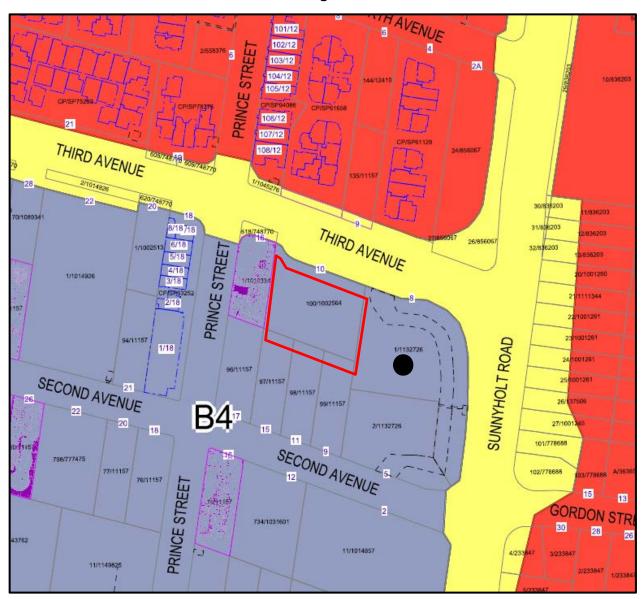


Location map

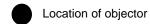


Zoning extract



LEGEND Zone

B1 Neighbourhood Centre IN2 Light Industrial Local Centre R1 General Residential Mixed Use Low Density Residential **Business Development** Medium Density Residential Enterprise Corridor High Density Residential В7 Business Park Public Recreation Environmental Conservation RE2 Private Recreation E3 Environmental Management RU6 Transition E4 Environmental Living Infrastructure IN1 General Industrial







Aerial image as of 18 January 2018



Detailed information about proposal and DA submission material

1 The proposal

- 1.1 The Development Application (DA) has been lodged by 5 Units Pty Ltd for the demolition of an existing commercial building and construction of an 18 storey shop top housing development comprising ground floor retail, a child care centre on the first floor and 16 levels of residential apartments above.
- 1.2 The ground floor comprises a single retail/business space that has an area of 609 sqm. Direct access from the street is provided, with rear access to the basement, toilet facilities and waste areas.
- 1.3 The first floor comprises a child care centre. The child care centre will provide for 155 children aged between 0 and 5, with 25 staff members. The proposal provides for 8 separate playrooms and 1,188 sqm of outdoor play area. The proposed first floor unencumbered internal floor area is 517 sqm. An entry foyer provides access to the child care centre from the street and basement car parking via stairs and 2 lifts. The proposed hours of operation for the child care centre are Monday to Friday, 6.30 am to 6.30 pm.
- 1.4 Levels 2 to 17 consist of 143 apartments. The apartment mix is 26 x 1 bedroom units (18.18 %), 101 x 2 bedroom units (70.6%) and 16 x 3 bedroom units (11.2%).
- 1.5 A loading area for a heavy rigid vehicle is provided in the basement adjacent to the garbage bin room, for the use of waste services trucks and residents.
- 1.6 All apartments are provided with a balcony, compliant with the minimum dimensions under the Apartment Design Guide.
- 1.7 The development is serviced with 2 communal open space areas, with a total area of 957 sqm. Common open space is provided on the 2nd floor at podium level and is embellished with planting, benches and paving. A second common open space is provided on the rooftop and is embellished with pergola structures, landscaping including trees and turf areas. The development is also serviced with a communal drying area and a productive garden space to enable residents to grow their own food. BBQs, tables and seating areas are also provided.
- 1.8 Landscaping plans indicate a selection of trees, shrubs and groundcovers, including Australian native plants. Turfed areas as well as on-structure planting have been proposed to optimise use of these areas.
- 1.9 The application states that 15 (10%) apartments are adaptable.
- 1.10 The applicant has submitted a Traffic Impact Assessment prepared by Thompson Standbury and Associates. The report assesses the adequacy of the proposed off-street parking provision, the suitability of the proposed vehicular arrangements, the proposed parking layout, and examines the existing transport conditions in the vicinity of the site, including the existing traffic network. The report indicates that the additional traffic generated is not expected to have a significant adverse traffic impact on the road network in the local area. The parking provision for the proposal is assessed in attachment 6 of this report.
- 1.11 The applicant has submitted an acoustic assessment for the proposal. It assesses traffic noise from the surrounding public roads and the noise emission criteria of mechanical plant to surrounding properties, as well as the impact of surrounding commercial uses such as the 24 hour McDonald's operation and the proposed child care centre on the residential units above. The assessment recommended acoustic treatment measures such as glazing and finishes. External noise emission criteria can be met with detailed acoustic treatment at the Construction Certificate stage.

ALGORRY ZAPPIA & ASSOCIATES PILED

Attachment 5

ABN 43 064 952 692

Building Designers & Consulting Civil & Structural Engineers

PROPOSED MIXED USE DEVELOPMENT

Lot 100 in DP1002564 No. 10-14 THIRD AVE BLACKTOWN

FIVE UNIT PTY/ LTD

- a Suite 4, Level 1, 84 Bathurst Street, Liverpool, NSW 2170 P.O. Box 825, Liverpool Business Centre, NSW 1871
- t 9602 3133 / 9602 0303

9601 6903

e admin@algorryzappia.com.au



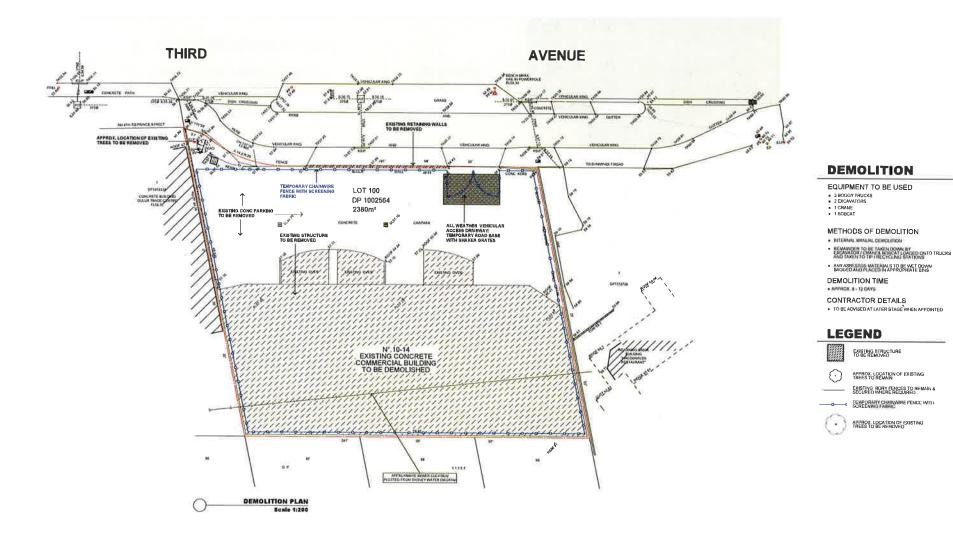
SHEET INDEX

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AZTE	10th FLOOR PLAN	
AZSE	THILFEGORPIAN	
AZIB	12th FLOOR PLAN	
AZ10	13th FLOOR PLAN	
A220	14th FLCCR PLAN	
A221	15th FLOOR PLAN	
A222	Nim FLOGR PLAN	
A223	UN FLOCK FLAN	
A224	HOOF PLAN	
A301	BOUTH ELEVATION	
A302	WEST ELEVATION	
A301	EAST ELEVATION	
ANN	NORTHELEVATION	
A401	SECTIONANADO	
A422	SECTION ILBA C-C	
ASD1	EXTERNAL MATERIALS	
A502	ACCESSIBLE UNIT LAYOUT	
A503	CROSS VENTILATION AND	
A504	SOLAR ANALYSIS	
A505	SOLAR ANALYSIS SHADOW DIAGRAMS	
A506	SHADOW DIAGRAM	
A507	SHADOW DIAGRAMS	
A508	GFA DIAGRAMS	
A509	HEIGHT PLANE VIEWS	
A510	COMMUNAL OPEN SPACE	

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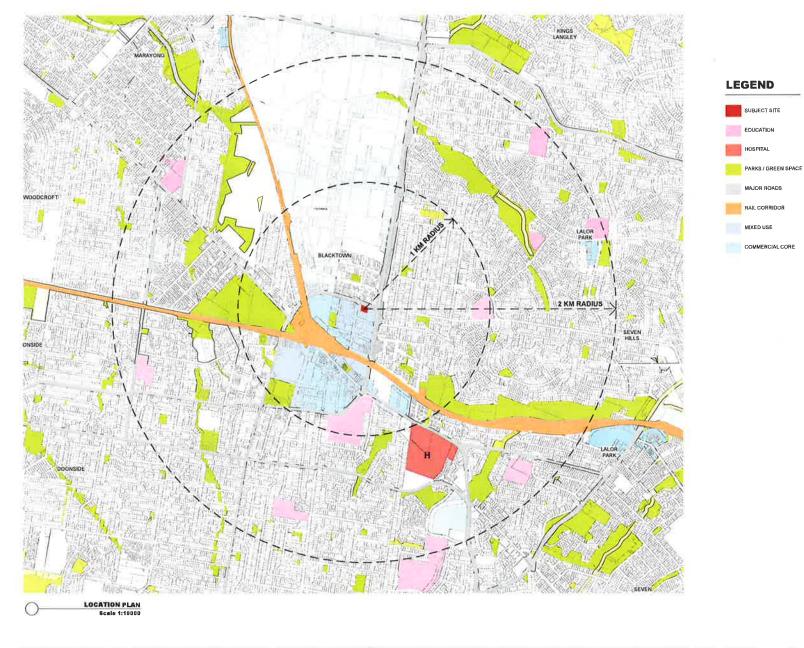
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PROPOSED MIXED USE DEVELOPMENT Lot 100 in DP 1002564 No. 10-14 THIRD AVE BLACKTOWN

FIVE UNIT PTY/ LTD

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DEMOLITION PLAN



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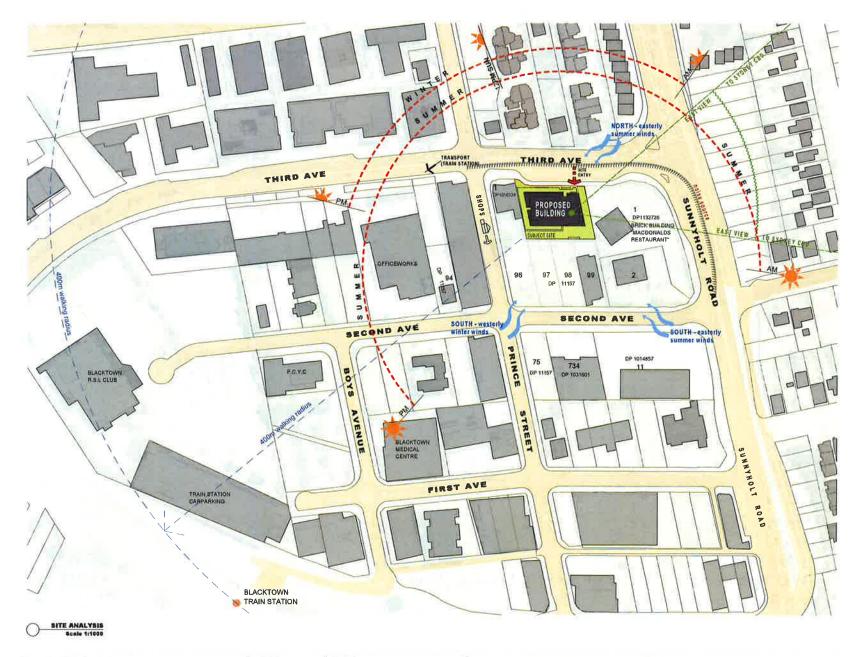
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ALGORRY ZAPPIA & ASSOCIATES (1) LIO Buldarg Designes & Consulting Civil & Structural Engineers

PROPOSED MIXED USE DEVELOPMENT Loi 100 in DP1002564 No. 10-14 THIRD AVE BLACKTOWN

FIVE UNIT PTY/ LTD LOCATION PLAN

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ALGORRY ZAPPIA & ASSOCIATES

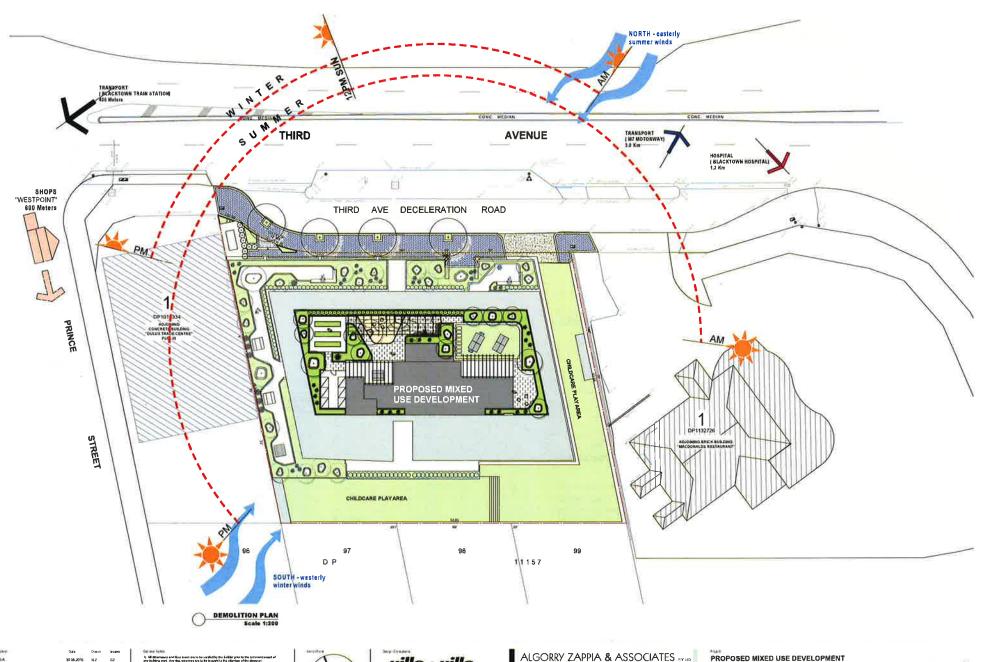
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PROPOSED MIXED USE DEVELOPMENT Lot 100 in DP1002564 No. 10-14 THIRD AVE BLACKTOWN

FIVE UNIT PTY/ LTD

CONTEXT PLAN

Drawn N.Z AUG 2016 1393-15 Scale UP A1 1 1000 A103 B P 4474



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ADDITIONAL STREET

PROPOSED MIXED USE DEVELOPMENT Loi 100 in DP1002564 No. 10-14 THIRD AVE BLACKTOWN

Drawn N Z FIVE UNIT PTY/ LTD P 4474 A104 SITE ANALYSIS

В

DEVELOPMENT DATA

FLOOR BUILDING AREAS

FLOOR	1-BED	2-8ED	3- BED	GFA
GROUND FLOOR				727,3m²
CHILDCARE				881,0m²
LEVEL 2		7	10	778,0m²
LEVEL 3	1	7	10	822,7m²
LEVEL 4	1	7	10	822,7m²
LEVEL 6	10	7.	\$1	822,7m²
LEVEL 6	10	7.	10	822,7m²
LEVEL 7	2:	.6	10	807.7m²
LEVEL 8	2	6	1	807,7m²
LEVEL 9	2	6	1	807,7m²
LEVEL 10	2	6	1	807_7m²
LEVEL 11	2	6	1	807.7m²
LEVEL 12	2	6	1	807.7m²
LEVEL 13	2	6	1	807,7m²
LEVEL 14	2	6	1	807,7m²
LEVEL 15	2	6	1	807 7m²
LEVEL 16	2	6	1	807.7m²
LEVEL 17	2	6	1	807,7m²
TOTALS	26	101	16	
APARTMENT MIX	18.18%	70.6%	11.2%	14 575 1m²

TOTAL: 143 APARTMENTS

DESIGN DATA

RETAIL & BUSINESS INFORMATION

proposed leasable retail area proposed first floor childcarea area

608.12m2 886.3m2 : 1188.10m2

first floor ouldoor play area

PROPOSED RESIDENTIAL INFORMATION

unil mix proposed

1bed.....= 26 units 2bed..... = 101 units

3bed..... = 16 units

TOTAL UNIT MIX

143 units

TOTAL ADAPTABLE UNITS

10% OF TOTAL UNITS = 15

8x1 bed 7x2 bed

F.S.R

O/A SITE AREA

6,5:1

F,S,R PERMITTED

F.S.R PROVIDED

6.1:1

LANDSCAPED AREA

SOFT LANDSCAPING PROVIDED - 439,10m2 COMMON OPEN SPACE PROVIDED - 957,00m2

BASIX DATA

Nathers - THERMAL COMFORT SUMMARY

Building Elements	Material	Detail
Caternal scalls	SEPorum Constitute o Feering Channul a Bioscholan a Floritocherand	\$1.1 bulk tradation
tetarnal scalls within units	Maitarbeir dan Muits	THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NAMED IN COLUMN TW
Corempic realls between Visits	Plaints Habel + Furning Channel + Planter board	1
Common wells between Units & Fax Stoley/bit Shaft	230 mm Canadate + Facing Charmel + Insulation + Planechast	£1.5 lich installen
Cultings	Planterheard	
Bush	Converte	#2.0 bols varieties
Piotra	Constate	\$7.9 but includes to expended floors of their 2.04, \$20, \$36, \$37, \$38 and \$49
Windows from 225, 225, 236, 246, 247, 446, 445,	dientifici mittelleres serbi Allementure, Stement, eingle glessed High baller Gelte bessell	Device Later last and a Description of the
6 ME, 1 07, 6 ME, 4 ME, 7 ME, 7 ME, 8 CE, 8 ME, 9 ME, 9 AB, 50 AB, 20 AB, 12 DB, 12 DB, 12 DB, 12 AB, 38 OB, 55 AB, 36 ME, 17 AB, 17 AB, 17 AB,	Albinus Astro-Seitelmen, apacher abness and Specialization Albanismen framed, singles placed High Solar Gain Low E	Stratus S. AC or loss and a SAGE of R.SE of - S'S.
Windows 1940 and, and, 400, 200, 400, 740, 860.	Anning existings self: Alumnium braved, double placed law Solar Calcium &	Washer & Microrian and a SPEC of S 23 -/- SN
HE HE HE DE GE GE HE HE.	Militar Posts/Windows, standar Foots and Foot shoosy Alternature framest, Studies played to a Tokas Cale Law 1	Unified Warless and a SPGC of B 21 of 5%
Moderal Post Harl Harl Harl Harl Harl Harl	Country withdraws sody: Attentionals to arrand, double glassed High Solar Gain Law E	Under 4 Martins and a SHOCat B 42 of the
iru)	Minima disertal emiliones, standart divers and four disertal Alternation frames, doubte glassed High Tolay Sain Lone &	U value 4.80 or hou and a SMC of 8.23 of 224
Mindales (Name of the simbal)	factors withfast pays Alamman hames, single gloved their	Distant Marting and a MCC of SCO./- SX
	Million deaths/schildense, stayter shorts and found alreating. Alternation framesis, single placed shear	Weeken 6.79 on loss and a SMSC at 0.70 of 15%

		SIX COMMITMENT				
WATER						
Firtures	All Shower Heads	All toilet flushing systems	All kitchen taps	All bathroom tags		
	3 star (> 6 but <= 7.5 L/min)	4 star	4 ster	5 star		
Fire Sprinster	Must be configured so the re use, rather than dispos	t fire værlekter hest water is co rd.	otained within the f	ire apelokler system for		
Аррявлены	Dishwashers: 4.5 star water	er rating				
ENERGY	Hot water system: Central	gas fired storage - Refer to a	aproved BASU			
	Buthroom ventiletion syst	res Individual fan, ducted to	taçade ur rout; main	pat switch on/off		
	Allthen ventilation system	trafficialist for, ducted to Fac	arte or roof; manual	switch any aff		
APPROVED	Learnity rentification system: Individual fax, ducted to façade ar root, manual switch po/off					
BASIX	Cooling system: 1 Phase at	r-conditioning FER 3.0 - 3.5 to	at least I living are			
	Heating system: 1 Phase a	ir-conditioning EER 3 D - 3 5 in	at least 1 living are			
	Artificial lighting: As per B. Natural lighting: As per BA					
	Appliances: Gas cooktop & electric over					
COMMON AREAS	Anterna assessment BASKS a					

CAR PARKING

REQUIRED:

1 space per one, two & three bedroom apartments

1 space per 7 apartments for visitors

1 space per 40m2 for ground floor retail

1 space per employee plus 1 per 6 children for childcare

Bicycles 1 per 200 sqm of gross floor area Molorcycles 1 per 20 cars of commercial

PROVIDED:

26 x 1 bed aparlment - 26 space 101 x 2 bed apartment - 101 spaces 16 x 3 bed apartment - 16 spaces

Visitors - 21 spaces

Ground floor Refail / Business - 16 spaces

First Floor Childcare - 50 spaces

Molorcycles - 20 spaces Bicycles - 75 spaces

Carwash / Service - 1 spaces

TOTAL NUMBER CAR SPACES - provided 230

CHILDCARE DESIGN DATA

	ROOM 1.	ROOM 2.	ROOM 3,	ROOM 4.	ROOM 6.	ROOM 8.	ROOM 7.	ROOM 8.	TOTAL
AGE	(4-5)	(4-5)	(3-4)	(3-4)	(2-3)	(2-3)	(1-2)	(0-1)	1.60
No. OF	20	20	22	25	18	18	16	16	155
No. OF TEACHERS	2 1.11	2 1.11	2 1.11	3 1 11	4 15	4 -13	4 14	4 14	25

UNENCUMBERED INTERNAL PLOCIE AREA	66,29m²	66,63m ⁴	74,38m²	81,70m³	60 02m²	61_79m²	53 23m²	53 28m²	617,32m
(EXTERNAL)				1188 10m	4				

CHILD CARE PARKING

(STAFF)	FEG 11 OF TOTAL STAFF = 75 FROM GREEN = 25 APACES	TOTAL
(CHILDREN)	HEQ 16 OF TOTAL NOS 125 B PROPOSEO = 25 SPACES	

BUILDING NOTES

THE BUILDING WORKS SHALL COMPLY WITH THE MINIMUM REQUIREMENTS OF THE BCA 2012 FOR TYPE A CONSTRUCTION ESSENTIAL SERVICES

The building it to be provided with sitesigency lighting and set signs in accordance with AS 2893 1-2005 (As required by B.C.A. Clause, E4.2, E4.4, E4.5, E4.8, E4.8)

Hose reals shall be installed in the building in accordance with AS 244 1–2005 (As required by B.C.A. Clause E1.4) to Consultant's debuts.

3) Fire Hydranis shall be installed in the building anxion sile in accordance with AS 24 (9, 1-2005)
(As required by 8 C.A.Clause E (1.3) to Consultant's details.

Purtable it a entinguathers to be provided in accordance with AS 2444-2001 (As required by B.C.A. Clause E1 6)

to fine survivies system to be provided to car park in successive with AS 2115, Nafer to hydratic & fire projection angular and provings.

GENERAL

1) Fire doors to comply with AS 1805 1-2006 (As required by B.C.A. Clause C3.4, C3.5, C3.6, C3.7, C3.8, C3.10, C3.11)

2) Internal lighting system invoughout is to comply with AS 1630 1, AS 1680.2 (As required by B.C.A. Clause F4 1, F4 2, F4 3, F4 4)

3) Areas regulard to be provided with machanical variables or an conditioning systems are to comply with AS 1656-21986, for recording to B.A. Clanca. 215, spec E17, spec E10 E24, E27, F46, F11 gape E36 a spec F124 accton 150, for E17 spec E10 E24, E27, F46, F11 gape E36 a spec F124 accton 150, for E17 spec E10 E24, E27, F46, F11 gape E36, as part F124 accton 150, for E17 spec E10 E24, E27, F46, F11 gape E36, as part F124 accton 150, for E17 spec E10 E24, E27, F46, F11 gape E36, as part F124 accton 150, for E17 spec E10 E24, E27, F46, F11 gape E36, as part F124 accton 150, for E17 spec E10 E24, E27, F46, F11 gape E36, as part F124 accton 150, for E17 spec E10 E24, E27, F46, F11 gape E36, as part F124 accton 150, for E17 spec E10 E24, E27, F46, F11 gape E36, F124 gape E36, F124

(a)- All galings & name (if required) shall be in accordance with Australian Standards required by 8 CA. Clause 02 13)

(b)-All fandings (if required) shall be in accordance with Australian Standards required by B.C.A. Clause D2.14).

