEOTECHNICAL CONSULTANT THAT THEY HAVE BEEN ENGAGED ACCORDINGLY AND TAKES FULL RESPONSIBILITY OF THE EARTHWORKS OPERATION.
4. THE CONTRACTOR SHALL OVER-EXCAVATE TO REMOVE ALL UNACCEPTABLE FILL MATERIAL CONTAINING DELETERIOUS MATERIALS SUCH AS ORGANIC MATTER AND CONSTRUCTION MATERIALS. ALL OVER-EXCAVATED AREAS SHALL BE REPLACED WITH SUITABLE MATERIAL WITH A CBR AT LEAST EQUAL TO THE SPECIFIED SUBGRADE CBR, SOURCED FROM ON SITE, IF AVAILABLE, OR IMPORTED.
5. WET MATERIAL WILL NOT BE REGARDED AS UNSUITABLE. SHOULD WET MATERIAL BE ENCOUNTERED, THE CONTRACTOR SHALL DRY THE MATERIAL SUFFICIENTLY BY RE-WORKING, OR SPREADING IT TO ALLOW DRYING. ALL ASSOCIATED COSTS SHALL BE BORNE BY THE CONTRACTOR.
6. ALL EXCESS EARTHWORKS MATERIALS, INCLUDING EXCESS MATERIALS FROM THE STORMWATER AND SERVICE TRENCH EXCAVATIONS SHALL BE REMOVED AND LEGALLY DISPOSED OF OFF-SITE BY THE CONTRACTOR AT THE CONTRACTOR'S COST.
7. ALL BATTER SLOPES SHALL BE A MAXIMUM OF 1V:5H (U.N.O.)
8. UNLESS NOTED OTHERWISE OR APPROVED ALL FILL MUST BE CONSTITUTED OF VIRGIN EXCAVATED NATURAL MATERIAL (VENM).
9. THE CONTRACTOR SHALL EXCAVATE, GRADE, CROSS SECTIONS, AND DIMENSIONS SHOWN ON THE DRAWINGS, ALLOWING FOR PAVEMENT/SLAB AND TOPSOIL LAYERS.
10. FREQUENCIES OF COMPACTION TESTS FOR EARTHWORKS SHALL BE AS FOLLOWS (WHICHEVER IS GREATER NUMBER):

1 TEST PER LAYER PER 500 m², OR
a. 1 TEST PER 100 m³, OR
b. 3 TESTS PER VISIT
12. COMPACTION REQUIREMENTS FOR EARTHWORKS SHALL BE AS FOLLOWS:
a. GENERAL FILL : 98% OF SMDD
b. TOP 500MM UNDER PAVEMENT OR STRUCTURE: 100% OF SMDD
c. BACKFILL WITHIN 2M OF STRUCTURES: 100% OF SMDD
13. MOISTURE CONTENT TO BE IN THE RANGE OF - 2% TO +2% OF THE OPTIMUM MOISTURE CONTENT.
14. ALL COMPACTION TEST RESULTS SHALL BE PROVIDED TO THE SUPERINTENDENT.
15. ALL SITE REGRADED AREAS AFTER FORMATION, SHALL BE COVERED WITH A 150MM SELECT TOPSOIL LAYER UNO. TOPSOIL STOCKPILED PRIOR TO EARTHWORKS OPERATIONS CAN BE REUSED FOR THIS PURPOSE PROVIDED ANY DELETERIOUS MATERIAL IS REMOVED PRIOR TO PLACING.
16. ALL DISTURBED AND DENUDED AREAS SHALL BE REGRADED WITHIN 7 DAYS AFTER THE COMPLETION OF EARTHWORKS FORMATION. REFER LANDSCAPE PLAN L1003 FOR DETAIL OF REGRASS.

1. STORMWATER DESIGN CRITERIA:
 - MINOR STORM ARI: 20 YEARS
 - MAJOR STORM ARI: 100 YEARS
2. IFO DATA LOCALITY: BLACKTOWN
3. PIPES DN375 AND LARGER TO BE STEEL REINFORCED CONCRETE PIPES CLASS "2" APPROVED SPIGOT AND SOCKET WITH RUBBER RING JOINTS U.O.N.
4. PIPES DN300 AND SMALLER SHALL BE GRADE SH (SEWER GRADE) uPVC WITH RUBBER RING JOINTS.
5. EQUIVALENT STRENGTH FIBRE REINFORCED CONCRETE PIPES MAY BE USED UP TO DN450.
6. PIPES FOR SUB-SOIL DRAINS SHALL BE SLOTTED 100MM DIAMETER CLASS 1000 WRAPPED IN GEOFABRIC, U.O.N, COMPLYING WITH THE REQUIREMENTS OF AS 2439.
7. PRECAST PITS, WHERE ALLOWED, AND THE INSITU BASE SHALL COMPLY WITH THE REQUIREMENT OF THE MANUFACTURER.
8. PROVIDE STEP IRONS FOR PITS DEEPER THAN 1.2m.
9. COMPRESSIVE STRENGTH FOR CAST IN-SITU PITS SHALL BE 25MPa UNLESS NOTED OTHERWISE.
10. ALL PITS SHALL BE BENCHED AND FLOW STREAMLINED.
11. ALL MILD STEEL FIXTURES INCLUDING GRATES, FRAMES, STEP IRONS, LADDERS, ETC., SHALL BE HOT DIP GALVANISED. GALVANISING SHALL COMPLY WITH THE REQUIREMENTS OF AS 1214 OR AS 1650, AS APPROPRIATE.
12. GEOFABRIC FILTER SHALL BE PERMEABLE, NON-WOVEN FABRIC MANUFACTURED FROM A POLYMER SUCH AS POLYPROPYLENE OR POLYESTER OF MASS NOT LESS THAN 135G/M2.
13. THE MINIMUM TRENCH WIDTHS SHALL BE AS FOLLOWS:
 - CONCRETE AND FRC PIPES: EXTERNAL PIPE DIAMETER PLUS 400MM.
 - uPVC PIPE: EXTERNAL DIAMETER OF PIPE PLUS 200MM.
 - SUBSOIL PIPE: 250MM.
14. ALL PIPES SHALL BE PLACED CENTRALLY WITHIN THE TRENCH WITH EQUAL CLEARANCE EACH SIDE.
 - 100mm DIA. SUBSOIL DRAINAGE PIPE 3m LONG WRAPPED IN FILTER SOCK TO BE PROVIDED IN PIPE TRENCHES UPSTREAM OF ALL PITS.
16. PIPE BEDDING MATERIAL SHALL BE CLEAN COARSE RIVER SAND WITH DEPTH AS FOLLOWS:
 - CONCRETE AND FRC PIPES: 100MM (175MM IN ROCK)
 - uPVC PIPE: 75MM (100MM IN ROCK)
 - SUBSOIL DRAINS: 50MM
17. ALL PIPES SHALL BE BACKFILLED WITH GRANULAR MATERIAL SUCH AS QUARRY FINES OR COARSE RIVER SAND TO A MINIMUM OF 150MM ABOVE THE PIPE. THE GRANULAR MATERIAL SHALL BE PLACED IN 150MM THICK MAXIMUM LAYERS AND COMPACTED TO ACHIEVE A DENSITY INDEX (ID) OF 70%. FREQUENCIES OF COMPACTION TESTS FOR TRENCHES SHALL BE 1 TEST PER 2 LAYERS PER 4.0 LINEAR METRE.
18. BACKFILL THE REMAINDER OF THE TRENCH ABOVE THE SAND TO SUBGRADE LEVEL WITH TRENCH MATERIAL. PLACE AND COMPACT MATERIALS IN LAYERS NOT EXCEEDING 150MM LOOSE THICKNESS. MATERIAL LOWER THAN 500MM BELOW SUBGRADE LEVEL SHALL BE COMPACTED TO AT LEAST 95% OF STANDARD MAXIMUM DRY DENSITY. THE TOP 500MM BELOW PAVEMENT SUBGRADE LEVELS SHALL BE COMPACTED TO AT LEAST 100% STANDARD MAXIMUM DRY DENSITY.
19. FILTER MATERIAL FOR SUBSOIL SHALL BE COARSE SAND OR CRUSHED STONE COMPLYING WITH ONE OF THE GRADINGS IN THE TABLE BELOW. WHERE NOTED ON THE DRAWINGS THE 7MM CRUSHED ROCK FILTER MATERIAL SHALL BE ENCLOSED WITHIN FILTER FABRIC SHEET AS SPECIFIED. FILTER MATERIAL SHALL BE PLACED IN 250MM LAYERS AND COMPACTED TO DENSITY INDEX (ID) OF 60%.

AS SIEVE SIZE (mm)	SAND	7mm ROCK
9.5	100	100
6.7	-	75-100
4.75	90-100	20-55
2.36	75-100	0-15
1.18	50-90	
0.6	20-60	
0.3	10-30	
0.15	2-10	
0.075	0-3	0-2

20. UNLESS OTHERWISE DETAILED OR PERMITTED, THE MINIMUM GRADE OF ALL PIPE WORKS SHALL BE 1.0%.

1. ALL WORKMANSHIP, MATERIALS AND TESTING FOR CONCRETE WORKS SHALL COMPLY WITH THE REQUIREMENTS OF AS3600.
2. ALL WORKMANSHIP AND MATERIALS FOR FORMWORK SHALL COMPLY WITH THE REQUIREMENTS OF AS3610.
3. THE CONSTRUCTOR SHALL ENSURE THAT ALL REINFORCEMENT IS SECURELY TIED AND SUPPORTED IN IT'S CORRECT POSITION AND WITHIN ACCEPTABLE TOLERANCES SO AS NOT TO BE DISPLACED DURING CONCRETE POURING.
4. PROVIDE CONCRETE WITH A MAXIMUM SLUMP OF 80, TYPE SL CEMENT, MAXIMUM AGGREGATE SIZE 20, APPROVED ADMIXTURES AND STRENGTH GRADE AS FOLLOWS:

ELEMENT	EXPOSURE CLASSIFICATION	STRENGTH (MPA)
PAVEMENT	A2	32MPA
KERB (ALL TYPES)	A2	25MPA
FOOTPATH	A2	25MPA
RETAINING WALL FOOTING	A1/B1	20MPA

PROJECT CONTROL TESTING SHALL BE CARRIED OUT IN ACCORDANCE WITH AS 3600.
PROVIDE LAPS ONLY AT LOCATIONS SHOWN AND OF DIMENSIONS AS FOLLOWS UNLESS DETAILED OTHERWISE OR APPROVED IN WRITING BY THE ENGINEER.

BAR SIZE	N12	N16	N20
LAP	500	750	1000

6. OVERLAP FIRST AND SECOND CROSS WIRES OF EACH SHEET OF FABRIC BY 25 AT LAPS.
7. DO NOT WELD REINFORCEMENT UNLESS SHOWN OR APPROVED BY THE ENGINEER.
8. TIE ALL UNSUPPORTED BARS TO N12 350 B OR N12.450 T CROSSRODS, LAPPED 450 WHERE REQUIRED.
9. PROP, CURE AND STRIP IN ACCORDANCE WITH AS3600, AS3610 AND THE SPECIFICATION.
10. CONCRETE SAWN JOINTS MUST BE DONE WITHIN 8 HOURS OF CONCRETE POUR.
11. JOINT SEALANT MUST BE SILICONE SEALANT FOR CASTING IN-SITU AS SPECIFIED ON DRAWINGS.
12. CONCRETE FINISH SHALL BE AS FOLLOWS:

ELEMENT	EXPOSURE
ROAD (GRADE < 1 IN 10)	BROOM
ROAD (GRADE > 1 IN 10)	GROOVE
FOOTPATH	BROOM

EROSION AND SEDIMENT CONTROL

1. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE CONTROL OF EROSION AND SEDIMENTATION TO THE SATISFACTION OF COUNCIL, THE RELEVANT STATE AUTHORITIES AND THE SUPERINTENDENT. TO THIS END, THE EROSION AND SEDIMENTATION CONTROLS SHOWN ON THE DRAWINGS SHALL ONLY BE USED AS A GUIDE BY THE CONTRACTOR, AND SHALL REPRESENT THE MINIMUM REQUIREMENT ONLY.
2. NO CONSTRUCTION WORKS ARE TO COMMENCE ON SITE UNTIL ALL EROSION AND SEDIMENT CONTROL MEASURES ARE IN PLACE AND HAVE BEEN INSPECTED AND APPROVED BY THE COUNCIL ENGINEER AND/OR SUPERINTENDENT.
3. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REGULARLY INSPECTED, IN PARTICULAR AFTER STORMS, AND REPAIRED OR MAINTAINED AS REQUIRED TO ENSURE THE MEASURES CORRECT AND EFFICIENT FUNCTION THROUGHOUT THE DURATION OF THE WORKS, UNTIL SUCH TIME AS THE COUNCIL ENGINEER AND/OR SUPERINTENDENT AUTHORISES THE REMOVAL OF SUCH MEASURES.

1. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE CONTROL OF TRAFFICS INCLUDING VEHICLES AND PEDESTRIANS TO THE SATISFACTION OF COUNCIL, THE RELEVANT STATE AUTHORITIES AND THE SUPERINTENDENT.
2. THE CONTRACTOR IS TO PREPARE A TRAFFIC MANAGEMENT PLAN TO THE REQUIREMENTS OF THE RMS - TRAFFIC CONTROL AT WORK SITE, AS 1742 - AUSTRALIAN STANDARD MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, AND LOCAL COUNCIL STANDARDS.

1. OTHER ENVIRONMENTAL CONTROLS LIKE NOISE, DUST, VIBRATION, FLORA & FAUNA, FIRE, HAZMAT, AND CONTAMINATIONS MUST BE CONTROLLED TO THE REQUIREMENT OF THE COUNCIL AND THE RELEVANT STATE AUTHORITIES.

1. THE CONSTRUCTOR SHALL USE A SUITABLY QUALIFIED SURVEYOR TO SET OUT ALL WORKS. THE SURVEYOR SHALL ISSUE A CERTIFICATE TO THE PRINCIPAL CERTIFYING AUTHORITY CERTIFYING THAT THE WORKS HAVE BEEN SET OUT IN ACCORDANCE WITH THE APPROVED DRAWINGS PRIOR TO THE WORKS BEING CONSTRUCTED.
2. THE SURVEY WORK ASSOCIATED WITH THE CONTRACT SHALL INCLUDE SETTING OUT THE FOLLOWING COMPONENTS OF THE WORK:
 - ROADS AND KERBS
 - DRAINAGE STRUCTURES
 - SERVICES

1. PROVIDE TRAFFIC MANAGEMENT IN ACCORDANCE WITH THE REQUIREMENTS THE RMS TRAFFIC CONTROL AT WORK SITES MANUAL AND AS 1742.3 WHILE UNDERTAKING THE WORK.
2. LINE MARKING AND SIGN POSTING SHALL COMPLY WITH THE REQUIREMENTS OF AS1742.
3. REFLECTIVE RAISED PAVEMENT MARKERS SHALL COMPLY WITH THE REQUIREMENTS OF AS 1906.3. INSTALLATION TO THE REQUIREMENTS OF RMS QA DOCUMENT R142.
4. THE SURFACE AREA TO BE LINE MARKED MUST BE DRY AND FREE OF DIRT, GRAVEL, FLAKING PAVEMENT MARKING MATERIAL AND OTHER LOOSE OR FOREIGN MATERIAL.
5. ALL PAVEMENT MARKINGS SHALL BE THERMO PLASTIC WITH REFLECTIVE GLASS BEADS TO AS2009, UNLESS NOTED OTHERWISE. THICKNESS OF THERMO PLASTIC SHALL BE 1.8mm FOR LINES AND 3mm FOR OTHER MARKINGS.
6. SIGN SUPPORT STRUCTURES SHALL BE MANUFACTURED IN ACCORDANCE WITH COUNCIL STANDARD AND AS 4100. ALL STEEL COMPONENTS SHALL BE HOT-DIP GALVANISED TO THE REQUIREMENT OF AS4680.

1. IT IS THE CONSTRUCTORS RESPONSIBILITY TO NOTIFY THE RELEVANT SERVICES AUTHORITIES OF THE WORKS AND VERIFY THE LOCATION OF ALL EXISTING SERVICES PRIOR TO ANY CONSTRUCTION ACTIVITIES COMMENCING.
2. THE CONSTRUCTOR SHALL LIAISE AND COORDINATE THE TIMING OF THE CONSTRUCTION OF THE WORKS WITH THE RELEVANT SERVICES AUTHORITIES AND/OR OTHER CONSTRUCTORS INSTALLING SERVICES CONCURRENTLY AT THIS SITE.
3. THE LOCATION OF ALL EXISTING SERVICES SHOWN ON THE DRAWINGS ARE APPROXIMATE ONLY AND HAVE BEEN TAKEN FROM INFORMATION PROVIDED BY THE RELEVANT SERVICE AUTHORITIES.
4. THE CONSTRUCTOR SHALL BE RESPONSIBLE FOR ALL DAMAGE CAUSED TO EXISTING SERVICES AS A RESULT OF THE CONSTRUCTION WORKS.


Figure 10: Stormwater Drainage Plan Symbols

Symbol	Description
---	BOUNDARY
— RW — RW —	STORMWATER DRAINAGE LINE STRAPPED BELOW
— RW — RW - - -	STORMWATER RISING MAIN
██████████	STORMWATER DRAINAGE LINE INGROUND
-----	EXISTING STORMWATER DRAINAGE LINE
-----	EXISTING SURFACE CONTOUR
— SS — SS —	STORMWATER SUBSOIL DRAINAGE LINE WITH FLUSHING POINT
GSP, JP, GGP, GGP (SAG)	STORMWATER DRAINAGE PITS
Table: 52.653 ø300 uPVC SSØ 12.683 @ 2.4% 52.349	UPSTREAM INVERT LEVEL PIPE DIAMETER, TYPE & CLASS PIPE LENGTH & GRADE DOWNSTREAM INVERT LEVEL
RW/O	RAINWATER OUTLET
DPO	DOWNPIPE

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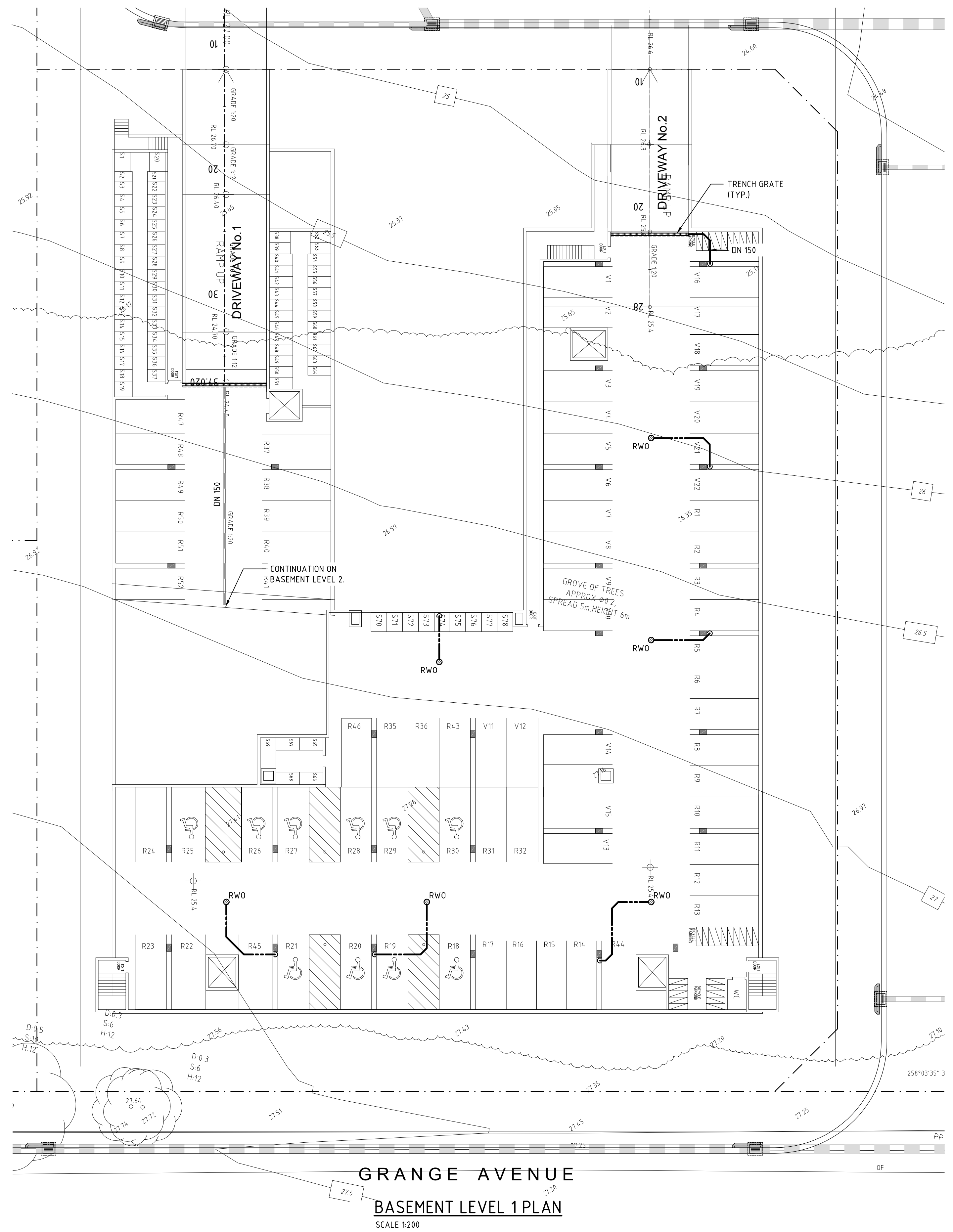
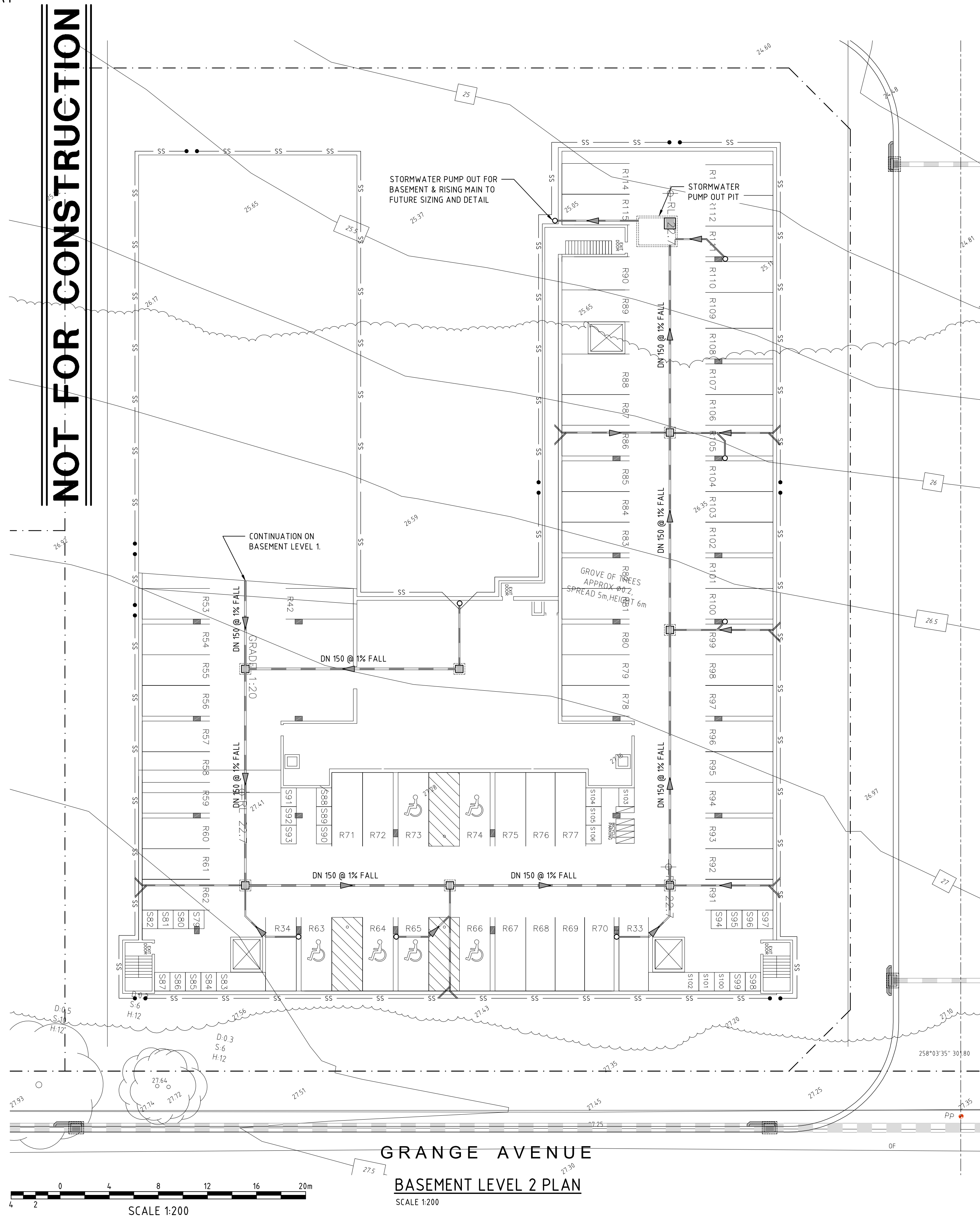
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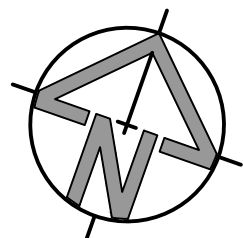
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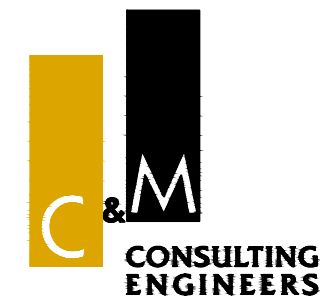
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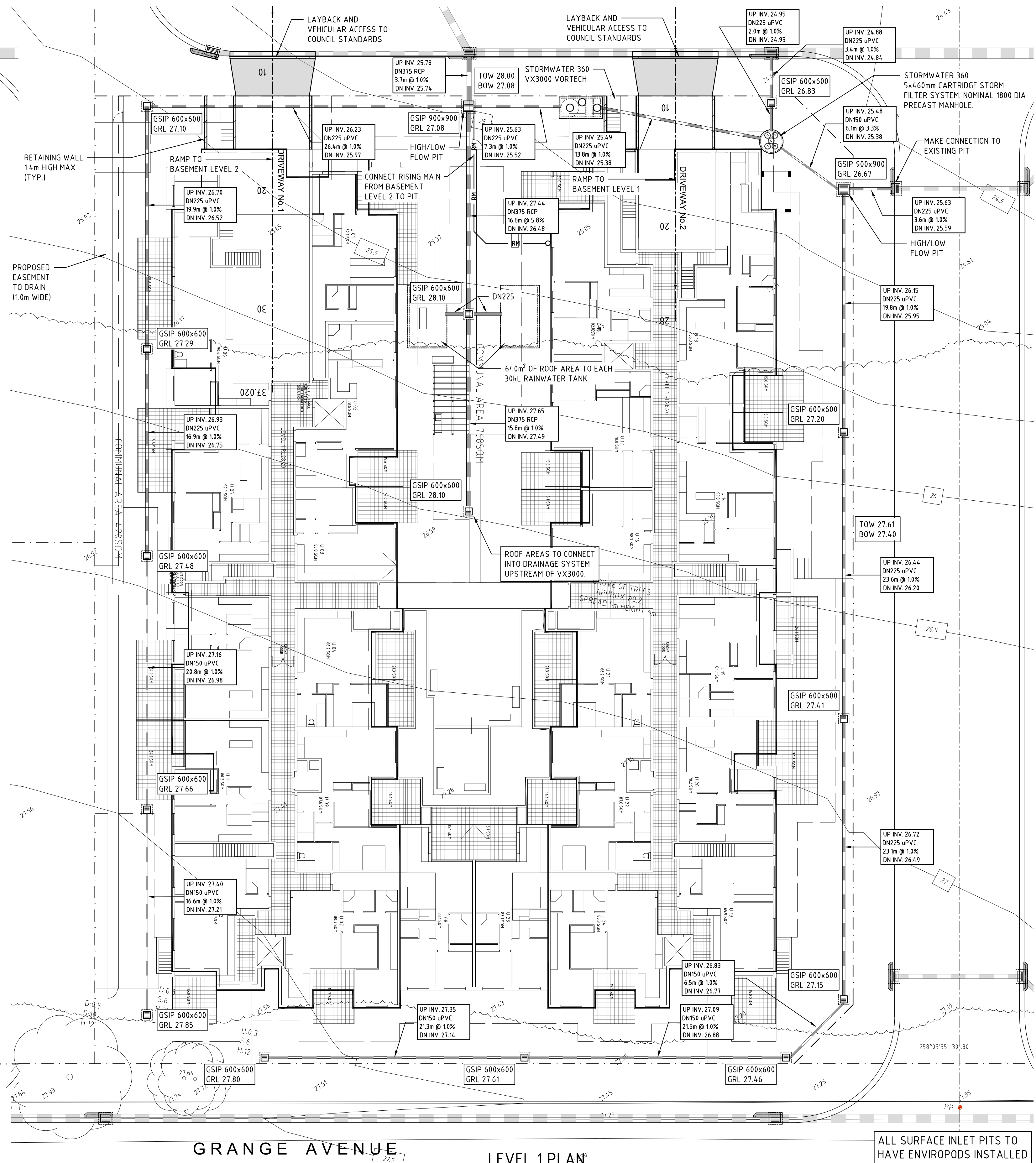
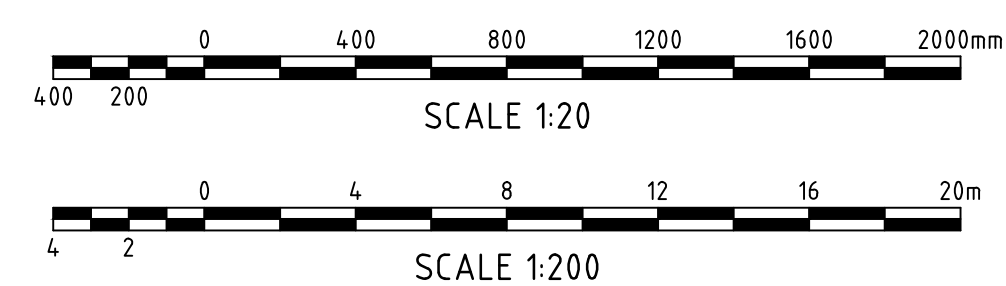
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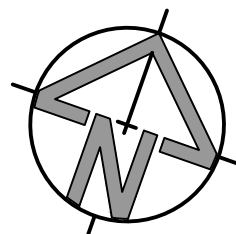
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BASEMENT LEVELS