All thresholds (if required) shall be in accordance with Australian Standard required by 8 C.A. Clause D2 15)

7) (a)- All balushede (if required) heights and design shall be in accordance with AS 1170 Pt 1-1989 (As required by 8 C.A. Clause D2,16)

(b)- All handrals (firequired) shall be in accordance with AS 1170 Pt 1-1989 (AS required by 8.C.A. Clause D2 17)

8) All door hightlyrand Shall be in accordance with Australian Stansards required by 8.C.A. Clause D2 21)

9) (a)- Santary feoties for disabled (if required) shall be provided in accordance with AS 1428,1-2009 [As required by B.C.A. Clause F2.4]

(b)- General access requirements (if required) shall be provided in accordance with AS 1428, I/2009 (Az required by 6 C.A. Clause D3 2)

(c)- Orablad carparing (If required) shall be provided in accordance with AS 1428 1-2003 (As required by B.C.A. Clause D3 5)

(d.): Signage for accessible tecértes (II required) shall be provided in accurdance with AS 1428, I-2009 (As required by 8 C.A. Clause D3 6)

(e)- Tackle vicicalors (where required) shall be provided in accordance with AS 1428 4-2002

10; Stormweller tiranage to be provided to dramage engineer details 8 shall be in accordance with AS 3500 3 2-2003 (As required by B.C.A. Clause F1.1.)

11) Weterproofing of wet alleas to be provided to dramage engined details 6 shall be an accordance with AS 3740-2004 (As required by B.C.A. Clause F1.7.)

NOTE:

* Building what compty with Opening by Sabely * Building shall comply set technic 2 of the Building Code of Australia Coung Committee Australia Physiols

Levels show or approximate vision convey condition and conditions.
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ALGORRY ZAPPIA & ASSOCIATES PRO (15)

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PROPOSED MIXED USE DEVELOPMENT Lot 100 in DP1002564 No., 10-14 THIRD AVE BLACKTOWN

FIVE UNIT PTY/ LTD

PROJECT DATA

Dawn N Z AUG 2016 kae (§ 41 1 1.14, 1 0.84 P 4474 A105 D

Floor (Blory)	Room Number	Schedule Koore Name	Westered Area
Bround Florar	1	COMPUSE SINCE	THE STREET
(el Fluor		Lacrenters.	3/11/10/10/10
		CHECKEL THE SEET	195.5) 196.93 2274.65m²
2nd Floor	211	Deliboration .	
	111	MICON MICON	11.57 11.57 86,67 m² 51.67
	10	A SERVINE SALCONY	27.84
	(14) (14)	160 Indt SACCOVY	17.64
	201	THER OWN	HIRM'
	1	A CONTRACTOR OF THE PARTY OF TH	(17.5) (17.5) (17.5) (11.5) (12.5) (13.5) (13.5) (13.5) (13.5)
	18 201	DECOUNT DELECTORY	91.77 #
	100	SALCONA MYCONA	11.14 10.24 m²
	2-87 7-87	BALCONY BALCONY	0.0
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Participation of the Control of the	7.10 7.10 7.10	BYTCOAL	6.0 (1.0 w) (1.0 w) (1.0 w) (1.0 w) (1.0 w)
kd Fiber	1986	1200 Page	Tak
	331	ERLED STUFF	H11.5
	/ A	1 SCHOOL BACKOOL	34
	160	ENCHON!	13.47 13.45 139.32 m² 17.16 18.16 17.16 m²
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110000000000000000000000000000000000000			現れず 利力 利力
	148 348	MICON SEE ON	MEAN AND
	201	Defected. Detailmen	10 10 10 10 10 17 pp
	347	SEE STANT	61.00 10.00 10.04 10.04 m ²
ADAPTABLE	108	a BCB Unit	100.34 m² 10.25
	122	1.86 kinds	niger onger
	103 108 133	BPLCON/	733 1.0 11.31 11.31 m ²
so ther			(437.07
	831 831	18(9 UNIF MICONY	1137 1137 1137
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	150	S EES UNIF BOLCON	HA HA MARK MARK MARK MARK MARK MARK MARK MAR
	654	TOUR UNIT	HAR HAR
ADAPTABLE	104	ERECON	11.11.2 11.11.2
	63A 636	SECON SECON	13.10 22.77 105.88 m²
	636 638	SMS UNIT SALCONO	技程
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to flue	1	I-veen	1034%
	121	DECOUR MUCOUS	70
	12	SHERVING	BLEF AV
	14) 14)	ENECONY ENERGINE	101 30 m ²
	11000	STESTINGS STESTINGS	ent Weder The Selection
ADAPTABLE	134	RALESMY	71.11 m
	5.65	SAZE UNIT SALCONY	11.15 12.23 115.43 m²
	136	SALCONII	165.83 m²
	1111	SHERING.	utral
	53/ 13/	SNIDOW) SNIDOW)	20-84 804-34-e*
ADAPTABLE	1,00 110	2 66 2 1 N/E 80 LC 044	65 × 20 20 11 LA) =/
	139 138 138	2 MO SHE SHUCKEY	15.6a
	tis:	BELCORY	1126 1231 m²

UNIT SCHEDULE

	-	Room Schedule	
Floor (Stury)	Room Mu	nter Room Name	Manufed Area
	111	ALCOR SALCOR	11.75 11.27 11.67 er
	10	AND MAT	0.67 0.65
			198.32 m²
	FEE	MATORA 13K2 MM	70.00
	100		11.12 ml
ADAPTABLE	144	THE PAT SALCONY	220.84
	5.65	2 2 2 2 3 MAT	71,34 (**
	9,65	9460044	101.82 m
	1.00	2 843 544F	10.79
		LATE OF THE STREET	121.77 m
	6.07	BRLGORY	73 15
ADAPTABLE	6.18	1883-045	100 10 mJ
ADAFIABLE	111	BRECOK	100 m²
	100	SHECONY BRECONY	(DD 1.41
	4.00	BRICGAY	
fm Hour	-		11214
	7.61 7.61	1665 (147	1969
		BACCONY	35.72 1157 88.67 m²
	Mil.	SECONST BALCONS	25.65
	112	2 000 mm	108.82 m² 17.02 19.01
	110	SALCOW	10 10 67.26 m²
ADAPTABLE	ie.	1809,9981	265 W
	114	MICCORY	Start D.S. D.S. D.S. D.S. D.S. D.S. D.S. D.S
	135	T MEDITAL PROCESSA	9.5
	1.00	SOURTHU	105.88 147
	7.00 7.00	MICCORY	17.00 17.00 mg
	I M	2 85 8 55 65	19 34 20 54
	7.07	DELOCHT	
ADAPTABLE	1.00	J BETT SAME BASECIAN	89.74
			15-24 108.82 m²
	7 to 0	MACOUNT MACOUNT	10.00 m² 10.00 m² 10.00 10.70 m²
to floor			(40,79,10)
	535 537	Seath cont.	74,70 11,67
	1000		61.32 61.87 m²
	1.02	BACCOM	189-67
		2002 MM	75.61 106.12 m² 11.11
	1.83 5.83	BACCONY	19.38 97.23 or
ADAPTABLE	122	TRESANT	45.00
ADAF INDLE	858	MODOW	Date:
	8.85 115	Zelo well	0.15 m
			1455.64 m²
	4.28 4.28	EACOND	1134
	124	1963549	127.72 1455.64 m² 177 14.77 14.77 14.77 14.77 14.77 15.72 15
		Miscoln	108.33 m²
ADAPTABLE	5,08	SALCONY	10.54
			108.02 (2)
	10	Y 003 SHIP MAGGYOY	914
in Dec			(4.25 m)
TITION.	141	2 BES WAT BALCORY	76.78 11.62
			88.87 m² 61.17
	107	2 6823 UPBT 640 CONV	20.23
		SHE OF	1083810
	1117	/ BRICONY	15.15 198.36 m² 17.25 17.50
ADAPTABLE	114	1183 (24)	55.54
DOAT INDLE		Micon	29.56
	9.85	S Reit cost	73.50 22.73 10.00
			101.81 14
	9 EB	BALCONY	22.90
	417	SHEOR MICOR	19177
	12	Micon	344
	10	2 MER SAID	1874
	101		12 / 4 75 / 25 108.02 / m²
	100	TATS USE SULCET	
	1.0	7,013	15 TH

Floor (Story)	Room Number	Schedule Room Name	Measured Area
tion Finan	1881	(HOUR	Paris.
	16.61	SALEGIEF.	76.76 16.87 16.87 pri
	11.17 11.17	EAT D FURL	55
	10.00	SACOMA SALD-PAIL	17.20 17.20 16.10
			12 18 87 28 m/ 17 16
ADAPTABLE	1935	SHIP SHIP	
	N. J	28174MT	75.16 m/ 90.16
	1439	#HLDDNY	(D) 101.84 or 10.76
	N.34 1636	HALPHAE MYCOM	A.79
			11.14 101.27 (c)
	918F	FREE-LIME TINCOTO	25.84 25.84
	91.00	TARCO MAL	15.73 (5.54 (5.54 m² (5.77
	10.33	HACCOME	15.56 105.68 m²
	10.38	ENCORP .	£34.30
	10.01	and the same	10.13 18.70 m²
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	1141	1413 ordi 1410 total	11.00
	154	FRECONT PROCESS	#### ###
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	1113	Barcouca 1 acq mag	17.20 15.20
	1161	INDE	45.55 41.77
	1144	EROSAY	PLES PLES
	108	1010 (nat	140 U.S.
	1		10.00
	1134	ENCORY.	UCTIVE
	HID .	1910 unit	
	100	BRECOW	106.34 ner
	1144	ENCOMY	A.H HEATW ELT TEM HEATW
		A DEP WAT	101.05 m²
	9122 9129	Excents	16.29 16.38 16.38 m ²
ton Floor	1.0117		
	12 kr	THE OW	196.76 11.97
	1214		66.67 m2
	211	TALL AND	10 13 nd
	(21) (24)	1975 Unit SALCOSY	Tra .
	12.54	1953.94	102.50 m²
	12.54	TREESEN.	HESE
	10 15 12 E	LESS UNIT BALKSOMY	KO
	A 7112		1016 1016 1671
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	17.00	ENCORP.	10.73
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	1014	180000	TUBE??
	on on	PRICORA 1853 DISE	14.71
	1934 1934	ANTENER SACORY	94.79 m²
			13.34 535.17 m²
	1112	2213 WELL	93.17 m² 65 56 45 84
	10.00	INDE	98.36 m²
	1119	BALCONY	12.05 1953.83 m²
	1318	(ASS SAIT BASCOSY	8.11 1011145

Floor (Blocy)	Room Humber	Room Name	Measured Area
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	1001		MIN W
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	1601	\$4L0046	40.70
	1636	BA CON	94.71 m² 10.71
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	the	BRIDGE	11.14 46.76 ml
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ALGORRY ZAPPIA & ASSOCIATES 277 110
Building Designers & Currui Wing Covil & Structural Engineers

o Sinke 4, Level 1, 84 Rethus L Strad, Liverpool, NSW 91 F.O. Son 895 Liverpool Beaness Centre, NSW 1871 Livers 2013 - Gentle 2014

Alexandra Vizuri

PROPOSED MIXED USE DEVELOPMENT Loi 100 in DP1002564 No., 10-14 THIRD AVE BLACKTOWN

FIVE UNIT PTY/ LTD

PROJECT DATA

Deem NZ CZ ALG 2016
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Popts # P 4474 A 106 C

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COMMERCIAL / RETAIL SPACE

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c) All fournities that interest most the conflict by the consequences of consequences of any highling on the Pietra angles are generate the complete basis must be produced to the change by Bornathing to the discharged to the conflict of complete and AS TOPS 2018.
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RESIDENTIAL DIVERSITY

- 1. SINGLE BED UNIT WITH EXTERIOR LIVING
- 2. TWO BED UNIT LIVING SPACE
- 3. EXTERNAL APARTMENT BALCONY LIVING SPACES
- 4. TWO BED UNIT LIVING SPACE
- 5. TWO BED UNIT KITCHEN CONNECTION TO BALCONY



3) Where engineering theoretics inside to immediaty are survey prior in commencation of any owners.

3) Where engineering theoretic are inspected on home Lates produce to this deriving.

3) Stemments to be deschaped by Councile's questioned and \$3 (003-1) (00.

7) All services to the lie listed and in third by the Buildin limits allowed in the base any building.

2006,20 W NZ CZ

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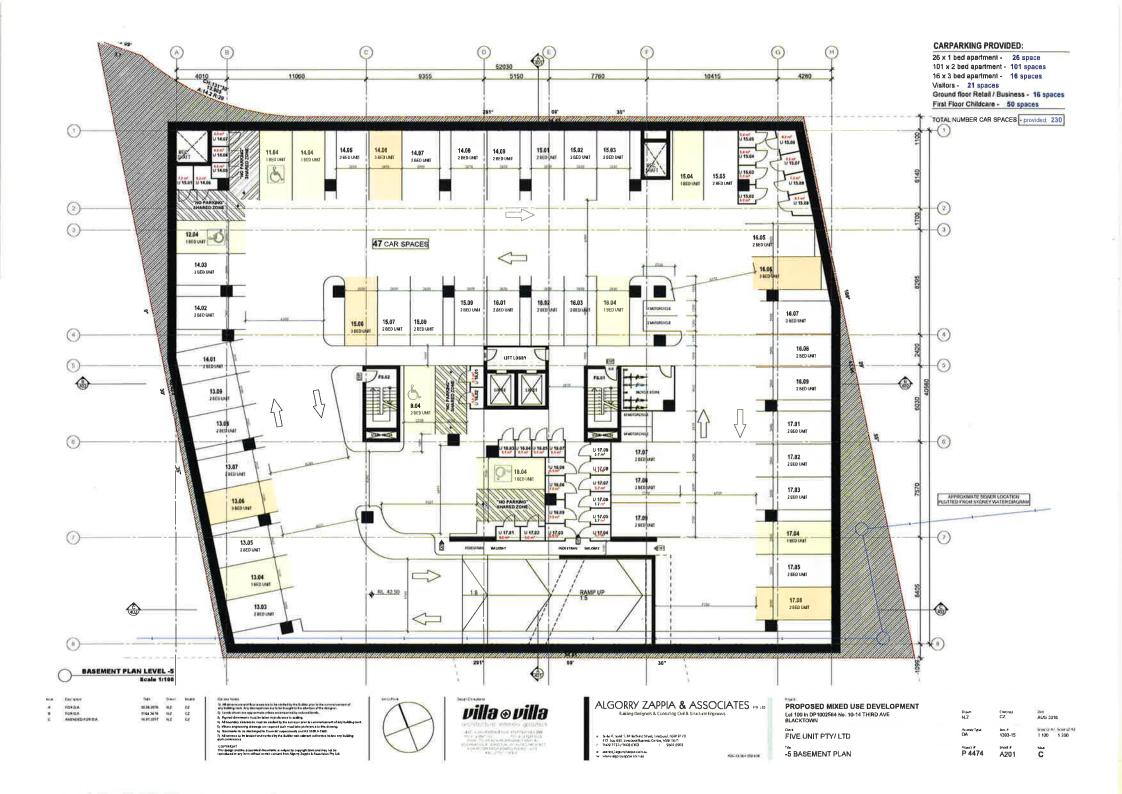
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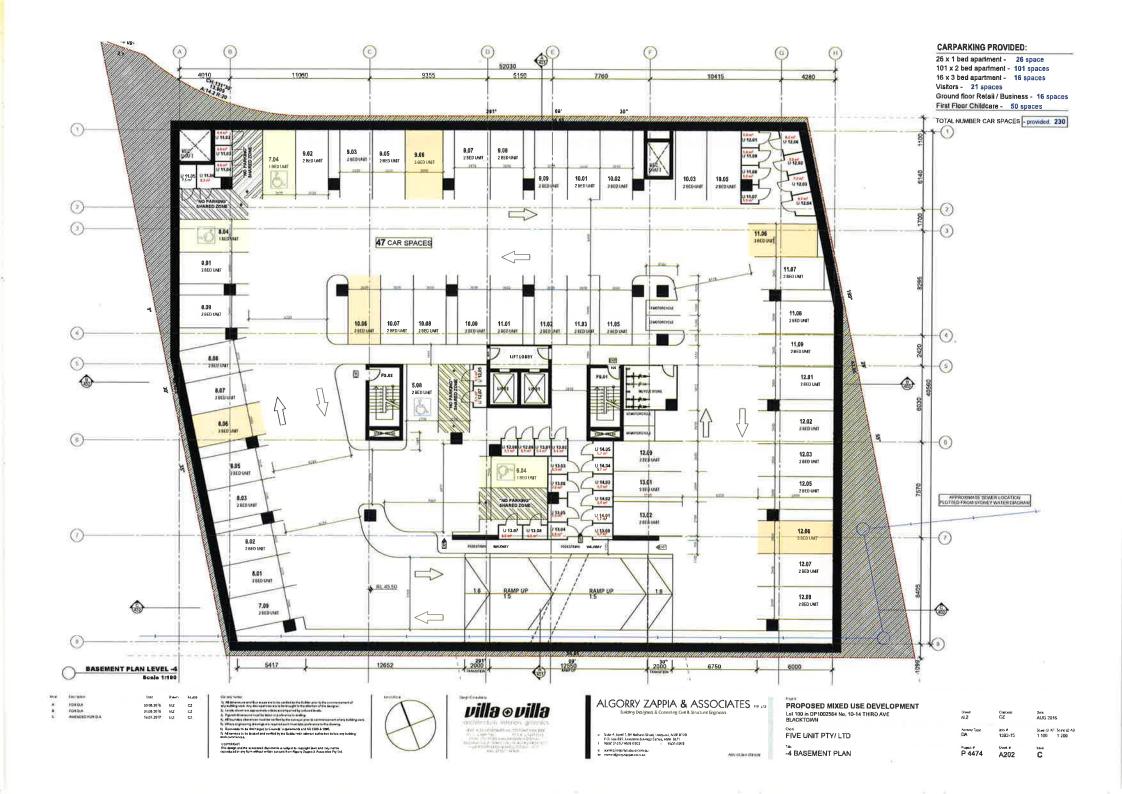
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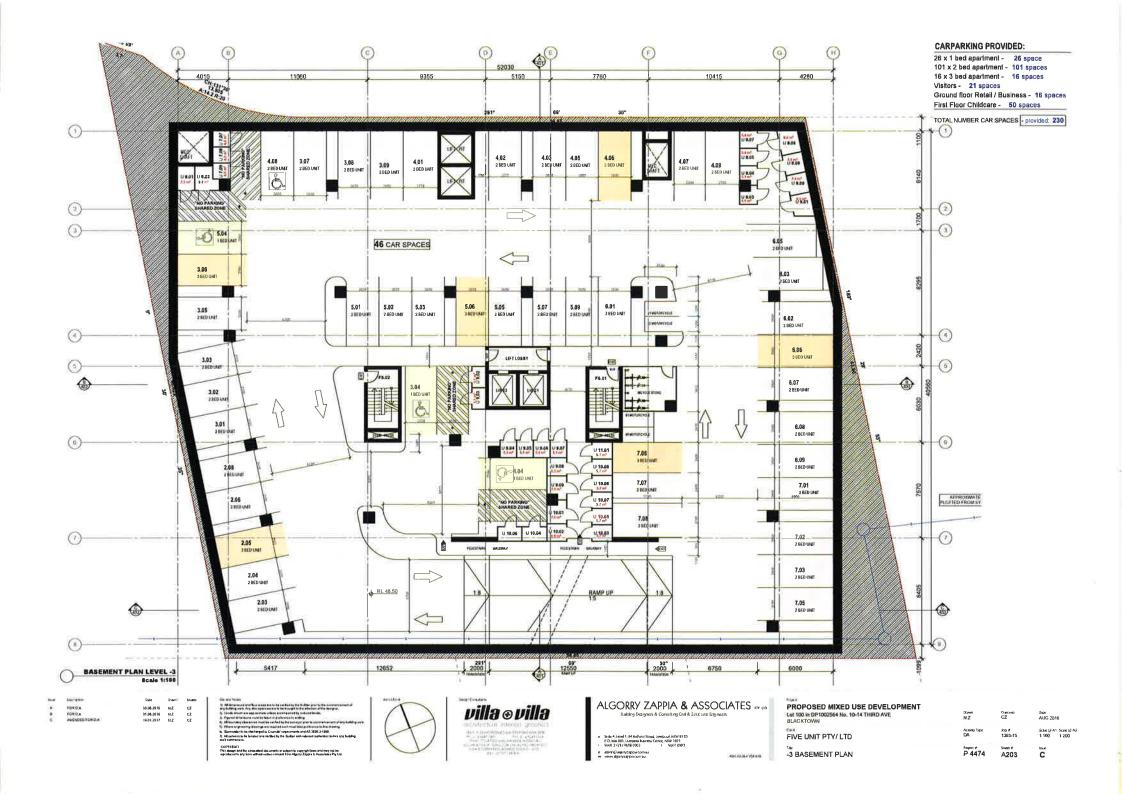
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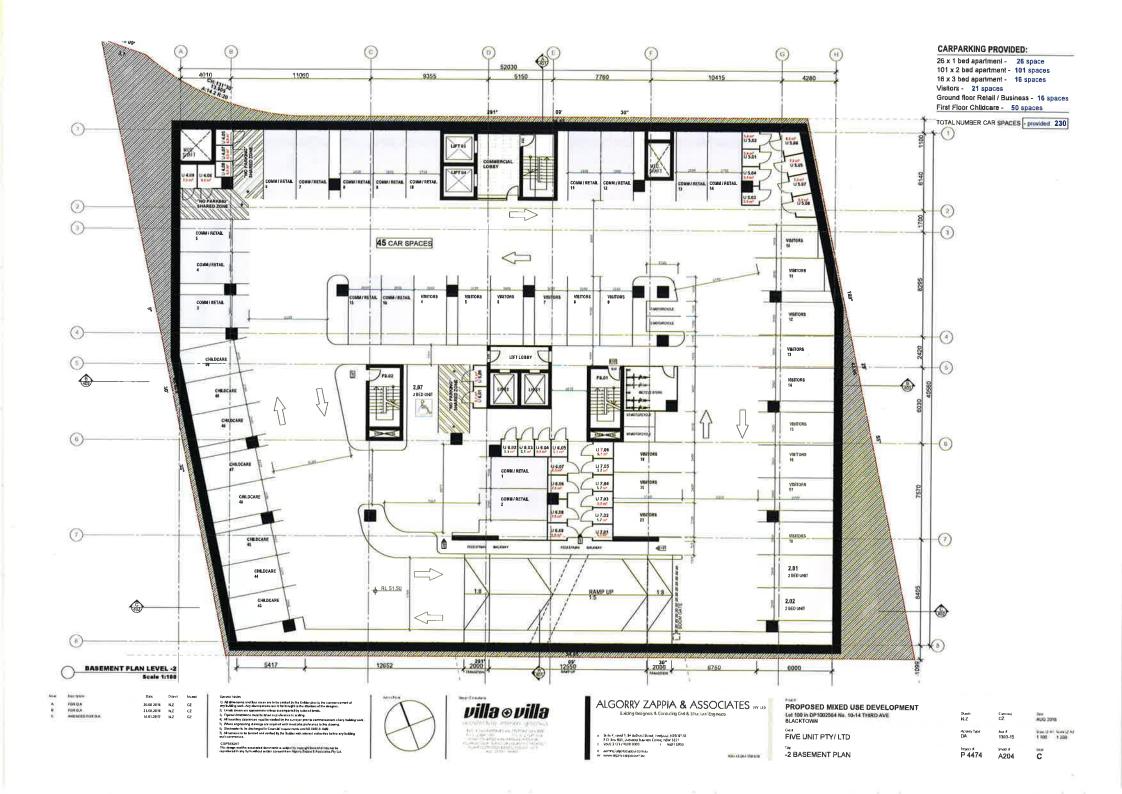
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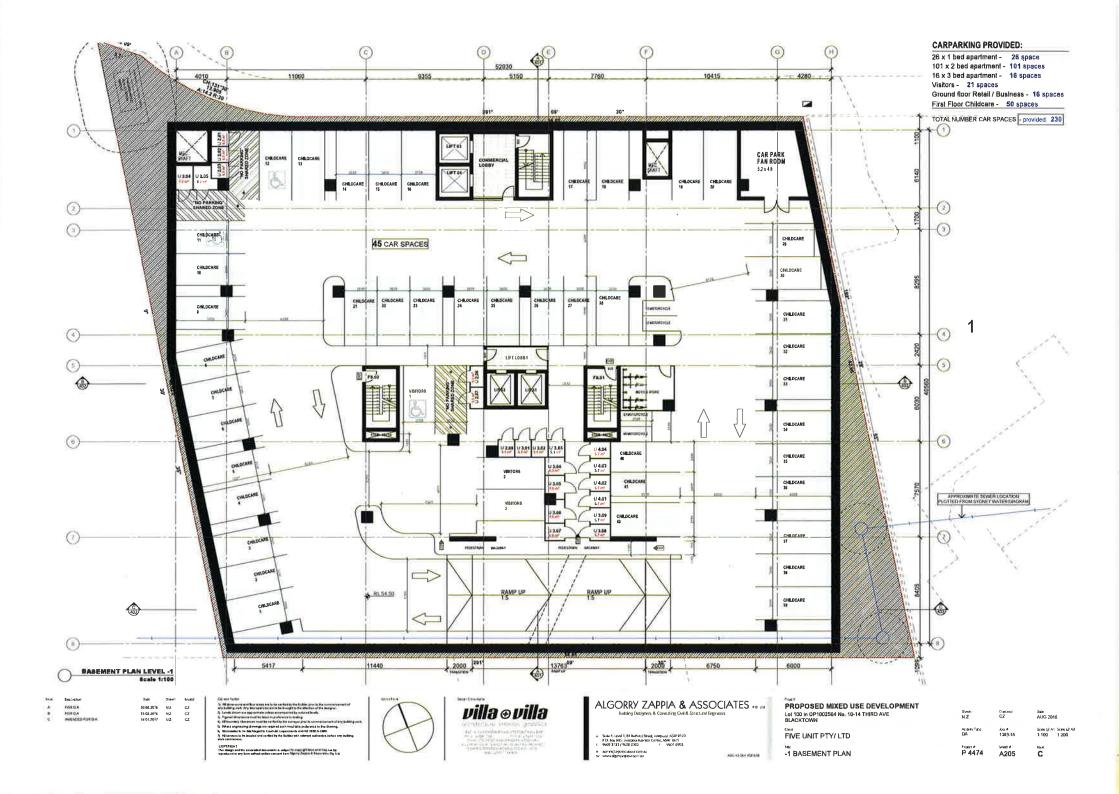
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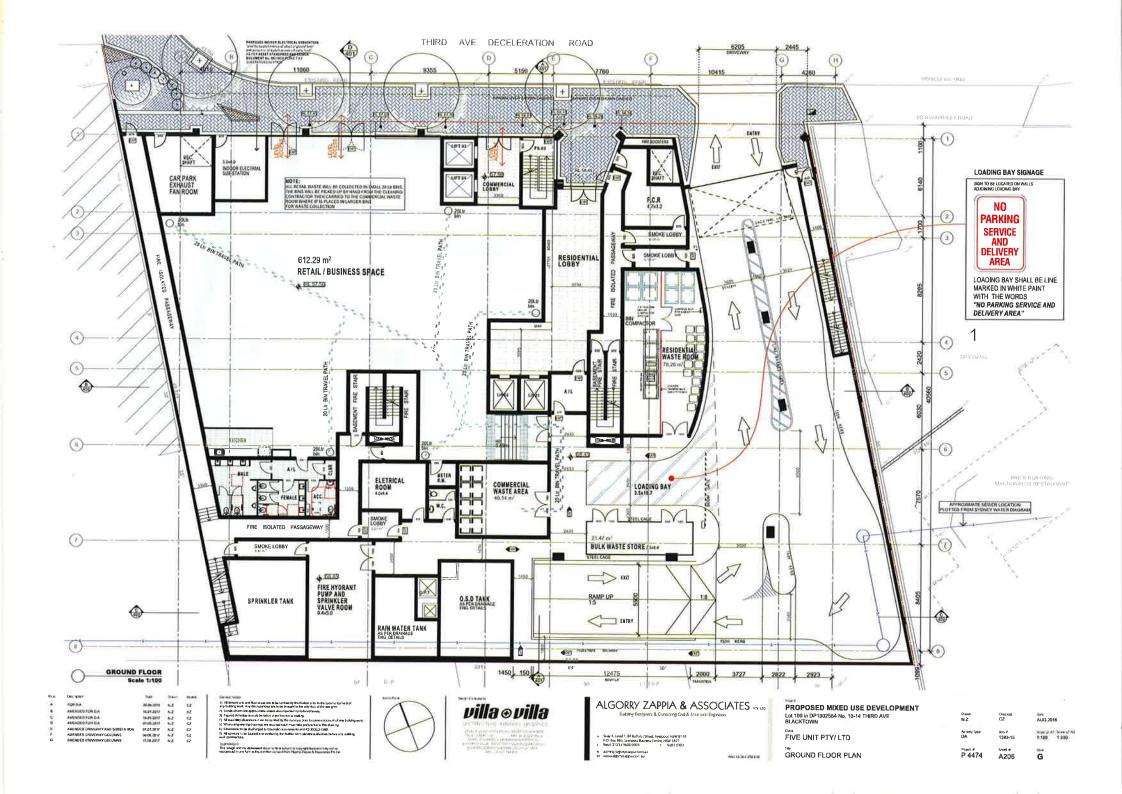


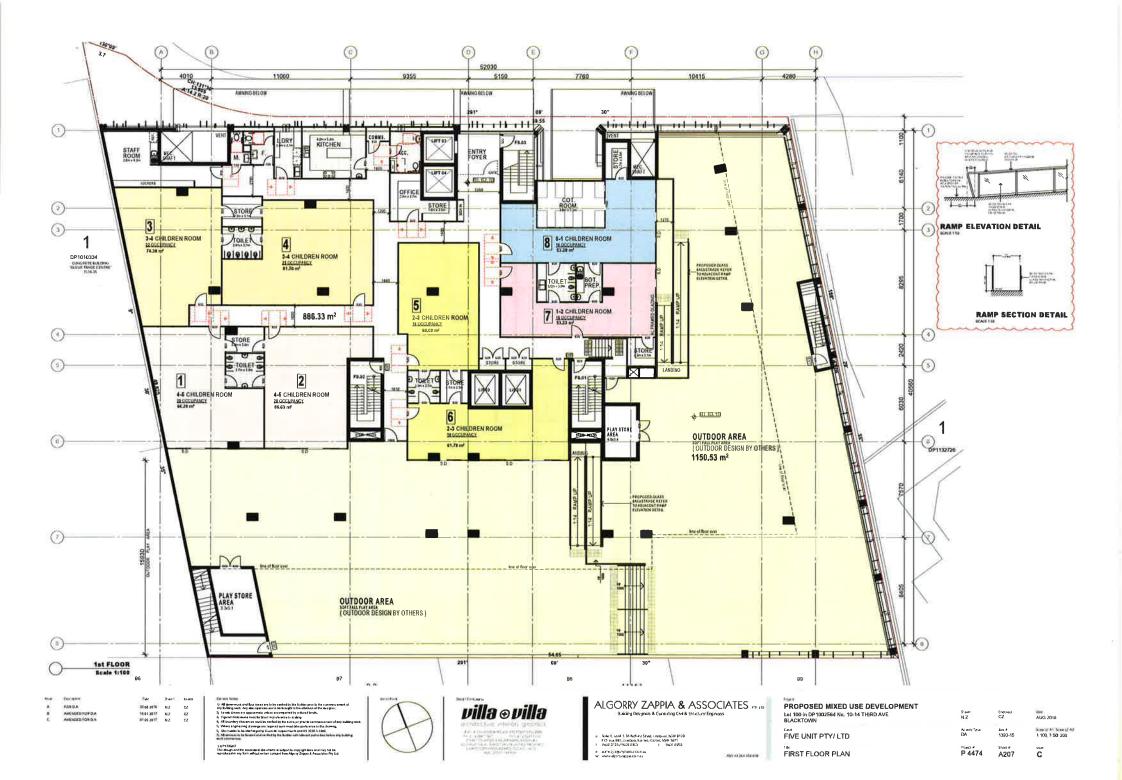


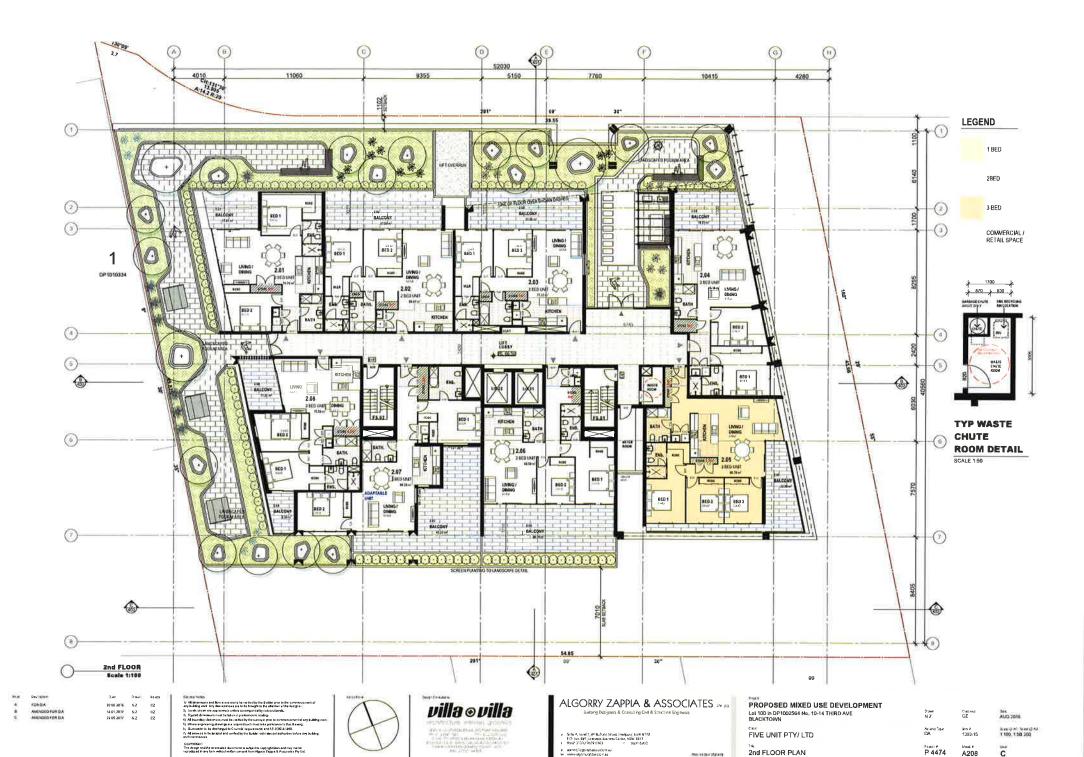


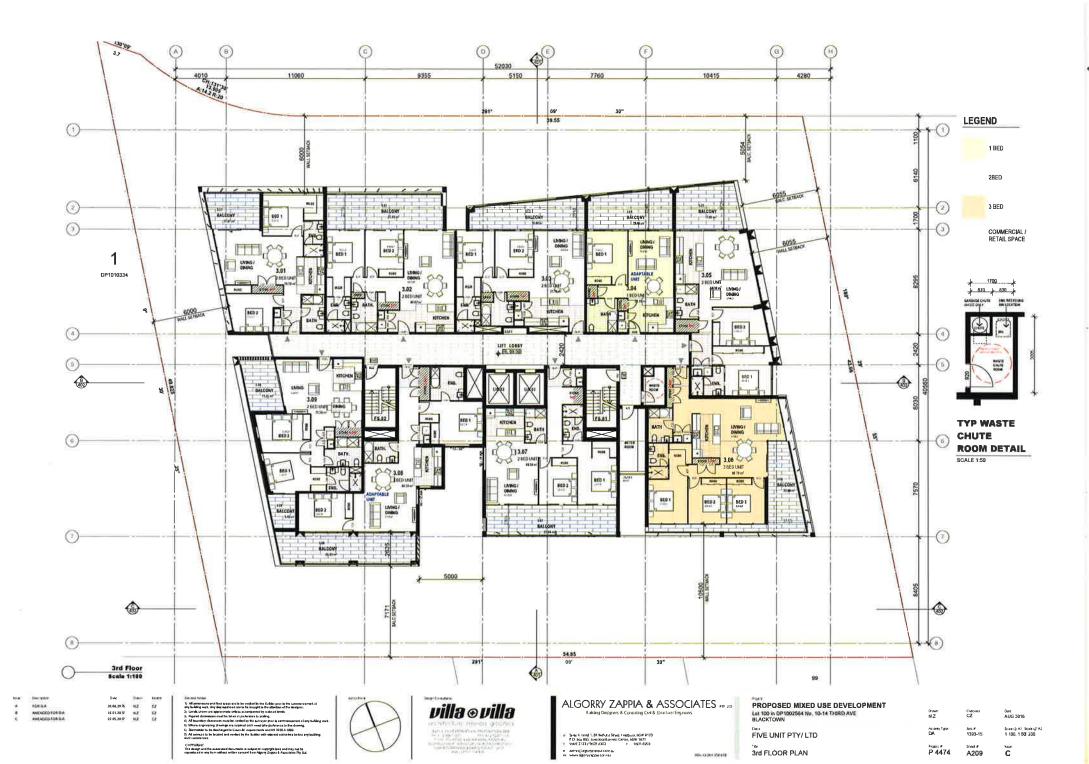


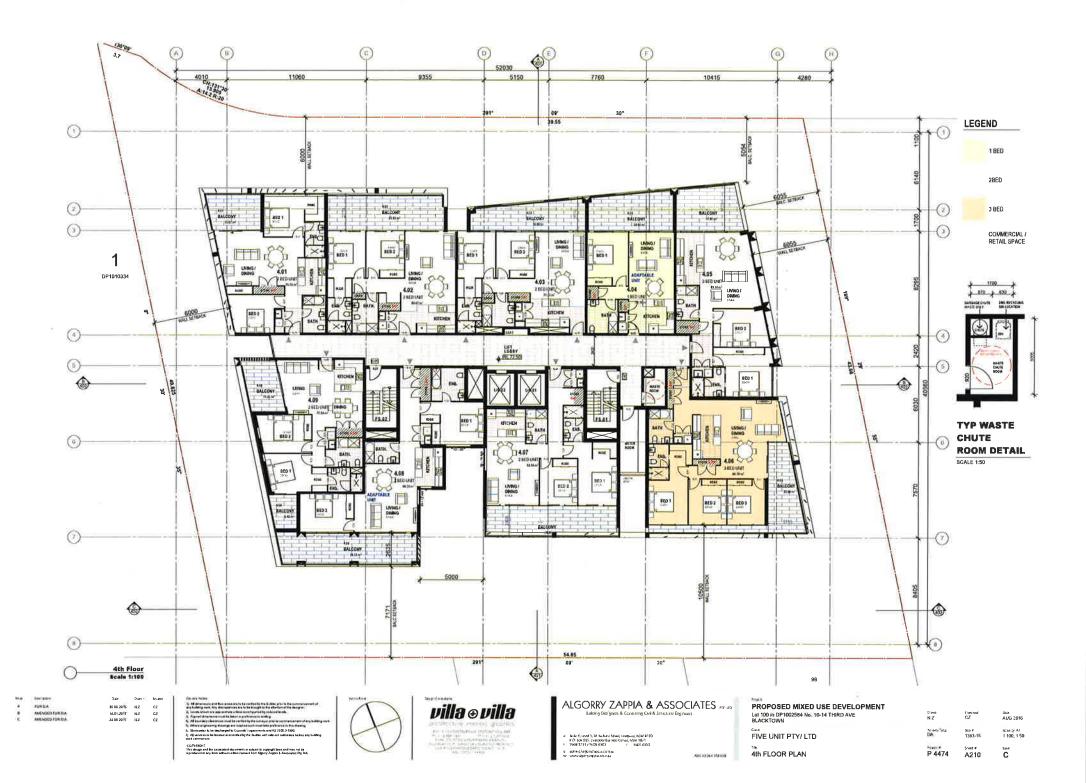


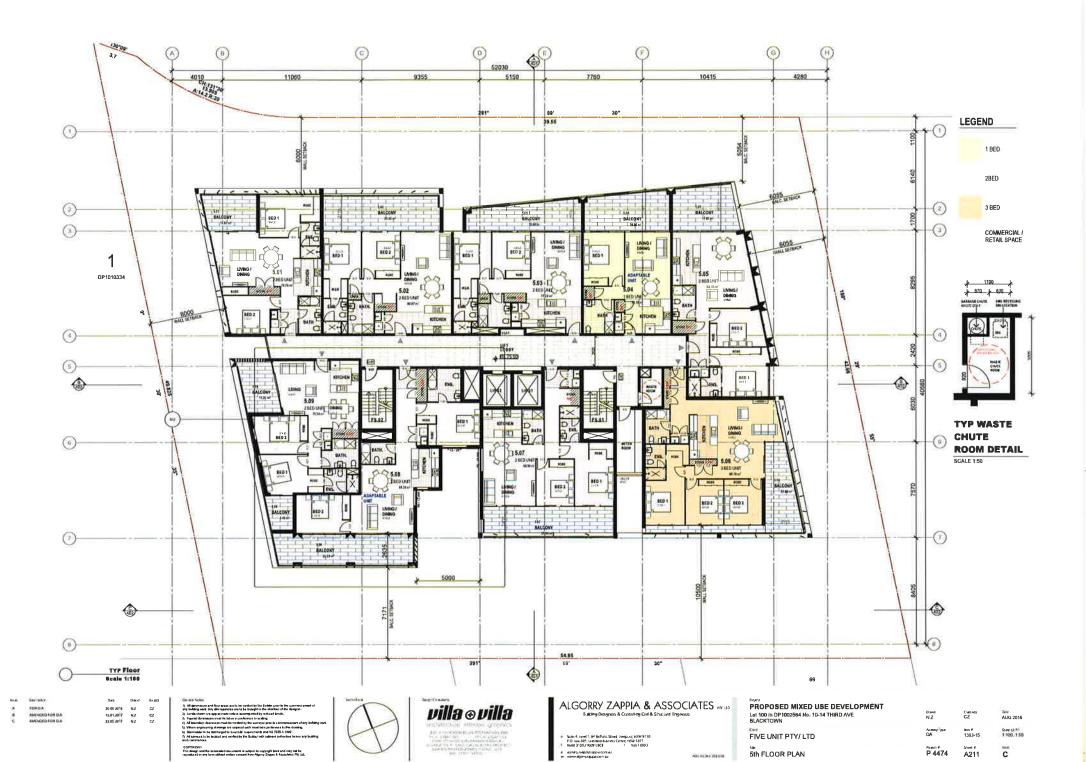


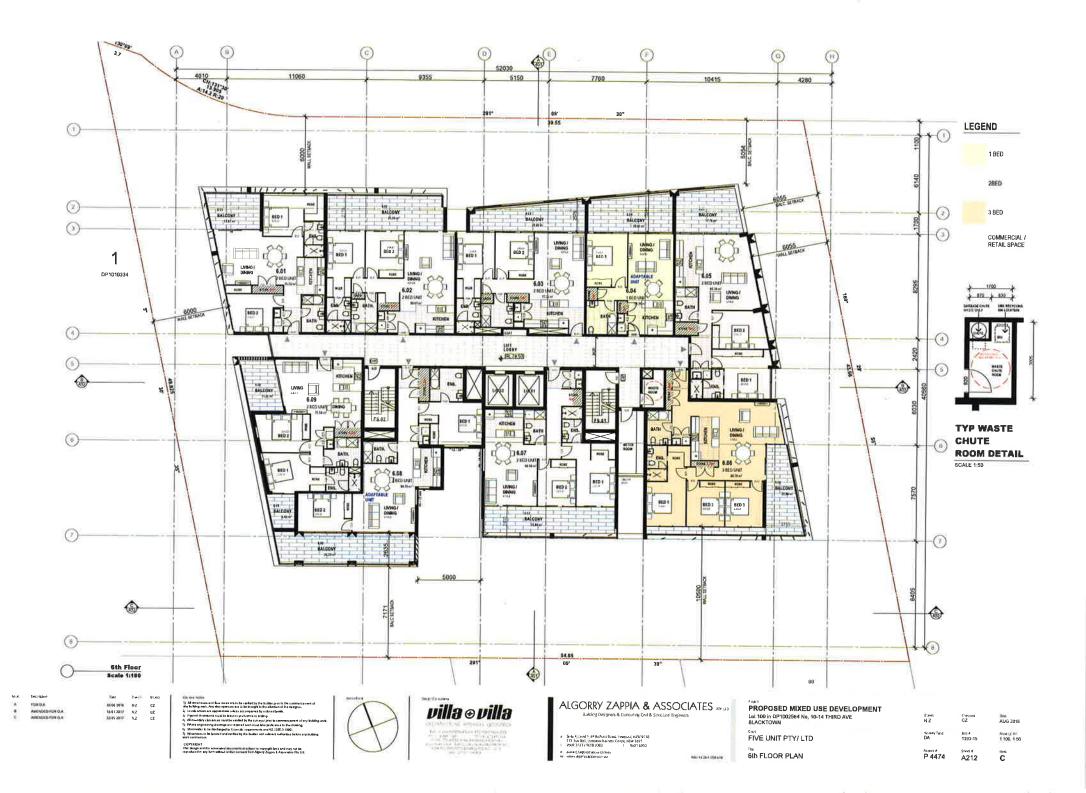














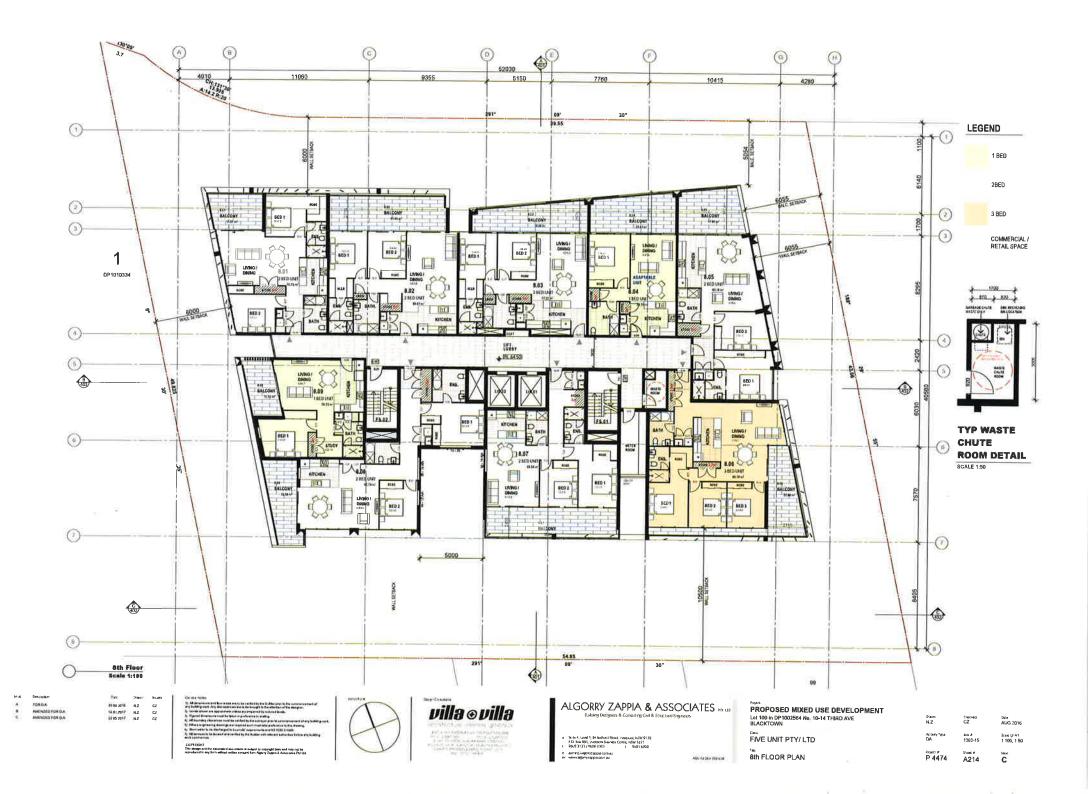
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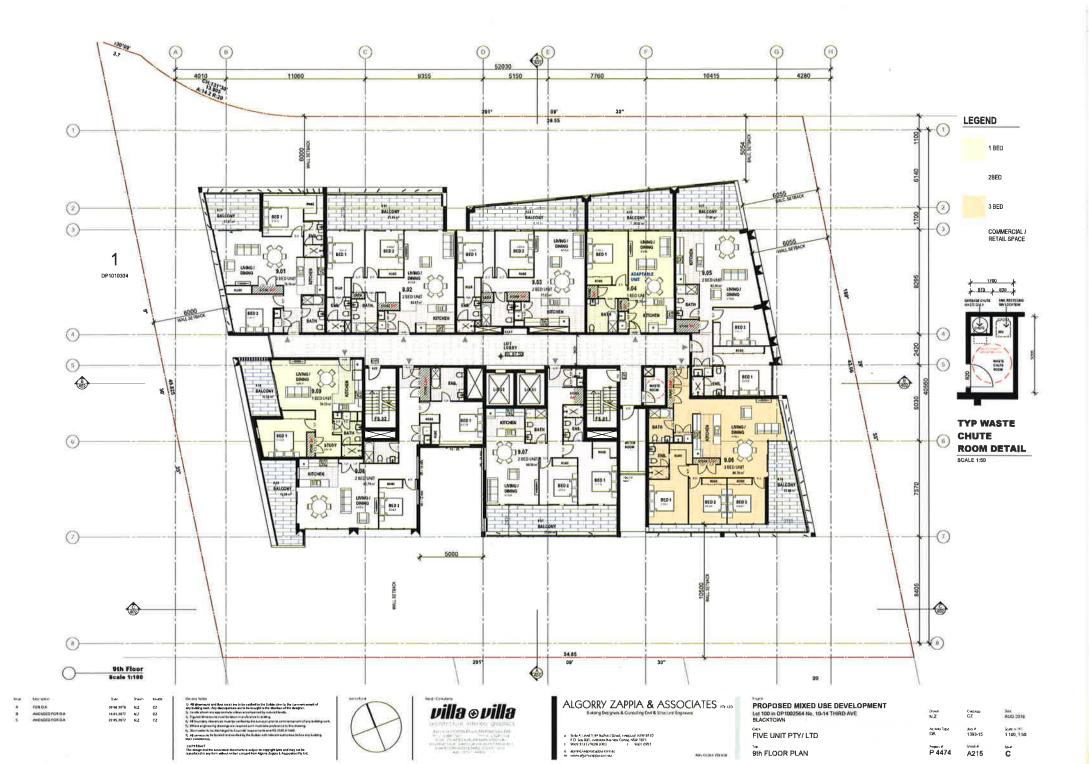