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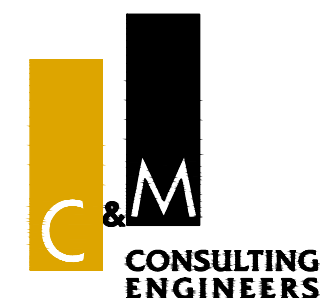
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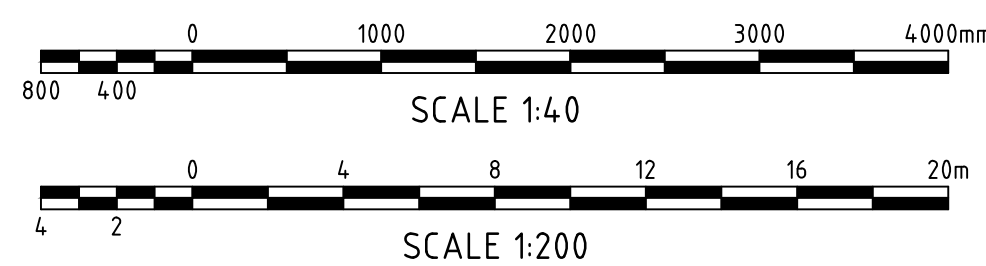
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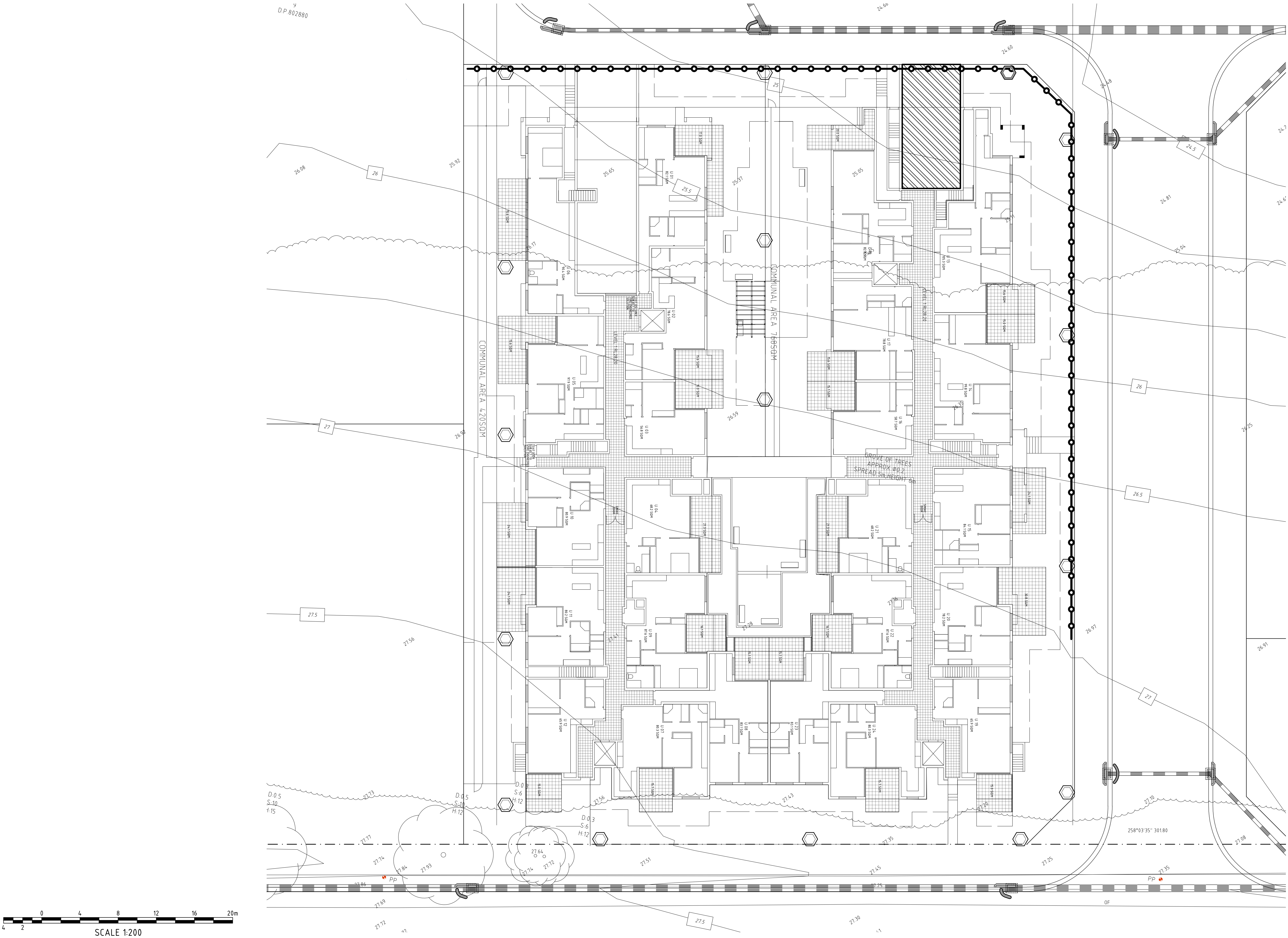
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LEVEL 1 PLAN AND CATCHMENT PLAN

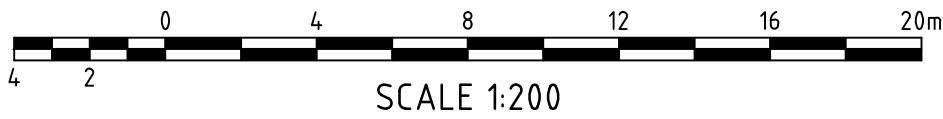
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- LEGEND**
- SEEDMENT FENCE
 - GEOTEXTILE INLET FILTER (FOR PITS WITHIN LANDSCAPED AREAS)
 - GEOTEXTILE INLET FILTER (FOR PITS WITHIN PAVEMENT AREAS)
 - MESH & GRAVEL INLET FILTER
 - MESH & GRAVEL KERB FILTER
 - STABILISED SITE ACCESS



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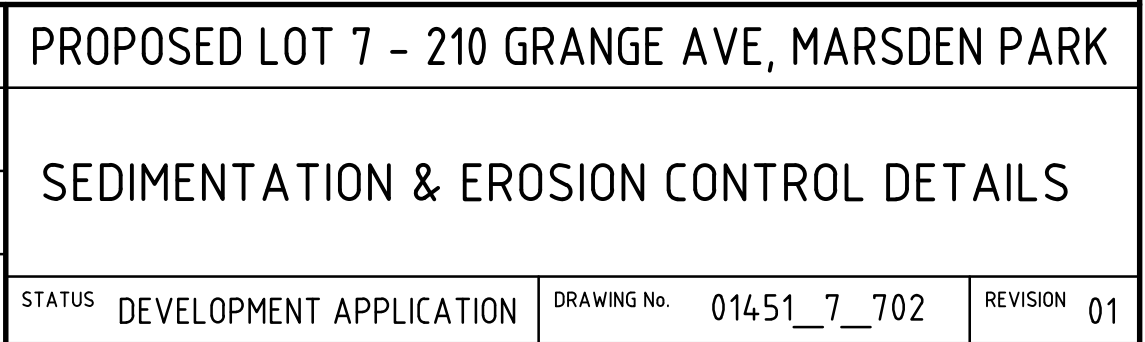
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SEDIMENTATION & EROSION CONTROL PLAN			
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REVISION	01		

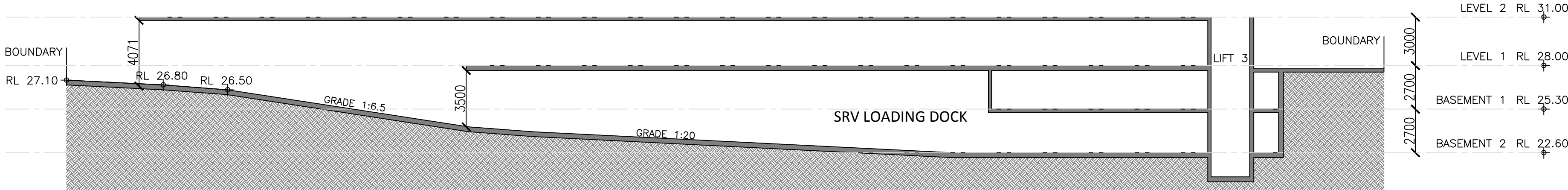


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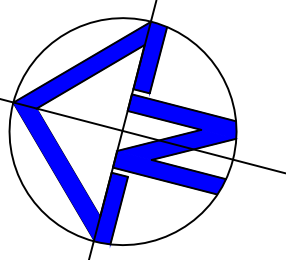
PROPOSED ROAD 2

GRANGE AVENUE

BASEMENT 1



SECTION A-A



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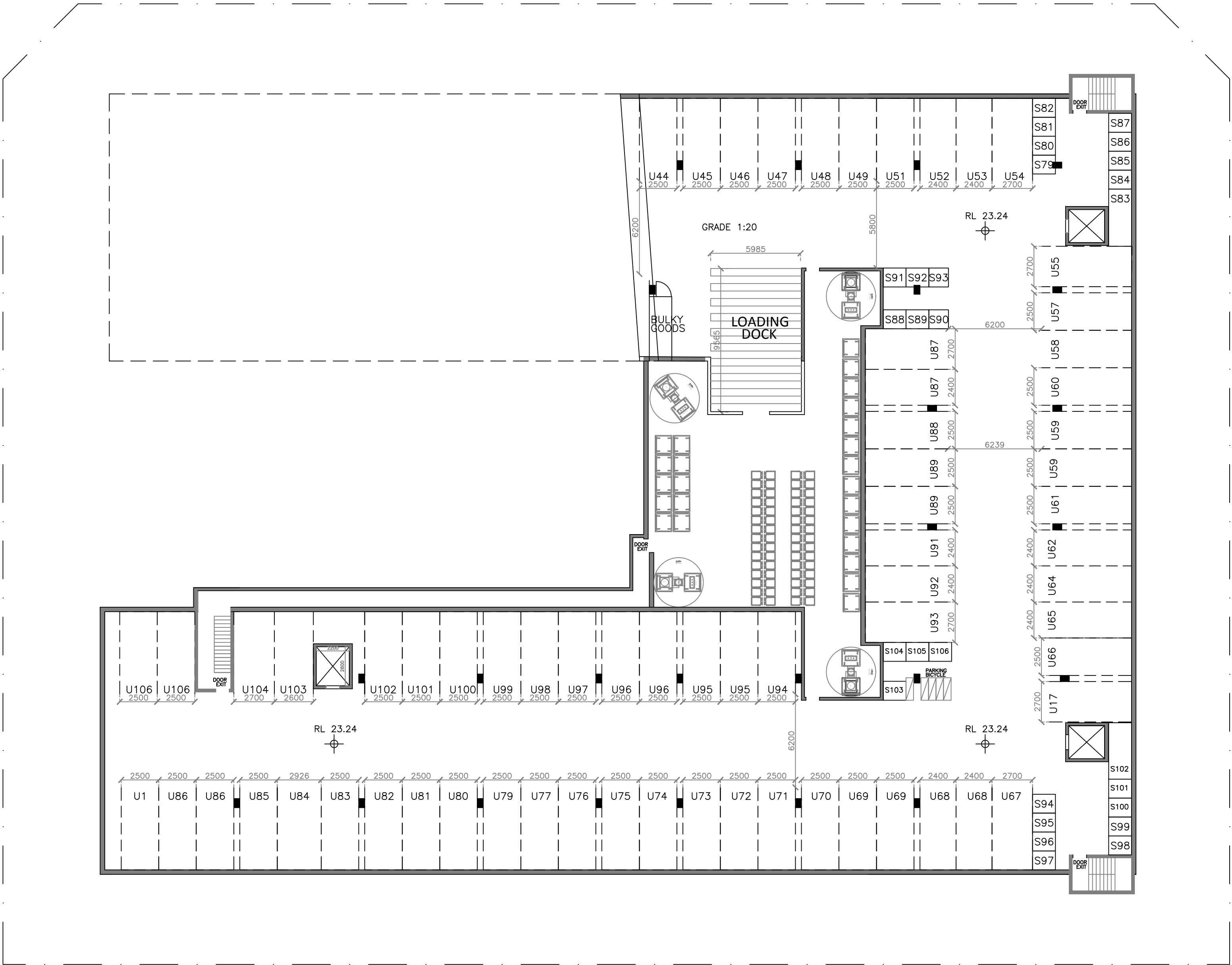
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TITLE
BASEMENT 1 PLAN

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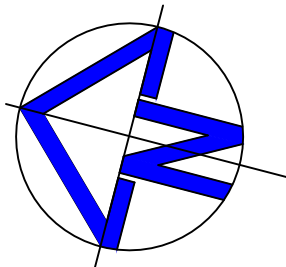
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L	10.11.16	REVISED FOR DA
K	26.07.16	CONSULTANT ISSUE
J	10.06.16	CONSULTANT ISSUE
I	17.05.16	CONSULTANT ISSUE
H	30.11.15	CONSULTANT ISSUE
ISSUE	DATE	AMENDMENT



BASEMENT 2

M	28.06.17	REVISED FOR DA LOADING DOCK AMENDED
L	10.11.16	REVISED FOR DA
K	26.07.16	CONSULTANT ISSUE
J	10.06.16	CONSULTANT ISSUE
I	17.05.16	CONSULTANT ISSUE
H	30.11.15	CONSULTANT ISSUE
G	18.11.15	DA ISSUE
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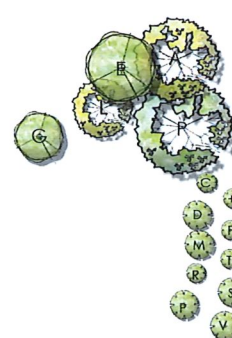
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


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TITLE
BASEMENT 2 PLAN

SCALE: 1:200(A1)
DATE: 06.06.15
REF : BPA1507

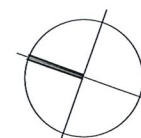
SkA2m

					<p>PLANT SCHEDULE.</p>				
<p>PLANT SCHEDULE.</p>					QTY	SIZE	COMMON NAME	EST HT X SP @ MAT	
ACER BEUGERANUM					2	75L	Trident maple	8 x 4m	
ELAEOCARPUS RETICULATUS					15	"	Blueberry Ash	6 x 3m	
LAGERSTROEMIA INDICA 'NATCHEZ'					13	"	Crepe myrtle var	3.5 x 3.5m	
MAGNOLIA 'LITTLE GEM'					4	"	Dwarf evergreen magnolia	3 x 1.5m	
PYRUS USSURIENSIS					12	"	Manchurian pear	8 x 5m	
CALLISTEMON 'CAPT COOK'					19	5L	Dwarf bottlebrush var	1 x 1m	
CORDYLINE STRICTA					38	"	Palm lily	1.5 x 1m	
DORYANTHES EXCELSA					21	"	Gymea lily	2 x 2m	
LOROPETALUM 'RUBRUM'					32	"	Purple fringe flower	1 x 1.5m	
MURRAYA PANICULATA					63	"	Orange Jessamine	2 x 1.5m	
MELALEUCA THYMIFOLIA					43	"	Thyme honey myrtle	1.5m hedged	
RAPHIOLEPIS 'SNOW MAIDEN'					63	"	Dwarf indian hawthorn var	1 x 1m	
SYZYGIVM PANICULATUM 'DWARF'					46	"	Dwarf lillipilli var	2 x 1.2m	
SYZYGIVM 'PINK CASCADE'					71	"	Dwarf lillipilli var	2.5 x 1.5m	
VIBURNUM ODORATISSIMA					61	"	Viburnum	2.5 x 1.5m	
LOMANDRA 'TANIKA'						2.5L	Mat rush var	g'cover	
TRACHELOSPERMUM JASMINOIDES							Star jasmine	g'cover	
WESTRINGIA FRUTICOSA 'MUNDI'							Dwarf coast rosemary	0.4 x 1.5m	
LIRIOPE 'EVERGREEN GIANT'							Large liriope	0.7 x 0.7m	
LIRIOPE MUSCARI							Liriope	0.3 x 0.3m	
VIOLA HEDERACEAE							Native violets	g'cover	
VITIS VINIFERA							Ornamental grape	Train over pergola.	

LEGEND	
	DECK AREA
	BENCH SEATS AVAILABLE FROM LANDMARK OPEN SPACE STRUCTURES AND SOLUTIONS. MODEL SAN MARCO K 051. ALUMINIUM FRAME, WALL MOUNTED
	SELECTED TILE FINISH TO COMMON OPEN SPACE.
	EXISTING TREES REMOVED
	BRICK EDGING TO MASS PLANTED AREAS
	PROPOSED FINISHED LEVELS
	PROPOSED LEVEL TOP PLANTER WALLS
	TURF AREAS: SIR WALTER BUFFALO
	PROPOSED STORMWATER LINES WITH PLANTER BOX DRAINAGE POINTS + TERRACE DRAINAGE POINTS.

PROPOSED RESIDENTIAL APARTMENTS- BLOCK A 210 GRANGE AVE., MARSDEN PARK. PROPOSED LOT 7 DP 802880

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DATE.
NOV 2015
DWG. NO.
15-030-APT A-L01

SCALE
1:200 @ A1
NO. IN SET
2

PROJECT.
PROPOSED RESIDENTIAL APARTMENTS
210 GRANGE AVE., MARSDEN PARK
PROPOSED LOT 7 DP 802880

DRAWING.
LANDSCAPE PLAN

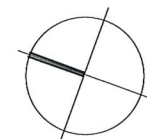
JOCELYN RAMSAY & ASSOC. PTY. LTD
ABN 34 38 097 146 979
LANDSCAPE ARCHITECTS.
SUITE K 680 PACIFIC HWY.,
KILLARA NSW 2071.
ph. 02 9499 4220
fax. 02 9499 4221
email:jrla@bigpond.net.au

B	DEVELOPMENT APPLICATION	17.11.15
A	PRELIMINARY	11.11.15
ISSUE	AMENDMENTS	DATE



B	DEVELOPMENT APPLICATION	17.11.15
A	PRELIMINARY	11.11.15
ISSUE	AMENDMENTS	DATE

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DATE:
NOV 2015
DWG. NO.
15-030-APT A-L02

SCALE
1:200 @ A1
NO. IN SET
2

PROJECT:
PROPOSED RESIDENTIAL APARTMENTS
210 GRANGE AVE., MARSDEN PARK
PROPOSED LOT 7 DP 802880

DRAWING:
LANDSCAPE PLAN

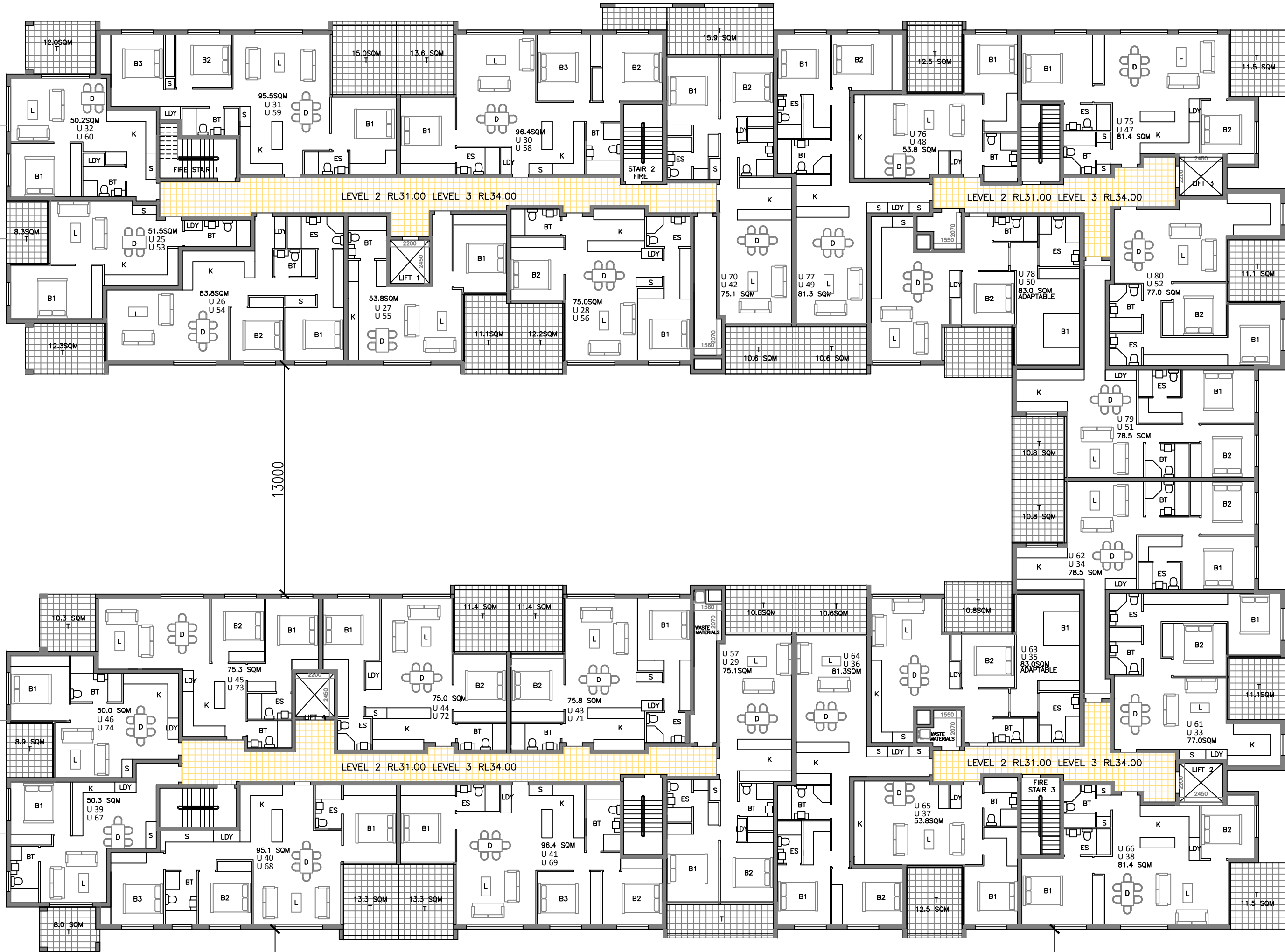
JOCELYN RAMSAY & ASSOC. PTY. LTD
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PROPOSED ROAD 4

PROPOSED ROAD 2

AVENUE

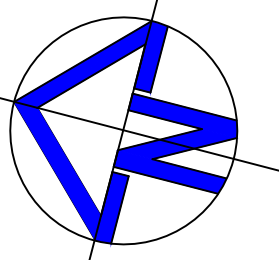
GRANGE



Lot 5

Lot 6

K	27.04.18	REVISED FOR DEVELOPMENT APPLICATION
J	07.03.17	REVISED FOR DEVELOPMENT APPLICATION
I	10.11.16	CONSULTANT ISSUE
H	30.11.15	CONSULTANT ISSUE
G	18.11.15	DA ISSUE
F	10.11.15	CONSULTANT ISSUE
E	05.11.15	PRELIMINARY DA ISSUE
ISSUE	DATE	AMENDMENT



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PROJECT
PROPOSED RESIDENTIAL APARTMENTS
PROPOSED LOT 7
210 GRANGE AVE
MARSDEN PARK
LOT 5 + LOTS 9-13 DP 802880