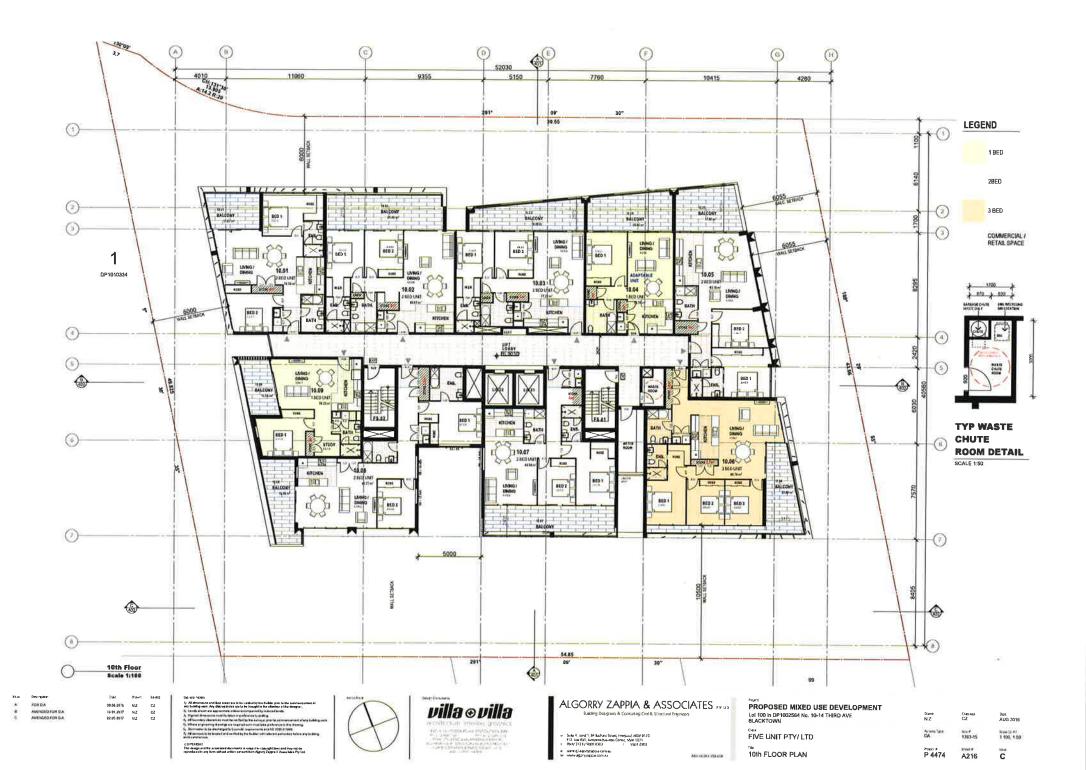
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FIVE UNIT PTY/ LTD 11th FLOOR PLAN

1393-15 P 4474

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ANN ARRANGEMENT

FIVE UNIT PTY/ LTD 12th FLOOR PLAN

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FIVE UNIT PTY/ LTD 13th FLOOR PLAN

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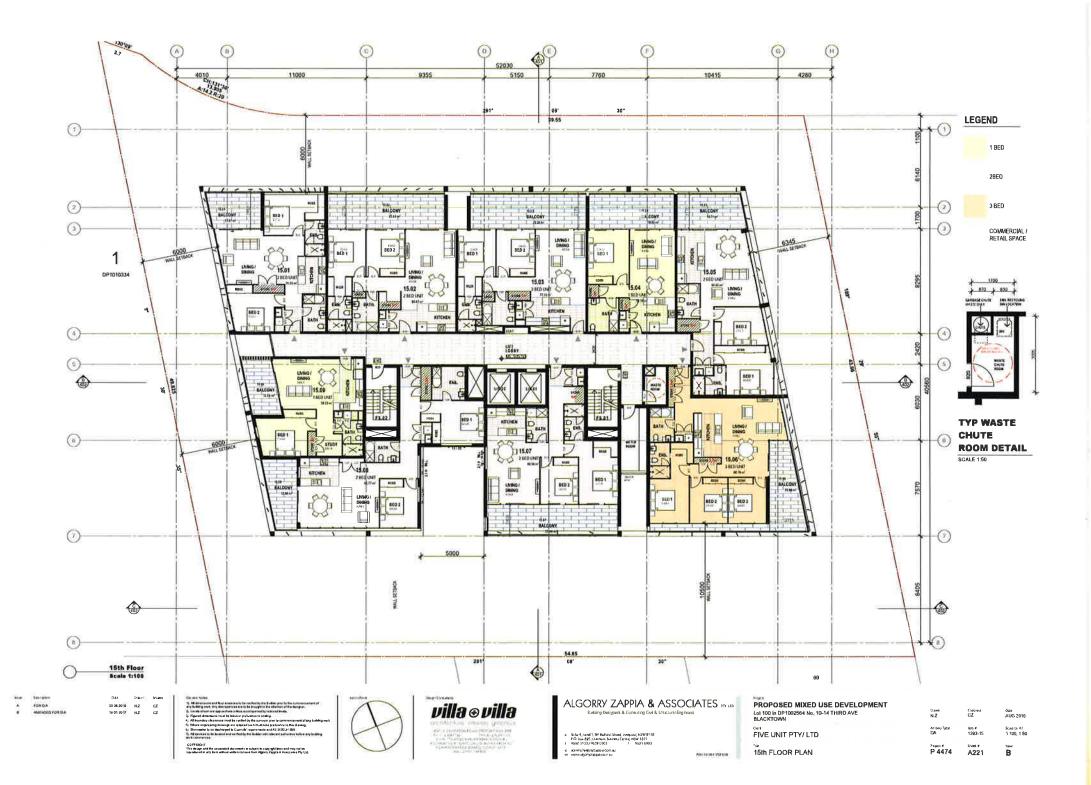


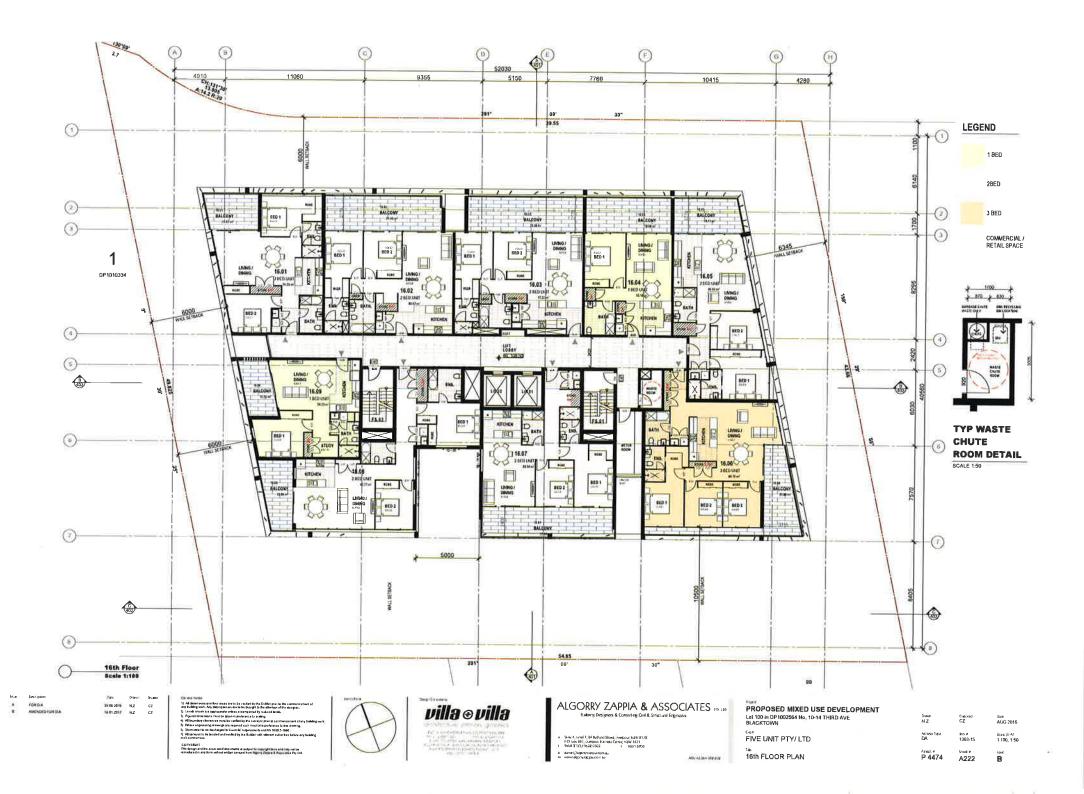
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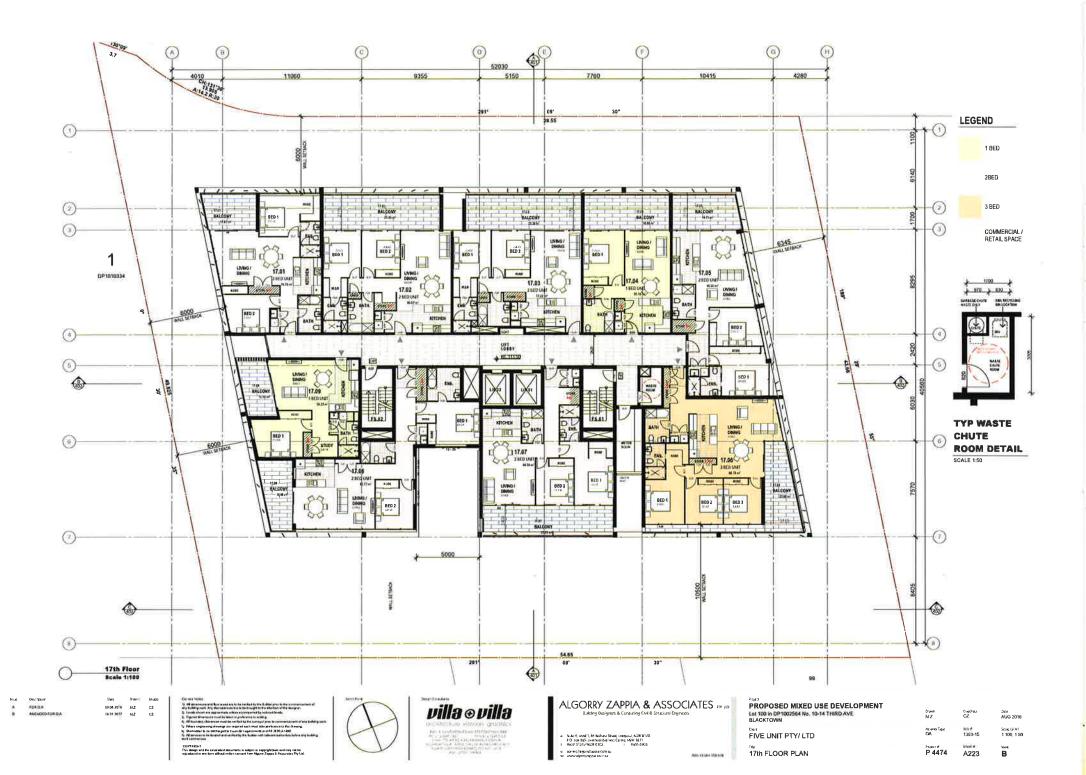
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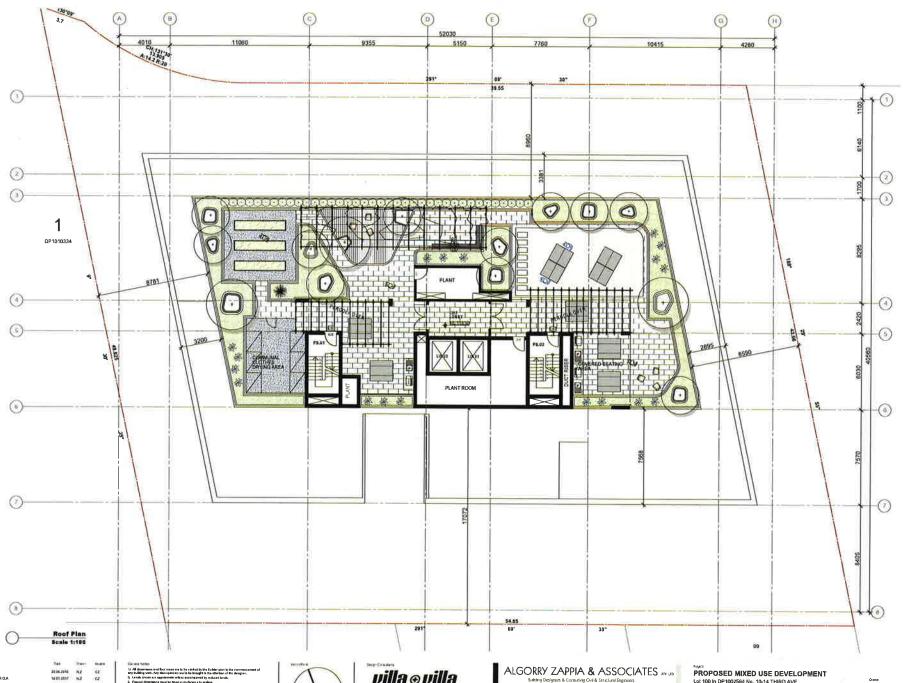
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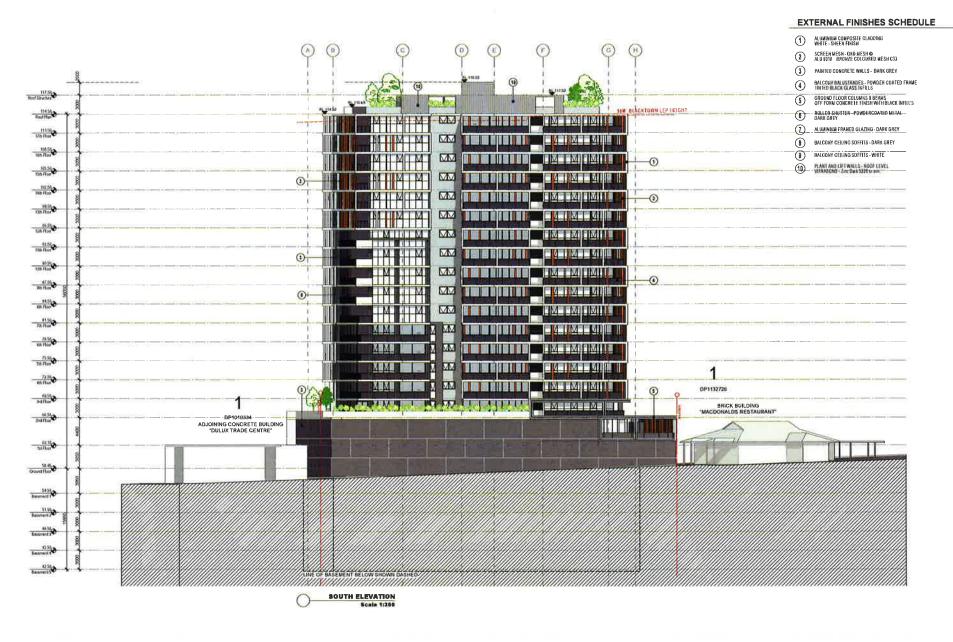
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PROPOSED MIXED USE DEVELOPMENT Lot 100 In DP 1002564 No. 10-14 THIRD AVE BLACKTOWN

FIVE UNIT PTY/ LTD

ROOF PLAN

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PROPOSED MIXED USE DEVELOPMENT Lot 100 in DP1002564 No. 10-14 THIRD AVE BLACKTOWN	Drawn N.Z	CZ Curind
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™ SOUTH ELEVATION	P 4474	A301

AUG 2016 Scale (#A1 Scale (g) AJ 1 200, 1.100400

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PROPOSED MIXED USE DEVELOPMENT
Lot 100 in DP1002596 No. 10-14 THIRD AVE
BLACKTOWN

COR.
FIVE UNIT PTY/ LTD

184
WEST ELEVATION

Doub. Created AUG 2016
N2 C2 AUG 2016
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EXTERNAL FINISHES SCHEDULE

- ALUMINIUM COMPOSITE CLAUDING WHITE SHEEN FINISH
- SCREEN MESH GKO NESH © ALU 6010 BRONZE COLOURED MESH C33 (2)
- (3) PAINTED CONCRETE WALLS - DARK GREY
- BALCONY BACUSTRACES POWDER COATED FRAME TOUTED BLACK CLASS INFILLS 4
- GROUND FLOOR COLUMNS & BEAMS OFF FORM CONCRETE FINISH WITH BLACK INFILL'S
- ROLLER SHUTTER POWDERCOATED METAL DARK GREY **6**
- ALUMINIUM FRAMED GLAZING DARK GREY
- (8) BALCONY CEILING SOFFITS - DARK GREY
- (1) BALCONY CEILING SOFFITS - WHITE
- (10) PLANT AND LIFT WALLS - ROOF LEVEL VIEABOND - Zing Dark 5220 or sim.



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ALGORRY ZAPPIA & ASSOCIATES

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PROPOSED MIXED USE DEVELOPMENT Lot 100 in DP1002564 No. 10-14 THIRD AVE BLACKTOWN

FIVE UNIT PTY/ LTD EAST ELEVATION

Drawn N Z CZ AUG 2016 Scienz A7, Seeral A) 1200, 1.100400 1393-15

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EXTERNAL FINISHES SCHEDULE



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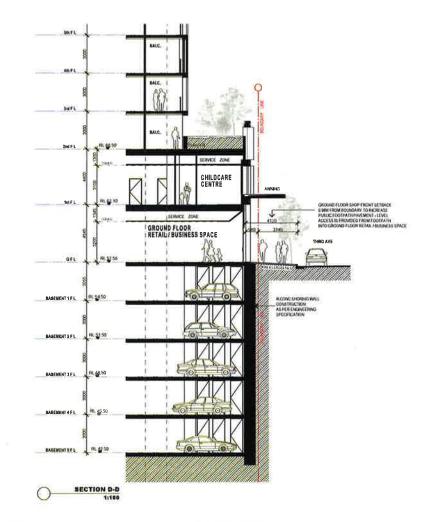
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PROPOSED MIXED USE DEVELOPMENT Lot 100 in DP1002564 No. 10-14 THIRD AVE BLACKTOWN FIVE UNIT PTY/ LTD NORTH ELEVATION

Orawn N.Z AUG 2016 Joo # 1393-15 \$200, 1 (0048072) P 4474 A304 D





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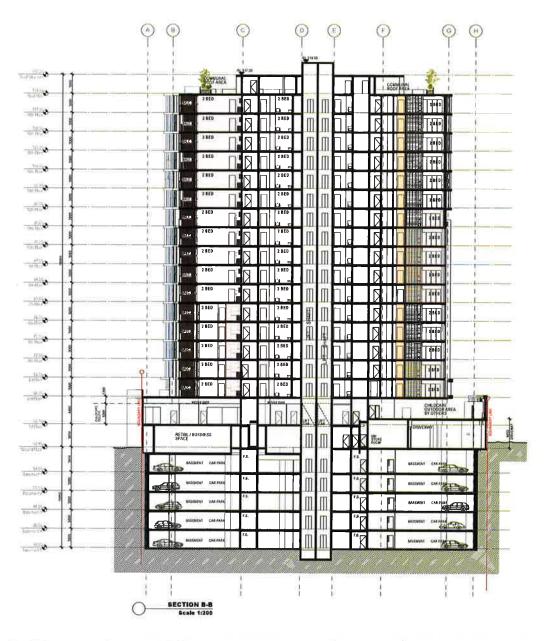
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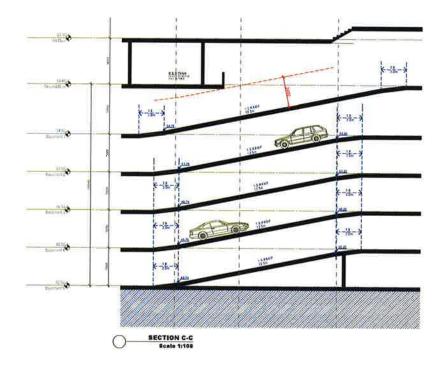
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SECTION A-A & D-D

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Drawn & Land 3608,20% NZ CZ 1601,2017 NZ GZ



ALGORRY ZAPPIA & ASSOCIATES , IV LID Building Designers & Consulting Civil & Structural Engineers

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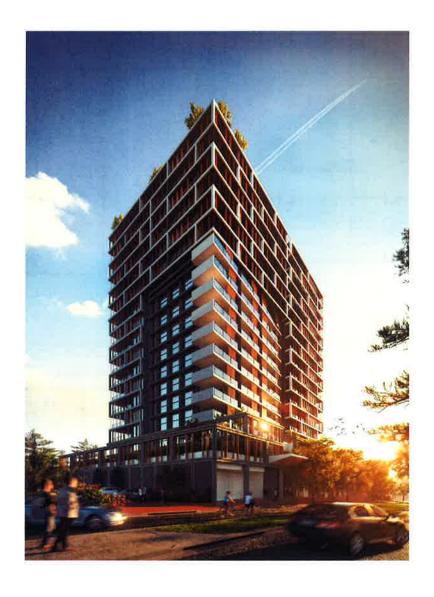
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PROPOSED MIXED USE DEVELOPMENT Lot 100 in DP1002564 No. 10-14 THIRD AVE BLACKTOWN

FIVE UNIT PTY/ LTD

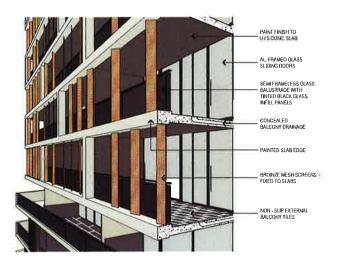
SECTION B-B & C-C

AUG 2016 Scale (EA) 1 200, 1 100 A402 P 4474 В



EXTERNAL MATERIALS AND FINISHES

- 1. WHITE PAINT FINISH
- BRONZE MESH FINISH
- 3. OFF FORM CONCRETE FINISH
- 4. GREY / CHARCOAL PAINT FINISH
- 5. BLACK TINTED GLASS BALUSTRADE









AGROL AUENDED FUR D.A. 

ALGORRY ZAPPIA & ASSOCIATES 207 (ID duktorry Designers & Constiting Chris & Structural Engineers

PROPOSED MIXED USE DEVELOPMENT Lot 100 in OP1002564 No. 10-14 THIRD AVE BLACKTOWN

FIVE UNIT PTY/ LTD

EXTERNAL MATERIALS

Date AUG 2016 lun ≠ 1393-15

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Building Designers & Consuring Civil & Structural Engineers

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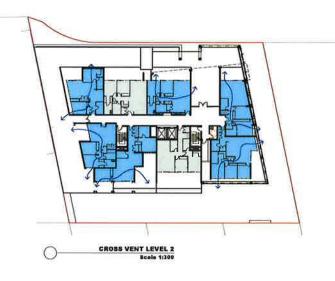
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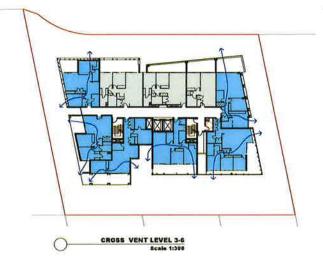
Let 100 in DP1002564 No. 10-14 THIRD AVE BLACKTOWN

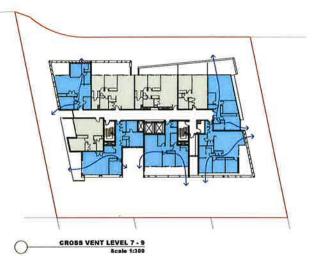
FIVE UNIT PTY/ LTD

AUG 2016 A502 ACCESSIBLE UNIT LAYOUT P 4474 B

8601







GROSS VENT LEVEL 12-17 Scale 1:300

LEGEND

NOT VENTILATED

CROSS VENTILATED

SEPP65 OBJECTIVE 4B-3

At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.

Apartments at ten sloreys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed

TOTAL APT BETWEEN LEVELS 2-9 - 71 TOTAL COMPLIANT APT - 45

63% OF APARTMENTS ACHEIVE CROSS FLOW BETWEEN LEVEL 2 & 9

REQUIRED BY SEPP65 MIN. 60%

CROSS VENT LEVEL 10-11

AMENDED FOR D.A.