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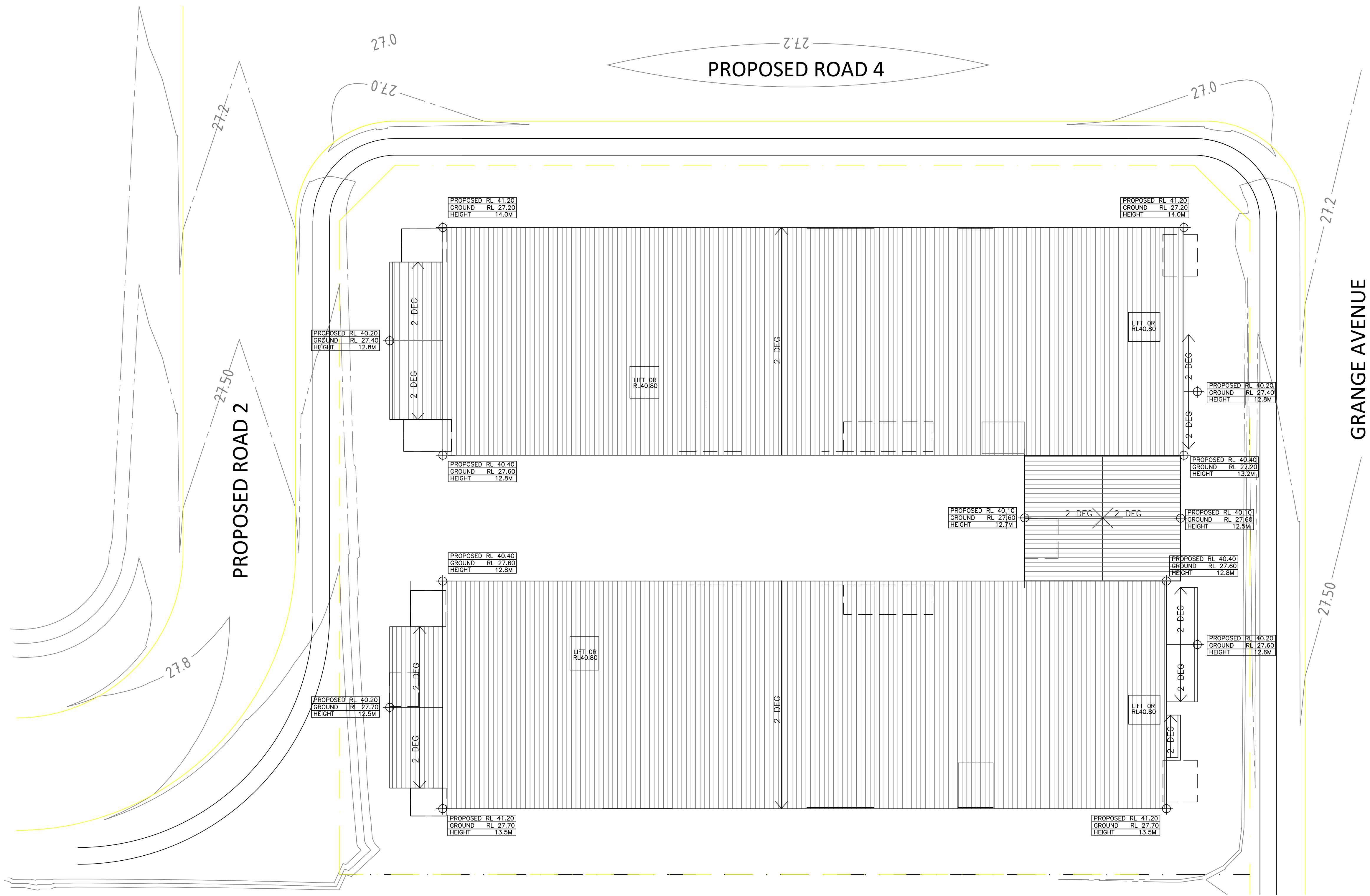
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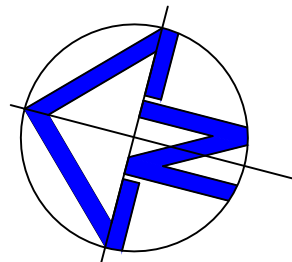
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LEVELS 2 - 3 PLAN

SCALE: 1:200(A1)
DATE: 06.06.15
REF : BPA1507

SkA5k



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J	07.03.17	REVISED FOR DEVELOPMENT APPLICATION
I	10.11.16	REVISED FOR DA
H	30.11.15	CONSULTANT ISSUE
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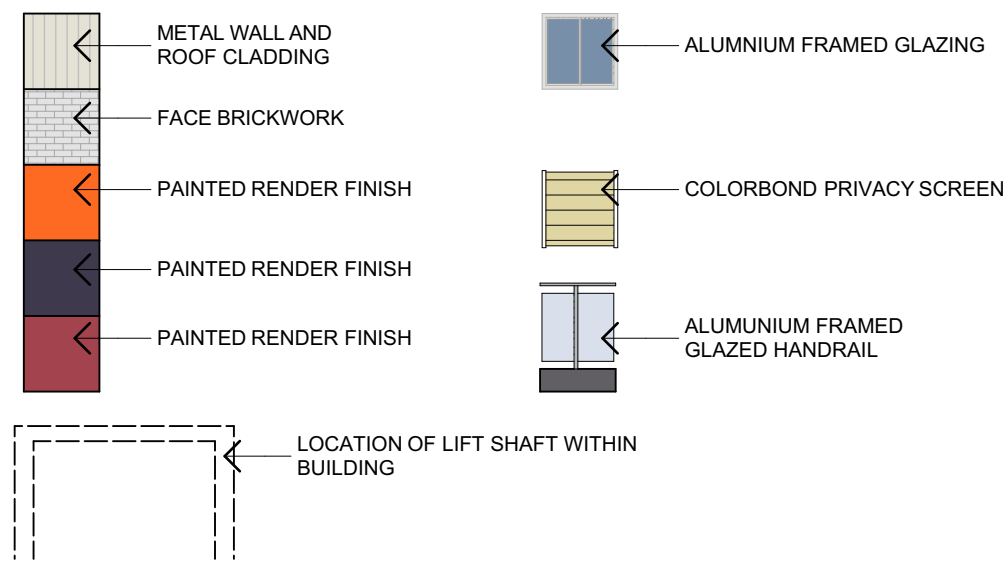
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ROOF PLAN

SCALE: 1:200(A1)
DATE: 06.06.15
REF : BPA1507

SkA1k



LEGEND



C	08.05.18	RE-ISSUED FOR DEVELOPMENT APPLICATION
B	11.11.16	RE-ISSUED FOR DEVELOPMENT APPLICATION
A	10.11.15	ISSUED FOR DEVELOPMENT APPLICATION
ISSUE	DATE	AMENDMENT

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00916 Marsden Park Lot 7_B_180430.pln

PROJECT
PROPOSED RESIDENTIAL APARTMENTS - PROPOSED LOT 7
210 GRANGE AVE
MARSDEN PARK
LOT 5 + LOTS 9-13 DP 802880

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TITLE
ELEVATIONS

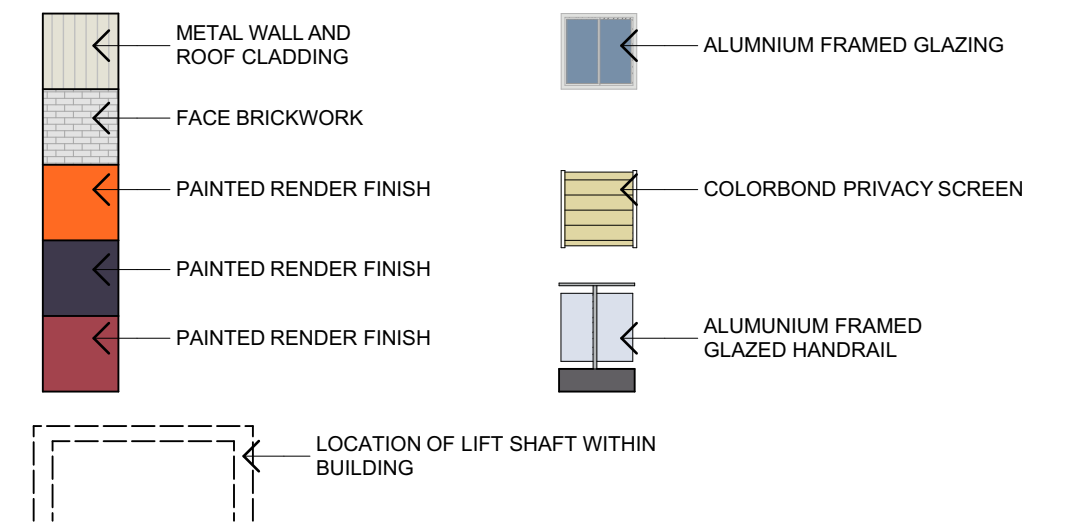
SCALE: 1:200(A1)
DATE: 28.11.14
REF : BPA1507

Ska7 c

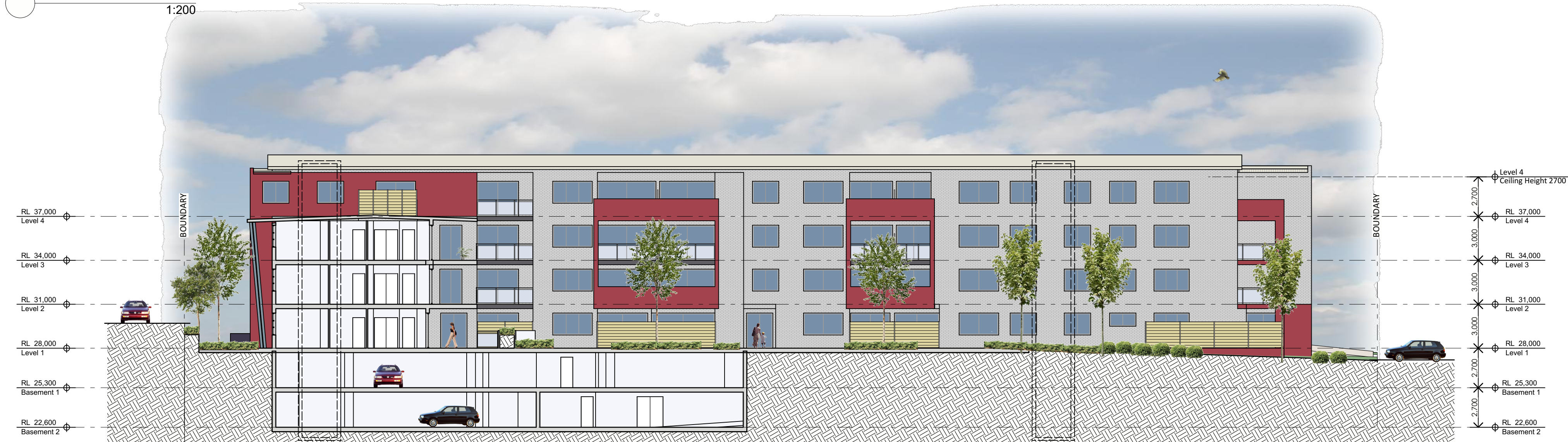


South Elevation
1:200

LEGEND



A Section
1:200



B Section
1:200

PROJECT
PROPOSED RESIDENTIAL APARTMENTS - PROPOSED LOT 7
210 GRANGE AVE
MARSDEN PARK
LOT 5 + LOTS 9-13 DP 802880

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TITLE
ELEVATIONS

SCALE: 1:200(A1)
DATE: 28.11.14
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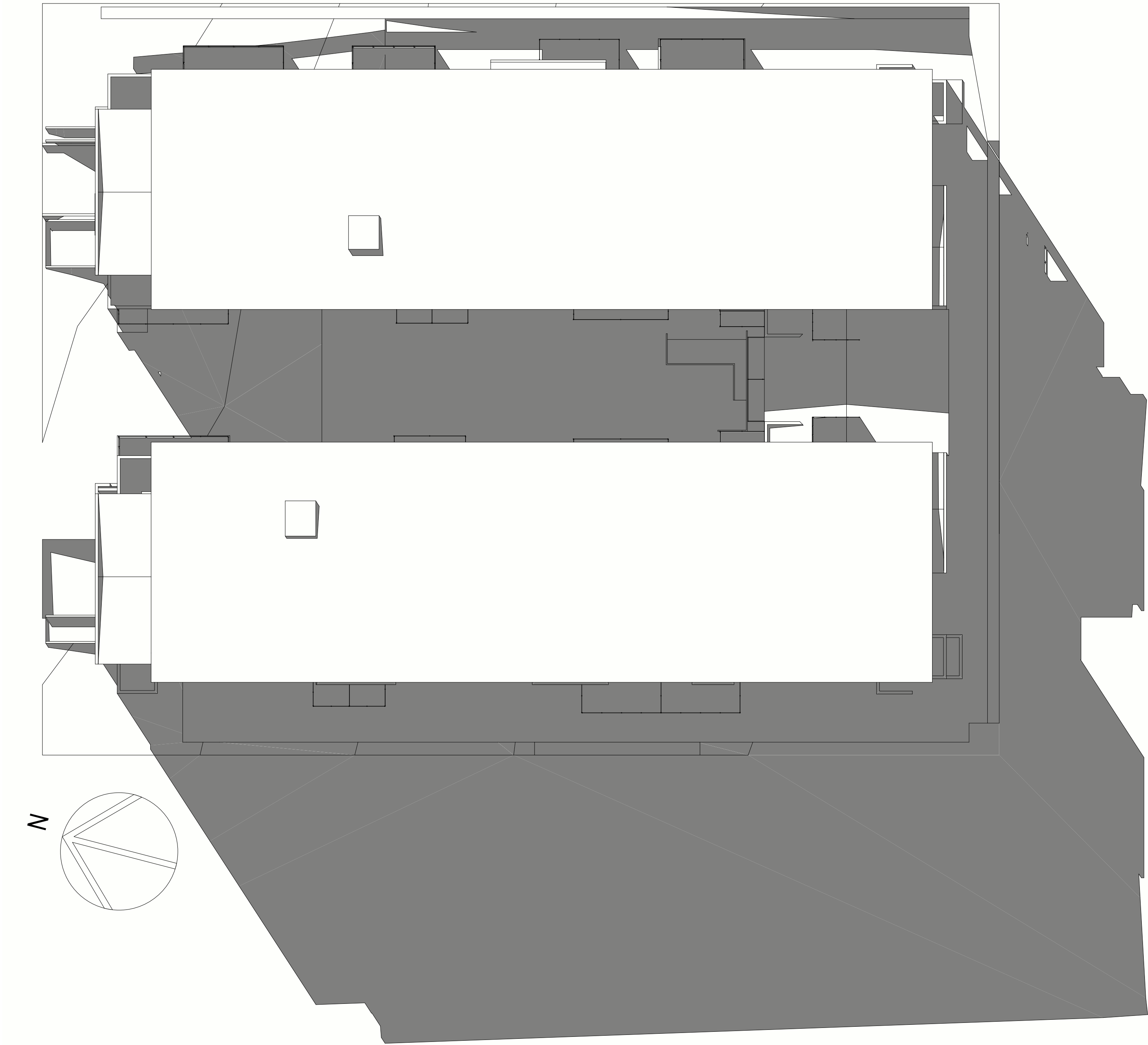
SkA8 c

C	08.05.18	RE-ISSUED FOR DEVELOPMENT APPLICATION
B	11.11.16	RE-ISSUED FOR DEVELOPMENT APPLICATION

ISSUE	DATE	AMENDMENT
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00916 Marsden Park Lot 7_B_180430.pln



Shadow 9:00 AM June 21
1:250

Jun2190min

Sun Altitude:18.91°

Sun Azimuth:122.95°

Sun Icon

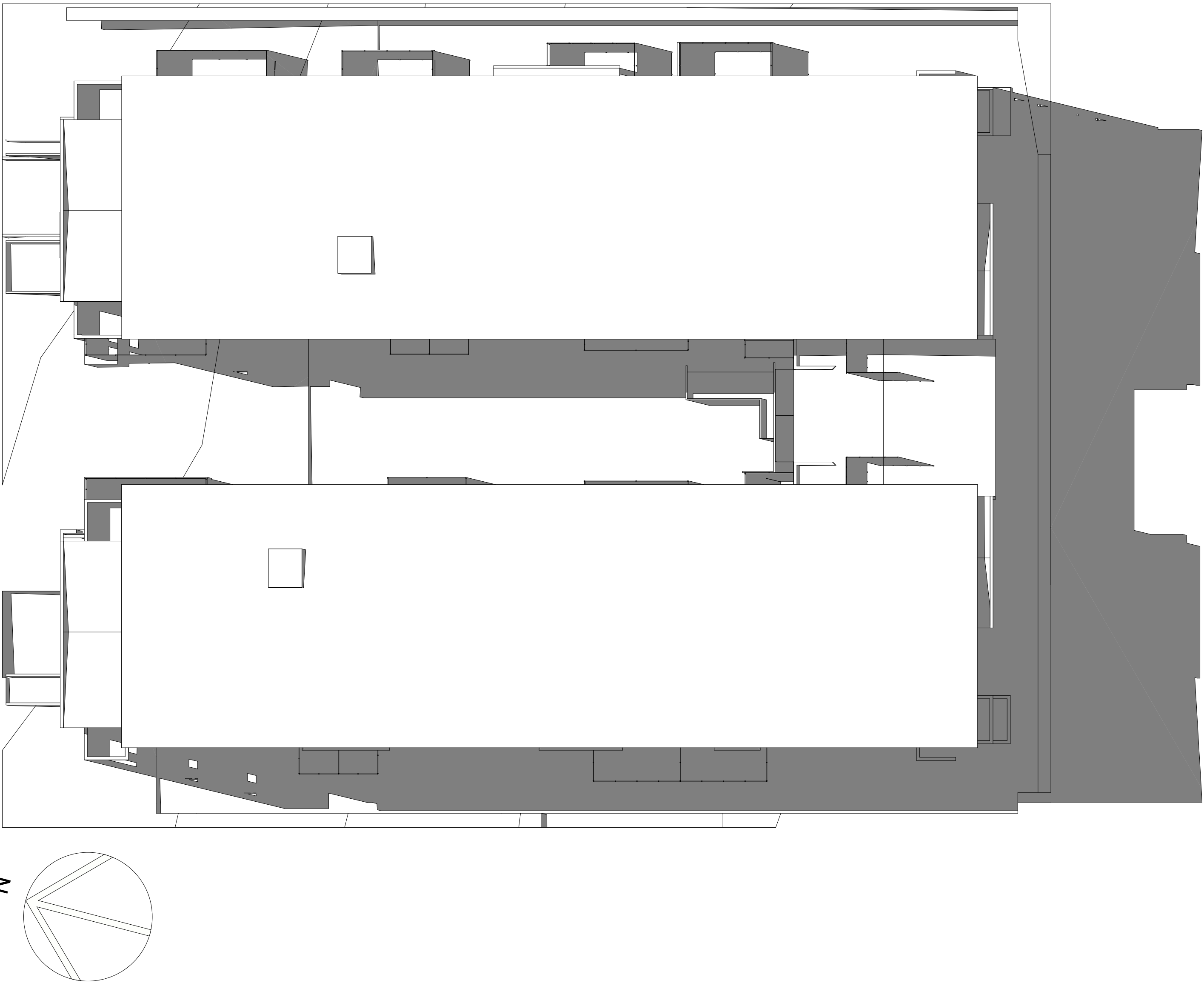
Project North:165.43°

North Arrow

C	08.05.18	RE-ISSUED FOR DEVELOPMENT APPLICATION
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A	10.11.15	ISSUED FOR DEVELOPMENT APPLICATION
ISSUE	DATE	AMENDMENT

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00916 Marsden Park Lot 7_B_180430.pln



Shadow 12:00 Noon June 21
1:250

Jun21120min

Sun Altitude:32.63°

Sun Azimuth:166.35°

Sun Icon

Project North:165.43°

North Arrow

PROJECT
PROPOSED RESIDENTIAL APARTMENTS - PROPOSED LOT 7
210 GRANGE AVE
MARSDEN PARK
LOT 5 + LOTS 9-13 DP 802880

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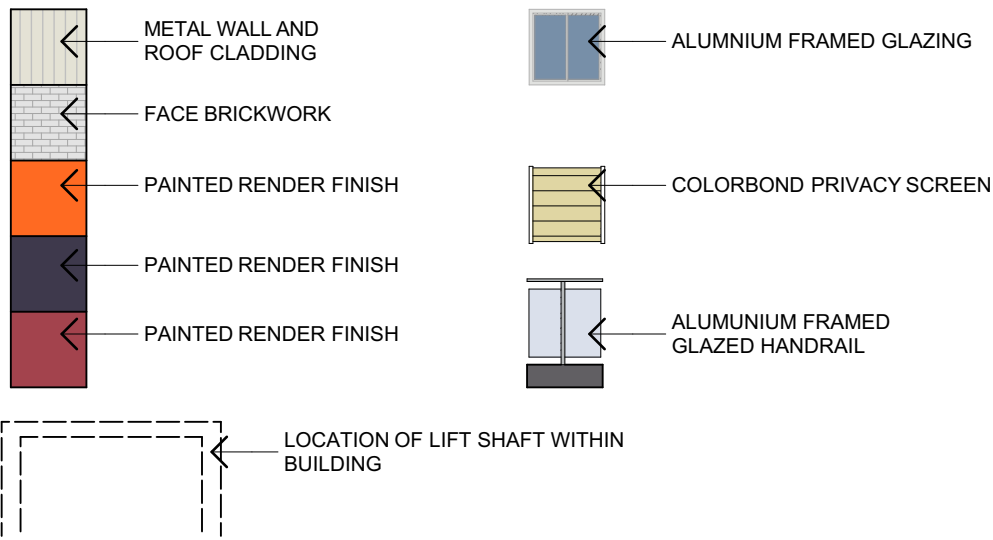
8 KEITH COURT CHERRYBROOK NSW 2126
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A.B.N. 82 306 483 112

TITLE
SHADOW
DIAGRAMS

SCALE: 1:200(A1)
DATE: 28.11.14
REF : BPA1507

SkA9 c

LEGEND



A Section
1:200



B Section
1:200

C	08.05.18	RE-ISSUED FOR DEVELOPMENT APPLICATION
B	11.11.16	RE-ISSUED FOR DEVELOPMENT APPLICATION
A	10.11.15	ISSUED FOR DEVELOPMENT APPLICATION
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00916 Marsden Park Lot 7_B_180430.pln

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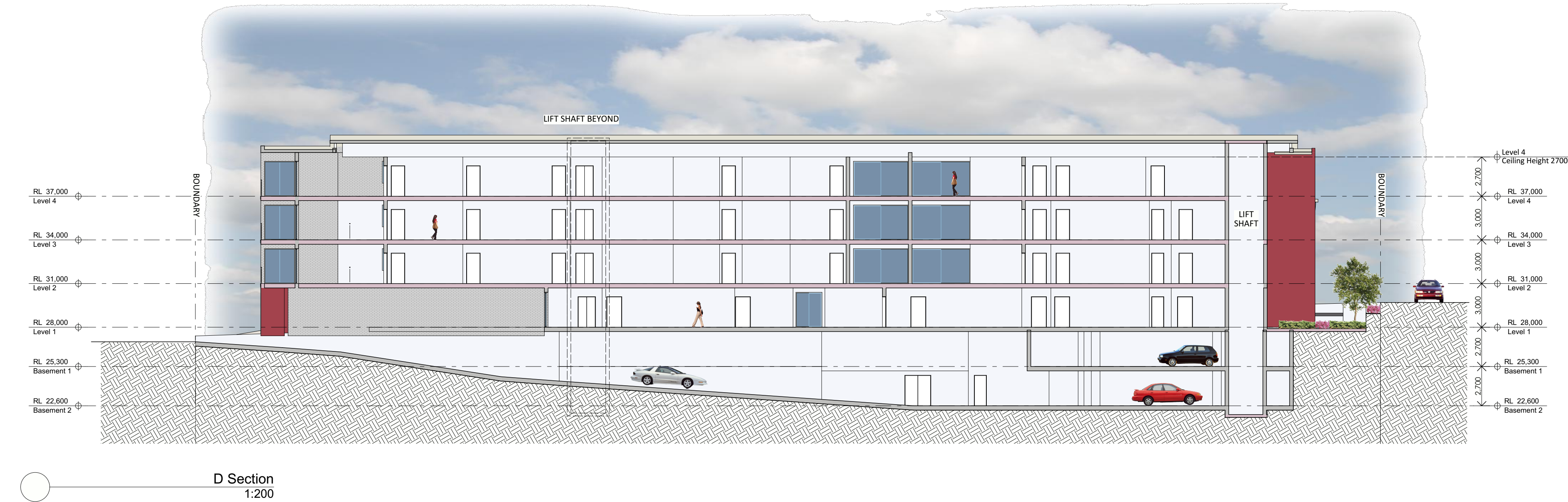
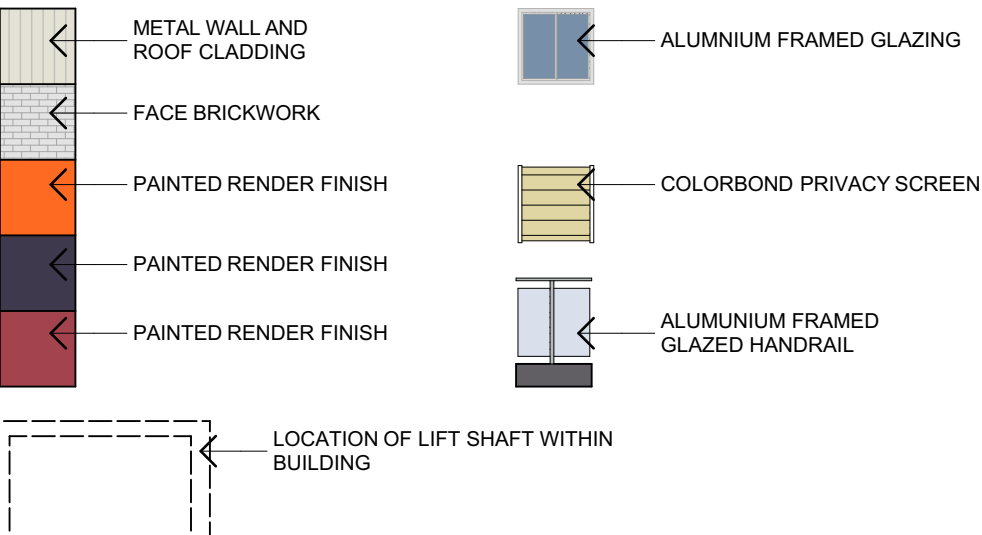
TITLE
SECTIONS

SCALE: 1:200(A1)
DATE: 28.11.14
REF : BPA1507

SkA10c



LEGEND



B	08.05.18	RE-ISSUED FOR DEVELOPMENT APPLICATION
A	11.11.16	ISSUED FOR DEVELOPMENT APPLICATION
ISSUE	DATE	AMENDMENT

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00916 Marsden Park Lot 7_8_180430.pln

PROJECT
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210 GRANGE AVE
MARSDEN PARK
LOT 5 + LOTS 9-13 DP 802880

CLIENT
LI AND QING UNIT TRUST

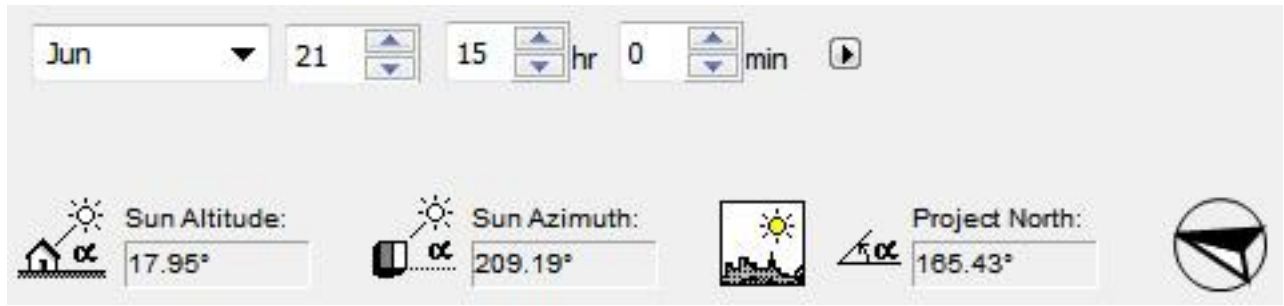
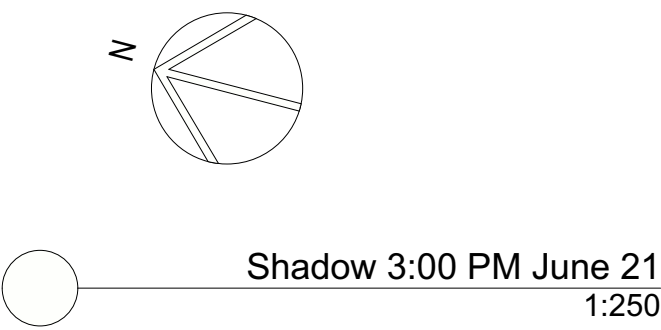
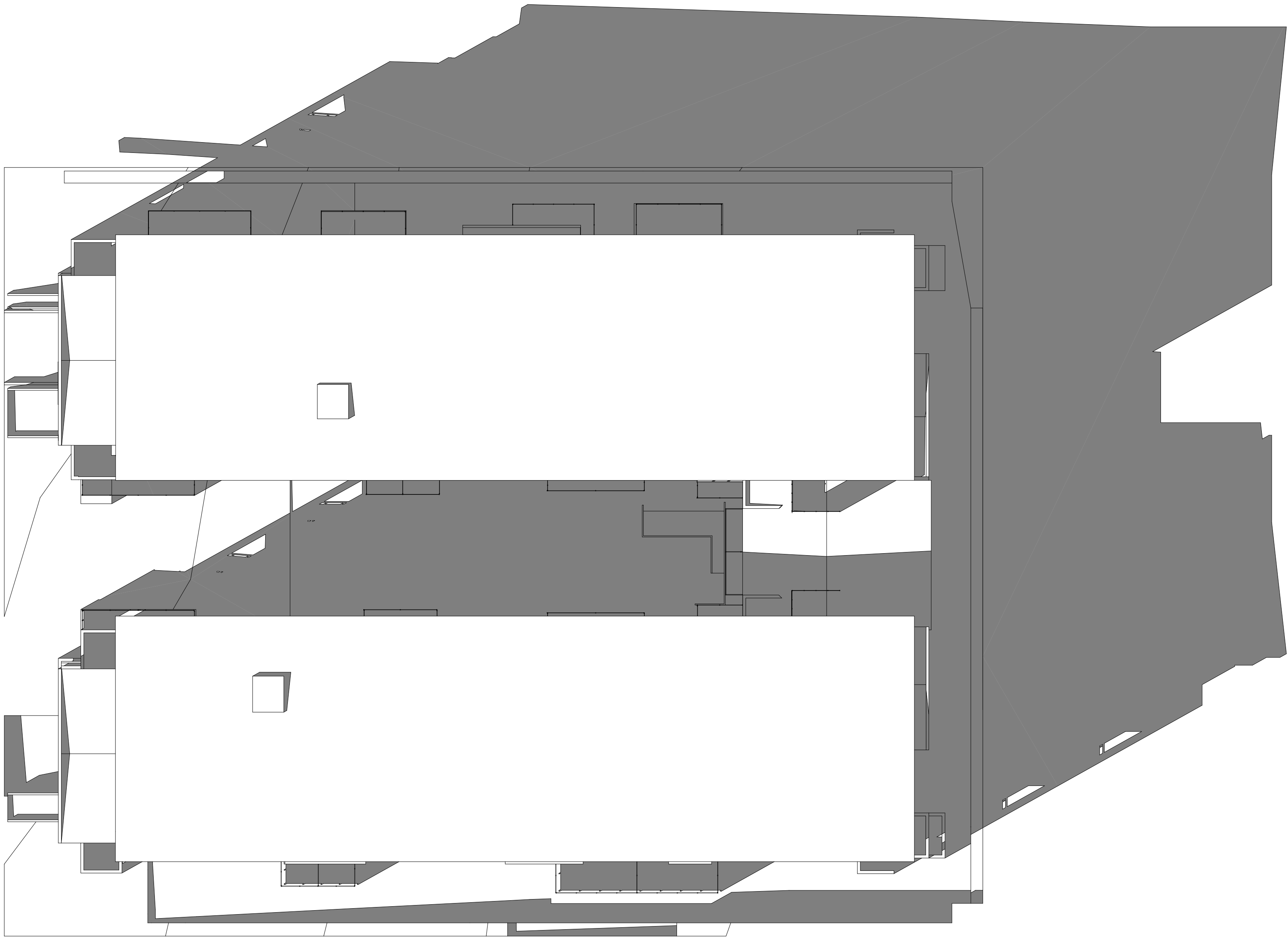
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TITLE
SECTIONS

SCALE: 1:200(A1)
DATE: 28.11.14
REF : BPA1507

SkA11b



B	08.05.18	RE-ISSUED FOR DEVELOPMENT APPLICATION
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00916 Marsden Park Lot 7_8_180430.pln

PROJECT
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MARSDEN PARK
LOT 5 + LOTS 9-13 DP 802880

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TITLE
SHADOWS

SCALE: 1:200(A1)
DATE: 28.11.14
REF : BPA1507

SkA12 b

Assessment against planning controls

1. Environmental Planning and Assessment Act 1979

The development satisfies the matters for consideration under Section 4.15 of the Act as detailed below.

Heads of Consideration s4.15	Comment	Complies
a. The provisions of: (i) Any environmental planning instrument (EPI)	<p>The proposal is considered to be consistent with the relevant EPIs, including SREP No. 20 – Hawkesbury- Nepean River, SEPP (State and Regional Development) 2011, SEPP (Infrastructure) 2007, SEPP BASIX 2004, SEPP No. 55 – Remediation of Land, SEPP No. 65 – Design Quality of Residential Apartment Development and the 9 'design quality principles' of SEPP 65, the Growth Centres SEPP 2006 and the Central City District Plan 2018.</p> <p>The proposed development is a permissible land use within the R3 Medium Density Residential zone and satisfies the zone objectives outlined under the Growth Centres SEPP.</p> <p>The proposal is consistent with the Blacktown Growth Centre Precinct Plan (Appendix 12, Clause 1.3).</p>	<p>Satisfactory</p> <p>Satisfactory</p> <p>Yes</p>
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	<p>Prior to the lodgement of this application, a draft amendment to the Growth Centres SEPP 2006 was exhibited by the Department of Planning and Environment in May 2017, referred to as the 'North West Draft Exhibition Package.' This exhibition was undertaken to coincide with the release of the Land Use and Infrastructure Implementation Plan (the purpose of which is to guide new infrastructure investment, make sure new developments don't impact on the operation of the new Western Sydney Airport, identify locations for new homes and jobs close to transport, and coordinate services in the area).</p> <p>A key outcome sought by the Department of Planning and Environment (DPE) is the establishment of minimum and maximum densities for all residential areas that have been rezoned under the SEPP (i.e. density bands). Currently, the planning controls nominate only a minimum density of 25 dwellings per hectare for the subject site. There is no cap on density apart from the height of buildings limit. Under the existing regime, the applicant will deliver a yield of 204 dwellings per hectare on Lot 7.</p> <p>The exhibition package remains 'under consideration' by the Department. As at 12 June 2018, the Department is currently awaiting resolution of a number of legal matters that have been raised following the exhibition period. The Marsden Park Precinct includes a proposed density band of 25 (minimum) to 35 (maximum) dwellings per hectare identified for the subject site.</p> <p>The timing of adoption is uncertain at this stage, as is the content of any amendments. There is no guarantee the exhibited controls will be adopted.</p>	<p>Not a matter of consideration for this application as this is a draft amendment which is not certain or imminent.</p>

Heads of Consideration s4.15	Comment	Complies
(iii) Any development control plan (DCP)	The Growth Centres DCP applies to the site. The proposed development is compliant with the numerical controls established under the DCP, with the exception of minor variations to building setbacks for parts of the development largely due to the site having three street frontages and not a traditional front, side and rear setback. Refer to further discussion at Section 7 of the Assessment Report.	Satisfactory
(iv) The regulations	N/A	Yes
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	<p>It is considered that the likely impacts of the development, including traffic, parking and access, design, bulk and scale, overshadowing, noise, privacy, waste management, flora and fauna, salinity, contamination and stormwater management have been satisfactorily addressed.</p> <p>A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties and the design is consistent with the previously approved subdivision for the site.</p> <p>In view of the above, it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
c. The suitability of the site for the development	<p>The subject site is zoned R3 Medium Density Residential with a 14 m building height limit under the Growth Centres SEPP. Residential flat buildings are permissible on the site with development consent.</p> <p>The site has an area and configuration that is suited to this form of development. The design solution is based on sound site analysis and responds positively to the different types of land uses adjoining the site.</p> <p>The site is located within close proximity to the Marsden Park Town Centre to the west of the site and the Marsden Park Industrial Precinct to the south-west.</p> <p>The proposal is consistent with the Indicative Layout Plan. This application for RFB is consistent with the approved subdivision.</p>	Yes
d. Any submissions made in accordance with this Act, or the Regulations	The application was advertised for comment for a period of 14 days. 1 submission was received during the notification period from Baiada Poultry to the north of the site. The submission is addressed in attachment 7 and is not considered to warrant refusal.	Satisfactory
e. The public interest	It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal provides high quality housing stock and provides for housing diversity within the Marsden Park Precinct.	Yes

2. Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

A consent authority must take into consideration the general planning considerations set out in Clause 5 of SREP 20 and the specific planning policies and recommended strategies in Clause 6 of SREP 20. The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of the Growth Centres SEPP.

The development generally complies with the development standards and controls established within the Growth Centres SEPP, to enable the orderly development of the site. There are minor variations to the development standards and controls with respect to setbacks and balcony sizes for some apartments, however the proposed development has demonstrated consistency with the relevant objectives and represent a site responsive development. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.

3. State Environmental Planning Policy (State and Regional Development) 2011

The Sydney Planning Panel (SPP) is the consent authority for all development with a capital investment value (CIV) of over \$30 million. The CIV is \$23,294,004. However, as the application was lodged prior to 1 March 2018 when the CIV threshold was \$20 million, Council is responsible for the assessment of the DA and determination of the application is to be made by the Sydney Central City Planning Panel.

4. State Environmental Planning Policy (Infrastructure) 2007

The SEPP ensures that Roads and Maritime Services (RMS) is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the SEPP. For residential flat buildings with 300 or more apartments on any road, referral to the RMS is required. As this development proposes 106 dwellings referral to the RMS was not required and the parking and traffic impact was considered by Council's traffic section.

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

A BASIX certificate has been lodged as part of the DA. The BASIX certificate indicates that the development has been designed to achieve the required water, thermal comfort and energy scores. A suitable condition will be imposed requiring compliance with the submitted BASIX certificate (Number: 687275M).

6. State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 aims to 'provide a State-wide planning approach to the remediation of contaminated land'. Clause 7 requires a consent authority to consider whether the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to the granting of development consent.

A Stage 1 Site Contamination Report prepared by Anderson Consulting was submitted with the subdivision application and appropriate conditions of consent were applied as part of that approval. The report confirmed that the site is suitable for residential use.

7. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

SEPP 65 applies to the assessment of development applications for residential flat buildings 3 or more storeys in height and containing at least 4 dwellings.

Clause 28 of SEPP 65 requires a consent authority to take into consideration:

- advice (if any) obtained from the design review panel

- design quality of the residential flat development when evaluated in accordance with the design quality principles
- the Apartment Design Guide (ADG).

Blacktown Council does not have a design review panel. However, the tables below provide comments on assessment of the 9 design principles and the numerical guidelines of the Apartment Design Guide.

7.1. Design quality principles

The development satisfies the 9 design principles.

Principle	Control	Town Planning comment
1. Context and neighbourhood character	<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 located within a Greenfields context, within the Marsden Park Precinct of the North West Growth Centre.</p> <p>The layout and design of the proposal responds well to the context of the site and is satisfactory with regard to the development standards and controls.</p> <p>The buildings have been architecturally designed and are considered compatible with the social, economic and environmental identity of the Marsden Park Precinct.</p>
2. Built form and scale	<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 domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The built form, height and scale of the proposed development have been resolved by a thorough evaluation of the site's surrounding context, topography and environmental characteristics, with an emphasis on amenity for future residents.</p> <p>The proposed development consists of a U-shaped building wrapping around a centrally located, north facing communal open space. The building has a consistent 4 storey height to the eastern and western wings of the building with a 3 storey height at the centre linking the 2. The building height falls within the 14m height limit.</p> <p>A range of different materials and colours have been used to define the building lobbies and balcony projections at each street frontage and seek to break up the long building facades to the street frontages.</p>
3. Density	<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</p>	<p>The proposed residential development comprises 106 apartments, which is a suitable density for the site and meets the minimum dwellings per density rate applicable under the SEPP.</p> <p>The approved subdivision (DA-15-</p>

Principle	Control	Town Planning comment
	<p>population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>02309) has established appropriate development lots that will provide new public roads of sufficient capacity to cater for the proposed development.</p> <p>The proposed residential flat building is approximately 500m to the east of the Marsden Park Town Centre and is located approximately 3.5km from Schofields Railway Station. A new public park is located immediately west of the site and will provide additional recreational opportunities to future occupants.</p>
4. Sustainability	<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>The proposal demonstrates satisfactory levels of sustainability, waste management and efficient use of energy and water resources.</p>
5. Landscape	<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>A landscape plan has been submitted with the proposal, which incorporates a variety of planting that contributes to the amenity of the development. Deep soil zones have been provided throughout the development, to ensure sufficient planting can be achieved, some of which are co-located with the internal courtyard communal open space area.</p> <p>The proposed landscape plans provides deep soil planting to the street frontages and integrates with Council's street tree planting.</p> <p>The landscape design is focussed around the centrally located communal open space with additional planting to the three street frontages. A secondary communal open space is provided along the western boundary, although this serves more a landscape function given its size, layout and design. While the landscape areas have potential to achieve useable and well-designed spaces for residents, considerable revision is required to the design including relocation of pathways, reduction in the amount of decking, details as to the seating/bbq areas,</p>

Principle	Control	Town Planning comment
		shade structures, relationship to private open spaces and ensuring that the landscape plan is consistent with the architectural plan. This has been addressed by deferred commencement condition and is addressed further in the Panel assessment report.
6. Amenity	<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</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>The design of the proposal is considered to provide an acceptable level of amenity through a carefully considered spatial arrangement and layout.</p> <p>The proposal achieves a suitable level of internal amenity through providing appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. As mentioned above some resolution of the relationship between the private and public open spaces is required.</p> <p>The proposal is designed with suitable consideration to receive solar access to habitable rooms, private open space and communal open space areas. This is considered to be appropriate given the site constraints having three street frontages with high levels of exposure to the public domain.</p> <p>The neighbouring sites (Lot 4, 5 and 6) form part of a larger development project by the applicant/architect and consequently the relationship of buildings to each other has been carefully planned ensuring suitable levels of amenity within and between sites.</p>
7. Safety	<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>The proposal is considered to be satisfactory in terms of future residential occupants overlooking communal spaces while maintaining internal privacy. Public and private spaces are clearly defined and suitable safety measures are integrated into the development.</p> <p>The proposal provides suitable casual surveillance of the public domain with apartments orientated towards all three street frontages.</p> <p>It is noted that all of the communal open space area is located at the public domain level (that is, no rooftop communal open space has been</p>

Principle	Control	Town Planning comment
		provided) which is preferable with regard to promoting safety.
8. Housing diversity and social interaction	<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 proposal consists of a mix of dwellings which are responsive to anticipated market and demographic demands.</p> <p>The proposal provides additional housing choice which is in close proximity to the north west growth centres.</p> <p>The proposal provides greater housing diversity with the provision of one, two and three bedroom apartments, including 11 adaptable apartments.</p>
9. Aesthetics	<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 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>The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials, finishes and colours and reflect the use, internal design and structure of the resultant buildings.</p> <p>The contemporary design assists in setting a suitable appearance for the transitioning character of this locality and creates a desirable streetscape.</p>

7.2. Compliance with Apartment Design Guide (ADG)

The following assessment table identifies that the proposal is consistent with the relevant design concepts and numerical guidelines in the ADG, with the exception of building separation.

ADG requirement		Proposal	Compliance
Controls			
2F Building Separation	Up to 4 storeys/12 metres: - 12 metres between habitable rooms/balconies - 9 metres between habitable rooms/balconies and non-habitable rooms - 6 metres between non-habitable rooms	While a separation of 12m is achieved for Levels 2, 3 & 4 between apartments within the development at Level 1 (ground floor level) a reduced separation of 9-10m is achieved between internally facing balconies. To address this shortfall the design includes 1.5m high privacy screens between internally facing balconies and to the centrally located communal open space.	No. See discussion in Section 7 of Panel Report. However can be addressed through conditions of consent.
		External to the site, adjoining the western boundary and development on Lot 5 & Lot 6, the	Yes

ADG requirement		Proposal	Compliance
		proposal achieves shared separation distances of 13.5-14.5m in accordance with the ADG requirements. At ground level balconies are closer, although they will be screened by dividing fences and landscaping.	
Siting the Development			
3A Site analysis	Satisfy the site analysis guidelines - Appendix 1.	Site analysis provided.	Yes
3B Orientation	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. Shadow analysis has been completed for the proposed development which indicates that in mid-winter the neighbouring site to the west will be in shadow. However, by 12pm the shadow falls to the south within the subject site and across Grange Avenue with the neighbouring site receiving the requisite sunlight between 12pm and 3pm.	Yes
3C Public domain interface	Ground level courtyards to have direct access, if appropriate.	Ground level access is provided to some ground level units.	Yes
	Ground level courtyards to be above street level for visual privacy.	Ground level courtyards are a suitable level.	Yes
	Balconies and windows to overlook the public domain.	Balconies and windows provide casual surveillance of the public domain.	Yes
	Front fences to be visually permeable with maximum 1 metre height, and limited length.	The landscape plan indicates a 1200mm high fence and gate to some parts of the site. Further detail required as part of a deferred commencement condition.	Yes, subject to conditions.
	Entries to be legible.	Entry is legible.	Yes
	Raised terraces to be softened by landscaping.	Raised areas are suitably landscaped.	Yes
	Mail boxes to be located in lobbies, perpendicular to the street or within the front fence.	Mailboxes are to be located to satisfy the recommendations of the Police and Australia Post.	Yes
	Basement carpark vents not to be visually prominent.	Basement carpark vents are not visually prominent.	Yes
	Substations, pump rooms, garbage storage rooms and other service rooms	Service/plant room is within basement 1.	Yes

ADG requirement	Proposal	Compliance
<p>should be located in the basement car parks or out of view.</p> <p>Ramping for accessibility to be minimised.</p> <p>Durable, graffiti resistant and easily cleanable materials should be used.</p> <p>On sloping sites, protrusion of car parking should be minimised.</p>	<p>Ramping is suitable.</p> <p>Suitable and durable materials are proposed.</p> <p>Car parking is suitably designed to be within the building footprint.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3D Communal and public open space</p> <p>Communal open space (COS) >25% of the site.</p> <p>Direct sunlight to >50% of COS for 2 hours between 9 am and 3 pm.</p>	<p>Site area: 5,182m² Required 25% = 1,295m² Provided useable 18.3% = 955m²</p> <p>Remainder needs to be made useable.</p> <p>The communal open space is divided between the central space and the setback to the western boundary, being the only other location within the site that is not to a street frontage. Notwithstanding the shortfall, the location is acceptable however the design is poorly resolved. A deferred commencement condition is required to address this deficiency.</p> <p>While the centrally located communal open space will receive 2 hours of sunlight access to 50% of its area the secondary communal open space located on the western side of the building will be largely in shadow between 9am and 3pm due to the height of buildings within and adjoining the site. This area is also poorly located in terms of accessibility and does not fulfil the objectives for communal open space.</p> <p>Based on the above, a deferred commencement condition is recommended seeking to improve the quality of the allocated communal open space. This includes details of private/public space accurately depicted on both landscape and architectural plans especially in relation to decks/courtyards, use of</p>	<p>No, but can be made compliant. More information and changes are required to be made by deferred commencement conditions.</p> <p>Compliant centrally located communal open space but poor amenity to western open space due to location and overshadowing from Lots 5 & 6.</p> <p>Subject to conditions.</p>

ADG requirement	Proposal	Compliance
	<p>planting to achieve privacy between public and private spaces, additional information supporting how the spaces will be embellished to achieve useable space for future occupants.</p> <p>Minimum dimension of 3m Achieved</p> <p>Direct and accessible access is achieved to the centrally located COS but as noted above the western communal open space is poorly located and designed.</p> <p>All COS is proposed at ground level and is poorly detailed. A deferred commencement condition is required seeking significant improvements to the allocated communal outdoor spaces.</p> <p>The applicant has not provided information to support the location and shortfall in COS. It should be noted that there are regional and local parks proposed nearby which will provide excellent opportunities for occupants in the future. In addition, private terraces and balconies within the development are larger in some cases than required which will further improve the amenity for occupants. This is considered further in the Panel report.</p> <p>Central COS has some seating and a BBQ area. Improved facilities can be provided through an improved design which is required by condition.</p> <p>The COS is clear of services.</p> <p>The COS demonstrates a safe design.</p> <p>No POS provided.</p>	<p></p> <p>Yes</p> <p>Yes but inadequate, to be addressed by conditions.</p> <p>Subject to condition.</p> <p>Subject to condition.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>

ADG requirement		Proposal	Compliance
3E Deep soil zones	Minimum area = 7% of site area. Preferred area = 15%.	1,999 sqm of deep soil zone provided, equivalent to 38.5% of site area.	Yes
	If the site is between 650 to 1,500 sqm then minimum dimensions of 3 metres.	Suitable dimensions of deep soil zone are provided.	
	If over 1,500 sqm then minimum dimensions of 6 metres.	The proposal has deep soil areas which is co-located with COS area.	
3F Visual privacy	Building Separation: refer to 2F above. Separation distances between buildings on the same site depending on the type of room as to reflect Figure 3F.2.	As discussed in 2F above there are some minor non-compliances at Level 1 (ground) where private courtyards are less than 12m from neighbouring balconies.	No but acceptable subject to conditions
		The design includes 1.5m high privacy screens to achieve suitable amenity. All windows across the COS and adjoining the site are at least 12m apart meeting the separation requirements of the ADG.	Yes
	Direct lines of sight should be avoided for windows and balconies across corners.	There are a number of balconies across corners which are treated with 1.5m high privacy screens.	Yes
	Appropriate design solutions should be in place to separate POS and habitable windows to common areas.	Landscaping and screens are used to achieve privacy between POS and common areas. Some further resolution of this is required by condition.	Yes, subject to conditions.
	Note: When adjacent to a lower density residential zone an additional 3 metre rear side setback is required.	N/A	N/A
3G Pedestrian access and entries	Connect to and activate the public domain.	Pedestrian access to the street frontage is legible and direct.	Yes
	Easy to identify access.	Access is identified by architectural treatments.	Yes
	Internal pedestrian links to be direct.	Internal links are provided and are direct.	Yes
3H Vehicle access	Access points are safe and create quality streetscapes.	Vehicular and pedestrian access are provided separately and safely.	Yes
	The need for large vehicles to enter or turn around within the site should be avoided.		

ADG requirement		Proposal	Compliance
3J Bicycle and car parking	Sites within 800 metres of a railway station comply with <i>Guide to Traffic Generating Developments</i> .	The site is not within 800 m of a railway station and therefore the DCP rates apply.	N/A
	Conveniently located and sufficient numbers of bicycle and motorbike spaces.	Bicycle parking (25 spaces) is provided in the basement.	Yes
Designing the building			
4A Solar and daylight access	Living rooms and private open space receive minimum 2 hours direct sunlight between 9 am – 3 pm in mid-winter > 70% of units (Minimum 1 sqm of direct sunlight measures at 1 metre above floor level is achieved for at least 15 minutes).	72% (76 apartments)	Yes
	Maximum number with no sunlight access < 15%.	11% (12 apartments)	Yes
	Suitable design features for operable shading to allow adjustment and choice.	No operable shading devices proposed.	No
4B Naturally ventilation	All habitable rooms naturally ventilated.	All habitable rooms naturally ventilated.	Yes
	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.	60% (63 apartments) Yes. The window areas are satisfactory.	
4C Ceiling heights	2.7 metres for habitable 2.4 metres for non-habitable Service bulkheads are not to intrude into habitable spaces.	2.7m provided for habitable rooms (3m to 3m floor to floor heights achieve compliance). 2.4m provided for non-habitable.	Yes
4D Apartment size and layout	Studio > 35 sqm 1 bed > 50 sqm 2 bed > 70 sqm 3 bed > 90 sqm + 5 sqm for each unit with more than 1 bathroom. Habitable Room Depths: limited to 2.5 metres x ceiling height (6.75 metres with 2.7 metre ceiling heights) Open Plan Layouts that include a living, dining room and kitchen – maximum 8 metres to a window. Bedroom sizes (excl wardrobe space): Master – 10 sqm Other – 9 sqm	N/A Achieved. Achieved. Achieved. Where second bathrooms are provided, unit size exceeds the minimum size of 5sqm. Satisfactory room depths. Open plan layouts are provided. Kitchens are less than 8 m to a window. Bedroom and living room sizes and dimensions meet requirements.	Yes

ADG requirement	Proposal	Compliance
<p>Minimum dimensions – 3 metres</p> <p>Living rooms/dining areas have a minimum width of:</p> <p>3.6 metres – Studio or 1 bedroom</p> <p>4 metres – 2 or 3 bedroom</p> <p>Cross-over/cross-through: minimum 4 metres wide</p>	<p>Achieved.</p> <p>Achieved.</p>	
<p>4E</p> <p>Private open space and balconies</p> <p>Studio > 4 sqm</p> <p>1 bed > 8 sqm and 2 metres depth</p> <p>2 bed > 10 sqm and 2 metres depth</p> <p>3 bed > 12 sqm and 2.4 metres depth</p> <p>Ground level/ podium apartments > 15sqm and 3 metres 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>Balcony dimensions are generally compliant for the equivalent apartment size.</p> <p>Min 15 sqm and 3 metres – Complies.</p> <p>Private open space is an extension of the living space.</p> <p>Details not shown to be conditioned.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes, subject to condition</p>
<p>4F</p> <p>Common circulation and spaces</p> <p>Maximum number of apartments off a circulation core on a single level – 8-12.</p> <p>Buildings over 10 storeys - maximum of 40 units sharing a single lift.</p> <p>Daylight and natural ventilation to all common circulation areas above ground level.</p> <p>Corridors greater than 12 metres from the lift core to be articulated by more foyers, or wider areas/higher ceiling heights at apartment entry doors.</p> <p>Maximise dual aspect apartments and cross over apartments.</p> <p>Primary living room and bedroom windows are not to open directly onto common circulation spaces.</p> <p>Direct and legible access.</p> <p>Tight corners and spaces to be avoided.</p> <p>Well lit at night.</p> <p>For larger developments – community rooms for owners meetings or resident use should be provided.</p>	<p>Up to 8 apartments per core.</p> <p>Building not over 10 storeys.</p> <p>Yes.</p> <p>Achieved.</p> <p>Dual aspect apartments are provided on the corners of the building.</p> <p>Windows do not open onto common circulation areas.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Not provided or required.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
<p>4G</p> <p>Storage</p> <p>Studio > 4 m³</p> <p>1 bed > 6 m³</p> <p>2 bed > 8 m³</p> <p>3 bed > 10 m³</p> <p>Min 50% within the apartment.</p>	<p>Minimum storage areas provided, with a minimum 50% provided in apartment. Storage spaces also provided within basement See ADG assessment Part 4G Storage.</p>	<p>Yes</p>