10 08.20 6 NZ CZ 16 01.20 7 NZ CZ



villa • villa

ALGORRY ZAPPIA & ASSOCIATES 27 LID Building Designers & Consulting Chill & Structural Engineers

Abic (20e) Vivinia

PROPOSED MIXED USE DEVELOPMENT Lot 100 in DP 1002564 No. 10-14 THIRD AVE BLACKTOWN

FIVE UNIT PTY/ LTD

CROSS VENTILATION ANALYSIS

Drawn N.Z Date AUG 2016 Scate @ A1 1 300 A503 P 4474



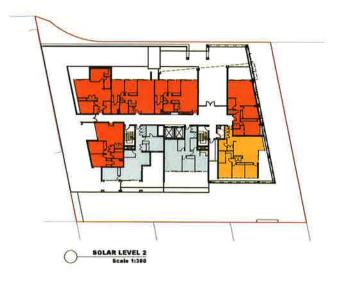
21ST JUNE SOLAR ACCESS

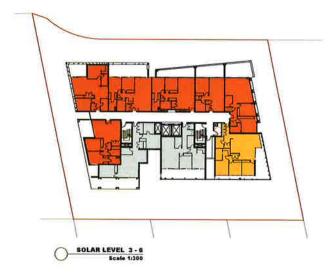
TOTAL APT - 143

TOTAL COMPLIANT APT - 122

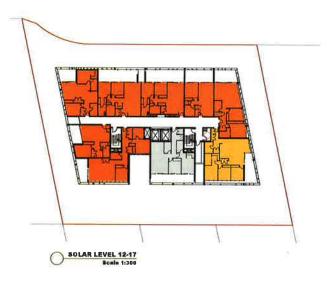
85% OF APARTMENTS ACHEIVE A MIN. OF 2 HOURS SOLAR ACCESS BETWEEN 9AM & 3PM **REQUIRED BY SEPP65 MIN. 70%**

MAX 14.6% OF APARTMENTS RECEIVE NO DIRECT SUNLIGHT BETWEEN 9AM & 3PM MAX ALLOWED BY SEPP65 15%









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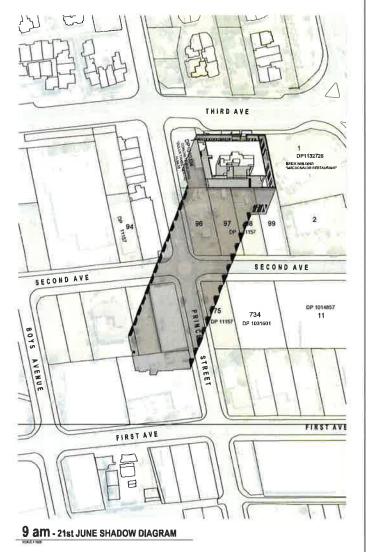
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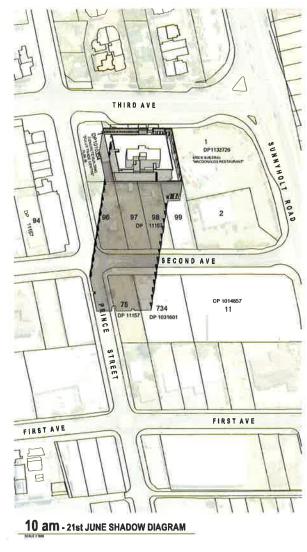
PROPOSED MIXED USE DEVELOPMENT

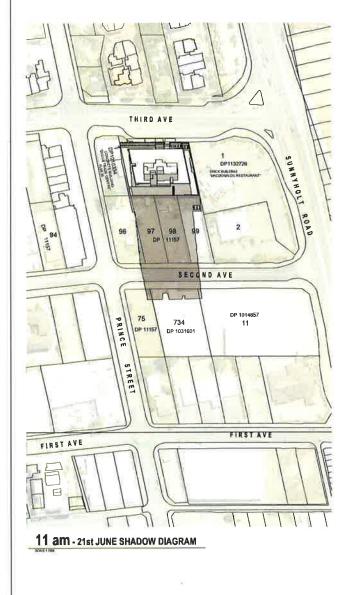
Lot 100 in DP1002564 No. 10-14 THIRD AVE BLACKTOWN FIVE UNIT PTY/ LTD

SOLAR ANALYSIS

N Z AVE AUG 2016 Actory Type DA A504 В P 4474







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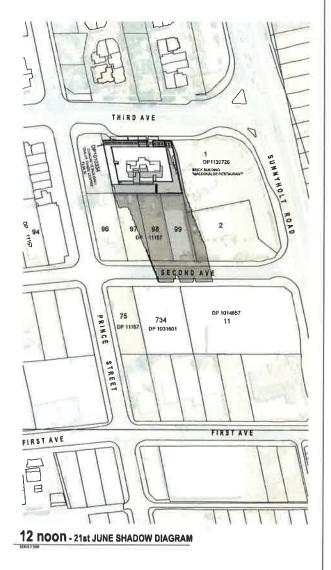
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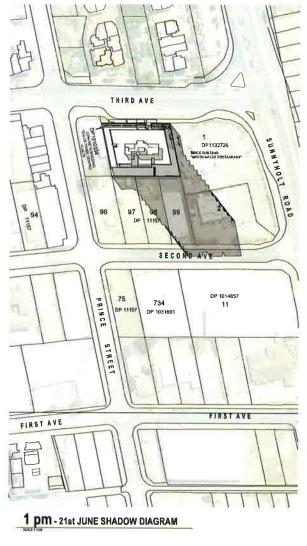
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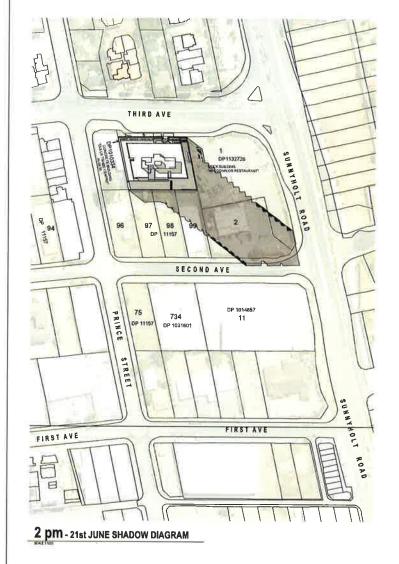
PROPOSED MIXED USE DEVELOPMENT
Lot 100 in DP1002584 No. 10-14 THIRD AVE
BLACKTOWN

FIVE UNIT PTY/ LTD

THE
SHADOW DIAGRAMS







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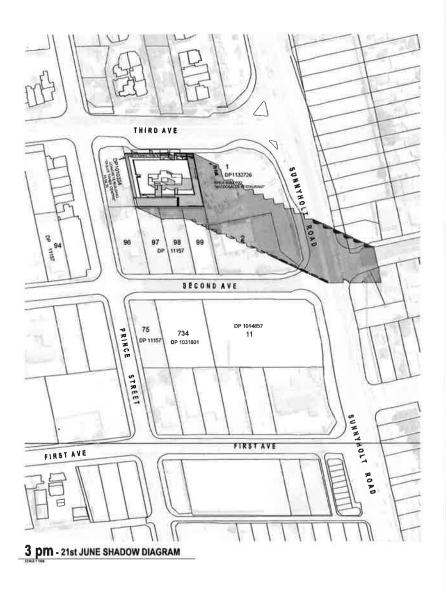
ALGORRY ZAPPIA & ASSOCIATES

PROPOSED MIXED USE DEVELOPMENT Lot 100 in DP1002584 No. 10-14 THIRD AVE BLACKTOWN FIVE UNIT PTY/ LTD

AUG 2016

SHADOW DIAGRAM

A506 P 4474



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ALGORRY ZAPPIA & ASSOCIATES PTV LITO:

Building Designers & Consulting Civil & Structural Engineers

a Scree 4_Level L_B4 Bathurs Street, Unexposit, NSW 9170 P.O. Iom 895, Unexpool Business Centre, NSW 1871 9609 31317/9609 0303 | 9601 6903

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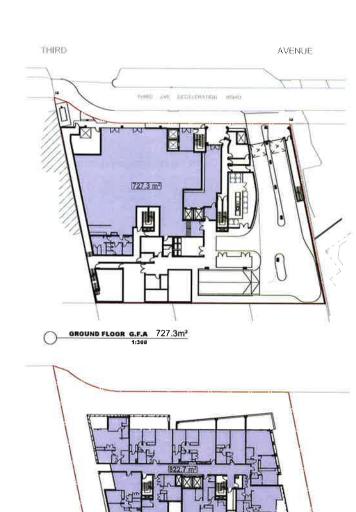
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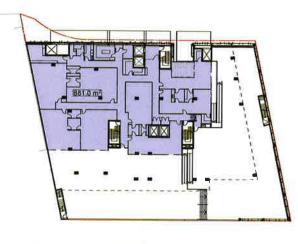
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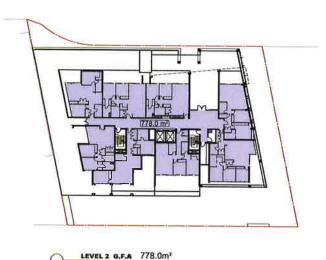
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Acquest # P-4474 A507 A













LEVEL ROOF G.F.A 13.3m²

LEVEL 3-6 G.F.A 822.7m2 PER LEVEL 1:300 3290.8m² TOTAL LEVELS

LEVEL 7-17 G.F.A 807.7m2 PER LEVEL 1:300 8884.7m² TOTAL LEVELS

TOTAL BUILDING G.F.A 14 575.1m²

F.S.R = 14 575.1m² = 6.1

FIVE UNIT PTY/ LTD

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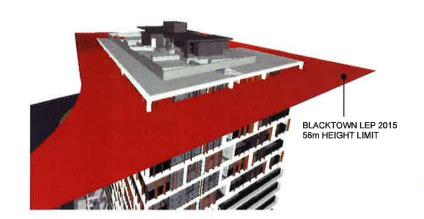
ALGORRY ZAPPIA & ASSOCIATES 27 LID

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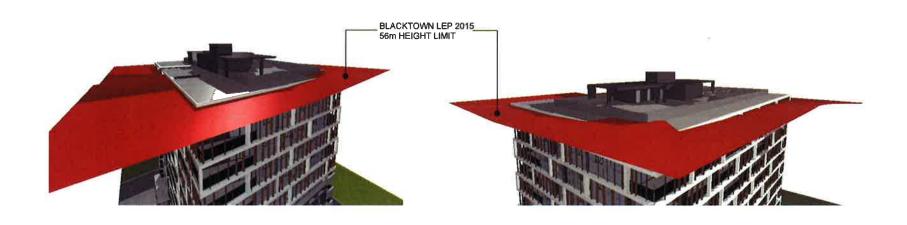
PROPOSED MIXED USE DEVELOPMENT Lot 100 in DP1002564 No. 10-14 THIRD AVE BLACKTOWN

AUG 2016 A508

P 4474 GFA DIAGRAMS







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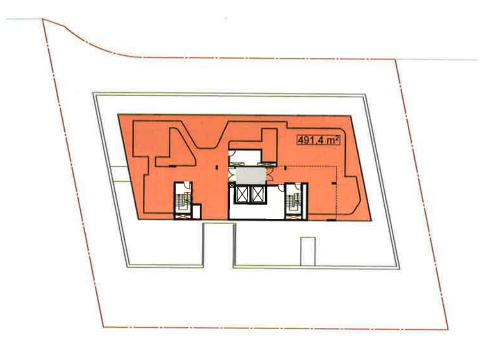
PROPOSED MIXED USE DEVELOPMENT
Lot 100 in DP1002564 No. 10-14 THIRD AVE:
BLACKTOWN

FIVE UNIT PTY/ LTD TELLE TELLE VIEWS

P 4474 A509

AUG 2016





LEVEL 2 COMMUNAL AREA

TOTAL COMMON OPEN SPACE

TOTAL AREA - 960m2

ROOF LEVEL COMMUNAL AREA 1:200



ALGORRY ZAPPIA & ASSOCIATES POLITION Building Designers & Consuling Civil & Structural Engineeus

PROPOSED MIXED USE DEVELOPMENT Loi 100 in DP1002564 No. 10-14 THIRD AVE BLACKTOWN

FIVE UNIT PTY/ LTD

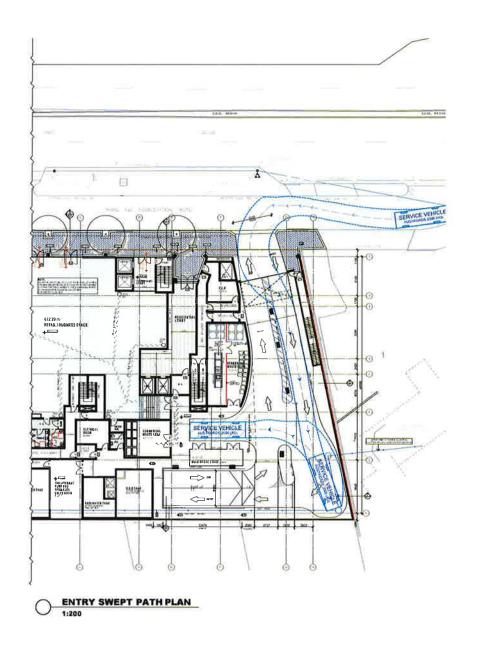
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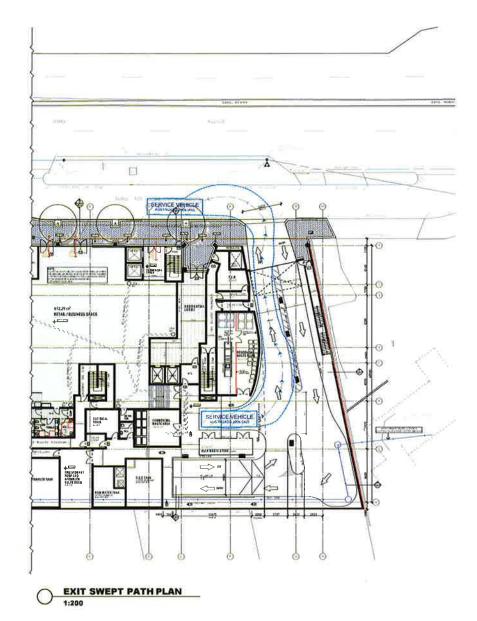
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COMMUNAL OPEN SPACE AREA

P 4474 A510





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ALGORRY ZAPPIA & ASSOCIATES 20110 Building Designers & Consisting Civil & State Lina Engineers

All report the sile

PROPOSED MIXED USE DEVELOPMENT Lot 100 in DP1002564 No. 10-14 THIRD AVE BLACKTOWN

FIVE UNIT PTY/ LTD SWEPT PATH PLANS

A511 P 4474

Mixed Used Development - Landscape Concept

10-14 Third Avenue, Blacktown, NSW



LANDSCAPE SHEET REGISTER

TITLE	REVISION	PAGE
COVERSHEET	В	1 OF 5
PALETTES, SCHEDULE, NOTES & DETAILS	В	2 OF 5
GROUND FLOOR LANDSCAPE CONCEPT PLAN	В	3 OF 5
PODIUM LEVEL LANDSCAPE CONCEPT PLAN	В	4 OF 5
ROOF LEVEL LANDSCAPE CONCEPT PLAN	В	5 OF 5
	COVERSHEET PALETTES, SCHEDULE, NOTES & DETAILS GROUND FLOOR LANDSCAPE CONCEPT PLAN PODIUM LEVEL LANDSCAPE CONCEPT PLAN	COVERSHEET PALETTES, SCHEDULE, NOTES & DETAILS PROBLEM FLOOR LANDSCAPE CONCEPT PLAN PODIUM LEVEL LANDSCAPE CONCEPT PLAN B

distinctive Living Design

Landscope & Interior Architecture - Design - Consultancy

Camden NSW 2570

T 61 2 4655 1981 admin@distinctive not as www distinctive net au

RESIDENTIAL LANDSCAPE CONCEPT PLAN



Project File
MULTI PURPOSE DEVELOPMENT

19.07.2014

Project Number:

CI and CIR Construction Pty Ltd





Citrus limon



Cilis sinensis Washington Navel*



Oleo europeo



Hibiscus Iiliaceus 'Rubra' Acmena 'Allyn Magic'



Birthdaycondies'



Westringia fruticosa



Syzygium oustrale





Formed concrete seating with hardwood timber mounts



Indicative image of Outdoor ping pong tables to enhance active recreation



Indicative image of productive garden space



Indicative image of pod garden beds with leature tree planting



Online to State to DA

Indicative image of outdoor BBQ and entertainment setting



Arbour: Lightweight black steel with hardwood timber battens and climbing plant species on top



with hardwood timber rafters





Agave altenuata x ocachui 'Blue Glow'



Strelitzia juncea



Dianella 'Little Jess'



Silver Falls*



Helichrysum peliolare White Licorice



Lomandra longitalia "Nyallo"



'Argenteomargintus'





Hibbertia scandens

HARDSCAPE PALETTE



Paving 01 Slunstorm Eco Ouldwork



Polished Concrete



Timber Deck



Decorative Gravel Misrokin Whate 5-10mm aggregate Australian Native Lindscapes



Synthetic Turf Summer Prestage - 40nm



Outdoor Barbeque



Large Pot Melio Light Large Plante



Outdoor Table Setting Corr. Setting Furphy Foundry

MAINTENANCE SCHEDULE

His grand dates proposed of indick, but not be to be. His little on page.

Factor Manhanese, French Jacken, markening for a Egyles Manissamora, Floreth payins mendymana for a promised of a menthe other promotion demplation. Purgues to soldest hot and headed to plant actification of coloring, manisty, firstleng, mondered patients, promise middleng and mediatories control and generally countaining the site or mental and high condition.

Makening: Makening of plants, and had planted for these in conjunction with control Systems (Makes and very posteriors)

futilises in adequately instanced and a noty depended for builting on a lowin growth

Moldi of guiden bodi in unt ailbare to Australian Standard. 354 154

Lawre Report Invest to all Indeed respon

Docuse and Pest Control. B pullbological discourse or mosed pests appears, they are to be controlled using largened insulted in just and discourse control feeding this, chemical passage may be used, and meanliss laters in uses, with price consent of chent,

kep kirs ment. Delects installed group dead an embruikly planst must be is planed on furthed ontone 3 wise. Musing, it had on unlockly planst ment to explaced with planst of unithous we and quality and also beat species. A carriery unlock of also beat species.

Any Proming most be carried out to most Australian Store
AS43/3 Promog of Amenty Trees' and shall camply with
Councils True Preservation Order.

Making Good. The continctor shall make good except al por or sybindency which may account in a continct condition.

ON SLAB PLANTER BEDS

All on white planter bods are to be bodi on 30 win desings ceilland over nonshame principons bound. All wither provings and disorings raches are to be to engineers table. Dismage cell as to be writtend with gotestic veraped in sector of business and a 50 cm depth send brinking larger hast down believe matellation feer dismange planter and mu.

All plants which have been declared, pursuant to section 7.8.8 of the Howard shed but 1993, to be Howard Medick within the area of Manuschille City Costol shell but unround on site and replaced with appropriate indigenate or notice spaces.

All lists to me to remain on plants and delivery receipts or copies of plant purchases, staling the species, amount, and constants was at plants, that be made analytic to Councils Constitution Services or Private Center to Insolation antifection that the landscape plant and constitution of consent have been neighboranted.

Publis shall be ANL Fansa Blend'us sendar; wheth a best socked to the plant type and clouds reself. Variation from the can only be made self-consolidation with the project conseque. Mosh field ble face a final, for all good from the project for the proje

Gravel to be placed in designated areas as shown on plan Install 5-10 memorial Manufan White gravel at 100 new Manusum depth. Roka surkers weaky to spread

			33-76 Indicates	Hant Schadule by Districtive				
Code	Genus	species	Hybriela/Cultisters	Common Name	Put Size	Height	Width	Specing
Trend	770-0-2	***************************************		Ties son and	-	77		
CIS	Citys	Bernan		Divised Limon Tree	751	4	4	As Shown
CHIMI	Cilrus	timens a	Washington Navel	Washington Navel Orange	75L	4	4	As Shown
Olev	Olivi	нигоран		Edible Oles	75L	5	5	Ac Shipson
t≰ Ku	Hibiarus	History	'Rubra'	Sea Hhiston	1001	4	2	Asshows
Shiubs					111		10	
Ac AM	Acmena	emilio	'Allyn Magic'	Dwarf Liffy Filly	200mm	k':	10	Ac Show
Ba BC	Bookein	spiralum	Bethalog Caroline	U-orf Baricia	200mm	0.5	0.5	2/m
Rb in	Dophologeis	indira		Indian Hawham	200mm	1.5	15	As Show
Sy Re	Spragnum	ess trole	'Xesherce'	City Mily	200mm	4	1.5	Ac Show
Wa te	Washingsa	Sufcom:	'Grey Boe'	Courted Incomery	200	1		300mm
Acremis	17		,		93	U		
Ag 80	Адани	etteriusto e ocastná	Wee Ober	Mas Gloss Curitory Plant	200mm	0.6	0.5	As Shaw
Stire	Studio	juncea		reaction funned Styling	200mm	1.2	1	As Show
Crayndos	ver & Ciraves	(1)						
Dill	Donallia	czesdeo	Title Jenn'	Girla JassPorses Life	Tube	0.4	0.4	5/102
DiSF	Dichoodia	reperie	Silver Folk?	Sher Kidney Wood	Tube	0.1	0.5	5/m2
He pe	Helichysum	petalars	Write Scarice"	Licorice plant	Tube	1	1	Asshou
ly ter	Domess	Sutotos		Sweetwart Furple	Tube	0:20	1	1/4/2
lo tij	Samondra	langitalia	'Piyella'	Blue Lemondie	Tube	0.8	0.8	4/m2
Or Ar	Ophiopogon	intermedica	argenteomorginalus'	Artec Grees	Julie	0.6	0.6	5/m2
Hist.	Hilberto	scorders		Snake Vine	Tube	0.3	2	2/(42

distinctive Living Design

in discrete & Interior Alchitecture - Design - Consultancy 14 a gyle street, Campan NSW 2570 1 51 2 4555 1881 remark balist orders and also www.distinctive.net.au

RESIDENTIAL LANDSCAPE CONCEPT PLAN

MULTI PURPOSE DEVELOPMENT

PALETTES, SCHEDULE, NOTES & DETAILS

19 07 2014 HWybe

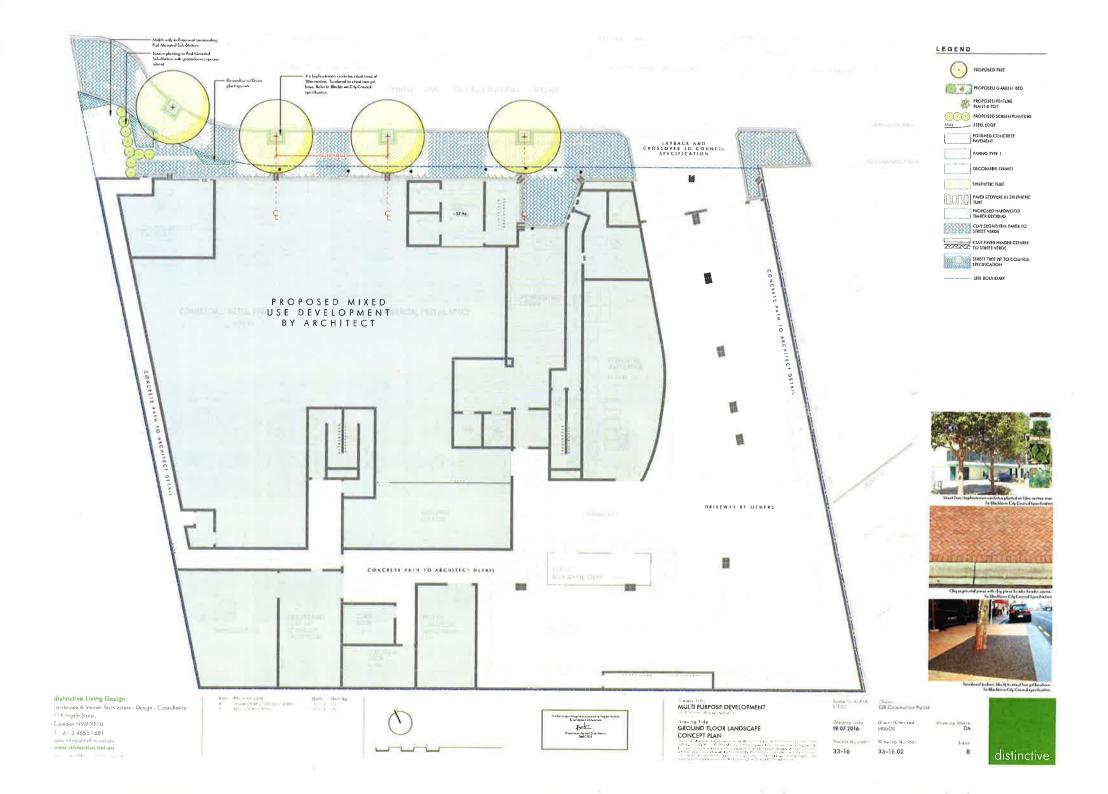
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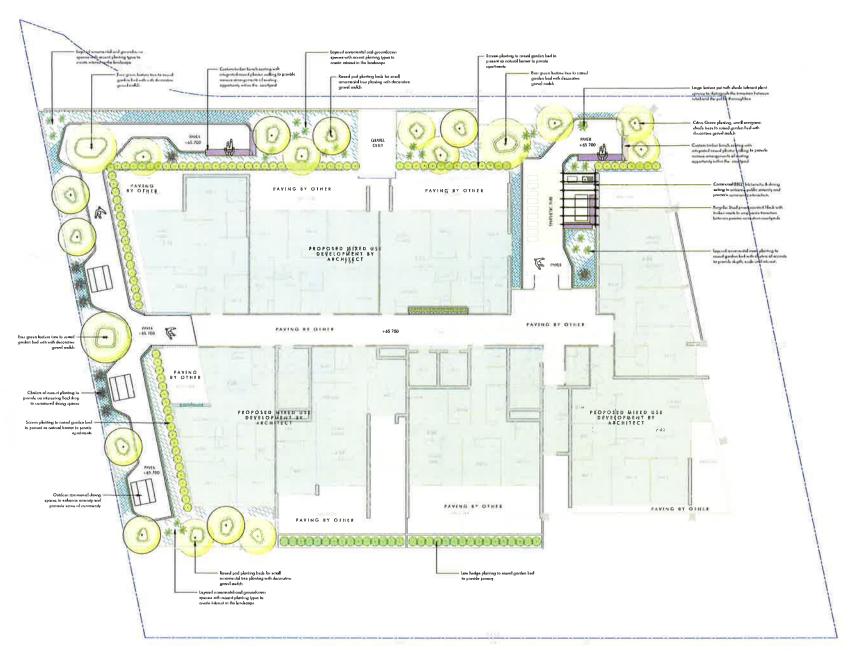
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Orange to seed 33-16.01