ADG requirement		Proposal	Compliance
4H Acoustic privacy	Window and door openings orientated away from noise sources.	Achieved.	Yes
	Noise sources from garage doors, driveways, services, communal open space and circulation areas to be 3 metres from bedrooms.	Achieved.	Yes
	Separate noisy and quiet spaces.	Achieved.	Yes
	Provide double/acoustic glazing, acoustic seals, materials with low noise penetration.	Suitable acoustic measures to be installed where necessary.	Yes
4J Noise and pollution	<p>In noisy or hostile environments, the impacts of external noise and pollution are to be minimised through the careful siting and layout of buildings.</p> <p>To mitigate noise transmission:</p> <p>Limit the number and size of openings facing the noise sources.</p> <p>Use double or acoustic glazing, acoustic louvres or enclosed balconies (winter gardens).</p> <p>Use materials with mass and/or sound insulation (e.g. solid balcony balustrades, external screens or soffits).</p>	The adjoining property to the north is an existing chicken hatchery, which is located approximately 145 m from the proposed building. A consent condition will be imposed to alert potential purchasers of the existing hatchery.	Yes, subject to condition
Configuration			
4K Apartment mix	<p>Provide a variety of apartment types.</p> <p>Flexible apartment mix.</p>	<p>The proposal is for 106 apartments providing a range of layouts.</p> <p>29 x 1 bed (27.3%), 62 x 2 bed (58.4%) and 15 x 3 bed (14.1%).</p> <p>A suitable and responsive apartment mix is provided.</p>	Yes
4L Ground floor apartments	<p>Maximise street frontage activity.</p> <p>Direct street access to ground floor apartments.</p> <p>Ground floor apartments to deliver amenity and safety for residents.</p>	Due to the three street frontages there are many ground level apartments that have a street frontage, maximising street frontage activity. The proposal achieves an overall high level of amenity and safety, and is considered satisfactory.	Yes
4M Facades	<p>Front building facades are to provide visual interest whilst respecting the character of the local area.</p> <p>Building services are to be integrated into the overall façade.</p> <p>Provide design solutions which consider scale and proportion to the streetscape and human scale.</p>	<p>The front façades are architecturally treated to create visual interest and contribute to the desired future character of this area.</p> <p>Plant and equipment are catered for at the basement levels.</p>	Yes

ADG requirement		Proposal	Compliance
4N Roof design	Roof treatments are to be integrated into the building design and positively respond to the street.	The roof design (amendment dated 8 May 2018) has been reduced since the proposal was originally submitted to have a lower pitch and will positively respond to the street. Some plant is proposed on the roof of the building although it remains below the 14 m height limit.	Yes
4O Landscape design - site area	< 850 sqm - 1 medium tree per 50 sqm of deep soil zone. 850 sqm to 1,500 sqm - 1 large tree or 2 medium trees per 90 sqm of DSZ. >1,500 sqm - 1 large tree or 2 medium trees per 80 sqm of deep soil zone.	The total site area is 5,182m ² . Deep soil zone of 362m ² is required (7%). Deep soil zone of 1,999m ² is proposed (38%). The proposed landscaping species accords with the recommendations of Council.	Yes
4P Planting on structures	Provide sufficient soil volume, depth and area. Provide suitable plant selection. Provide suitable irrigation and drainage systems and maintenance. Enhance the quality and amenity of communal open space with green walls, green roof and planter boxes, etc.	Planting is provided within the setbacks and central courtyards, some of which is above the basement structures. The proposal comprises suitable plant selection which is considered to enhance the quality and amenity of the COS. Feature trees provided within central communal courtyard areas have been provided with sufficient soil depth. However, further resolution of the COS is required to achieve an improved outcome for occupants.	Yes
4Q Universal design	10% adaptable housing. Flexible design solutions to accommodate the changing needs of occupants.	The proposal has a total of 106 apartments, 10% of which are capable of adaptation (11 units) and are nominated in the apartment schedule within the ADG assessment.	Yes
4R Adaptive reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A	N/A

ADG requirement		Proposal	Compliance
4S Mixed use	Provide active street frontages and encourage pedestrian movement. Residential entries separate and clearly defined. Landscaped communal open space to be at podium or roof level.	N/A	N/A
4T Awnings and signage	Awnings to be continuous and complement the existing street character. Provide protection from sun and rain, wrapped around the secondary frontage. Gutters and 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.	N/A	N/A
Performance			
4U Energy efficiency	The development is to incorporate passive solar design. Heating and cooling infrastructure are to be centrally located (e.g. basement).	The development allows for the optimisation / management of heat storage in winter and heat transfer in summer. Plant rooms are provided within the basement. A BASIX Certificate outlining energy efficiency commitments has also been provided with the development.	Yes
4V Water management and conservation	Rainwater collection and reuse. Drought tolerant plants. Water sensitive urban design measures. Detention tanks should be located under paved areas, driveways or in basement car parks.	All stormwater runoff from the building and hard-standing areas will be directed into the temporary bio retention basin constructed in the subdivision stage and will address the OSD requirements for the development. The water management approach is detailed in the Stormwater Management Plan prepared by C&M Consulting Engineers and submitted with the application. The identified species accords with the recommendations of Council.	Yes

ADG requirement		Proposal	Compliance
4W Waste management	Waste storage should be discreetly located away from the front of the development or in the basement.	A comprehensive waste management plan has been prepared for this project.	Yes
	Waste cupboard within each dwelling	Waste is collected within the basement out of view from the front of the development.	Yes
	Waste and recycling rooms are to be in convenient and accessible locations related to each vertical core.	The requirements of Council have been satisfied.	Yes
4X Building maintenance	The design is to provide protection from weathering. Enable ease of maintenance. The materials are to reduce ongoing maintenance costs.	The proposal demonstrates ease of maintenance.	Yes

8. State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Appendix 12 of the SEPP, Blacktown Growth Centres Precinct Plan, Marsden Park, applies to the site. The table below provides a summary assessment of the development standards established within the Growth Centres SEPP and the proposal's compliance with these standards. The development complies with the development standards contained within the SEPP.

General controls within main body of the SEPP

SEPP requirement	Complies
2 Aims of Policy	
<ul style="list-style-type: none"> a) to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre and the Wilton Priority Growth Area b) to enable the Minister from time to time to designate land in growth centres as ready for release for development c) to provide for comprehensive planning for growth centres d) to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity e) to provide controls for the sustainability of land in growth centres that has conservation value f) to provide for the orderly and economic provision of infrastructure in and to growth centres g) to provide development controls in order to protect the health of the waterways in growth centres h) to protect and enhance land with natural and cultural heritage value i) to provide land use and development controls that will contribute to the conservation of biodiversity. 	The proposal is consistent with these aims.
Part 4 Development controls – general	

SEPP requirement		Complies
Cl. 18 Water recycling and conservation	Sydney Water's <i>Growth Servicing Plan July 2014 to June 2019</i> indicates that developers are responsible for funding and delivering all reticulation works as part of the Section 73 compliance certificate process. This includes any recycled water reticulation works for schemes regulated by the Independent Pricing and Regulatory Tribunal (IPART). Recycled water will therefore be dealt with at the Section 73 certificate stage.	Yes, subject to conditions.
Part 5 Development controls – flood prone and major creek land Part 6 Development controls – vegetation Part 7 Development controls – cultural heritage landscape area		
Cl.19 Development on flood prone and major creeks land—additional heads of consideration	The site is not flood prone. This application has been assessed by Council's Engineers and is supported, subject to conditions of consent.	Yes
Cl. 20 Development on and near certain land at Riverstone West	The site is not in or near Riverstone West.	N/A.
Cl. 21-24 Vegetation	This part does not apply to this Precinct.	N/A
Cl. 25-26 Cultural heritage landscape area	The subject site is not nominated as having Aboriginal or European Heritage.	Subject to condition.

8.1. Controls within Appendix 12 – Blacktown Growth Centres Precinct Plan(SEPP)

SEPP requirement		Complies
1.2 Aims of Precinct Plan		
(a) to rezone land to allow for development to occur in the manner envisaged by the growth centre structure plan and the indicative layout for the land to which this Precinct Plan applies, (b) to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity, (c) to guide the bulk and scale of future development within the Precinct, (d) to protect and enhance riparian corridors and areas of significant native vegetation by establishing development controls that prevent the clearing of existing native vegetation within the Marsden Park Precinct, (e) to protect and enhance areas of local heritage significance by establishing development controls in order to maintain and respect the relationships between heritage sites and uses of adjacent sites, (f) to rezone land to allow for retail and commercial uses to meet the needs of		The proposal is consistent with the Aims of the Precinct Plan.

SEPP requirement		Complies
future residents of the Marsden Park Precinct, (g) to identify a transport corridor within the Marsden Park Precinct.		
Part 2 Permitted or prohibited development		
Objectives of zone	a) To provide for the housing needs of the community within a medium density residential environment. b) To provide a variety of housing types within a medium density residential environment. c) To enable other land uses that provide facilities or services to meet the day to day needs of residents. d) To support the well-being of the community by enabling educational, recreational, community, and other activities where compatible with the amenity of a medium density residential environment.	The proposal is consistent with the objectives of the zone.
2.1 Zoning and Land use tables R3 Medium Density Residential zone	RFBs are permissible with consent in the R3 Medium Density Residential zone.	The proposal is consistent with the objectives of the zone.
2.6 Subdivision	Subdivision was approved in DA-15-02309.	Yes
2.6A Demolition	There are no buildings on the part of the land the subject of this application.	Yes
Part 4 Principal development standards		
4.1AB Cl. (9a) - Min. lot size for RFB in R3 zone Minimum 2,000 sqm	Site area of 5182 m ²	Yes
4.1B Residential density	The proposal is for 106 apartments across a site area of 5,182sqm, equating to approximately 204 dwelling per hectare, achieving the minimum recommended residential density of 25 dwellings per hectare.	Yes
4.3 Height of buildings	The proposed development would have a maximum height of 14 metres (Area N)	Yes

SEPP requirement		Complies
4.4 Floor space ratio (calculations to be in line with clause 4.5)	There is no FSR applicable to this part of Marsden Park.	N/A
4.6 Exceptions to development standard	No variations sought to development standards.	N/A
Part 5 Miscellaneous provisions		
5.6 Architectural roof features	None	N/A
5.9 Preservation of trees or vegetation	DA-15-02309 approved the removal of the remaining vegetation on the site to facilitate future development.	Yes
5.10 Heritage conservation	There are no items of heritage importance near the site.	N/A
Part 6 Additional local provisions		
6.1 Public utility infrastructure	The site is capable of being adequately serviced with connections for public utility infrastructure and the DA refers to advice from Sydney Water and Endeavour Energy. The provision of services will also be conditioned appropriately.	Yes
6.4 and 6.5 Native vegetation	The site has not been identified as containing any existing native vegetation or native vegetation retention areas. Trees have already been approved for removal in Subdivision DA-15-02309.	Yes

9. Central City District Plan 2018

While the *Environmental Planning and Assessment Act 1979* does not require consideration of District Plans in the assessment of development applications, an assessment of the Central City District Plan has been undertaken.

Outlined below is where the Development Application is consistent with the overarching planning priorities of the *Central City District Plan 2018*:

Liveability


- Improving housing choice
- Improving housing diversity and affordability
- Improving access to jobs and services

- Creating great places
- Contributing to the provision of services to meet communities' changing needs.

10. Blacktown City Council Growth Centre Precincts Development Control Plan 2018 (Growth Centre DCP)

The Growth Centre DCP applies to the site. The table below outlines the proposal's compliance with the controls established in the DCP.

10.1. Part 2.0 – Precinct Planning Outcomes (from main body of DCP)

DCP requirement		Proposal	Complies
2.2 Indicative layout plan	DA is to be generally in accordance with the ILP	The proposal is generally consistent with the ILP as modified by the subdivision approval (DA-15-02309).	Yes
2.3 Subdivision site analysis	The following clauses must be addressed:		
2.3.1 Flooding and water cycle management	No residential allotments are to be located at a level lower than the 1% Annual Exceedance Probability (AEP) flood level plus a freeboard of 500mm (i.e. within the 'flood planning area').	The site is not subject to flooding. The application includes a Stormwater Management Plan prepared by C&M Consulting Engineers.	N/A
	Stormwater is to be managed primarily through the street network in accordance with Council's Water Sensitive Urban Design Development Control Plan. Roads are generally to be located above the 1% AEP level	The report provides strategies for stormwater management which address Council's Water Sensitive Urban Design Development Control Plan. The results from the investigations and modelling for this project indicate that the development with the proposed WSUD strategy and management can provide a safe and ecologically sustainable environment.	Yes
2.3.2 Salinity and soil management	Land within areas of potential salinity and soil aggressivity risk figure, must be accompanied by a salinity report. 	The site is just located just outside of the area identified as being of high salinity potential. However there is still a potential of salinity so a suitable condition of consent is recommended to ensure that appropriate construction measures are undertaken.	Yes subject to condition

DCP requirement		Proposal	Complies
2.3.3 Aboriginal and European heritage	Are there any areas of Aboriginal heritage value within or adjoining the site, and is the site identified on the European cultural heritage sites figure? If so, a report is required from a qualified consultant.	The subject site is not nominated as having known Aboriginal or European Heritage. However conditions of consent recommended requiring that if any Aboriginal objects unearthed that activities cease and the Office of Environment and Heritage be advised.	Yes subject to conditions
2.3.4 Native vegetation and ecology	Native trees/vegetation to be retained where possible. If the site is identified on the Riparian Protection Area figure, native vegetation is to be managed in accordance with Appendix B of the DCP. Does the site adjoin land zoned E2? A landscape plan is to be submitted with the DA. Trees to be selected from Appendix D of the DCP.	The site does not adjoin land zoned E2 Environmental Conservation. A landscape plan has been prepared for the project. Appropriate conditions are to be imposed regarding the planting of street trees and suitable species.	Yes subject to conditions
2.3.5 Bushfire hazard management	Development is to be consistent with Planning for Bushfire Protection 2006.	The subject site is not located on bushfire prone land.	N/A
2.3.6 Site contamination	All subdivision DAs to be accompanied by a Stage 1 Preliminary Site Investigation. Where required a Stage 2 investigation is to be carried out.	A Stage 1 Site Contamination Report was submitted with the subdivision application which created the subject lot. The report concluded that soil conditions at the site are suitable to enable residential use of the land. However conditions are recommended in the event that any contaminated material is unearthed.	Yes subject to conditions
2.3.7 Odour assessment and control	Is the site adjacent to odour generating activities and is a buffer or additional supporting information required.	The site is over 145 m to the south of the existing hatchery and is not adjacent to an odour generating activity. The proposed residential development is in keeping with the zoning objectives of the SEPP, and is not considered to be adversely affected by the risk of odour and a positive covenant will be placed on title warning any purchaser of the existing hatchery.	Yes

10.2. Part 4.0 – Development in the Residential Zones (from main body of DCP)

10.2.1. Specific residential flat building controls

DCP requirement		Proposal	Complies
Key controls for residential flat buildings (Table 4-10)			
Site coverage	Max. 50%	The proposal will have a maximum site coverage of 50%.	Yes
Landscaped area	Min. 30% of site area	The proposal will have a landscaped area equivalent to 38% of the site area.	Yes
Communal open space	15% of site area	The communal open space has an area equivalent to 25% of the site area or 1188m ² of which the usable area is approximately 955m ² (18%) which still complies with the DCP requirement. However, the remaining 420 m ² needs to be made more usable subject to conditions to meet ADG requirements.	N/A – ADG prevails
Principal private open space (PPOS)	Minimum 10 m ² per dwelling Minimum dimension of 2.5 metres	Private open spaces of the development comply with SEPP 65 and the ADG, which takes precedent over this control.	N/A – ADG prevails
Front setback	Minimum 6 metres Balconies and other articulation may encroach into setback to a maximum of 4.5 metres from the boundary for the first 3 storeys, and for a maximum of 50% of the façade length.	The building is set back 6m from the front property boundary with balcony and articulation encroachments to 4.5m as permitted by the control.	No, minor encroachments to 4.5m for balconies and articulation, are acceptable.
Corner lots secondary setback	Minimum 6m	The proposal will have a setback of 6 metres to building walls, again with some encroachments to provide articulation and balconies.	No, minor encroachments which are supported in this instance.
Side setback	Up to 3 storeys: minimum 3 metres Above 3 storeys: minimum 6 metres	The side boundary setback to the western boundary is 6m and accords with the minimum requirements under the ADG.	Yes
Rear setback	Minimum 6 metres	Due to the site having three street frontages technically there is no rear boundary. A 6m setback has been applied to all street frontages with encroachments to 4.5m for balconies and feature walls to provide articulation.	No, minor encroachment to achieve articulation accepted.
Zero lot line	Not permitted	N/A	N/A

DCP requirement		Proposal	Complies
Habitable room/ balcony separation	Distance for buildings 3 storeys and above is a minimum of 12 metres.	The proposal will comply with the separation requirements of SEPP 65 and the ADG which takes precedence over this control.	Yes
Car parking • Residential	<p>1 space per dwelling, plus 0.5 spaces per 3 or more bedroom dwelling.</p> <p>29 x 1 bed (29 required) 62 x 2 bed (62 required) 15 x 3 bed (22.5 required) Total required = 114 spaces</p> <p>May be in a 'stack parking' configuration.</p> <p>Car parking spaces to be located below ground or behind building line</p> <p>1 visitor car parking space per 5 apartments = 22 spaces</p>	<p>Based on the DCP parking rates, the following should be provided:</p> <ul style="list-style-type: none"> ▪ Residents – 114 spaces ▪ Visitors – 22 spaces ▪ Total – 136 spaces <p>In response, a total of 137 spaces are proposed as follows:</p> <ul style="list-style-type: none"> • Residents – 114 spaces • Visitors – 22 spaces <p>The parking provision will ensure that parking demands are readily accommodated on-site.</p>	Yes
Bicycle parking	1 space per 3 dwellings	Based on the DCP rate, a minimum of 25 bicycle parking spaces should be provided. The proposal includes 25 bicycle spaces.	Yes
Garage dominance	Max. 2 garage doors per 20 m of lot frontage facing any one street frontage.	N/A	N/A
Garages and car parking dimensions	<p>Covered: minimum 3 x 5.5 metres</p> <p>Uncovered: minimum 2.5 x 5.2 metres</p> <p>Aisle widths must comply with AS 2890.1</p>	All car parking spaces and aisle widths within the basement car parking levels will comply with the minimum dimensions under AS2890.1.	Yes
Additional controls for certain dwelling types (section 4.3) (Sub section 4.3.5 Controls for residential flat buildings)			
Street frontage	Minimum 30 metres	Approximately 63 m to Grange Avenue.	Yes
Access	Direct frontage to street or public park	The site has 3 street frontages and consequently all building lobbies have access to a street.	Yes
Amenity	Must not adversely impact upon the amenity (i.e. overshadowing, privacy or visual impact) of existing or future adjoining residential development.	The proposal does not impact on the ability of adjoining sites to achieve a suitable level of amenity. The shadow diagrams support that the RFB's on adjoining Lots 5 & 6 will receive adequate sunlight in mid-winter.	Yes

DCP requirement		Proposal	Complies
SEPP 65	All RFBs are to be consistent with the guidelines and principles outlined in SEPP No. 65.	Refer to SEPP 65 and ADG Assessment above. Refer to Table 4 – 10 assessments above.	Noted.
Adaptable housing	Min 10% of dwellings (where 10 or more proposed). Designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) Preferably on ground floor or access via a lift, including access to basement. DA to be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	The proposal has a total of 106 apartments, 10% (11 apartments) are capable of adaptation. Adaptable units are noted on the Apartment schedule in the ADG assessment report submitted with the application.	Yes
Accessible parking	Car parking and garages to comply with the requirements of AS for disabled parking spaces.	The proposal provides car parking spaces and accessibility in accordance with the relevant Australian Standards. Further details are provided in the submitted traffic impact assessment, as well as in the basement plans.	Yes

10.2.2. Controls for all residential development

DCP requirement		Proposal	Complies
Site Responsive Design (Section 4.1)			
4.1.1 Site analysis plan	Site Analysis Plan to be provided.	Provided.	Yes
4.1.2 Cut and fill	Maximum 500 mm cut/fill. Validation Report for imported fill. Where cut on the boundary, retaining walls must be integrated with its construction, otherwise minimum 450 mm from boundary. Maximum 600 mm high walls. Maximum 1,200 mm combined wall height. Minimum 0.5 metres between each step.	The proposed cut and fill on the site would exceed 500mm to achieve the basement car park. However, the development has been designed to reinstate natural ground levels. The final levels have also demonstrated effective integration with the adjoining developments and associated road levels.	No, variation supported in this instance for basements.
4.1.3 Sustainable building design	BASIX Certificate. Indigenous species to make up more than 50% of plant mix on landscape plan	BASIX report was prepared and submitted with the application (Certificate Number 687275M).	Yes

DCP requirement		Proposal	Complies
	Plant species to be selected from Appendix D Outdoor clothes lines and drying areas required		
4.1.4 Salinity, sodicity and aggressivity	To comply with Salinity Management Plan developed at subdivision phase	The site is not identified as having a moderate, high or very high salinity potential.	N/A
Dwelling design controls (Section 4.2)			
4.2.1 Summary of key controls	N/A – tables do not relate to RFBs	N/A	
4.2.2 Streetscape and design	N/A – tables do not relate to RFBs	N/A	
4.2.3 Front setbacks	N/A – tables do not relate to RFBs	N/A	
4.2.4 Side and rear setbacks	N/A – tables do not relate to RFBs	N/A	
4.2.5 Height, massing and siting	N/A – tables do not relate to RFBs	N/A	
4.2.6 Landscaped area	N/A – tables do not relate to RFBs	N/A	
4.2.7 Private open space	Principal POS to be accessible from the main living area and have a maximum gradient of 1:10.	PPOS is directly accessible from main living area with suitable access.	Yes
4.2.8 Garages, access and parking	Driveways not to be within 1 metre of drainage facilities on gutter. Planting/walls adjacent to driveways must not block sight lines. Driveways to have soft landscaped areas on either side.	Driveway is clear of drainage on gutters. Suitable sight lines are achieved. Yes, overall landscaping is provided along the street boundaries and driveway access points.	Yes
4.2.9 Visual and acoustic privacy	Acoustic report required if adjacent to railway line or major road, or impacted upon by nearby industrial/commercial area. No equipment or plant to generate noise level > 5dBA measured during the hours 7 am to 10 pm.	N/A Capable of being satisfied.	Yes – standard conditions recommended to address BCA.

DCP requirement	Proposal	Complies
Internal layout of residential buildings, window openings, location of courtyards and balconies, and building plant to be designed to minimise noise impacts.	No Acoustic report submitted but BCA report indicates that at certification stage acoustic separation details will be provided for floors, walls, services and entry doors.	
Noise walls are not permitted	N/A	
Development effected by rail or traffic noise is to comply with AS2107-2000 Acoustics: Recommended Design Sound Levels and Reverberation Times for Building Interiors.	N/A	
Development shall aim to comply with the criteria in Table 4-7 below.	Capable of being satisfied.	

Table 4-7: Noise criteria for residential premises impacted by traffic noise

	Sleeping areas	Living areas
Naturally ventilated/ windows open to 5% of the floor area (Mechanical ventilation or air conditioning systems not operating)	LAeq 15 hours (day): 40dBA LAeq 9 hour (night): 35dBA	LAeq 15 hours (day): 45dBA LAeq 9 hour (night): 40dBA
Doors and windows shut (Mechanical ventilation or air conditioning systems are operating)	LAeq 15 hours (day): 43dBA LAeq 9 hour (night): 38dBA	LAeq 15 hours (day): 46dBA LAeq 9 hour (night): 43dBA

Notes:

These levels correspond to the combined measured level of external sources and the ventilation system operating normally.

Where a naturally ventilated/windows open condition cannot be achieved, it is necessary to incorporate mechanical ventilation compliant with AS1668 and the Building Code of Australia.

LAeq 1 hour noise levels shall be determined by taking as the second highest LAeq 1 hour over the day and night period for each day and arithmetically averaging the results over a week for each period (5 or 7 day week, whichever is highest)

DCP requirement	Proposal	Complies
4.2.10 Fencing		
Front fencing maximum 1 metre. Front fences not to impede sight lines.	The front fencing proposed is appropriate, forming part of the landscape design response. Ground floor courtyards are proposed to have a fence height of 1,200mm.	Yes
Side and rear fences maximum 1.8 metres.	A side fence to 1.8m is provided to the western boundary.	Yes
Side fences not on a street frontage to be a maximum 1 metre high to a point 2 metres behind the primary building façade.	N/A	N/A
Corner lots or lots with side boundary adjoining open space/ drainage, the front fencing style and height is to be continued to at least 4 metres behind the building line.	This site has three street frontages and consequently low level fencing is proposed to integrate with courtyards, landscaping and the building alignment to achieve a suitable interface with the street frontages. The applicant is required to provide further detail of fencing as	Yes in principle but subject to conditions to address in detail.

		part of their revised landscape design and insufficient information has been provided.	
	On boundaries adjoining open space/drainage, fencing to be of high quality material and finish. Design to permit casual surveillance with maximum height 1 metre or see-through materials for portion above 1 metres.	N/A	N/A
	Pre-painted steel or timber paling or lapped/capped boundary fencing not permitted adjacent to open space or drainage land or on front boundaries.	N/A	N/A
	Fencing adjoining rear access ways to permit casual surveillance.	N/A	N/A

10.3 Schedule 6 – Marsden Park Precinct (precinct Specific Controls)	
Control	Comment
Figure 3.1 – Precinct Indicative Layout Plan	The proposal is consistent with the ILP as approved by subdivision DA-15-02309.
Figure 3.2 – Key elements of water cycle management and ecology strategy	The site is not directly affected by key elements of water cycle management. The civil drawings and water management plan supports that the management of water within the site is in line with Council's Water Sensitive Urban Design policy.
Figure 3.3 - Flood Prone Land	The site is not identified as flood prone land.
Figure 3.4 - Salinity Potential	The site is not identified as having a moderate, high or very high salinity potential. However condition for a Salinity Management Plan is recommended in case saline soil is unearthed.
Figure 3.5 – Aboriginal cultural heritage	The site is not identified as containing a high level Aboriginal cultural heritage. However condition is recommended in case anything is unearthed.
Figure 3.6 – European Cultural Heritage	The site is not identified as containing any European cultural heritage.
Figure 3.7 – Bushfire risk and Asset Protection zone requirement	The proposal is not located within a bushfire prone area.
Figure 3.8 – Sites that require additional contamination investigation	The site is not considered to be contaminated. However condition is recommended in case anything is unearthed.

Summary of objector's concerns and our response

1. Location of submitters



Objector



Subject site

2. Background information and Planning Proposal recently adopted by Council

- 2.1 At its Ordinary Meeting on 27 June 2018 Council adopted the Planning Proposal (refer to report at attachment 8) that is referred to in the Assessment Report in paragraph 4.8.
- 2.2 The Planning Proposal will make very minor amendments to land use zones to align zone boundaries with the location of a local park in accordance with an approved subdivision plan and road pattern. The total area of the park will remain unchanged. The rezoning will result in a small increase in residential yield.
- 2.3 This Planning Proposal aligns with minor amendments to the Development Control Plan (DCP) and Marsden Park Indicative Layout Plan (ILP) published in local newspapers on 20 July 2016. The DCP was amended at the request of the then land owner, to relocate the indicative site for a future school and make associated changes to the road pattern.
- 2.4 The landowner for the DCP amendment is the objector to the Planning Proposal that gives zoning effect to the DCP amendment, and is also the objector to the subject DA.
- 2.5 The land which is the subject of the Planning Proposal, and the land which is the subject of DA-15-02309, were formerly under the same ownership. Lots 5 - 13 DP 802880 were owned by Baiada Pty Ltd until July 2016, when they were sold to the current owner Li &

Qing Pty Ltd. The land forms a block, with Lots 5 - 8 fronting Excelsior Avenue to the north and backing onto Lots 9 - 13 which front Grange Avenue to the south.

- 2.6 In May 2015 Council received a request from Urbis, on behalf of the landowner Baiada Pty Ltd, to amend the Blacktown City Council Growth Centre Precincts DCP with respect to the Marsden Park Precinct Indicative Layout Plan.
- i. The proponent requested the indicative site for a future school be moved from Lots 11 - 13 (fronting Grange Avenue) to Lots 6 - 8 (fronting Excelsior Avenue, and the site of the operational poultry hatchery).
 - ii. The relocation was justified on the basis that Excelsior Avenue is identified as a future collector road, therefore relocating the school to Excelsior Avenue, provided better access to public transport for the school and concentrating residential development along a quieter road (Grange Avenue), providing better amenity for the future residents. The amendment also facilitated the subsequent sale of the former school site, owned by Baiada Pty Ltd, for residential development.
 - iii. As a consequence of the relocation of the school, Urbis on behalf of Baiada requested that the road pattern be amended to delete the east-west road on the common boundary between the Excelsior Avenue and Grange Avenue lots "to provide a seamless interface between the future school and park sites (consistent with the adopted ILP)".
 - iv. The Department of Education was consulted and had no objection to the relocation. No objections were received during the public exhibition period.
 - v. Council resolved at its Ordinary Meeting on 23 March 2016 to adopt the proposed amendment to the DCP. Notification of the amendment was published on 20 July 2016.
 - vi. This Planning Proposal to rezone land will move the local park north to adjoin the future school site. This is consistent with and gives zoning effect to the DCP amendment, as requested by the landowner of the relocated future school site.
- 2.7 In October 2015, DA-15-02309 was lodged with Council proposing staged Torrens title subdivision and associated works, including construction of roads over Lots 5 and 9 - 13 DP 802880. The DA proposed a minor relocation of the local park, moving it 27 m east of the location in the ILP. The relocation was applied for under Clause 5.3 of the Growth Centres SEPP, 'Development near zone boundaries'.
- 2.8 The DA proposed a further variation to the road pattern from that adopted in the amendment to the DCP. The variation was approved on 6 July 2017 with a deferred commencement condition which required the proponent to submit a Planning Proposal to facilitate the rezoning of the park in the new approved position. The Planning Proposal is consistent with the subdivision plan approved under DA-15-02309.
- 2.9 The Planning Proposal was exhibited from 13 March to 13 April 2018. One submission was received objecting to the Planning Proposal from Celestino Pty Limited, on behalf of Baiada Pty Ltd as owners of Lots 6 - 8 DP 802880, 54 - 58 Excelsior Avenue, Marsden Park immediately north of the Planning Proposal land. Baiada Pty Ltd previously owned this land.
- 2.10 One of the grounds for objection was the potential conflicts that may arise in the future between the current poultry operations on the southern portion of Lots 7 and 8 and the development of the local park. The submission did not specify the type(s) of potential conflict between the local park and poultry hatchery. It is noted that the 2016 DCP amendment relocated the indicative site for the future school to the site of the current poultry hatchery. At a short to medium term point in the future, and when residential development in the area generates sufficient demand, the poultry farm site will be

purchased by the Department of Education and the potential future conflict will no longer exist.

- 2.11 The objections raised in that submission did not justify revising or refusing the Planning Proposal and it was adopted by Council.

3. Consideration of issues raised

Issue	Planning comment/response
The proposed development should not disrupt the existing hatchery activities	<p>The proposed development is for a residential flat building situated approximately 145 metres to the south of the existing hatchery. The proposal provides adequate building separation and is appropriately set back from the neighbouring property.</p> <p>Further, the proposed building will be accessed from Grange Avenue, independent from the hatchery and is therefore unlikely to disrupt the existing hatchery activities.</p>
Assessment of the proposal must take into consideration the impacts from the hatchery operation	<p>The subject application represents a built form resulting from approved residential subdivision of a larger parcel that anticipated future residential use of the land, as proposed. There is considered to be acceptable separation between the existing use and proposed residential flat building. In any case, a consent condition will be imposed to advise potential purchasers as to the proximity of the development to an existing hatchery. There is a degree of buyer beware necessary in terms of the changing nature of land within Growth Centre locations such as this until such time that land uses become more compatible through the transitioning of rural to urban land uses as anticipated by the SEPP.</p>
The existing hatchery should take precedence over the proposed development.	<p>We note that the use is a lawfully operating non-conforming use enjoying the benefits of existing use rights. It is legally entitled to remain on the land, despite the changing nature of the land around it, transitioning from rural to residential land uses. Any complaints from occupants of the new development about odour will be a temporary situation. The poultry farm is designated for a future school site and will be redeveloped for this purpose in the future.</p>

PD130618 3.8. DD380100 Planning Proposal to rezone land at Grange Avenue, Marsden Park

Author: Helen Budd
Director: Director Design & Development
File: LEP-17-0004

Division is required

Topic	Adoption of a Planning Proposal to rezone land at Grange Avenue, Marsden Park under <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> .
Analysis	<p>The Planning Proposal will make very minor amendments to land use zones to align zone boundaries with the location of a local park in accordance with an approved subdivision plan and road pattern.</p> <p>The total area of the park will remain unchanged. The rezoning will result in a small increase in residential yield.</p> <p>Corresponding amendments are required to the Height of Buildings, Residential Density and Land Reservation Acquisition Maps.</p> <p>One submission was received during public exhibition of the Planning Proposal. The issues raised in the submission do not warrant revision or refusal of the Planning Proposal.</p>
Attachment/s	<ol style="list-style-type: none"> Existing and proposed zoning of subject land [DD380100.1] Draft amendment to Growth Centres SEPP Land Zoning, Height of Buildings, Residential Density and Land Reservation and Acquisition Maps [DD380100.2] Map indicating location of objector and future school site [DD380100.3] Map indicating changes made by 2016 DCP amendment [DD380100.4]
Report Recommendation	<ol style="list-style-type: none"> Adopt the draft amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 maps as shown in attachment 2. Forward the Planning Proposal to the Department of Planning and Environment to request the Minister make the Plan.

Committee Recommendation	<ol style="list-style-type: none"> Adopt the draft amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 maps as shown in attachment 2. Forward the Planning Proposal to the Department of Planning and Environment to request the Minister make the Plan.
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COMMITTEE DIVISION:

Supported: Cr Camilleri, Cr Bleasdale, Cr Israel, Cr Collins, Cr

Key reasons

1. Description of amendments

- a. The effect of the Planning Proposal is to shift a future local park 27 m to the east and 9 m to the north. It is a very minor and inconsequential amendment to the zone.
- b. The proposed land zone, residential density and height of building controls proposed for each affected parcel of land are consistent with the surrounding land.

2. The Planning Proposal aligns with previous amendments to the Development Control Plan and Indicative Layout Plan

- a. This Planning Proposal aligns with minor amendments to the Development Control Plan (DCP) and Marsden Park Indicative Layout Plan (ILP) published in local newspapers on 20 July 2016. The DCP was amended at the request of the land owner, to relocate the indicative site for a future school and make associated changes to the road pattern. There is therefore no requirement to amend the ILP as a result of this Planning Proposal.
- b. The landowner for this DCP amendment is now an objector to this Planning Proposal that gives zoning effect to the DCP amendment.

3. The Planning Proposal will align the park's zoning with an approved subdivision plan

- a. The realignment of the RE1 zone boundary is in accordance with the location of land identified as a future local park (Lot 13) in the subdivision plan and a further road pattern variation approved by Council in DA-15-02309.
- b. The proposed amendments to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* will ensure that mapping accurately reflects the location of land identified for public use in the DCP amendment. The amendments also ensure that the planning controls of building height and residential density are aligned with the minor zone variations.

4. There is no disadvantage to future residents

- a. The total area of land zoned RE1 for use as a local park remains unchanged. Additional open space requirements generated by the minor potential additional residential yield resulting from the amendments will be met through the mechanism of Section 7.11 contributions, to be put towards the embellishment of open space in existing planned areas in the North West Growth Area.

Supporting analysis

1. Consultation with public authorities

- a. The Department of Planning and Environment issued a Gateway Determination with respect to the Planning Proposal on 16 February 2018. The Gateway

Determination required consultation with Sydney Water and Endeavour Energy.

- b. Sydney Water and Endeavour Energy do not have any objections to the proposed amendments.

2. Site history

- a. The land which is the subject of the Planning Proposal, and the land which is the subject of DA-15-02309, were formerly under the same ownership. Lots 5 - 13 DP 802880 were owned by Baiada Pty Ltd until July 2016, when they were sold to the current owner Li & Qing Pty Ltd. The land forms a block, with Lots 5 - 8 fronting Excelsior Avenue to the north and backing onto Lots 9 - 13 which front Grange Avenue to the south.
- b. In May 2015 Council received a request from Urbis, on behalf of the landowner Baiada Pty Ltd, to amend the Blacktown City Council Growth Centre Precincts DCP with respect to the Marsden Park Precinct Indicative Layout Plan.

- i. The proponent requested the indicative site for a future school be moved from Lots 11 - 13 (fronting Grange Avenue) to Lots 6 - 8 (fronting Excelsior Avenue and the site of an operational poultry hatchery).
 - ii. The relocation was justified on the basis that Excelsior Avenue is identified as a future collector road, therefore relocating the school to Excelsior Avenue provided better access to public transport for the school and concentrating residential development along a quieter road (Grange Avenue), providing better amenity for the future residents. The amendment also facilitated the subsequent sale of the former school site for residential development.
 - iii. As a consequence of the relocation of the school, Urbis on behalf of Baiada requested that the road pattern be amended to delete the east-west road on the common boundary between the Excelsior Avenue and Grange Avenue lots "to provide a seamless interface between the future school and park sites (consistent with the adopted ILP)".
 - iv. The Department of Education was consulted and had no objection to the relocation. No objections were received during the public exhibition period.
 - v. Council resolved at its Ordinary Meeting on 23 March 2016 to adopt the proposed amendment to the DCP. Notification of the amendment was published on 20 July 2016.
 - vi. This Planning Proposal to rezone land will move the local park north to adjoin the future school site. This is consistent with and gives zoning effect to the DCP amendment, as requested by the landowner of the relocated future school site.
- c. In October 2015, DA-15-02309 was lodged with Council proposing staged Torrens title subdivision and associated works, including construction of roads over Lots 5 and 9 - 13 DP 802880.
 - d. The DA proposed a minor relocation of the local park, moving it 27 m east of the location in the ILP. The relocation was applied for under Clause 5.3 of the Growth Centres SEPP, 'Development near zone boundaries'.
 - e. The DA proposed a further variation to the road pattern from that adopted in the amendment to the DCP. The variation was approved on 6 July 2017 with a deferred commencement condition which required the proponent to submit a Planning Proposal to facilitate the rezoning of the park in the new approved position.
 - f. This Planning Proposal is consistent with the subdivision plan approved under DA-15-02309.

3. Public exhibition

- a. The Planning Proposal was exhibited from 13 March to 13 April 2018.
- b. One submission was received objecting to the Planning Proposal from Celestino Pty Limited, on behalf of Baiada Pty Ltd as owners of Lots 6 - 8 DP 802880; 54 - 58 Excelsior Avenue, Marsden Park immediately north of the subject land. Baiada Pty Ltd previously owned the subject land.
- c. The primary grounds for the objection are that the subdivision plan approved by DA-15-02309 removes a local road from the common boundary between Lots 6 - 8 and Lots 9 - 11 and moves the local park north to align with the common boundary. The submission argues that the approved location of the park poses a risk that any future potential need for a road to be reinstated on the perimeter of the local park will require the potential road to be constructed entirely on the objector's land, at their full cost and at the loss of developable land.

- d. Additional grounds for objection are the potential conflicts that may arise in the future between the current poultry operations on the southern portion of Lots 7 and 8 and the development of the local park.
- e. In response to the first objection, the local road in question was removed by the DCP amendment at the request of the same landowner (Baiada Pty Ltd). The objection relates to matters which have already been considered as part of the DCP amendment. It is inconsistent of the landowner to now object to this.
- f. In response to the second objection, the submission does not specify the type(s) of potential conflict between the local park and poultry hatchery. It is noted that the 2016 DCP amendment relocated the indicative site for the future school to the site of the current poultry hatchery. At a short to medium term point in the future, and when residential development in the area generates sufficient demand, the site will be purchased by the Department of Education and the potential future conflict will no longer exist.
- g. It is noted that development works on Lots 9 - 11 DP 802880 are subject to the provisions of the Protection of the Environment Operations Act 1997 and other limitations on offensive noise-generating work as specified in the conditions of consent to DA-15-02309.
- h. The objections raised in the submission do not justify revising or refusing the Planning Proposal.

Context

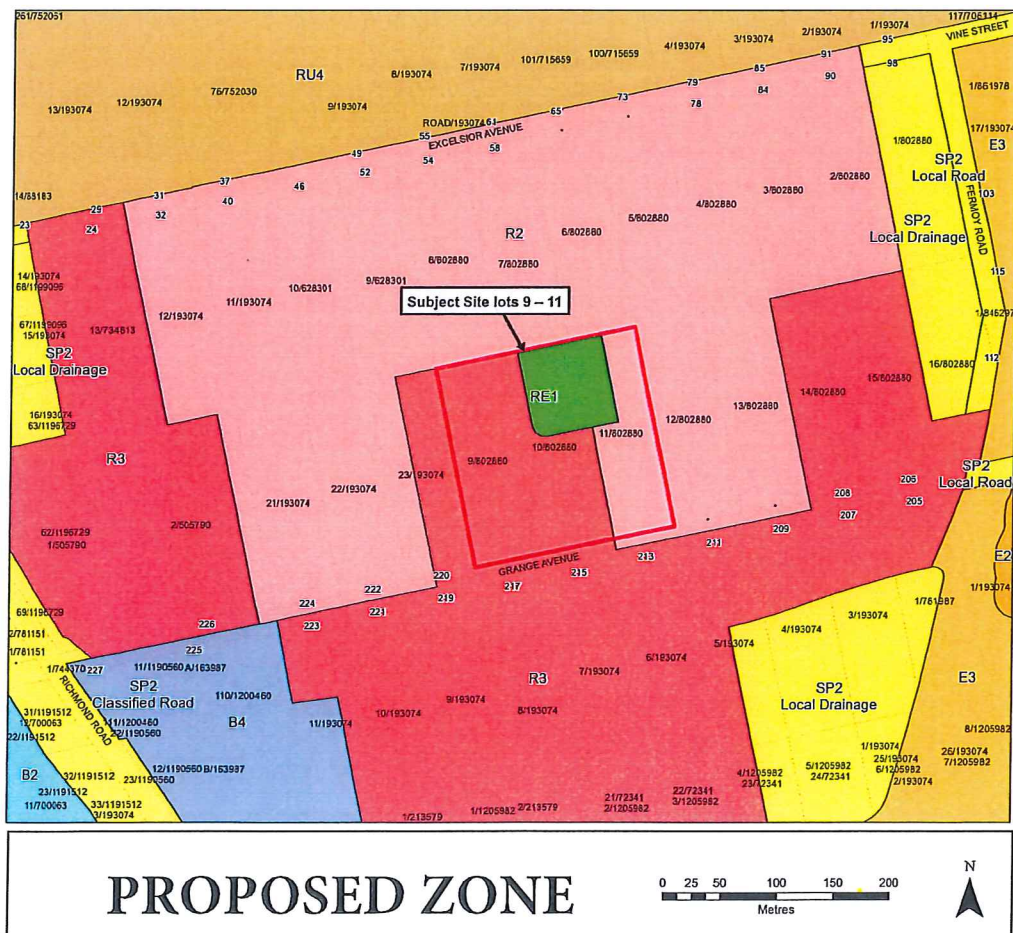
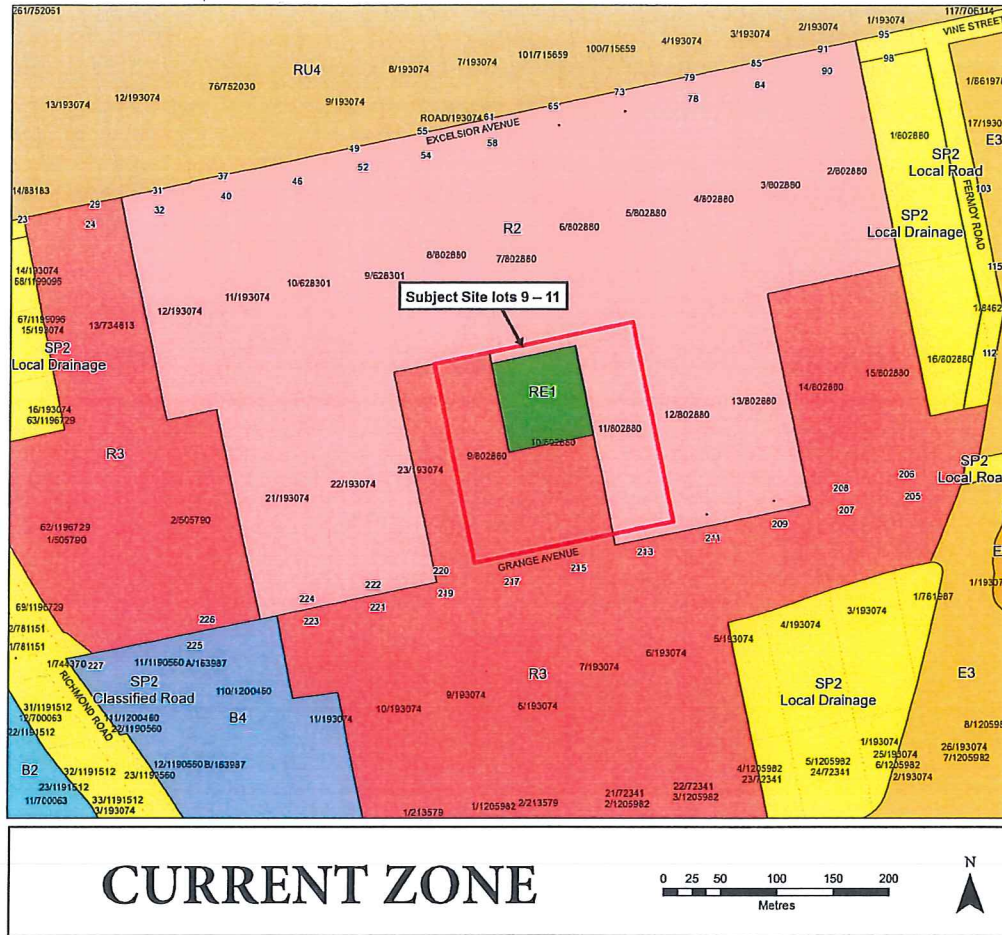
1. Legal description of the subject land

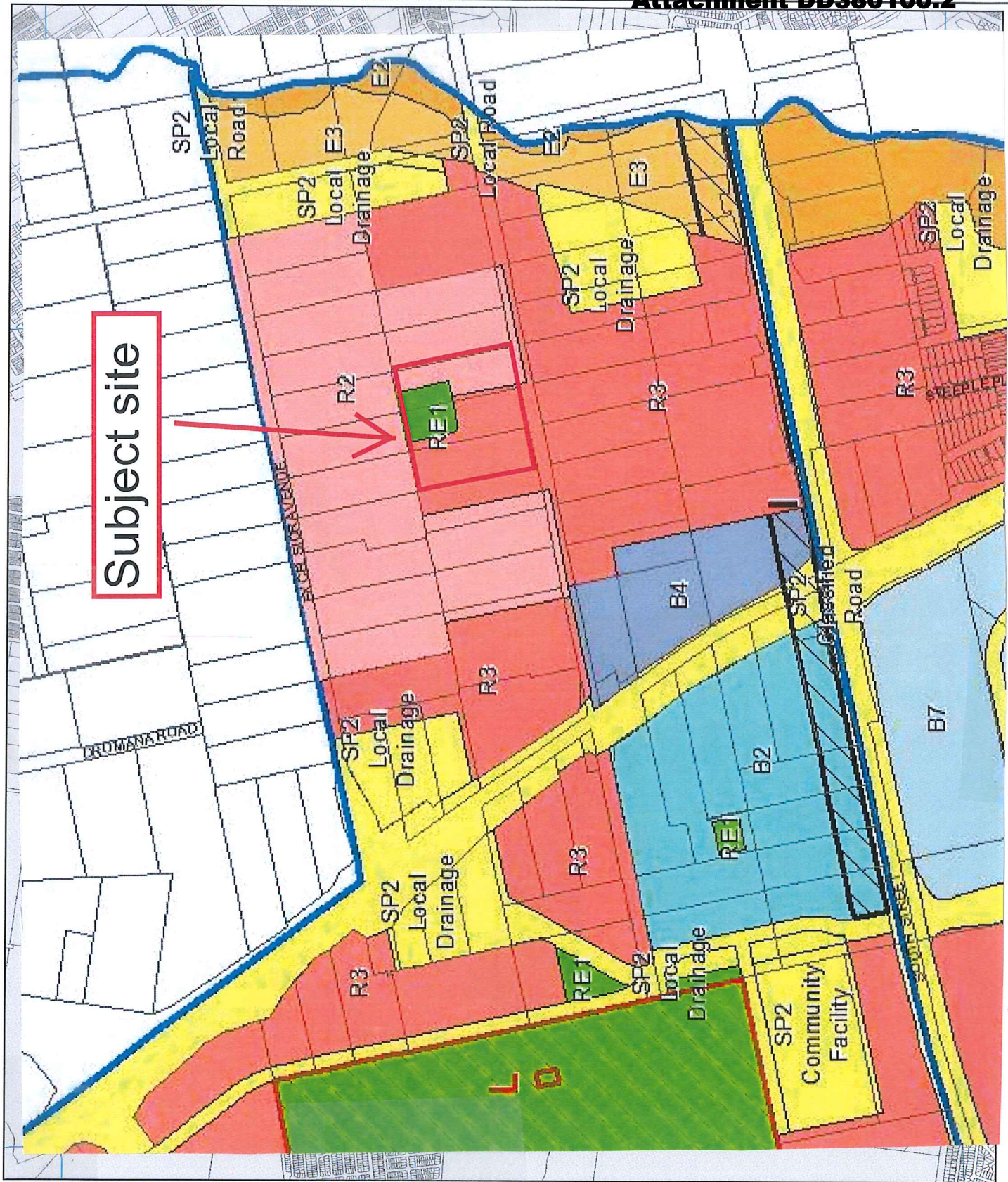
- a. The Planning Proposal relates to part of Lots 9-11 DP 802880 on the northern side of Grange Avenue, Marsden Park.

2. Planning Proposal milestones

- a. We received a request on 27 October 2017 from Brooks Projects Architects on behalf of Li & Quing Pty Ltd to prepare a Planning Proposal to amend the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* as described in this report.
- b. On 21 December 2017, the Director Design and Development resolved to prepare the Planning Proposal and forward to the Department of Planning and Environment requesting a Gateway Determination.
- c. A Gateway Determination was issued by the Department of Planning and Environment on 16 February 2018. The Gateway Determination required consultation with the community and specified public authorities.

End of report





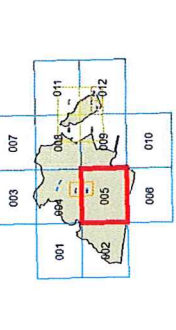
Zone	Code	Description
Neighbourhood Centre	R1	Neighbourhood Centre
Local Centre	R2	Local Centre
Mixed Use	R3	Mixed Use
Business Development	R4	Business Development
Enterprise Corridor	R5	Enterprise Corridor
Business Park	R6	Business Park
Public Recreation	R7	Public Recreation
Private Recreation	R8	Private Recreation
Environmental Conservation	R9	Environmental Conservation
Environmental Management	R10	Environmental Management
Environmental Living	R11	Environmental Living
General Industrial	R12	General Industrial

Special Provisions	Code	Description
Low Density Residential (multi-dwelling housing) - Appendix 4, Clause 2.5	SP1	Low Density Residential (multi-dwelling housing) - Appendix 4, Clause 2.5
Riverstone Scheduled Lands - Appendix 4, Clause 6.8	SP2	Riverstone Scheduled Lands - Appendix 4, Clause 6.8
Green and Gold Bell Frog Habitat - Appendix 4, Clause 6.9	SP3	Green and Gold Bell Frog Habitat - Appendix 4, Clause 6.9
Additional Uses - Appendix 3, Clause 6.5	SP4	Additional Uses - Appendix 3, Clause 6.5
Additional permitted uses (Clause 13)	SP5	Additional permitted uses (Clause 13)
Take away food & drink premises permitted with consent - Appendix 5, (Schedule 1, Clause 1)	SP6	Take away food & drink premises permitted with consent - Appendix 5, (Schedule 1, Clause 1)
Low Density Residential (multi-dwelling housing) - Appendix 7, Clause 2.5	SP7	Low Density Residential (multi-dwelling housing) - Appendix 7, Clause 2.5
Transport Corridor Investigation Area - Appendix 7, Clause 6.10	SP8	Transport Corridor Investigation Area - Appendix 7, Clause 6.10
Food and drink premises - Appendix 12 (Schedule 1, Clause 1)	SP9	Food and drink premises - Appendix 12 (Schedule 1, Clause 1)
Landfills - Appendix 12 (Schedule 1, Clause 2)	SP10	Landfills - Appendix 12 (Schedule 1, Clause 2)
Gas processing system and associated plant and equipment - Appendix 12 (Schedule 1, Clause 3)	SP11	Gas processing system and associated plant and equipment - Appendix 12 (Schedule 1, Clause 3)