CR Constation Fig.134







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i 14 Argyle Street, Camden NSW 2570

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19.07.2016 HW/DB DA

Project No. 1921 Orawing Nomber

33-16.03

33-16

LEGEND

PROPOSED TREE

PROPOSED GARDEN BED

PROPOSED FEATURE PLAIIT & POT

STEEL EDGE
POUSHED CONCRETE
PAVEMENT

PROPOSED SCREEN FLANTING

PAVING TYPE 1

SYNTHETIC TURF

PAVER STEPPERS IN SYNTHETIC
TURF

CLAY SEGMEI ITAL PAVER TO STREET VERGE

CLAY PAVER HEADER COURSE TO STREET VERGE

STREET TIREE PIT TO COUNCE SPECIFICATION

ABBOUR LIGHTWEENT STEEL
WITH THARER ARTIES
BACK TUBE FENCING AND
LOCKABLE OATE TO DIVING AREA
RETRACTABLE CLOTHES LINE
RABED VEGETABLE GARDEN
BIDS

TIMBER BENCH SEAF

BARBECUE KITCHENETTE
CUITDOOR MARE SITTERS

THANKINGS THE ----

RASED PLAINTER BED WALLING (1000MAN HEIGHT)

OUTDOOR PING PONG TABLE

OVERABLE FURNITURE

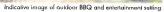
DECORATIVE GRAYEL

PROPOSED HARDWOOD TIMBER DECKLING

PERGOLA STEEL (BLACK) AND TIMBER RAFTERS









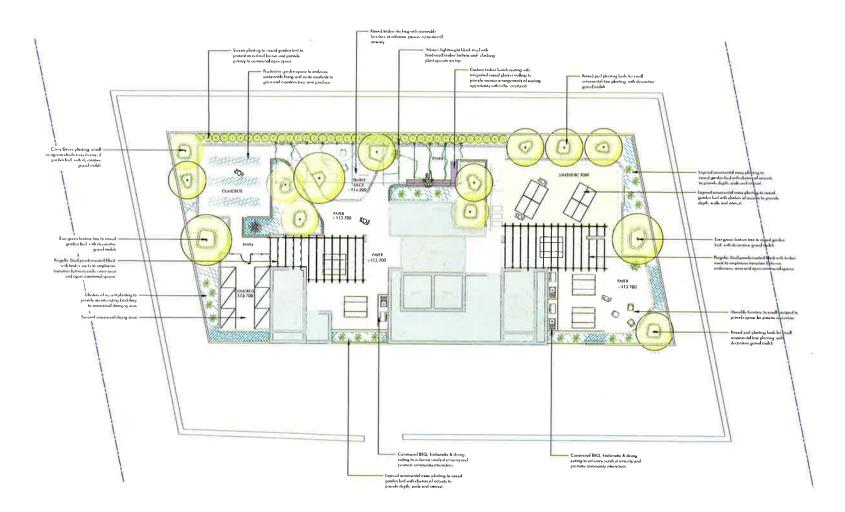
Indicative image of pod garden beds with feature tree planting



Indicative image of productive garden space



Indicative image of Outdoor ping pang tables to enhance active recreation





hardwood limber rafters

distinctive Living Design canascape & Interior Architecture - Design - Consultancy 114 - gyle Street,

Camden NSW 2570

F 61 2 4655 1881 www.distinctive.net.au

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MULTI PURPOSE DEVELOPMENT ROOF LEVEL LANDSCAPE CONCEPT FLAN

19.07.2016 Process No. 1941 33-16

Circuit Circui Providenced HW/D8 Dawing Number

33-16.04

Draw on Status



FIGNORED HEE

LEGEND

PROPOSED GAIDEN BED

PROPOSED FEATURE PLANT & POT PROPOSED SCREEN PLANNING atter STEEL EDGE

POLISHED COLICRETE

PAVING TYPE I DECORATIVE GRAVEL

SYNTHETIC TURF

PAYER STEPPERS IN SYNTHETIC TURE

CLAY SEGMENTAL PAVER TO STREET VERGE

CLAY PAVER HEADER COURSE STREET TREE PIT TO COULICIL
SPECIFICATION

PERGOLA STEEL (BLACK) ALID TIMBER RAFTERS

ARBOUR: LIGHTWEIGHT STEEL WITH TIMBER BATTENS

BLACK TUBE FELICING ALID
LOCKABLE GATE TO DRYING AREA KETRACTABLE CLOTHES LINE

RAISED VEGETABLE GARDEN BEDS

TIMBER BENCH SEAT RAISED FLATITER SED WALLING BARBECUE KITCHENETTE

OVEDOOR TABLE SETTING

OUTDOOR PLAG FOLIS LAKE

MOVEABLE FURI INTURE THOMSON THE

ARBOUR: Lightweight black steel with hardwood

PERGOLA: Black powdercoaled steel with



Assessment against planning controls

1 Environmental Planning and Assessment Act 1979

a. Section 4.15 'Heads of Consideration'

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

	ads of Consideration ction 4.15	Comment	Complies
a.	The provisions of: (i) Any environmental planning instrument (EPI) (ii) Any development control plan (DCP) (iii) The regulations	The proposal is considered to be consistent with the relevant EPIs, including BLEP 2015, SREP 20, SEPP (Infrastructure) 2007, SEPP 55 Remediation of Land, SEPP BASIX 2004 and the 9 'design quality principles' of SEPP 65. The proposed development is a permissible land use within the B4 Mixed Use zone and satisfies the zone objectives outlined under BLEP 2015. The applicant has submitted a request to vary this development standard pursuant to Clause 4.6 of the Blacktown LEP 2015. The height control is varied by up to 6.5 m. The Blacktown DCP applies to the site. The proposed development is compliant with the relevant numerical controls established under the DCP.	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	It is considered that the likely impacts of the development, including traffic, noise, parking and access, design, bulk and scale, overshadowing, privacy, waste management and stormwater management have been satisfactorily addressed. A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties. In view of the above it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.	Yes
C.	The suitability of the site for the development	The subject site is zoned B4 Mixed Use with a 56 m building height limit under BLEP 2015. Shop top housing is permissible on the site with development consent. The site has an area and configuration that is suited to this form of development. The design solution is based on sound site analysis and responds positively to the different types of land uses adjoining the site. The site is located within close proximity to Blacktown Railway Station, Blacktown bus interchange and Blacktown CBD. The site is also located near services, facilities and a major arterial road network, making it suitable for higher residential densities.	Yes



Heads of Consideration Section 4.15		Comment	Complies
d.	Any submissions made in accordance with this Act, or the regulations	One submission was received from notification of the DA. The submission identifies that they support the application but want to ensure that the proposal considers the 24 hour trade of the McDonald's restaurant adjacent to the site. The applicant's acoustic assessment suitably addresses this matter and suitable conditions of consent have been imposed to ensure implementation of the attenuation measures as outlined in the recommendations of the acoustic report. The submission does not warrant refusal of the application.	Yes
e.	The public interest	It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal provides high quality housing stock and provides for a wider range of housing diversity within the Blacktown City area.	Yes

2 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 \$20 million. As the DA has a CIV of \$42.7 million, Council is responsible for the assessment of the DA and determination of the application is to be made by the SPP.

3 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. The development was referred to RMS, who raised no concern with the development subject to conditions of consent.

4 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 granting of development consent.

As part of the DA, a contamination screening and salinity assessment prepared by Environmental Investigations Services was submitted. The report concludes that the risk of widespread significant soil contamination in the development area is relatively low. However, during development works, if necessary, excavated material should be sampled to confirm the conclusions of the report. To ensure these works are undertaken prior to the release of a Construction Certificate on the site for the proposed development, suitable conditions will be imposed. The conditions will require validation to ensure that the site is made suitable for residential development without any limitations under the NEPM guidelines.

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

State Environmental Planning Policy No. 65 (SEPP 65) – *Design Quality of Residential Apartment Development* applies to the assessment of Development Applications for residential flat buildings 3 or more storeys in height and containing at least 4 dwellings.



i. Clause 28 Determination of development applications

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

- (a) the advice (if any) obtained from the design review panel
- (b) the design quality of the development when evaluated in accordance with the design quality principles, and
- (c) the Apartment Design Guide.

Blacktown City Council does not have a design review panel. However, Council's assessing officer's comments in relation to the 9 design quality principles and assessment against the relevant design concepts of the ADG appears below. The development is considered to comply with the 9 design principles and the ADG.

Principle 1: Context and Neighbourhood Character

Control

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Town Planning Comment

The design responds to the context of the site within the Blacktown CBD. The development does not comply with the maximum height limit established by the Blacktown Local Environmental Plan 2015 by 6.5 m. Please refer to attachment 8 which demonstrates that the proposed height is supportable given the breach is created by lift overruns and roof-top plant storage areas.

Notwithstanding that, the proposed height breach does not intend to increase density nor compromise a good design, and does not result in detrimental overshadowing issues to the surrounding neighbours.

The development meets the objectives of the B4 Mixed Use zone and contributes to the social and economic diversity of the Blacktown local area through the provision of retail, business and residential apartments. The building responds to the streetscape providing an active street frontage and building setbacks consistent with those envisaged for the CBD.

Principle 2: Built Form and Scale

Control

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Town Planning Comment

The design responds to the surrounding context, providing a development that maintains an established height around Blacktown CBD area, and which is compliant with the floor space requirements established by the Blacktown Local Environmental Plan 2015. The mixed use development responds to the site's location within the CBD. The 2 storey podium is consistent with Council's controls and creates suitable streetscape.



Principle 3: Density

Control

Town Planning Comment

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment. The development complies with the maximum FSR established for the site under BLEP 2015. The scale of the development being 18 storeys is consistent with the height limit for the area and is also consistent with the desired density of the area. In addition, the site is located 320 m from Blacktown train station and is located within the Blacktown CBD. It is therefore considered a suitable density that can be sustained with existing infrastructure.

Principle 4: Sustainability

Control

Town Planning Comment

Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

The design of the development ensures that the development exceeds the minimum design criteria for solar access and natural cross ventilation.

The proposal provides for a mix of dwellings, contributing to the housing diversity within the locality.

The proposal is supported by a BASIX Certificate. The commitments are incorporated into the design of the building. The proposal demonstrates satisfactory levels of sustainability, waste management and efficient use of energy and water resources.

Principle 5: Landscape

Control

Town Planning Comment

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, microclimate, tree canopy, habitat values and preserving green networks.

A landscape plan has been submitted with the proposal, which incorporates a variety of planting that contributes to the amenity of the development. Whilst deep soil zones have not been provided throughout the development given the CBD context of the site, planters have been provided to ensure sufficient planting can be achieved.

The landscape design provides for suitable screening to adjoining properties, creates usable spaces for future residents and improves the overall quality of the development.



Principle 5: Landscape

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.

Principle 6: Amenity

Control

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.

Town Planning Comment

The design of the proposal is considered to provide a high level of amenity through a carefully considered spatial arrangement and layout.

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.

Principle 7: Safety

Control

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

Town Planning Comment

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.

The proposal provides suitable casual surveillance of the public domain.

Principle 8: Housing Diversity and Social Interaction

Control

Town Planning Comment

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

The proposal consists of a mix of dwellings which are responsive to anticipated market and demographic demands.

The proposal provides additional housing choice which is in close proximity to public transport and is located within the Blacktown CBD.



Principle 8: Housing Diversity and Social Interaction			
Control	Town Planning Comment		
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.			
Principle 9: Aesthetics			
Control	Town Planning Comment		
Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design	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.		
uses a variety of materials, colours and textures.	This distinct and contemporary design assists in setting a high quality standard for the transitioning character of this		
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.	locality and creates a desirable streetscape.		



ADG Requirement	Proposal	Compliance
Siting the Development		
3A Site Analysis	Site Analysis has been submitted and is	Yes
Satisfy the site analysis guidelines.	satisfactory.	
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%.	The proposal will maintain a minimum 2 hours of solar access to the adjoining properties.	Yes
4 hours of solar access should be retained to solar collectors on neighbouring buildings.	N/A Adjoining properties do not contain solar collectors	N/A
3C Public Domain Interface		
Ground level courtyards to have direct access, if appropriate.	N/A No ground level units.	Yes
Ground level courtyards to be above street level for visual privacy.	N/A No ground level units.	
Balconies and windows to overlook the public domain.	Balconies and windows provide casual surveillance of the public domain.	
Front fences to be visually permeable with max 1m height, and limited length.	N/A No front fences proposed.	
Entries to be legible.	Residential entry is appropriately located.	
Raised terraces to be softened by landscaping.	Raised areas are suitably landscaped.	
Mail boxes to be located in lobbies, perpendicular to the street or within the front fence.	Mailboxes are perpendicular to the street frontage.	
Basement carpark vents not to be visually prominent.	Satisfactory.	
Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement carparks or out of view.	Substation integrated into design. Service rooms adequately located.	
Ramping for accessibility to be minimised.	Ramping is suitable.	
Durable, graffiti resistant and easily cleanable materials should be used.	Suitable and durable materials are proposed.	
On sloping sites, protrusion of car parking should be minimised.	Car parking is suitable designed to be within building footprint.	



ADG Requirement	Proposal	Compliance
3D Communal and Public Open Space		Yes
COS >25% of the site.	Site area: 2,380 sqm	
Direct sunlight to >50% of COS for	Required: 595 sqm	
2 hours between 9 am and 3 pm.	Provided: 957 sqm (40%)	
Minimum dimension of 3m.	Minimum dimension of 3 m.	
Direct and equitable access.		
If COS cannot be located on Ground Level, provide on the podium or roof.	Common open space areas are proposed on the podium and also on the rooftop area. Direct and accessible access is achieved.	
If it COS can't be achieved, provide on rooftop of a common room, provide larger balconies, or demonstrate proximity to public open space and facilities.	COS embellished with seating, terraces and covered outdoor areas.	
Range of activities (e.g. seating, BBQ, play area, gym or common room).	The COS is clear of services.	
Visual impacts minimised from ventilation, substations and detention tanks.		
Maximise safety.	The COS demonstrates a safe design.	
Public Open Space, where provided, is to be well connected and adjacent to street.	N/A	
3E Deep Soil Zones	Deep soil zone is not provided with the	No but
Minimum area = 7% of site area.	proposal. However, the subject site is located in the constrained CBD area and	acceptable
Preferred area = 15%.	other similar constrained sites for shop top housing developments in the CBD area such as DA-15-467, JRPP-15-2533 and JRPP-15-1263 have been approved	
If the site is between 650 to 1,500 sqm then minimum dimensions of 3 m.		
If over 1,500 sqm then min dimensions of	without on-site deep soil provision.	
6 m.	Notwithstanding this, the proposed development will include the provision of new street trees along Third Avenue and a monetary contribution via CP 19 to the future Blacktown Northern Precinct Park in close proximity to this site. The proposed development is considered satisfactory given the circumstances.	



ADG Require	ement		Proposal	Compliance
2F Building Separation				
Separation distances from buildings to the side and rear boundaries are as follows:				
Building height	Habitable rooms and balconies	Non- habitable rooms		
Up to 12 m (4 storeys)	6 m	3 m	N/A	
Up to 25 m (5 - 8 storeys)	9 m	4.5 m	N/A	
Over 25 m (9+ storeys)	12 m	6 m	Development is 18 storeys in height and provides for a minimum 6 m building separation setback to property boundaries. This is consistent with similar development within the Blacktown CBD.	No but acceptable – refer to the Summary Report.
Increased separation distance of 3 m when adjacent to a different zone that permits lower density			N/A - Adjoining development of a similar scale has not occurred.	
Direct lines of sight should be avoided for windows and balconies across corners			N/A	
No separation is required between blank walls		etween blank		
3G Pedestria	n Access and	d Entries		
Connect to and activate the public domain.		public	Pedestrian access is direct to the street frontage and easily identifiable.	Yes
Easy to identify access.				
Internal pedes	strian links to b	oe direct.		
3H Vehicle A	ccess			
Access points are safe and create quality streetscapes.		create quality	Car parking and driveway location is suitable.	Yes
3J Bicycle ar	nd Car Parkin	g		
Sites within 80 comply with G	Guide to Traffic		The site is within 320 m of Blacktown Railway Station.	
Developments.			The proposal is for:	
			143 units (15 x 1 bed, 112 x 2 bed and 16 x 3 bed).	
>20 units				
Metropolitan F	Metropolitan Regional Centres (CBD):		6	
0.4 spaces per 1 bedroom unit.		ınit.	78.4	
0.7 spaces per 2 bedroom unit.		ınit.	19.2	
1.2 spaces per 3 bedroom unit.		ınit.	20.4	
1 space per 7 units (visitor parking)		parking)	Total required 124 spaces	



ADG Requirement	Proposal	Compliance
	Provided 158 spaces (143 residential and 15 visitors)	Yes
At least 1 loading dock.	1 loading dock is provided.	Yes
	1 carwash/service space provided	
Conveniently located and sufficient numbers of bicycle and motorbike spaces.	20 motorcycle and 75 bicycle parking spaces provided.	Yes
Designing the Building		
4A Solar and Daylight Access		
Living rooms and POS receive minimum 2 hours direct sunlight between 9 am – 3 pm in mid-winter > 70% of units.	111/143 units (77 %)	Yes
Maximum number with no sunlight access < 15%.	Less than 15% of apartments have no sunlight.	
Suitable design features for operable shading to allow adjustment and choice.	Louvres are provided which allow for management of solar access.	
4B Naturally Ventilation		
All habitable rooms naturally ventilated.	All habitable rooms are ventilated.	Yes
Number of naturally cross ventilated units > 60%.	Up to 9 storeys – 50/71 units (70% of units are cross ventilated)	
Depth of cross over apartments < 18 m.	Balconies are not capable of being fully	
The area of unobstructed window openings should be equal to at least 5% of the floor area served.	enclosed.	
4C Ceiling Heights		
2.7 m for habitable	2.7 m provided for habitable rooms.	Yes
2.4 m for non-habitable	Mixed use area – ground and first floor provided with 3.6 m and 4.4 m	
Service bulkheads are not to intrude into habitable spaces.	The window areas are satisfactory.	
4D Apartment Size and Layout		
Studio > 35 sqm	-	Yes
1 bed > 50 sqm	55 sqm	
2 bed > 70 sqm	76 - 83 sqm	
3 bed > 90 sqm	98 sqm	
+ 5 sqm for each unit with more than 1 bathroom.	Where second bathrooms are provided unit size exceed the minimum size by 5 sqm.	
Habitable Room Depths: limited to 2.5 m x Ceiling Height (6.75 m with 2.7 m ceiling heights)	Satisfactory room depths.	
Open plan layouts that include a living, dining room and kitchen – maximum 8 m to a window.	Open plan layouts are provided. Kitchens are less than 8 m to a window.	



ADG Requirement	Proposal	Compliance
Bedroom sizes (excluding wardrobe space):	Master bedrooms meet the minimum bedroom sizes excluding wardrobe space.	Yes
Master – 10 sqm		
Other – 9 sqm		
Minimum dimensions – 3 m		
Living rooms/dining areas have a minimum width of:	Minimum living/dining room areas are achieved.	Yes
3.6 m - Studio/1 bedroom		
4 m - 2 bedroom/3 bedroom		
Cross-over/cross-through: 4 m wide	N/A	
4E Private Open Space and Balconies		Yes
Studio > 4 sqm	-	
1 bed > 8 sqm and 2 m depth	20 sqm	
2 bed > 10 sqm and 2 m depth	12 – 25 sqm	
3 bed > 12 sqm and 2.4 m depth	23 sqm	
Ground level/ podium apartments > 15 sqm and 3 m depth	Min 15 sqm and 3 m – Complies	
Extension of the living space.	POS is an extension of the living space	
A/C units should be located on roofs, in basements, or fully integrated into the building design.	A/C units will be located on balconies	
4F Common Circulation and Spaces		
Maximum number of apartments off a circulation core on a single level - 8 - 12.	Yes - 9 units per level	Yes
Buildings over 10 storeys - maximum of 40 units sharing a single lift.	No - however for this scale of development, the common circulation	
Daylight and natural ventilation to all common circulation areas above ground level.	areas provide an efficient layout which does not compromise amenity.	
Corridors greater than 12m from the lift core to be articulated by more foyers, or wider areas / higher ceiling heights at apartment entry doors.	Corridors lengths exceed 12m, however, windows and seating areas provided.	
Maximise dual aspect apartments and cross over apartments.	Dual aspect apartments are provided.	
Primary living room and bedroom windows are not to open directly onto common circulation spaces.	Windows do not open onto COS areas.	
Direct and legible access.	Achieved.	
Tight corners and spaces to be avoided.	Achieved.	
Well lit at night.	Achieved.	
For larger development – community rooms for owners meetings of resident use should be provided.	N/A	



ADG Requirement	Proposal	Compliance
4G Storage		
Studio > 4 m ³	Minimum storage areas provided, with a	Yes
1 bed > 6 m ³	minimum 50% provided in apartment. Storage spaces also provided within	
$2 \text{ bed } > 8 \text{ m}^3$	basement.	
$3 \text{ bed} > 10 \text{ m}^3$		
Min 50% within the apartment.		
4H Acoustic Privacy		
Window and door openings orientated away from noise sources.	Achieved.	Yes
Noise sources from garage doors, driveways, services, COS and circulation areas to be 3 m from bedrooms.	Achieved.	
Separate noisy and quiet spaces.	Achieved.	
Provide double/acoustic glazing, acoustic seals and materials with low noise penetration.	Suitable acoustic measures to be installed.	
4J Noise and Pollution		
In noisy or hostile environments, the impacts of external noise and pollution are to be minimised through the careful siting and layout of buildings.	The layout of the development considers potential noise and pollution impacts, and is satisfactory.	Yes
To mitigate noise transmission:		
Limit the number and size of openings facing the noise sources.		
Use double or acoustic glazing, acoustic louvres or enclosed balconies (winter gardens).		
Use materials with mass and/or sound insulation (e.g. solid balcony balustrades, external screens or soffits).		
Configuration	,	
4K Apartment Mix		
Provide a variety of apartment types.	143 units (15 x 1 bed, 112 x 2 bed and	Yes
Flexible apartment mix.	16 x 3 bed).	
	A suitable and responsive apartment mix is provided.	
4L Ground Floor Apartments	N/A No ground floor apartments proposed.	N/A
Maximise street frontage activity.		
Direct street access to ground floor apartments.		
Ground floor apartments to deliver amenity and safety for residents.		