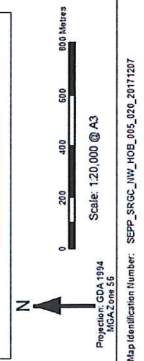
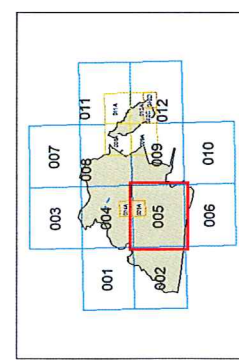
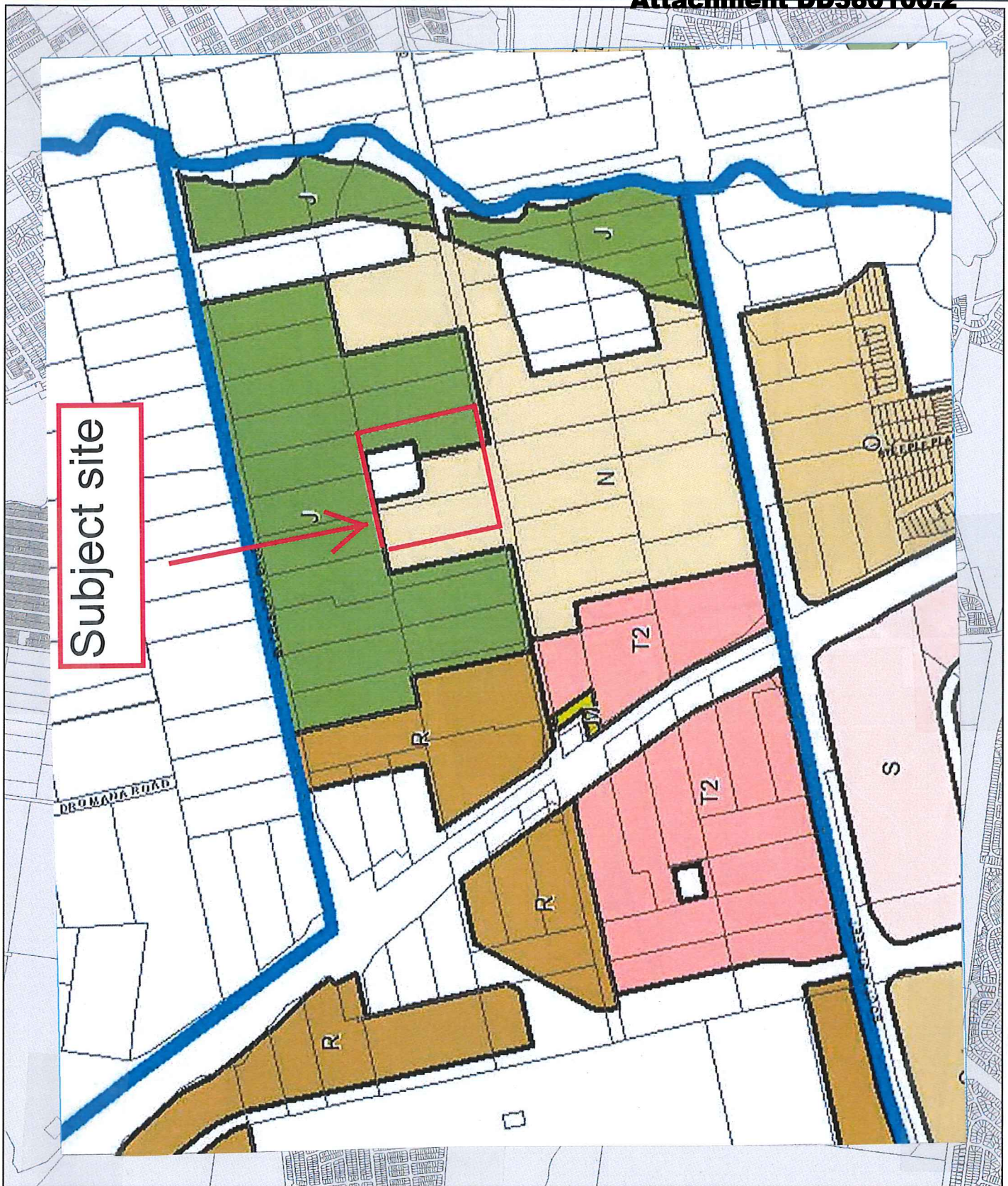
Growth Centre Boundaries	Code	Description
North West Growth Centre Precinct Boundary	SP12	North West Growth Centre Precinct Boundary
Original SEPP Zones	SP13	Original SEPP Zones
Environment Conservation	SP14	Environment Conservation
Public Recreation - Regional	SP15	Public Recreation - Regional

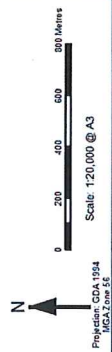
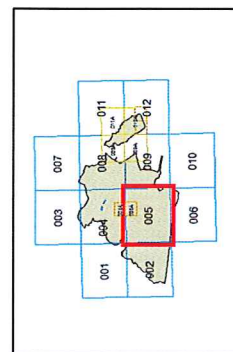
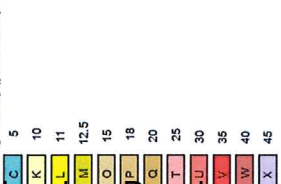
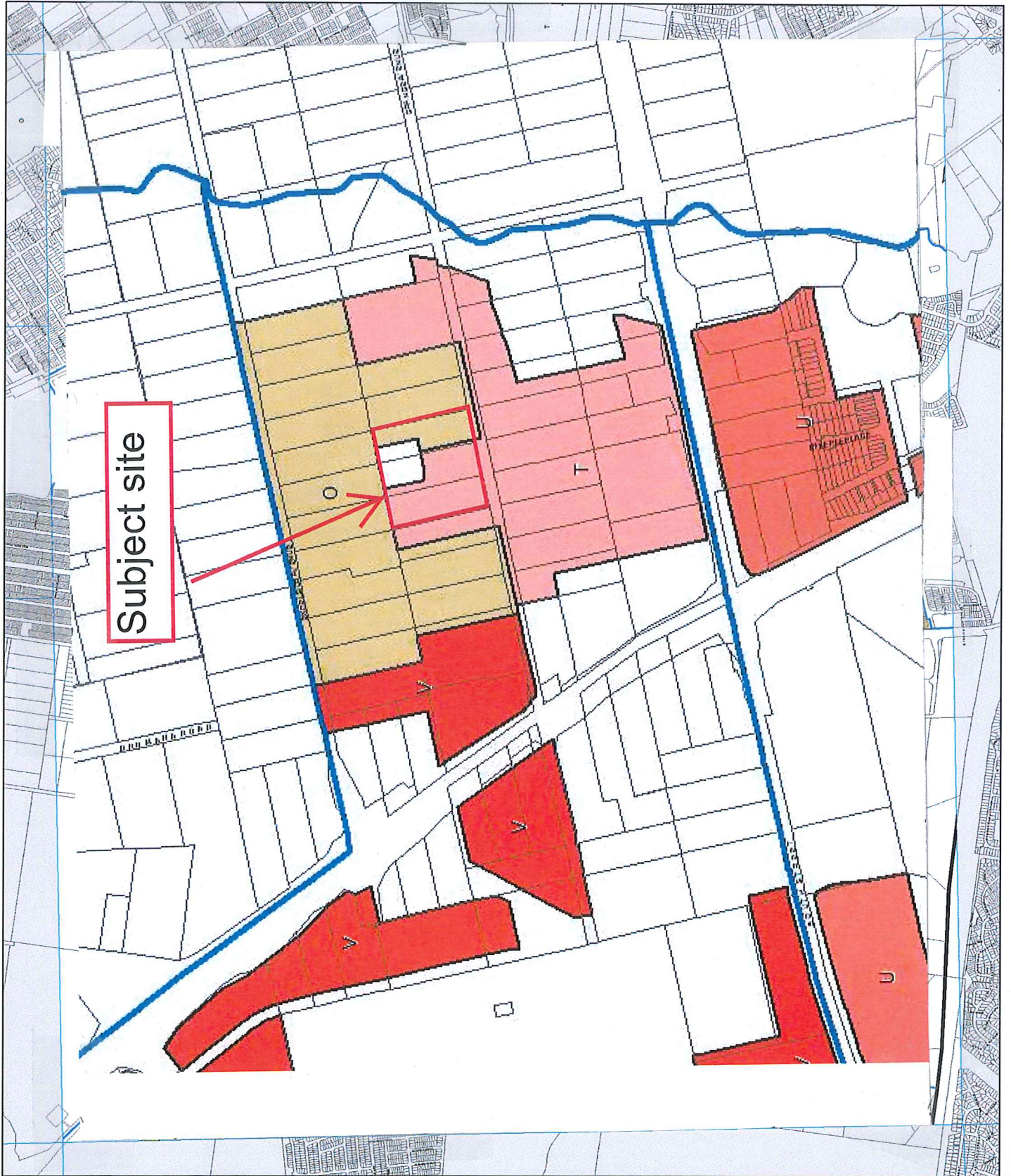
Cadastral

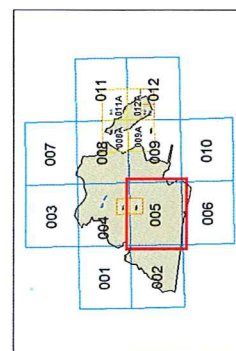
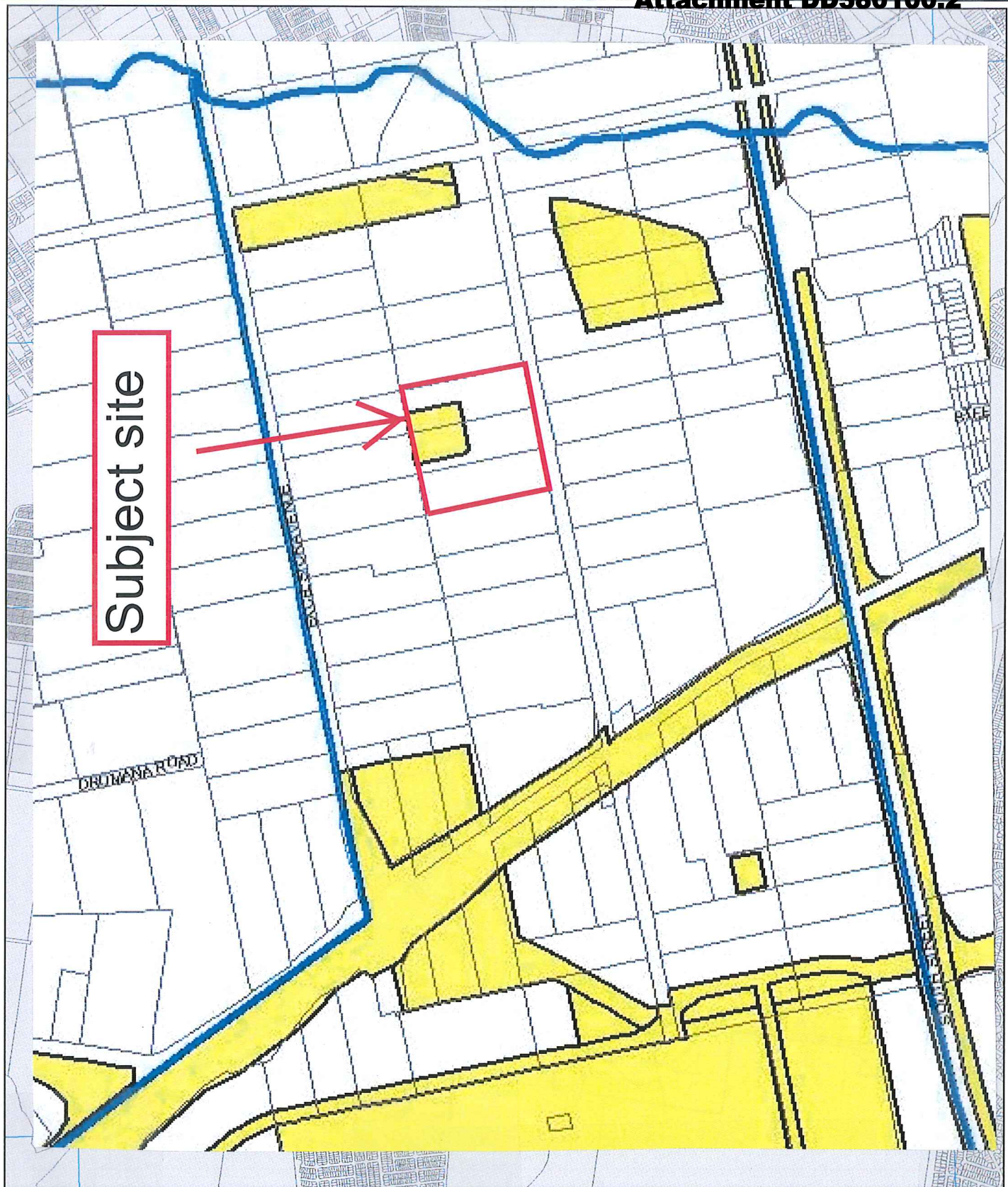
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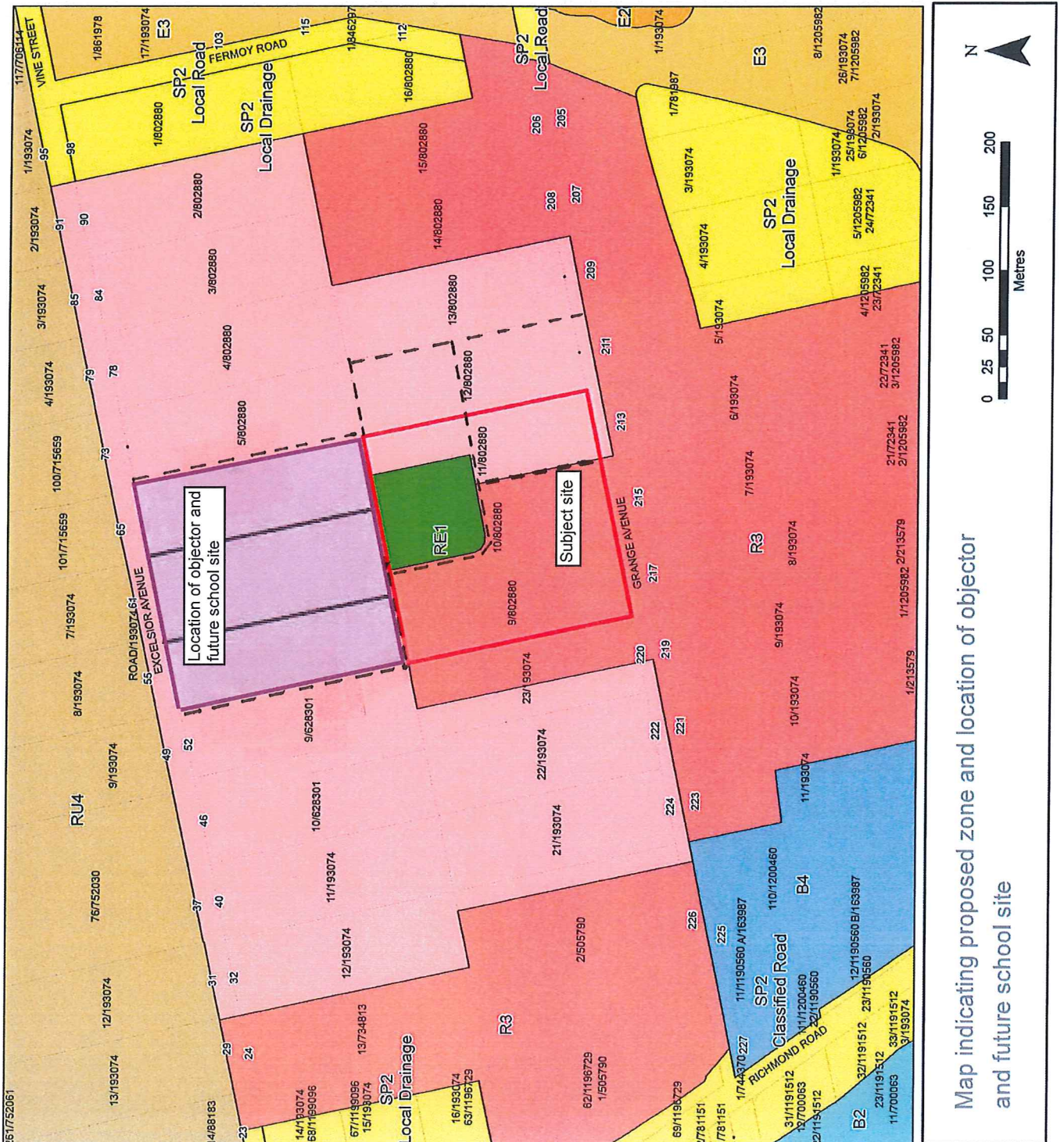
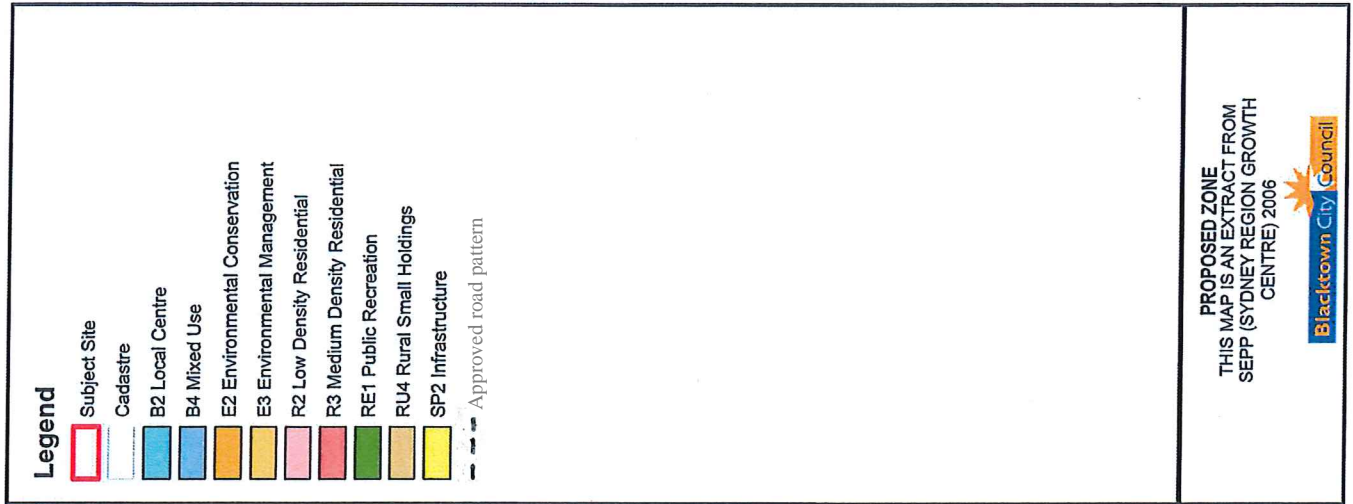


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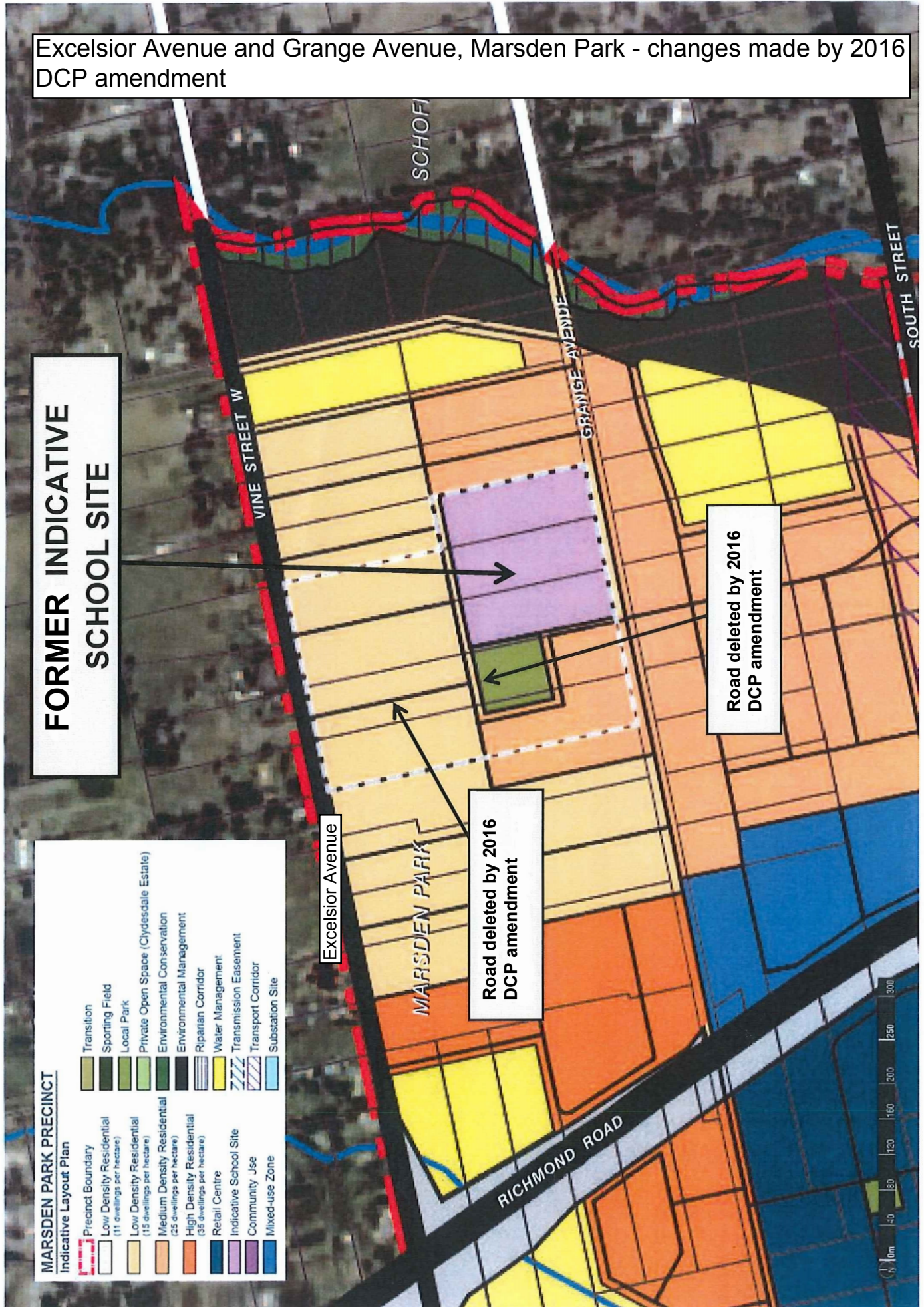


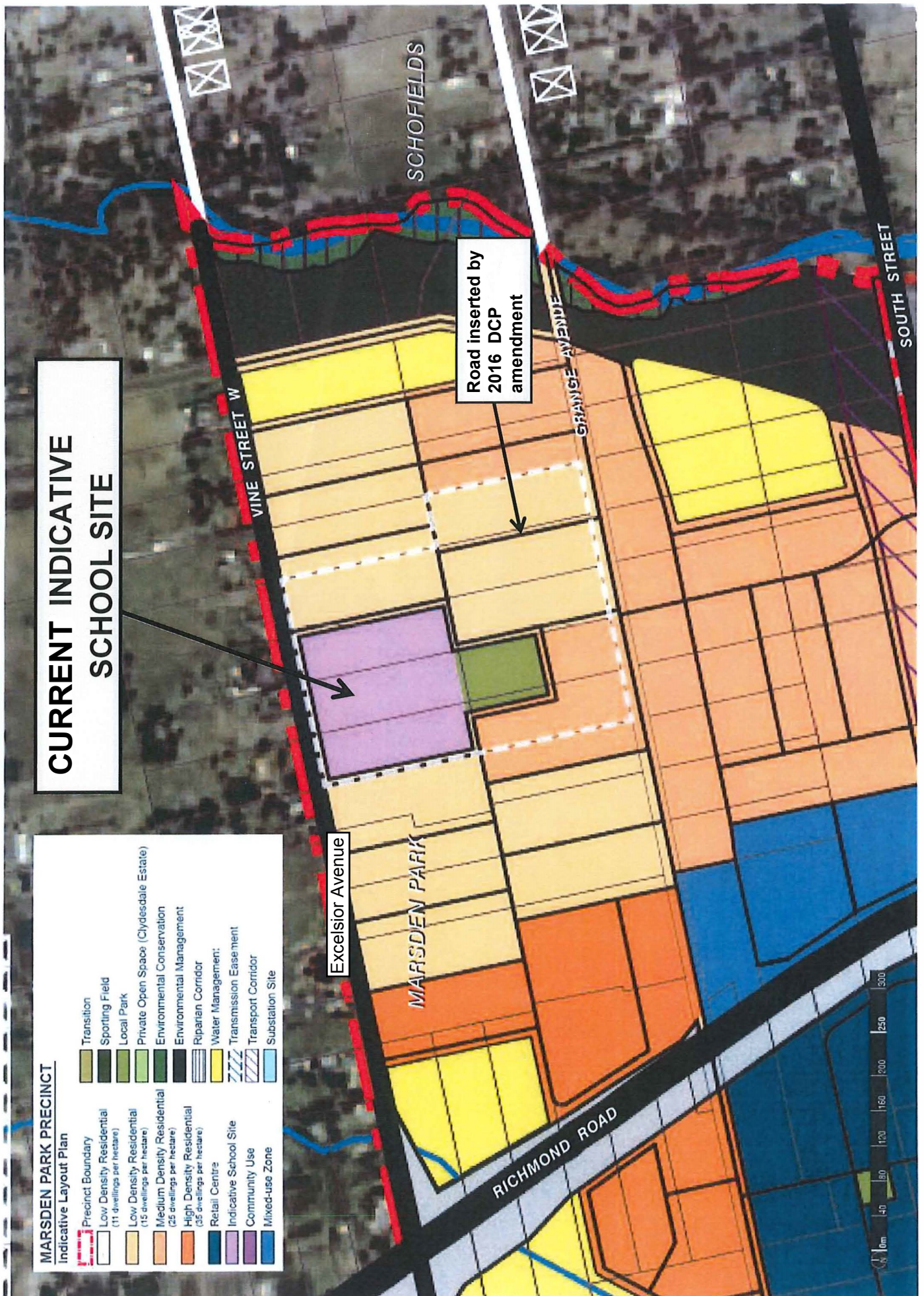






Excelsior Avenue and Grange Avenue, Marsden Park - changes made by 2016 DCP amendment





Draft conditions of consent

Development: Construction of a part 3 and part 4 storey residential flat building containing 106 units and 2 levels of basement car parking and associated landscaping and stormwater drainage works. In accordance with Schedule 4 of the Environmental Planning and Assessment Act 1979, Sydney Central City Planning Panel is the consent authority for the development as the proposal has a Capital Investment Value exceeding \$20 million.

DEFERRED COMMENCEMENT

0.1 This development consent is not to operate until such time that:

(a) Revised Landscape Plan

Submission of a revised landscape Plan to Council's satisfaction that is consistent with the architectural plans. The landscape plan is to address the following:

1. Reconsideration of pathway locations, a reduction in the amount of pathways transecting the two communal open spaces to increase the useable areas, especially along the open space to the western boundary;
2. Size of private terraces at Level 1 and their relationship to the communal open space needs to be better resolved to ensure adequate privacy in both spaces;
3. Provide sections showing the relationship between the private balconies/terraces and the proposed communal open spaces;
4. Provide landscape detail and sections along the street frontages and all planting within the COS areas;
5. Provide details of the location of BBQ areas and seating and any other improvements to be delivered within the Communal open space for occupant's use;
6. There is no detail provided as to whether shading is to be provided over any of the deck areas;
7. The amount of decked area to central COS is to be reduced and details provided as to how this space relates to the private terraces immediately adjoining them;
8. Ensure that the architectural plans are consistent with the landscape plans in relation to the size and location of private terraces/balconies as they currently conflict, especially in relation to the western COS; and

9. Resolution of the western open space is required to make it more inviting, with seating options and useable space for residents.
10. Provide details of the street tree planting on the revised Landscape Plan to incorporate:
 - Angophora floribunda to Grange Avenue
 - Brachychiton acerifoious to proposed road no. 4
 - Melaleuca styphelioides to proposed road no. 2

All of the requirements listed in the above condition must be completed within 12 months of the date of this "Deferred Commencement" consent. Should these matters not be completed to Council's satisfaction within this time period, this "Deferred Commencement" consent will lapse.

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 6.4 of the Environmental Planning and Assessment Act 1979.

1.2 Scope of Consent

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

1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate 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.
 - (c) the installation of a caravan, temporary structure, stormwater drainage in a

public place, amusement device or other activity not being an exempt activity under Council's Local Approvals Policy adopted under the provisions of the Local Government Act 1993,

(d) the installation of a vehicular footway crossing servicing the development.

1.3.3 If any Aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.

1.4 **Services**

1.4.1 The applicant is advised to consult with:

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

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

All approved building construction plans attached to the Construction Certificate should be submitted to 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, 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 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

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

anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

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

1.5 **Tree Planting and Service Locations**

- 1.5.1 Street tree planting must not impact on public utilities. The applicant should liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.

Tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.

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.