ADG Requirement	Proposal	Compliance
4M Facades		
Front building facades are to provide visual interest whilst respecting the character of the local area.	The front façade is architecturally treated to create visual interest and contributes to the desired future character of this area.	Yes
Building services are to be integrated into the overall façade.	Plant and equipment catered for on ground floor.	
Provide design solutions which consider scale and proportion to the streetscape and human scale.		
4N Roof Design		
Roof treatments are to integrated into the building design and positively respond to the street.	The roof is designed to be recessive and not visible from the public domain.	Yes
40 Landscape Design		
Site Area		
< 850 sqm - 1 medium tree per 50 sqm of deep soil zone.	The site area is 2,380 sqm. No deep soil zones provided.	Acceptable as discussed
850 sqm to 1,500 sqm - 1 large tree or 2 medium trees per 90 sqm of DSZ.		under Section 3E of this table (page 8). The
>1,500 sqm - 1 large tree or 2 medium trees per 80 sqm of DSZ.		site is within the CBD context.
4P Planting on Structures		
Refer to Table 5 for minimum soil standards.	Planting is provided within the setbacks, some of which is above the basement	Yes
Provide suitable plant selection.	structures. The proposal comprises suitable plant selection which is	
Provide suitable irrigation and drainage systems and maintenance.	considered to enhance the quality and amenity of the COS.	
Enhance the quality and amenity of COS with green walls, green roof and planter boxes, etc.		
4Q Universal Design		
10% adaptable housing.	15 adaptable units are provided (10%).	Yes
Flexible design solutions to accommodate the changing needs of occupants.	The layout of the units comprises flexible design solutions.	
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.	Active street frontages provided by ground floor commercial.	Yes
Residential entries separate and clearly defined.	Residential entry separate from commercial entries.	
Landscaped COS to be at podium or roof level.	Landscaping provided on podium and roof.	
4T Awnings and Signage		
Awnings to be continuous and complement the existing street character.	Condition of consent to be imposed in accordance with Council's Civil and Open	Yes
Provide protection from sun and rain, wrapped around the secondary frontage.	Space requirements.	
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.		
Performance		
4U Energy Efficiency		
The development is to incorporate passive solar design.	The development allows for the optimisation / management of heat	Yes
Heating and cooling infrastructure are to be centrally located (e.g. basement).	storage in winter and heat transfer is summer.	
	No details of services, however plant rooms provided within basement and on roof.	
4V Water Management and Conservation		
Rainwater collection and reuse.	None proposed.	Yes
Drought tolerant plants.	Suitable plants are proposed.	However, no
WSUD measures.	WSUD measures are proposed.	rainwater reuse.
Detention tanks should be located under paved areas, driveways or in basement carparks.	Detention tanks located within the western side setbacks, and are suitably placed given the existing site conditions and levels. These are clear of the COS areas. Satisfactory.	
4W Waste Management		
Waste storage should be discreetly located away from the front of the	Waste storage located within basement. Each dwelling has sufficient storage.	Yes
development or in the basement.	Waste chutes are centrally located on	
Waste cupboard within each dwelling.	each floor.	
Waste and recycling rooms are to be in convenient and accessible locations related to each vertical core.		



ADG Requirement	Proposal	Compliance
4X Building Maintenance	The proposal demonstrates ease of	Yes
The design is to provide protection from weathering.	maintenance.	
Enable ease of maintenance.		
The materials are to reduce ongoing maintenance costs.		

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

A BASIX certificate has been lodged as part of the DA, as well as a NatHERS (Nationwide House Energy Rating Scheme) assessor certificate. 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.

7 Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River

Details of sediment and erosion control measures were submitted with the DA. Appropriate conditions will be recommended for their implementation. Subject to compliance with the recommended conditions, the proposed development will not have an adverse impact upon the Hawkesbury Nepean River system.

8 Blacktown Local Environmental Plan 2015

The Blacktown Local Environmental Plan 2015 (BLEP 2015) applies to the site. The table below provides a summary assessment of the development standards established within BLEP 2015 and the proposal's compliance with these standards. The development complies with the development standards contained within BLEP 2015.

Development Standard	Proposal	Compliance
Zoning	Mixed use – ground floor retail, first floor	Yes
B4 Mixed Use	child care centre and 16 storey residential above	
Maximum Height of Buildings		
56 m	62.5 m	No – see Clause 4.6 justification at attachments 7 and 8.
Maximum Floor Space Ratio		
6.5:1	6.1:1	Yes
4.6 - Exception to development standards	Written statement submitted (attachment 7) and considered in the summary report and attachment 8.	Considered acceptable on its merits.



Development Standard	Proposal	Compliance
7.4 - Active street frontages		
This clause applies to land identified as 'Active street frontage' on the Active Street Frontages Map.	Site is not identified as requiring an 'Active street frontage'.	N/A
Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.		
7.5 - Essential Services		
Consent Authority is to be satisfied that essential services are available or adequate arrangements have been made.	The site is within the existing CBD, therefore services available. Relevant servicing conditions will be imposed.	Yes
7.7 - Design Excellence		
Development consent must not be granted to development involving the erection of a new building or external alterations to an existing building on any land unless the consent authority is satisfied that the development exhibited design excellence.	The building has been architecturally designed and generally consistent with the Apartment Design Guide (ADG).	Yes
7.12 - Development in Zone B4		
Development consent must not be granted to the erection of a building, or to the change of use of a building on land in zone B4 Mixed Use unless the consent authority is satisfied that the ground floor and first floor of the building will be used for a purpose other than residential accommodation.	Retail proposed on ground floor and child care centre on the first floor of podium.	Yes

Some specific clauses are detailed below.

a. Clause 2.3 Zone objectives and land use table

The consent authority must have regard to the objectives for development in a zone when determining a Development Application in respect of land within the zone.

The subject site is zoned B4 Mixed Use under BLEP 2015. Retail premises, business premises, child care centres and shop top housing are permissible within the zone with consent.



b. Clause 4.6 Exceptions to development standards

Consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant has made a written request that has adequately addressed the matters required to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The consent authority must also be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular zone.

The applicant is seeking an exemption under Clause 4.6 to the maximum height development control. A copy of the applicant's Clause 4.6 variation request is provided at attachment 7, while an assessment against the development standards is discussed in detail in Section 7 of the summary report.

9 Draft Central City District Plan

Whilst the Environmental Planning and Assessment Act 1979 does not require consideration of District Plans in the assessment of Development Applications, an assessment of the Draft Central City District Plan has been undertaken. Outlined below is where the development application is consistent with the overarching priorities outlined in the Draft District Plan:

Productivity

- Driving the growth of the Central City
- Delivering job targets in strategic and district centres
- Growing Central City District's economy with smart jobs
- Improving access to a greater number of jobs and centres within 30 minutes.

Liveability

- Improving housing choice
- Improving housing diversity and affordability
- Creating great places.

10 Blacktown Development Control Plan 2015

Blacktown DCP 2015 applies to the site. The table below outlines the proposal's compliance with the controls established in the DCP.

Development Standard	Proposal	Compliant
Minimum Site Width		
30 m	54 m	Yes
Maximum Height 56 m	62.5 m	No but acceptable. Refer to Attachment 8 for our assessment.



Development Standard	Proposal	Compliant
Building Quality		
Design of buildings is to have regard to SEPP 65.	The development complies with the design quality principles	Yes
New development should provide visual interest through architectural design elements, including material selection, finishes and colour should complement and enhance existing streetscapes.	established by SEPP 65.	
Minimum Setbacks:		
Front		
Zero setback to the front boundary for ground floor (GF) and the 1 - 2 levels above (i.e. podium). Levels above the podium should be setback in order to create a comfortable street scale, reduce building bulk and provide greater solar access. Courtyards and balconies may encroach into the setback area to provide articulation.	2 level podium with 4.9 m – 7.1 m front setback for the tower on top of the podium 6 m – 10.5 m side and rear setbacks	No – but acceptable as discussed in the summary report.
Rear and Side		
Zero setback to side and rear boundaries permitted for ground floor and the 1 - 2 levels above. Minimum 6 m side and rear setback, balcony encroachment permissible.		
Minimum Common Open Space Provision		
A minimum rate of 42% of the sum of the following:		
40 sqm 1 bedroom unit	15 x 1 bed - 600 sqm	No – however,
50 sqm 2 bedroom unit	112 x 2 bed – 5,600 sqm	compliant with ADG which overrides BDCP
70 sqm 3 bedroom unit	16 x 3 bed - 1,120 sqm	2015.
No more than 30% of the above-ground open space (balconies or terrace areas)	Requires – 3,074 sqm (42% of 7,320 sqm)	
may be included in total.	957 sqm proposed on roof terrace and above podium. (31% of required).	
Private Open Space		
Each unit is to be provided with a private balcony/courtyard or terrace area with minimum dimensions of 3 m x 2.5 m.	All private balconies/courtyards meet the minimum dimensions requirements, and are a minimum 10 sqm.	Yes
Natural Cross Ventilation and Solar Access		
Development will be required to comply with the provisions of SEPP 65 and the Residential Flat Design Code concerning cross ventilation and solar access.	77% of units meet the solar access requirements. 70% of units are naturally ventilated.	Yes



Development Standard	Proposal	Compliant
Lifts		
All development will be required to be service by stretcher-sized lifts.	All lifts achieve minimum dimensions.	Yes
Parking Provision		
1 vehicle space/dwelling	RMS requirements for	Yes
1 additional space per 3 bedroom dwelling	residential given distance from train station.	
1 visitor space/2.5 dwellings	Commercial requirements based	
1 vehicle space/40 sqm GFA for	on 609 sqm of retail.	
commercial component	Requirement: 15.3 spaces	
	Provided: 16 spaces	
	Child care centre	
	Requirement: 1 per 6 children = 25.8 spaces	
	1 per staff member = 25 spaces	
	Provided: 50 spaces	
Waste Management		
Commercial tenants must be a dedicate area/room for the storage of waste.	On-site waste collection proposed through private	Yes
Residential component requires a minimum 110 L per unit (collected weekly) for garbage and 90 L per unit (collected fortnightly) for recycling.	contractor.	

Child care centre controls (Note: DCP does not contain specific controls for child care centres in a business zone, however, compliance with play areas and car parking requirements in accordance with the DCP and Child Services Regulation have been identified below)

Development standard	Proposal	Compliant
Required floor space - Minimum unencumbered indoor play space/licensed child (irrespective of age)		
3.25 sqm	Required: 503 sqm	Yes
	Provided: 517 sqm	
Required play space - Minimum unencumbered outdoor play space / licensed child (irrespective of age)		
7 sqm	Required: 1,085 sqm Provided: 1,188 sqm	Yes
Car parking	Child care centre	Yes
1 space per employee	Requirement: 1 per 6 children =	
1 space per 6 children for visitors and	25.8 spaces	
parents	1 per staff member = 25 spaces	
	Provided: 50 spaces	

Attachment 7



Clause 4.6 Request for Variation to a Development Standard

Proposal to vary Height of Buildings Development Standard Under Clause 4.3 of Blacktown Local Environmental Plan 2015

10-14 Third Avenue Blacktown

19 May, 2017

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1 Introduction

This report has been prepared as the Applicants Written Request for Variation to a Development Standard and is made in accordance with the provisions of clause 4.6 of Blacktown Local Environmental Plan 2015 (BLEP 2015).

The Request for Variation relates to clause 4.3 of BLEP 2015, which sets a maximum building height development standard.

The Request for Variation relates to a proposed 18 storey shop top housing development at 10-14 Third Avenue Blacktown. The application (DA JRPP-16-03334) was accompanied by a Statement of Environmental Effects which includes a Request for Variation to the height of buildings development standard. At Council's request, additional RLs have been provided to the plans. This has allowed a more precise calculation of building height. The purpose of this report therefore is to supersede the previous clause 4.6 variation and to address the proposed non-compliance as is now informed by the amended plans.

In addition to the Haskew Planning Statement of Environmental Effects, this report should be read in conjunction with architectural plans prepared by Algorry Zappia and Associates identified as Issue B. It is noted that these plans have been amended since the version originally submitted with the Development Application.

2 Proposed Development

The subject application proposes an 18 storey shop top housing development. A detailed description of the same is provided at Section 3 (pages 17 to 25 of the Statement of Environmental Effects prepared by Haskew Planning and accompanying the Development Application as lodged.

3 Clause 4.6 Request for Variation

Clause 4.6 of LLEP 2008 allows for variation to development standards and principally (but with some important differences) replicates the operation of State Environmental Planning Policy No. 1 – Development Standards. The following sets out the Applicant's Written Request for Variation to the provisions of Clause 4.3 of BLEP 2015 which requires a maximum height of buildings of 56m.

In preparing this Request for Variation, regard has been had to seminal Court decisions in relation to SEPP 1 generally and in relation to clause 4.6 specifically.

The Request for Variation has been set out in accordance with the structure recommended by the Department of Planning in its SEPP 1 Guide – Varying Development Standards.

Components of Clause 4.6 relevant to the preparation of a Written Request for Variation are:

- 4.6 Exceptions to development standards
- (1) The objectives of this clause are as follows:
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.
- (6) ...
- (7) ...
- (8) ...

3.1 What is the Development Standard Being Varied?

The subject Request for Variation relates to the height of buildings development standard.

3.2 Under what clause is the development standard listed in the environmental planning instrument?

The development standard is contained within clause 4.3 (2)(b) of BLEP 2015.

3.3 What is the Zoning of the Land?

The subject site is zoned B4 Mixed Use.

3.4 What Are the Objectives of the Zone?

The objectives of the zone are set out at Part 2 of the LEP as:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

3.5 What Are the Objectives of the Development Standard?

The objectives of clause 4.3 are provided at subclause (1) as:

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

3.6 What is the Numeric Value of the Development Standard in the Environmental Planning Instrument?

Clause 4.3 together with the height of buildings map prescribe a maximum building height of 56m.

3.7 What is the Numeric Value of the Development Standard in the Development Application?

The proposed development exceeds the 56m height limit at four distinct parts of the topmost elements of the building. These are: the main roof line; the parapet wall of the roof top open space; the open space pergola and roof over the covered seating area; the roofs over the open space stair access and plant rooms; and lastly; the lift over run. Due to the natural slope of the land, the extent of non-compliance varies for each element. The following Figure 1 provides an overlay of the outline of the roof plan onto the survey plan. RLs for each building element have been labelled based on those which are shown on the section and elevation drawings. The vertical differential (building height) is then annotated on the building element.

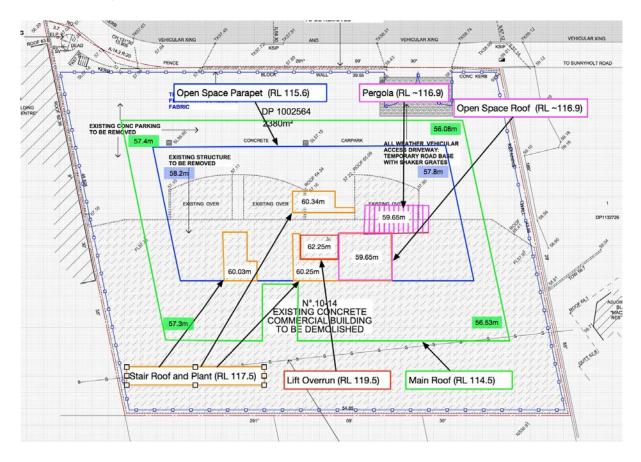


Figure 1: Building Height Analysis

The extent of non-compliance is summarised in the following table:

Building Element	Building Height	Variation (metres)	Variation (%)
Main Roof	56.08m to 57.4m	0.08m to 1.4m	0.14% to 2.5%
Open Space Parapet	57.8m 58.2m	1.8m to 2.2m	3.2% to 3.9%
Pergola and Open Space Covered Area	59.65m	3.65m	6.5%
Stair Roof and Plant Roof	60.03m to 60.34m	4.03m to 4.34m	7.2% to 7.7%
Lift Overrun	62.25m	6.25m	11.2%

Table 1: Summary of Height Variation

3.8 What is the Percentage Variation Between the Proposal and the Environmental Planning Instrument?

As per Table 1 above, the extent of variation ranges from 0.14% to 11.2%.

3.9 What Are the Ways in Which Strict Compliance of the Standard can be Demonstrated to be Unreasonable or Unnecessary in the Circumstances of the Case?

The matter of Wehbe v Pittwater Council [2007] NSWLEC 827 (21 December 2007) sets out 5 ways in which compliance with a development standard can be demonstrated to be unreasonable or unnecessary in the circumstances of the case. The 5 ways are:

- if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)
- the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary
- the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable

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

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

The subject application relies on the first of the Wehbe Tests being: the objectives of the standard are achieved notwithstanding non-compliance with the standard;

3.9.1 <u>Assessment Methodology by which the Test of Unreasonable and Unnecessary</u> and the Analysis of Whether there are Sufficient Environmental Planning Grounds to Support the Variation has Been Undertaken.

Prior to discussing the particular reasons for variation in the circumstances of the case, as well as the environmental planning grounds which might justify contravention of the development standard, it is appropriate that I set out our methodology in undertaking that assessment.

3.9.1.1 Winten Tests

The matter of Winten Property v North Sydney (2001) 130 LGERA 79 (Winten) relates to variation to a development standard under State Environmental Planning Policy No. 1 (Development Standards) (SEPP 1). However it remains applicable to a Request for Variation pursuant to clause 4.6 because the test of unreasonable or unnecessary in the circumstances of the case are common to both methods.

The 4 of the 5 Winten Tests are addressed in the Department of Planning's Guide for the Variation of Development Standards. That which is omitted from the Department's Guide is the second part of the fourth test, being, "would a development which complied with the standard be unreasonable or unnecessary?".

3.9.1.2 Four2Five, and Environmental Planning Grounds

The term "environmental planning grounds" is not defined in BLEP 2015 nor any other environmental planning instrument. It is also not defined in the Department of Planning's Guide to Varying Development Standards

Nevertheless, given that demonstration of sufficient environmental planning grounds is a separate test under clause 4.6(3) to the test of "unreasonable or unnecessary in the circumstances of the case"; and that case law relevant to SEPP 1 such as Wehbe v Pittwater Council [2007] NSWLEC 827 (21 December 2007) and Winten Property v North Sydney (2001) 130 LGERA 79 deal with demonstration of "unreasonable and unnecessary in the circumstances of the case, it must therefore be concluded that "environmental planning

grounds" are a different test which cannot necessarily rely on the same methodology as laid down in SEPP 1 relevant Court decisions.

The matter of Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 (30 January 2015) provides some helpful guidance on the subject of "environmental planning grounds", however it is in fact limited to defining some factors which are not environmental planning grounds. Paragraph 60 of Commissioner Pearson's decision states:

The environmental planning grounds identified in the written request are the public benefits arising from the additional housing and employment opportunities that would be delivered by the development, noting (at p 5) the close proximity to Ashfield railway station, major regional road networks and the Ashfield town centre; access to areas of employment, educational facilities, entertainment and open space; provision of increased employment opportunities through the ground floor retail/business space; and an increase in the available housing stock. I accept that the proposed development would provide those public benefits, however any development for a mixed use development on this site would provide those benefits, as would any similar development on any of the sites on Liverpool Road in the vicinity of the subject site that are also in the B4 zone. These grounds are not particular to the circumstances of this proposed development on this site. To accept a departure from the development standard in that context would not promote the proper and orderly development of land as contemplated by the controls applicable to the B4 zoned land, which is an objective of the Act (s 5(a)(ii)) and which it can be assumed is within the scope of the "environmental planning grounds" referred to in cl 4.6(4)(a)(i) of the LEP. (emphasis added)

In accordance with Commissioner Pearson's comments, we therefore acknowledge that "environmental planning grounds" must be grounds which are particular to the circumstances of the proposed development on the subject site", rather than more generic circumstances which might apply more broadly within the local context.

In the absence of a legislative or other definition we adopt a definition for "environmental planning grounds" as any matter arising from consideration of either Section 79C of the EP&A Act 1979 or its Objectives contained within Section 5 which in the circumstances of the particular development on the particular site, warrants variation from the development standard.

3.9.1.3 Conclusions Regarding Correct Methodology

Clause 4.3 of BLEP 2015 establish a 56m building height limit for the subject site. Having carefully considered the requirements and directions set out in Wehbe, Winten (and particularly the fourth test) and the requirements of Four2Five in terms of environmental planning grounds needing to be particular to the site and development, then it is clear that the correct methodology by which to assess the Request for Variation is to compare the various outcomes which would arise from the site being developed with a 56m high building compared with the proposed development scenario.

In this regard, for the clause 4.6 Request for Variation to be allowed, it must be demonstrated that in the particular circumstances of the subject site, that the particular development proposal, will deliver a better development outcome when assessed against Section 79C matters and the Objectives of the EP&A Act 1979, than would be the case if the site were developed with a fully compliant building. It must also be demonstrated that the objectives of Clause 4.3 are still met.

3.10 How is Strict Compliance with the Standard Unreasonable or Unnecessary in the Circumstances of the Case?

Having regard to the objectives of the development standard as well as the objectives of the B4 Mixed Use zone, the following sets out the ways in which the proposed building height complies with both sets of objectives, notwithstanding numerical non-compliance. Because each non-compliant element of the building has different issues and potential impacts, the reasons for variation have been setout in two parts. The first contains a single reason for variation which relates to the whole of the development. The second part provides specific reasons for variation which relate individually to each non-compliance element.

3.10.1 Reason for Variation Which Relates to the Whole Development

The primary reason that the proposed development is unable to be contained within the statutory height limit is because of three concurrent factors: there is a fixed vehicular access point; the topography of the site; and the need to achieve headroom clearance for commercial vehicles accessing the basement car park.

Third Avenue is a classified road and therefore an access denied road, pursuant to clause 101 (2)(a) of SEPP (Infrastructure) 2006. A service road has been constructed which services the subject site and its eastern adjoining neighbour (the McDonald's Restaurant). The service road discharges to Third Avenue adjacent to the western boundary of the subject site.

Vehicles merging from the service road onto Third Avenue, have the ability to queue back along the service road. Best traffic planning practice should seek to maximise the queue length before which vehicles egressing the subject basement will be delayed from accessing the service road because of the queue. This in turn means that the only

appropriate place to locate the vehicular access point for the subject site is adjacent the site's eastern boundary (i.e the furthest possible distance from the merge point of the service road with Third Avenue.

The site slopes downwards from east to west. Existing ground level at the north-eastern corner of the site is approximately 1.9m higher than the existing ground level at the north western boundary.

In order to accommodate commercial vehicle and waste service vehicle clearance, the top of the slab above the vehicular access must be a minimum of RL 62.1. When translated to existing ground level adjacent the western boundary, this results in the first floor being 5.5m above existing ground level.

If vehicular access could be provided adjacent the western boundary, much more of the ground level could be sunk into the ground adjacent the eastern boundary where the existing ground level is higher. However, given that the vehicular access must be fixed adjacent the eastern boundary, it has the effect of significantly elevating floor to ceiling height at ground floor adjacent the western boundary.

Part C4 of the Apartment Design Guide permits minimum floor to ceiling heights of 3.3m for the ground level of mixed use buildings. Accordingly, the specific access point, the need to service commercial vehicles and the topography of the site means that the first floor level is 2.2m higher than the minimum floor to ceiling height which would be possible on other sites where topography and fixed vehicular access were different to that which is present for the subject site.

This confluence of several site characteristics directing a specific design response causes parts of the main roof and open space parapet to exceed the statutory height limit. It also causes all other parts of the building which exceed the height limit, to do so by a greater margin.

The following Figure 2 provides graphic assistance in understanding the cause of the proposed non-compliance.



Figure 2: Elevation and Section Illustrating the Reason for Non-Compliance

A design alternative which located the vehicular access adjacent the western boundary would remove non-compliance in respect of the main part of the building. However such a design alternative is considered to be unreasonable given that it would produce a significantly inferior traffic planning outcome. Given that an alternative design which would achieve better compliance with the standard, and full compliance with the main part of the building is unreasonable, so it is that strict compliance with the standard in respect of the main part of the building considered to be unreasonable.

3.10.2 Reasons for Variation which Relate to Specific Elements of the Building

3.10.2.1 Main Building Roof Line

Overview

The main roof exceeds the statutory height limit by between 0.08m (0.14%) and 1.4m (2.5%). The variation is greatest at the western end of the site due to natural slope of the land. By reference to Figure 4C.1 of the Apartment Design Guide (ADG), a 56m building height connotes an 18 storey building. This comprises 4.3m ground floor; 3.6m first floor and 16 x 3m residential levels (all dimensions include 300mm slab and services allowance). The proposed development delivers an 18 storey building and is therefore considered to be consistent with the planned urban design and development intensity outcomes anticipated by the planning controls.

However in the specific case of the proposed development, the first floor child care centre requires additional floor to ceiling height compared with the range of mixed uses anticipated by the ADG. The combined ground and first floor height of the proposed

development is 8.05m compared with the ADG recommended ground and first floor combined height of 7.9m (assuming 300mm allowance for slab and services).

Absent the influence land slope, the overall building height non-compliance is explained by the inclusion of the proposed child care centre at first floor. Replacement of the child care centre with say small offices would result in the height of the building being reduced by 0.8m such that the majority of the main roof line would comply with the development standard, and the extent of total non-compliance would be reduced to 0.6m (1.07% non-compliance). However the inclusion of the child care centre is considered to have wider community benefit and will provide positive social planning outcomes for future residents by removing transport and gender inequalities which can arise when child care placements either not available or far removed from the place of residence.

That part of the proposed exceedance in building height which is not caused by the inclusion of the child care centre is caused by the natural slope of the land. Strict compliance with the development standard would require the removal of the western half of the top most level. This would be considered to be a vastly inferior outcome to the development as proposed. Reasons for this conclusion are set out in detail later in this subsection.

Reason for Variation 1: The proposed variation to the height of buildings development standard does not derogate from the objectives of the zone. The proposed variation has no bearing on land use compatibility. Through the delivery of residential and commercial yield which is consistent with the planned floor space ratio for the site and locality, the proposed development, including as a consequence of the proposed variation to building height, maximises development in an accessible location.