1.7 **Engineering Notes**

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

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

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

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

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

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

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

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

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

1.8 **Payment of Engineering Fees**

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

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

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

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

2 **GENERAL**

2.1 **Scope of Consent**

2.1.1 The development shall be in accordance with the following drawings/details submitted to Council with the Development Application except where amended by other conditions of this consent:

Drawing Reference:	Prepared by:	Dated:
Roof Plan and Levels 1 – 4 Floor Plans	Brooks Projects	27.4.18
Basement 1 Plan	Brooks Projects	7.3.17
Basement 2 Plan	Brooks Projects	28.6.17
Elevations and Sections Plans	Brooks Projects	8.5.18

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

2.2 **Services**

- 2.2.1 Low voltage electricity and telecommunications services for the approved development shall be as per the requirements of the service provider, and reticulated underground.

2.3 **Suburb Name**

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

Suburb: Marsden Park

- 2.3.2 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: Marsden Park

2.4 **Waste**

- 2.4.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 2.4.2 Waste and recycling collections undertaken by private contractor are to be provided by the Owners Corporation.

2.5 **Engineering Matters**

2.5.1 **Design and Works Specification**

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (f) Blacktown City Council On Site Detention General Guidelines and Checklist

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

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

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

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

2.5.2 Other Necessary Approvals

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

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

2.6 Other Matters

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

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

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.

3.1.2 The land to which this approval relates shall be identifiable with a Lot and Deposited Plan number and registered with NSW Registry Services. In this regard, the proposed Lot 7 had been approved by DA-15-02309 and must be registered prior to a Construction Certificate for building works being issued. This includes clearance from any salinity management and remediation works that make the site suitable for construction.

3.1.3 All commitments listed in BASIX Certificate: 687275M dated 30 November 2015 shall be complied with.

3.1.4 Relationship with other Approvals

3.1.4.1 Compliance with the requirements of the following nominated approvals:

- a) Development Consent No. 15-2309 dated 28 October 2017 issued by Blacktown City Council

- b) Relevant requirement of any other development consent, Construction Certificate issued under the *Environmental Planning and Assessment Act, 1979, The Local Government Act, 1993 or The Roads Act 1993*.

The construction, completion and dedication of all adjoining roads and associated conditions of consent contained within the above approvals shall be fully complied with in order to obtain release of the Construction Certificate.

The authorised person issuing the Construction Certificate shall ascertain whether any Compliance Certificate(s) for the developments, are required to be issued in relation to any element, component or system incorporate in the development. A copy of each required Compliance certificate shall be lodged with Council.

4 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

4.1 General

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

Prepared By	Project No.	Drawing No. Sheet No.	Revision	Dated
C and M Consulting	01451	01451_7_100	1	26/11/2015
C and M Consulting	01451	01451_7_110	1	26/11/2015
C and M Consulting	01451	01451_7_201	1	26/11/2015
C and M Consulting	01451	01451_7_202	1	26/11/2015
C and M Consulting	01451	01451_7_701	1	26/11/2015
C and M Consulting	01451	01451_7_702	1	26/11/2015

4.2 Construction Certificate Requirements

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

- Road and drainage construction
- On-site stormwater detention
- Water quality treatment
- Earthworks

The above requirements are further outlined in this section of the consent.

4.3 Roads Act Requirements

4.3.1 Under *Section 138 of the Roads Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Any works within Council's road reserve
- Kerb inlet pit connections or construction
- Vehicular crossings
- Path Paving

The above requirements are further outlined in this section of the consent.

4.4 Other Engineering Requirements

4.4.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater then a long service levy payment is required. Provide proof of this payment to Council.

4.4.2 Any ancillary works undertaken shall be at no cost to Council.

4.5 Drainage

4.5.1 Drainage from the site must be connected into Council's existing drainage system that is to be constructed and completed as part of DA-15-2309.

4.5.2 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

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

4.6 Erosion and Sediment Control

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

4.7 Earthworks

4.7.1 Proposed lots must be filled so that the ground levels behind the building are a minimum of 500mm above the designed 100-year average recurrence interval flood level.

4.7.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.

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

4.8 **Stormwater Quality Control**

- 4.8.1 Provide a stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 4.8.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 4.55 application.
- 4.8.3 Provide details for permanent interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tanks and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.
- 4.8.4 Submit the following certificates which are to be prepared by a registered engineer (NER):
- Certification that the structures associated with the water quality system have been designed to withstand all loads likely to be imposed on them during their lifetime.
 - Certification that the water quality system will perform to meet the water quality requirement as specified in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 4.8.5 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

4.9 **Vehicular Crossings**

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

4.10 **Construction Traffic Management Plan**

- 4.10.1 A Construction Traffic Management Plan detailing construction vehicle routes, parking, number of trucks, hours of access, access arrangements, road safety and traffic control is to be submitted to Council prior to the issue of any Construction Certificate.

4.11 **Construction Environmental Management Plan**

- 4.11.1 A Construction Environmental Management Plan is to be submitted to Council prior to the issue of any Construction Certificate as required by clause 3.3 *Construction Environmental Management* of the Growth Centres Precincts DCP 2018.

5 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

5.1 Acoustic

- 5.1.1 An acoustic report shall be carried out to consider and address any noise impact. Any measures as recommended by the report shall be implemented on the plans to be submitted prior to the issue of a Construction Certificate

The Acoustic Assessment is to be carried out in accordance with the requirements of the NSW Environment Protection Authority's Noise Policy for Industry (2017) and provide recommendations to mitigate the emission and of offensive noise from the premises and limit the intrusion of noise into the premises to acceptable levels.

The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to the satisfaction of a Principal Certifying Authority.

- 5.1.2 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)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 B(A)

- 5.1.3 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:
- does not exceed an L_{Aeq} sound pressure level of 5dB (A) above the ambient background noise level when measured
 - at the most effected point on or within any residential property boundary or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
 - cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

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

- 5.1.4 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with and submitted to Council for approval;
- NSW Office of Environment and Heritage's *Guidelines for Consultants Reporting on Contaminated Sites* (2011)

- 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) Amendment Measure 2013 (No. 1), National Environment Protection Council, 2013.

6 PRIOR TO CONSTRUCTION CERTIFICATE (TRAFFIC)

6.1 Sight distance

- 6.1.1 Provision for adequate sight distance shall be demonstrated in the plans for Construction Certificate, to be in accordance with Section 3.2.4 AS2890.1 and Figure 3.2 of AS2890.1 which ensure safety of pedestrians on the footpath system and motor vehicles along the approved driveway.

7 PRIOR TO CONSTRUCTION CERTIFICATE (WASTE)

7.1 Required amendments

- 7.1.1 Prior to issue of the Construction Certificate, the applicant must provide physical treatment to the loading bay (eg, removable, lockable bollards) to prevent unauthorised parking. This will complement the proposed line marking and signposting.
- truck turning areas must be maintained.
 - access must be coordinated with the building manager.
 - indicate the physical treatment on amended plans
 - update the waste management plan to this effect.
- 7.1.2 The applicant must update the waste management plan to include:
- proposed physical treatment (eg, lockable, removable bollards) of the loading bay
 - waste vehicle access to the loading bay must be coordinated with the building manager
- 7.1.3 Access for collection vehicles must be designed in accordance with approved architectural plans, CAD files and vertical clearances as per Australian Standards.
- 7.1.4 The applicant must ensure roads and driveways etc are suitably designed for the 6.4m long, small rigid vehicle.

8 PRIOR TO CONSTRUCTION CERTIFICATE (OTHER MATTERS)

- 8.1 All mail boxes are to accord with the requirements of Australia Post with regard to location, access and size. The letterbox system is to be vandal resistant and secure. Appropriate sight lines are to be provided for vehicles using the mail box waiting bay for safety purposes.
- 8.2 The Construction Certificate plans are to show that the location of signage or lighting for the private road/driveway areas is to be designed and located so as

not to obstruct access for any vehicles.

- 8.3 The basement car park vents shall not be visually prominent and appropriately treated. Details shall be provided to the satisfaction of a Principal Certifying Authority prior to a Construction Certificate.

9 PRIOR TO CONSTRUCTION CERTIFICATE (NSW POLICE)

- 9.1 The applicant shall provide further information on the following security and crime prevention measures:
- Type of fencing/gates - Palisade security fencing to be used around the site to prevent unauthorised access. All access points into the site and into common areas must be secured through the use of palisade gates fitted with a security mechanism (i.e. swipe card, keys, etc) to restrict access to authorised persons only.
 - The application of permanent graffiti resistant coating on all materials along the ground level of the building around the perimeter of the site.
 - Submission of a lighting plan. This plan is required to show the location of lighting around all entry/exit points to the building, along all footpaths within the site, car parking areas and to the street number to facilitate identification of the site/building.
 - Each vehicle garage facility space in the basement parking is to be separated by robust steel welded mesh fencing, floor to ceiling and annotated on the plans. This additional measure reflects the increase in Theft From Motor Vehicles that has recently been experienced in Quakers Hill LAC.
 - The contents inside the vehicle garage facility space must not be able to be visible from the outside.
 - Each vehicle garage facility must have a lockable 'tilta' roller shutter security door, in a well-lit area with CCTV coverage.
 - Security steel welded mesh fencing from floor to ceiling must be installed separating visitors' parking from residents in the basement parking.
 - A security plan is to be provided prior to the release of the Construction Certificate Stage. This plan should show the location, type and number of CCTV systems per block. The areas that should include;
 - Building foyer, mailbox facility, building entry and exit points, basement car park including bike storage area, lifts, common areas and waste rooms

10 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

10.1 Section 7.11 Contributions under Section 7.17 Directions

- 10.1.1 Contributions under Section 7.11 of the Environmental Planning & Assessment Act 1979 must be paid.

Under the Section 7.17 Direction issued by the Minister for Planning on 4 March 2011, Council must not impose a condition of development consent under Sections 7.11 (1) or 7.11 (3) or the Act requiring the payment of a monetary contribution exceeding \$40,000 for each dwelling authorised by the development consent, or in the case of a development consent that authorises the subdivision of land into residential lots, exceeding \$35,000 for each residential lot authorised

to be created by the development consent. The Section 7.11 contributions payable below have been assessed in accordance with this Direction:

Contribution Item	Base Amount	Relevant C.P.
Stormwater Quantity Bells Creek	\$ 639,594	21
Stormwater Quality Bells Creek	\$ 95,194	21
Traffic Management	\$ 161,565	21
Open Space	\$ 1,995,481	21
Community Facilities	\$ 25,630	21
E2 Conservation Zone	\$ 63,456	21
Aquatic Facility	\$ 41,753	
Total Contributions Amount:	\$ 3,022,673	21

Payment of this amount must be made prior to the issue of a Construction Certificate.

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

Developable Area: 0.5182 hectares
Additional Population: 206.7 persons

PLEASE NOTE: Payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted 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.

The amounts below are the INDEXED contributions as at the date of this consent which, if not for the Ministerial Direction, would have applied to this consent. These amounts have been supplied for your information.

No. of intended dwellings: 106

Contribution: \$4,240,000.00

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

S.7.11 CP No. 21 Marsden Park Precinct

10.2 **Special Infrastructure Contributions**

- 10.2.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Environment before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

More information

Information about the special infrastructure contribution can be found on the Department of Planning and Environment's website:

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx>

10.3 Aesthetics

- 10.3.1 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent and must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.
- 10.3.2 Any bathroom, w.c. or laundry window in the external walls of the buildings shall be fitted with translucent glazing.
- 10.3.3 The development approved by Council is to be constructed in accordance with the approved external colour schedules and colour schemes.
- 10.3.4 The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the Building Code of Australia.
- 10.3.5 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.

10.4 Fencing

- 10.4.1 Front fences (including any masonry retaining wall above the natural ground level) shall be of a maximum 1 metre in height from the natural ground level.
- 10.4.2 Any proposed fence/side boundary fence/landscape element on either side next to the proposed driveways must not exceed 900mm in height for a length of 2.5 metres from the property boundary within the property and 2 metres along the property boundary (see Figure 3.3 AS2890.1) to ensure safety of pedestrians on footpath.
- 10.4.3 All other fencing details and materials are to be as per the approved plans. All fencing is to be provided at full cost to the developer and is to be constructed on top of any masonry retaining walls. The selected fencing material / design must also minimise / eliminate the potential for graffiti attacks.
- 10.4.4 Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti. All fencing which is visible from the public domain is not permitted to be continuous, closed board, or the like.

10.5 Access and Parking

- 10.5.1 A minimum of 136 car parking spaces are required to be provided within the site, being 114 resident spaces, 22 visitor car parking spaces, and all are to be designed having minimum internal clear dimensions in accordance with the Growth Centres Precincts DCP 2018.

- 10.5.2 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network. Provision for 25 bicycle spaces is required to be provided within the site.
- 10.5.3 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) is to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.
- 10.5.4 All internal driveways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

10.6 **Services**

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

10.7 **Salinity Management**

- 10.7.1. The applicant is to prepare a salinity management plan in the event of encountering potentially saline soil during construction. The measures recommended in the plan are to be implemented during construction accordingly.

11 **PRIOR TO CONSTRUCTION CERTIFICATE (CIVIL AND PARK INFRASTRUCTURE)**

11.1 **Street Tree Planting**

- 11.1.1 The applicant must submit a Street Tree Plan detailing the proposed street tree planting and landscaping for the approved subdivision. The Street Tree Plan is to reflect the species palette in our Street Tree Guidelines and must include:
- cross-sections showing dimensions of tree pits
 - species
 - details of root protection barriers
 - soil specifications
 - location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

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.

The Street Tree Plan must show how the developer can decommission any median feature and road verge landscaping, and reinstate landscaping suitable to Blacktown City at handover.

Landscaping to lot boundaries is to be wholly located within private property and not encroach upon the road reserve.

Street tree planting must not interfere with the street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting.

This information must be received before a construction certificate can be issued.

11.2 Tree preservation

11.2.1 A Tree Retention Plan shall be included with any Construction Certificate indicating:

- a. the trees to be retained
- b. all areas to be left undisturbed and to be cordoned off from construction works.

These trees/areas are to be identified and marked by a Blacktown City representative (or appointed private certifier) and the applicant before the start of any earthworks, but after the road centrelines have been pegged and/or permanently marked.

All trees to be retained on site are to be protected in line with Australian Standard 4970 - Protection of Trees on Development Sites.

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

Details must be provided to show how the developer can decommission any median feature and road verge landscaping and reinstate landscaping suitable to Blacktown City at handover.

Landscaping to lot boundaries is to be wholly located within private property and not encroach upon the road reserve.

This information must be received before a construction certificate can be issued.

12 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

12.1 Building Code of Australia Compliance

12.1.1 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).

12.2 Site Works and Drainage

- 12.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 12.2.2 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.
- 12.2.3 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.
- 12.2.4 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.

12.3 Fire Services

- 12.3.1 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.
- 12.3.2 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.

13 PRIOR TO DEVELOPMENT WORKS

13.1 Compliance Certificate Fee

- 13.1.1 All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.

13.2 Safety / Health / Amenity

13.2.1 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.

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

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

This condition does not apply to:

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

13.2.3 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.

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

- 13.2.5 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.
- 13.2.6 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.
- 13.2.7 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.

13.3 **Notification to Council**

- 13.3.1 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.
- 13.3.2 At least five (5) full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$20,000,000.

13.4 **Adjoining Owners**

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

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

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

13.5 **Home Building Act**

- 13.5.1 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.

13.6 **Sydney Water Authorisation**

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

OR

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

13.7 **Construction Details**

- 13.7.1 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

14 DURING CONSTRUCTION (BUILDING)

14.1 Safety/Health/Amenity

14.1.1 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.

14.1.2 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:

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

14.1.3 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.

14.1.4 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.

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

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

14.1.7 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.

14.2 **Building Code of Australia Compliance**

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

14.3 **Surveys**

- 14.3.1 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.

14.4 **Nuisance Control**

- 14.4.1 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.

- 14.4.2 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.

- 14.4.3 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.

14.5 **Stormwater Drainage**

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

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

14.6 **Waste Control**

- 14.6.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works. This includes the sorting and storage of waste and recyclable building materials on site for collection and disposal by the nominated waste/recycling contractor to the nominated disposal site.

14.7 **Construction Inspections**

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

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

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

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

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

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

15 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

15.1 Material Disposal

15.1.1 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act (NSW) 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014)

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

- A Construction Environment Management Plan should be in place and must include specific advice on how water treatment and dewatering will be undertaken in accordance with the Blue Book, as well as demonstrating the discharged water complies with ANZECC water quality guidelines.
- When basins are required to be pumped out, the necessary dosing must occur within 24 hours of the conclusion of each storm event and the basin must be drained within 36 to 48 hours if gypsum is used.
- Councils Environmental Health Section must be notified prior to 4pm on the business day prior to any controlled discharge from any temporary drainage basin outside of standard business hours (9am to 5pm, Monday to Friday), or, 1 hour prior to any controlled discharge from any temporary drainage basin during standard business hours.
- Any water discharging from the premises is to be sampled at 30 minute intervals from the discharge point for the entire period that water is leaving the site.

- If any sample is recorded above the parameters in the plan, the discharge will need to cease immediately and Council's Environmental Health Section must be notified by telephone at the time of detection and followed up in writing.
- If no adverse results are identified that require immediate notification the results must still be submitted to Council's Environmental Health Section at the completion of the required controlled discharges.

15.1.3 Site validation by an accredited certified geoscientist is to be undertaken to NEPM 2013 Guidelines, in the event of any asbestos found or other contamination material unearthed during the course of works.

16 DURING CONSTRUCTION (HERITAGE)

16.1 European Heritage

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

16.2 Aboriginal Heritage

16.2.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the NSW Office of Environment & Heritage informed in accordance with Section 89A of the National Parks and Wildlife Act 1974. Relevant works shall not recommence until written authorisation from the NSW Office of Environment & Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

17 DURING CONSTRUCTION (ENGINEERING)

17.1 Notification of Works

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

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

17.2 **Insurances**

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

17.3 **Boundary Levels**

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

17.4 **Soil Erosion and Sediment Control Measures**

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

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

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

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

17.6 **Inspection of Engineering Works - Roads Act 1993**

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

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

17.7 **Public Safety**

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

17.8 Site Security

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

17.9 Powder Coated Furniture

- 17.9.1 Where the conditions of this consent permit the installation of powder coated furniture (i.e. street lighting poles, bus shelters, rubbish bins, seats or any other items of street furniture), a certificate from the manufacturers shall be provided to Council confirming that the nominated powder coated items have been prepared and coated in accordance with Australian Standard AS/NZ 4506-2005 (service condition category 3). This certificate must be no more than 3 months old and shall be provided to Council prior to the installation of the relevant items of the street furniture. Any items of street furniture not so certified shall be removed and replaced at no cost to Council with items appropriately certified.

18 PRIOR TO OCCUPATION CERTIFICATE

18.1 Road Damage

- 18.1.1 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.

18.2 Compliance with Conditions

- 18.2.1 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.
- 18.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.9 and 6.10 of the Environmental Planning & Assessment Act 1979.

18.3 Fire Safety Certificate

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

18.4 Fee Payment

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

18.5 Temporary Facilities Removal

- 18.5.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 18.5.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 18.5.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 18.5.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 18.5.5 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.

18.6 Fee Payment

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

18.7 Additional Inspections

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

18.8 Services / Utilities

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

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

18.8.2 A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

18.8.3 If required, the applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.

18.9 **Waste Matters**

18.9.1 Access for collection vehicles must be built in accordance with the dimensions indicated on the approved architectural plans and vertical cross-section plans (demonstrating compliance with Australian Standards for headroom allowances) and showing adequate truck entry and exit and in all manoeuvring areas.

18.9.2 The applicant is to ensure that roads and driveways are rated for the proposed 6.4m long, small rigid vehicle.

18.9.3 The Strata Management Agreement should indicate:

- a requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan.
- the responsibility for maintenance of the garbage collection system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times.
- the method of communication to new tenants and residents regarding the waste management service and collection system for the complex.
- Include a copy of the updated and approved waste management plan as a consent condition for this development application.

18.10 **Site Contamination**

18.10.1 A final site contamination Validation Report confirming the suitability of the site for the proposed development is to be endorsed by Council prior to the release of an Occupation Certificate. The Validation Report shall be prepared by a consultant engaged under the terms of Council's Contaminated Lands Policy.

18.11 **Salinity**

18.11.1 A report from a geotechnical engineer is to be submitted to Council certifying the site classification for the reactivity of the lot after identification of the soil characteristics in accordance with the provisions of AS 2870, "Residential Slabs and Footings."

18.12 **Other Matters**

- 18.12.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 18.12.2 All common areas and private driveways and pathways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.
- 18.12.3 All fencing and retaining walls shall be completed in accordance with the approved plans and with the details submitted as part of the Construction Certificate. All fencing / retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material / design must also minimise / eliminate the potential for graffiti attacks. Where possible, foliage should be grown on / over fencing adjacent to public areas to minimise the potential for graffiti.
- 18.12.4 Vandal proof and security lighting, and appropriate security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.
- 18.12.5 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 18.12.6 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 18.12.7 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.
- 18.12.8 The turning bay areas at the end of the internal aisles within the development are to be signposted as 'Turning Bays' and 'No Parking'.
- 18.12.9 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves and also not on drainage zoned land.
- 18.12.10 All privacy screening measures / devices detailed on the approved plans are to be installed.

18.13 **Graffiti Management Plan**

- 18.13.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council. The Plan is to address the following issues:
 - (a) Methods to minimise the potential for graffiti;
 - (b) Management/notification procedures for the "early" removal of graffiti;

- (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.

18.14 Total Maintenance Plan

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

- (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, through site links, soft and hard landscaping, security systems, mail boxes, lighting, bulky waste storage and loading areas, feature entry signage, parking signage and services are regularly inspected and maintained at optimum levels at all times.
- (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted “junk mail” is to be collected on a regular basis and disposed of as necessary.
- (c) The development is managed by a Site / Strata / Building Manager.

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

18.15 Acoustic Verification

18.15.1 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.

18.16 Positive covenant

18.16.1 A positive covenant is to be placed on the title of the land to warn all purchasers of units on this property that an intensive agricultural business operates 24 hours / 7 days a week on land to the north of the subject land. This use may remain in the vicinity of the subject land in perpetuity. This positive covenant is to be created under Section 88B of the Conveyancing Act 1919 Blacktown City Council is the authority to vary release and modify this covenant.

18.17 Temporary Facilities Removal

- 18.17.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 18.17.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 18.17.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council’s Soil Erosion Control Policy shall be provided.

- 18.17.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 18.17.5 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.

18.18 Engineering Matters

18.18.1 Surveys/Certificates/Works As Executed plans

- 18.18.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 18.18.1.2 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 18.18.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 18.18.1.4 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

When Council has been nominated or defaulted as the nominee for engineering compliance. Final inspections can be arranged through Councils Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.

18.18.2 Easements/Restrictions/Positive Covenants

- 18.18.2.1 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 NSW Land Registry Services.
- 18.18.2.2 As the development will be serviced by private waste and recycling contractors, residents are unable to access Council's household clean up service, or garbage

and recycling service. These must be provided by the Owners Corporation. A Section 88B or similar is to be listed on the title to this effect and suitably drafted by Council's planning or legal team.

18.18.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the on-site detention storage areas and outlet works.

18.18.2.4 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the Stormwater Quality Control devices/system and outlet works.

18.18.2.5 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Land Registry Services over the overland flow-path.

18.18.2.6 All potential purchasers shall be advised of the development being located nearby an existing chicken hatchery. A Section 88B or similar is to be listed on the title to this effect.

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

18.18.3 **Inspections**

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

18.18.4 **Relationship with other Approvals**

18.18.4.1 Compliance with the requirements of the following nominated approvals:

- a) Development Consent No. 15-02309 dated 28 October 2017 issued by Blacktown City Council.
- b) Relevant requirement of any other development consent, Construction Certificate issued under the *Environmental Planning and Assessment Act, 1979, The Local Government Act, 1993 or The Roads Act 1993*.

The conditions contained within the above approvals shall be fully complied with, including the registration of subdivision of DA-15-02309 with NSW Land Registry Services, prior to the release of the Occupation Certificate.

The authorised person issuing the Occupation Certificate shall ascertain whether any Compliance Certificate(s) for the developments, are required to be issued in relation to any element, component or system incorporate in the development. A copy of each required Compliance certificate shall be lodged with Council.

18.19 **Street tree planting**

Any tree planting (and maintenance) along the frontage of the development site to improve the amenity of the streetscape must be approved before an Occupation Certificate is issued.

The number of trees should equal the number lots/dwellings with street frontage. Trees will be planted at a minimum spacing of 8 metres.

Additional trees may be requested following assessment of the subdivision configuration.

Trees must be of a minimum container size of 45 litres with root directors.

The applicant must obtain clearances from relevant service authorities.

The applicant will be required to pay a bond of \$330 per tree to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), to council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed.

The applicant will also be required to pay a \$136 inspection fee. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification.

18.20 NSW Police Matters

18.20.1 The following security and crime prevention measures are installed and operating satisfactorily:

- Installation of all required CCTV around the site. Cameras shall monitor car park facilities, stairways, lifts, foyers, entry/exit points, loading bays, the waste room and mailbox facilities.
- Appropriate signage shall be installed at the site to notify occupants and visitors that CCTV cameras are present.
- All lighting details shown on the submitted lighting plan shall be installed at the site. This includes lighting around all entry/exit points to the building, along all footpaths within the site, car parking areas and to the street number to facilitate identification of the site/building.
- It should also be noted that the latch/locking mechanism for the gates inside the development, should not be within the arm reach of any person externally.
- The building shall clearly indicate building names, block number and unit numbers to facilitate easy identification of the site for emergency services and visitors.
- All materials used along the ground level of the building around the perimeter of the site shall have permanent graffiti resistant coating applied.
- All palisade fencing shall be installed around the site preventing unauthorised access. All access points between each unit complex, pathways in and to common areas must be secured through the use of gates, roller doors or similar and fitted with a security mechanism (i.e. swipe card, keys, etc.) to restrict access to authorised persons only.
- Patio bolt locks (or similar) installed to any sliding door and any open able window along the ground level as per picture below;

19 OPERATIONAL (PLANNING)

19.1 Use of Premises

19.1.1 The development shall not be used or converted for use for any purpose other than that:

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

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

19.2 Access / Parking

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

19.3 Landscaping

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

19.3.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.

19.3.3 The management of vegetation, gardens, communal areas, fences, lighting and other similar areas is to be incorporated within the future strata management plan once the development is occupied.

19.4 Storage

19.4.1 No goods, materials, or trade waste shall be stored, displayed for sale or manufactured at any time outside the buildings on either the internal driveway / road, car parking areas, landscaping or footpaths, other than the approved garbage areas.

19.5 Lighting and Security

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

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

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

19.6 Graffiti Removal

- 19.6.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed no later than 48 hours after detection. The approved Graffiti Management Plan is to be adhered to at all times.

19.7 Environmental Management

- 19.7.1 The recommendations provided in the acoustic report shall be implemented.
- 19.7.2 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environment Protection Authority's Noise Policy for Industry (2017) and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.
- 19.7.3 A post commissioning report produced by an acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) within 3 – 6 months of the centre operating to validate the Acoustic reports findings.
- 19.7.4 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.
- 19.7.5 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.
- 19.7.6 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.
- 19.7.7 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.
- 19.7.8 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.

19.8 NSW Police matters

- 19.8.1 All security measures required by this consent to be installed are required to be appropriately maintained and in good working order.

- 19.8.2 Contact details for the Body Corporate and Building Manager must be forward to the NSW Police once the Body Corporate is formed and in the event of any changes to these contact details.
- 19.8.3 Security management plan and evacuation plan to be forwarded to Riverstone Police Station.