Reason for Variation 2: The proposed development remains consistent with the objectives of the height of buildings development standard.

With regard to Objective (a) (visual impacts, privacy and solar access) compared with a compliant development, the proposed non-compliance will not have any noticeable visual or privacy impacts. Additional overshadowing would be in the order of 3.9m at 9am and 3pm and 1.95m at Noon on 21 June. However, upon redevelopment of the southern adjoining property, additional overshadowing would be limited to the northern elevation of that building or buildings. The southern adjoining properties are subject to the same 56m height limit at the subject site. Accordingly, the proposed height non-compliance would cause the shadow of the proposed building to be cast between 0.08m and 1.4m higher on the northern elevation of those buildings. The additional overshadowing is therefore in the order of 0.14% to 2.5%. This is considered to be minor in absolute terms. When allowing for the fact that only part of the northern elevations would be expected to provide windows or balconies, the extent of additional overshadowing to individual future units is assessed as negligible.

Given the proposed development will have negligible visual privacy or overshadowing impacts, compliance with Objective (a) of the standard is considered to be achieved.

Objective (b) deals with compatibility with adjoining and surrounding development. When viewed from surrounding sites and / or the surrounding public domain, the proposed height non-compliance would be imperceptible. In other words, a casual observe would not be able to appreciate any difference between the proposed development and one which was in fact 56m in height.

Further, the eastern adjoining site is subject to a 64m height limit. The relevance of this is that the streetscape will not comprise a homogenous line of 56m high buildings. In the context of a planned 10m height differential between directly adjoining sites, the proposed 1.4m height variation cannot be said to lead to a situation of building height incompatibility.

Accordingly, the proposed development is considered to be consistent with Objective (b) of the standard.

The proposed non-compliance does not lead to an exacerbation of the density of the development. Indeed, it is well below the statutory FSR. As such, the non-compliance does not offend the density management outcomes identified in Objective (c).

Objective (d) acknowledges the relationship between building height and the available three dimensional space occupied a building. The objective expressly calls for the provision of sufficient space. The fact that the proposed development is some 5700sqm below the planned FSR for the site argues in favour of minor variation to the height of buildings standard as proposed. Accordingly, the proposed development is considered to be consistent with objective (d) and indeed the objective specifically supports the proposed variation.

The subject site is at the interface with R4 – High Density Residential zoned land which adjoins to the north. The proposed building height will not introduce any significant impacts to future development on that land. It is subject to a 20m height limit and as such, the proposed additional height will have no impact on availability of views to the south.

Reason for Variation 3: A hypothetical alternative development which complied with the standard would be significantly inferior to that which is proposed. In this regard, in order to achieve strict compliance with the height of buildings development standard, whilst also achieving AGD ceiling height requirements, it would be necessary to delete the western half of the top floor of the building.

The affected units are 17.03 to 17.07 inclusive (5 units) which together provide 10 bedrooms and approximately 464sqm GFA.

Such amendment to the submitted design is inferior on 3 counts.

First, it would cause significant harm to the visual outcome of the building. The proposed building is an iconic monolithic slab block design. The core of Its architectural substance straight, unbroken perimeter lines. The offence which would be caused to the design outcome alone, outweighs any minor benefits which might be accrued through strict compliance.

Second, the roof top communal open space area would be vertically split resulting in inferior access through the space as well as a loss in recreational space due to the need to provide disabled accessible ramps.



Lastly, the deletion of 5 units, in circumstances where the proposed non-compliance is very minor, does not cause any significant adverse impacts, and where the development as proposed is already 5712sqm below the maximum permissible FSR would be contrary to objective 5(a)(ii) of the Act insomuch as such an amendment could not be regarded as orderly and economic development of land.

For the above reasons, strict compliance with the height of buildings development standard as it applies to the main roof line of the building is considered to be unreasonable and unnecessary in the circumstances of the case.

3.10.2.2 Open Space Parapet Wall

Overview

The open space parapet wall exceeds the height limit by between 1.8m and 2.2m. It is setback from the main roof line by between 2.895m and 7.568m.

Reason for Variation 1: The open space parapet will not be visible from the public domain unless viewed from a considerable distance from the site.

The open space parapet will not be visible from ground level unless viewed from a horizontal distance of some 111.08m from the eastern elevation of the building¹. The distance from which the parapet would be visible from ground level is greater for all other directions since it is setback further from the outer edge of the building.

Reason for Variation 2: The proposed parapet wall does not result in any offence to the objectives of the zone.

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¹ Calculated using basic trigonometry but which does not take into account land slope over the intervening distance

An alternative development which complied with the standard would require deletion of the entire top floor of the building. This would result in the loss of 9 units in circumstances where the proposed development as proposed is already considerably below the statutory FSR. Compared with a development which complied with the standard, the proposed development is considered to better respond to the objectives of the B4 Mixed Use zone.

Reason for Variation 3: The proposed open space parapet wall does not offend the objectives of the height of buildings development standard.

The parapet wall has nil impacts on privacy or overshadowing and imperceptible if any visual impacts. Accordingly, the proposed development is consistent with Objective (a) of the standard.

Given that the parapet wall will not be visible from the public domain within the vicinity of the site, there are no compatibility issues and as such, the proposed development is consistent with Objective (b) of the standard.

The proposed development has no consequential impact on development density. As such objective (c) is considered to be of limited relevance, other than to observe that the loss of 9 units in order to bring the parapet wall into compliance with the standard would represent an offense to that objective.

The proposed parapet wall will not be visible at all from future apartments in the R4 – High Density Residential zone to the north of the site. As such there are no interface issues and Objective (d) of the standard is not offended.

For the above reasons, strict compliance with the height of buildings development standard as it applies to the parapet wall is considered to be unreasonable and unnecessary in the circumstances of the case.

Pergola and Open Space Covered Area

Overview

The roof top pergola and roof of the covered seating area are not provided with express RLs in the amended plans. However by scaling they exceed the height limit by 3.65m or 6.5% of the standard. They are situated a minimum of 7m from the eastern edge of the main roof and a significantly greater distance to the edge of the main roof in all other directions. The height of the pergola is not specified, but for the purposes of this assessment, we adopt an 2.7m as a worst case scenario.

Reason for Variation 1: The pergola and seating roof will not be visible from the public domain unless viewed from a distance of 153m from the eastern elevation of the building. The structures would only be visible from other directions when viewed at considerably greater distance.

Reason for Variation 2: The proposed open space pergola and seating area roof do not offend the objectives of the zone or the objectives of the standard. The reasons in that regard are the same as detailed above in respect of the open space parapet.

Reasons for Variation 3: The non-compliance could be removed by deleting these elements from the design. The same would result in inferior amenity for users of the communal open space area. Given that the structures do not cause any adverse impacts, have negligible visibility from the public domain and positively contribute to the amenity of the building, the removal of the structures would result in an inferior outcome to the current proposal.

For the above reasons, strict compliance with the standard in respect of the pergola and seating area roof is considered to be unreasonable and unnecessary in the circumstances of the case.

3.10.2.3 Stair Roof and Plant Roof

Overview

The roof over the roof top stair access and the roof of plant housings are between 4.04m and 4.34m above the 56m height of buildings development standard. They are situated generally centrally to the roof top with a minimum distance from the edge of the main roof of 12m (being to the eastern elevation of the building proper).

Reason for Variation 1: The subject structures will not be visible from the public domain unless viewed at a distance of 218m from the eastern elevation of the building. The structures would be visible from other directions by a greater distance.

Reason for Variation 2: The proposed stair roof and plant structures do not offend the objectives of the zone or the objectives of the standard. The reasons in that regard are the same as detailed above in respect of the open space parapet (and pergola and seating area roof).

Reasons for Variation 3: Deletion of the roof stairs and roof top plant, whilst theoretically possible, would result in an inferior and less efficient development outcome. Plant would need to be relocated to subterranean basement areas and the roof stairs replaced with emergency stairs with emergency hatch type access. In circumstances where the stair roofs and roof top structures cause no appreciable impacts, such a reduction in operational efficiency and resident amenity is considered to be unreasonable.

For the above reasons, strict compliance with the height of buildings development standard as it applies to the stair roofs and roof plant is considered to be unreasonable and unnecessary in the circumstances of the case.

3.10.2.4 Lift Over Runs

Overview

The lift over runs are situated centrally to the roof of the building. They exceed the statutory height limit by 6.25m or 11.2%.

Reason for Variation 1: The proposed lift over runs will only be visible from the ground level public domain² from a distance of 100.1m. At this distance, the lift over runs will have negligible effect on the perceived height, bulk or scale of the proposed development.

Reason for Variation 2: The proposed lift over runs do not offend the objectives of the B4 Mixed Use zone. In this regard, the proposed lift over runs do not have any impact on land use compatibility and do not have direct effect on public transport patronage or walking / cycling transport modes. However, reducing the height of the lift over runs would require a reduction in the height of the height of the building by two storeys. This would result in a significant loss in residential yield with consequential adverse effects to the transit orientated development outcomes which are intended by the zone objectives.

Reason for Variation 3: The proposes lift over runs do not offend the objectives of clause 4.3.

Given the position of the lift over runs relative to the edge of the main roof line, they will not be visible from the ground level public domain unless viewed from a distance greater than 100m. There is no overlooking potential as a consequence of their presence and operation. Further, the additional overshadowing caused by the lift over runs is limited to the early and late parts of the day. Shadow cast at 12 Noon, midwinter falls on the main roof of the building as demonstrated in the following

² Calculated using basic trigonometry but which does not take into account land slope over the intervening

Third Avenue Blacktown

distance.



Upper Portion of West Elevation

Figure 3: Midday Shadow Cast of Lift Over Run

Accordingly, it is concluded that the proposed lift over run has no impacts on privacy, and negligible impacts in terms of visual and solar access considerations. As such, no offense is causes to Objective (a) of the standard.

Given the limited visibility of the lift over runs from the surrounding public domain, their presence does not raise any issues with respect to compatibility with adjoining development. As such, the proposal does not offend Objective (b) of the standard.

The lift over runs do not have any consequential effect development density in appropriate locations. Accordingly, no offense is caused to Objective (c) of the standard.

The lift over runs are an integral functional element of the building. They are fundamental in ensuring access to the top level of the building and to the roof top communal open space. Their presence is actively supported by Objective (d) and as such, there is no offense to that objective.

The proposed lift over runs will not be visible from any part of future development of the northern adjoining R4 – High Density Residential zone. As such, there are no interface issues and the Objective (e) of the standard is not offended.

Reason for Variation 4: A hypothetical alternative design which located the lift over runs beneath the 56m statutory height limit would require the deletion of two-storeys from the proposed development. Given the proposal already proposes significantly less than the statutory maximum floor space ratio, a further reduction of 16 units from the proposal is not

justified nor appropriate. The same would represent a sever offence to Objective 5(a)(ii) of the Act, as well as Objectives (d) and (e) of clause 4.3 of BLEP 2015.

3.11 What are the Environmental Planning Grounds to Justify Contravening the Development Standard?

As mentioned above, neither the LEP, nor any other environmental planning instrument provides a specific definition of the term "environmental planning grounds". Similarly, the Department of Planning and Infrastructure's August 2011 document entitled "Varying Development Standard: A Guide" does not attempt to define "environmental planning grounds".

We adopt a definition of "environmental planning grounds" as any matter arising from consideration of either Section 79C of the EP&A Act 1979 or its Objectives contained within Section 5, which in the circumstances of the particular development on the particular site, warrants variation from the development standard.

Based on that methodology, the environmental planning ground which support variation to the standard in this instance are:

1. The main roof line exceeds the height limit by only a very minor degree. The non-compliance is caused by two factors. First, the proposed child care centre requires that the floor to ceiling heights of the lower two levels is higher than would be required had the proposal not incorporated a child care centre. The second factor leading to the main roof non-compliance is the natural slope of the land whereby the ground level is lower at the western side of the site.

The child care centre delivers a wider community benefit and will also impart positive social planning outcomes for new residents by redressing child care and transport barriers which can contribute to gender and transport inequalities. As such, whilst redesign to exclude the child care centre would reduce the extent of non-compliance, such an alternative is not favoured and would represent an inferior environmental planning outcome compared with the current proposal.

The slope of the land is not so significant as to suggest that a split level design would be more desirable or appropriate. The specific design language adopted by the proposal can be described as an iconic, monolithic slab building. A characteristic aspect of that design typology is strongly linear perimeter lines. Significant harm would be caused to the design integrity of the building by introducing a step at the top level of the building.

For the above reasons, there are both particular aspects of the proposed development and particular aspects of the subject site which support minor variation in the main roof height as proposed.

2. All structures above the roof height have been specifically located so as to have negligible visibility when viewed from the public domain. Further, due to the specific relationship of the subject site to existing and likely future surrounding development, those structures will not cause adverse impacts by way of overshadowing or bulk and scale.

Having regard to the above, there are both particular aspects of the proposed development and particular aspects of the relationship between the subject site and its neighbours, which support variation to the standard in respect of the height of all structures above the main roof line of the building.

3.12 Does contravention of the development standard raise any matter of significance for State or Regional Environmental Planning?

There are no issues of State significance associated with the proposed variation to the development standard.

3.13 What is the Public Benefit of Maintaining the Standard?

Given the minor extent of non-compliance in respect of the main roof line, and given the limited visibility of other structures above the main roof line, there are no significant public benefit issues.

3.14 How Would a Development Which Complied with the Standard, be Unreasonable or Unnecessary in the Circumstances of the Case?

Whilst not specifically raised within the Department's Guide, the above question is a requisite test because it is identified raised at the second part to the fourth test is Winten Property v North Sydney (2001) 130 LGERA 79. It is also a test which is repeated in Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 (30 January 2015).

It has been observed in several instances above that a hypothetical alternative design, which complied with the standard would represent an inferior development outcome. Strict compliance with the standard would require either or both reduced residential yield, and / or reduced residential amenity.

The circumstances of the subject application are that it proposes some 5712sqm less floor space than the planning controls anticipate for the site. It is also the case that each of the components of the building which exceed the height limit impart minimal or negligible impacts. This includes impacts which are directly referable to the objectives of the B4 Mixed Use zone and of clause 4.3 of BLEP 2015. A reduction in residential yield necessary to achieve compliance would represent an offence to Objective 5(a)(ii) of the Act because such outcome would not be consistent with orderly and economic development of land. It would also be an offense to Objective (c) clause 4.3 because it would unnecessarily under deliver residential accommodation in a location which is highly desirable for the same given principles of transit orientated development. Also, it would be contrary to Objective (d) of clause 4.3 because such amendment would result in insufficient space being available for residential uses, relative to the remaining planning controls, the constraints of the land and the impacts of the proposal.

Signed,

David Haskew (B.T.P Hons 1)

Consulting Town Planner

Tavid Hasken



Council assessment of Clause 4.6 request

1 5-part test assessment of Clause 4.6 variation request

The Land and Environment Court has established the following 5-part test for a consent authority to take into consideration when deciding whether to grant concurrence to a variation to a development standard:

i. The objectives of the standard are achieved notwithstanding non- compliance with the standard

Height

The objectives of Clause 4.3 Height of buildings are as follows:

- (a) To establish maximum height controls for buildings as a means of controlling the density and scale of buildings
- (b) To nominate heights that will provide a transition in built form and land use intensity
- (c) To define focal points by way of nominating greater building heights in certain locations
- (d) To provide sufficient space for development for the purposes of retail premises, commercial premises and residential accommodation
- (e) To allow sun access to the public domain and ensure that specific areas are not overshadowed
- (f) To ensure that buildings and public areas continue to receive satisfactory exposure to the sky and sunlight
- (g) To minimise any visual impact on, or loss of solar access to, land in the vicinity of proposed development as a result of that development
- (h) To minimise any loss of privacy to residential land as a result of proposed development
- (i) To ensure that there is an appropriate interface between commercial centres and land in any adjoining residential zone or in any adjoining public land.

Maximum height

The maximum height limit on the site is 56 m. Although the development exceeds the permissible height by 6.5 m, the proposed breach of height has no impact on the scale of the development as it is only due to a few point encroachments of plant and equipment. The proposed height therefore does not impact on the density/floor area of the development. The additional height simply provides a larger base to the building which improves the overall look and design of the development.

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

The additional shadow impacts are negligible. The majority of the overshadowing caused by the non-compliance is due to the lift overrun and rooftop plant and equipment which are captured within the roof space itself.



Range of building heights in appropriate locations

The site is considered suitable for the development given its proximity to the Blacktown Railway Station and the Blacktown CBD. The additional height does not result in any additional yield and does not result in an additional storey. The proposed number of storeys, being 18 in total, is consistent with other shop top housing developments proposed in the 56 m height limit area (e.g. JRPP-15-467 at 16 Third Avenue, JRPP-15-1263 at 2 Second Avenue, JRPP-15-02533 at 20 Second Avenue and JRPP-15-2087 at 2 - 10 First Avenue). 3 - 4 m Ceiling heights are proposed to the podium level of the building which contributes to a good quality design to the streetscape. Reduction to the height of the building by way of lowering the ceiling heights would compromise the streetscape design of the building.

Privacy impacts

The building height variation does not result in any additional privacy impacts on adjoining properties. The rooftop area will not be used for open space purposes.

ii. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary

The purpose of the standards is relevant to the proposal. However, strict compliance in this circumstance is considered unreasonable for the reasons as discussed in Section v outlined below in this report.

iii. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable

The purpose of development standards would not be defeated if compliance was strictly required. However, full compliance is considered unreasonable as the proposal is in keeping with the established pattern in the area and is limited mainly to the lift overrun and rooftop plant equipment area. The objectives of the standards, as outlined above, will still be achieved despite the variations. Overshadowing impact to be created by the height variations are not detrimental to the adjoining neighbours.

iv. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable

Variations to the height and FSR development standards have been previously supported in the CBD. Council officers have also consistently allowed the lift overruns and rooftop area to encroach above the permissible height limit.

Developments of a similar scale to this DA (i.e. 18 storeys only) have been approved within the northern precinct of the CBD with variations to the height and FSR, including the development at 28 Second Avenue (JRPP-14-2593) and the development at 2 - 10 First Avenue (JRPP-15-2087).



v. The compliance with the development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone

The proposal is appropriate in its height given the site's context in the Blacktown CBD as surrounded by varied building height requirements (under the BLEP 2015) of 64 m for the McDonald's site, and of 72 m along Second Avenue and Prince Street on the south-western side of the subject site. As indicated previously in Section (i) of this report, 2 DAs comprising of 18 storey developments within the 56 m building height zone had been approved. The proposed height variations are intended to create usable space for the benefit of future residents and a better designed building. Given the environmental character of the area, the proposal is considered acceptable.

Based on the above assessment, the requested variations under Clause 4.6 are considered reasonable, well founded and are recommended for support.



ATTACHMENT 9 - Draft Conditions of Consent - JRPP-16-03334

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 4.68 of the Environmental Planning and Assessment Act 1979.

1.2 Scope of Consent

- 1.2.1 Separate approval is required prior to the fit out of retail/commercial space on the ground floor. The applicant is advised to contact Council's Development Services Unit in this regard.
- 1.2.2 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

1.3 Other Approvals

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



- (g) separate Council approval under the Roads Act 1993 is required for any crane used to construct this development that swings over public air space.
- 1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

1.4 Services

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

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

All approved building construction plans attached to the Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 1.4.2 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.3 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.4.4 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 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 **Identification Survey**

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

1.6 **Services**

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

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.

A quote will be provided verbally followed by confirmation in writing.

- 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.

A quote will be provided verbally followed by confirmation in writing.

1.9 Other Matters

- 1.9.1 Approval is given for the care of a maximum of 155 places (32 children aged 0-2 years; 36 children aged 2-3 years; and 87 children aged 3-5 years).
- 1.9.2 This consent does not authorise the use of the premises for child care centre purposes unless the operator and all employees are in possession of a current licence from the NSW Department of Family and Community Services.

2 **GENERAL**

2.1 Scope of Consent

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



Drawing No.	Dated	Prepared by
Demolition Plan A101 Issue B	16/01/2017	Algorry Zappia & Associates
Site Analysis Plan A104 Issue B	16/01/2017	Algorry Zappia & Associates
Levels 1 – 5 Basement Plans A201 – A2015 Issue C inclusive	16/01/2017	Algorry Zappia & Associates
Ground Floor Plan A206 Issue H	06/12/2017	Algorry Zappia & Associates
First Floor Plan A207 Issue C	01/05/2017	Algorry Zappia & Associates
Levels 2 – 11 Floor Plans A208 – A217 Issue C inclusive	01/05/2017	Algorry Zappia & Associates
Level 12 – 17 Floor Plans A218 – A223 Issue B inclusive	16/01/2017	Algorry Zappia & Associates
Roof Plan A224 Issue B	16/01/2017	Algorry Zappia & Associates
Elevation Plans A301 – A304 Issue C inclusive	01/05/2017	Algorry Zappia & Associates
Section Plans A401- A402 Issue B inclusive	16/01/2017	Algorry Zappia & Associates
External Materials and Finishes A501 Issue B	16/01/2017	Algorry Zappia & Associates
Swept Path Diagrams A511 Issue E	06/12/2017	Algorry Zappia & Associates
Landscape Plans Dwg Nos. 33- 16.01 – 33-16.04 (4 sheets) Issue B inclusive	19/07/2016	Distinctive Living Design

^{*}Unless modified by any conditions of this consent.

2.2 Suburb Name

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

Suburb: BLACKTOWN

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

Suburb: BLACKTOWN

2.3 Compliance with BASIX Certificate

2.3.1 All commitments listed in BASIX Certificate 751885M dated 31 August 2016 shall be complied with.



2.4 Engineering Matters

2.4.1 **Design and Works Specification**

- 2.4.1.1 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
 - (g) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook THIRD Edition December 1999.

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

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

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

- 2.4.1.2 The Applicant is required to submit to Council, Bonds and/or Contributions for works associated with the development in conjunction with the civil engineering works required to be constructed as part of this development. Works may include:
 - Maintenance of the construction works

These matters will be individually addressed within the consent

- 2.4.1.3 Prior to release of any bond securities held by Council for civil engineering works, the payment of a bond release inspection fee in accordance with Council's Goods and Services Pricing Schedule must be made.
- 2.4.1.4 Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council controlled lands (i.e. Roads, drainage reserves, parks, etc).



A copy of this notice must be provided to Council's Co-ordinator of Engineering Approval.

2.4.2 Other Necessary Approvals

- 2.4.2.1 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)

2.5 Other Matters

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

2.6 Other Drainage Section Matters

- 2.6.1 Each year by the first business day on or after 1 September the registered proprietor/lessee is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices and rainwater tank in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.
- 2.6.2 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 2.6.3 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of the Office of Environment and Heritage (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

2.7 Roads and Maritime Services – General Terms of Approval

1. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.



Details should be forwarded to:

The Sydney Asset Management Roads and Maritime Services PO Box 973, Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

 The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works Sydney Asset Management Roads and Maritime Services PO Box 973, Parramatta CBD 2124.

Telephone: 8849 2114

Fax: 8849 2766

- 3. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least 7 days' notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
- 4. Full time 'No Stopping' restrictions are to be implemented along the frontage of the development site. This restriction should be implemented prior to the commencement of any demolition works relating to the proposed development. Council is to ensure that appropriate community consultation is undertaken prior to the implementation of the above parking restrictions.

3 PRIOR TO DEMOLITION WORKS

3.1 Safety/Health/Amenity

- 3.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words 'DANGER DEMOLITION IN PROGRESS', or similar message shall be fixed to the fencing at appropriate places to warn the public.
- 3.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.



3.1.3 Should the demolition work:

- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
- (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (c) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place or adjoining land or 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 or adjoining land or 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.

3.1.4 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, and
- (b) connected:
 - i to a public sewer, or
 - ii if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
 - iii if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.
- 3.1.5 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

3.2 Tree Protection

Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage.



3.3 Site Investigation

A qualified environmental geoscientist accredited by NSW Environment Protection Authority (under the provisions of the Contaminated Land Management Act 1997) shall be engaged to undertake an investigation of the land to ascertain if the site has been affected by any contaminants (including, but not limited to, asbestos, organochlorins, arsenic, lead, petroleum residues and the like) that may be detrimental to the health of any future occupants and/or workers. The report shall identify the contaminants (if applicable) and shall make recommendations on the method of remediation of the land.

3.4 Other Matters

- 3.4.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 2 days prior to the intended work and include the following information:
 - date/s, hours and duration of the works.
 - contact name and phone number of the applicant
 - contact name and phone number of the licensed demolisher
 - WorkCover NSW contact number 131050, and email address contact@workcover.nsw.gov.au

4 DURING DEMOLITION WORKS

4.1 Safety/Health/Amenity

- 4.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the works 'DANGER DEMOLITION IN PROGRESS', or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 4.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 4.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 4.1.4 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.
- 4.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 4.1.6 Any excavation and/or backfilling associated with the demolition 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.



- 4.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos' – National Occupational Health and Safety Commission: 2002 (if applicable)
- 4.1.8 The remaining portions of each structure being demolished shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, shoring, bracing or guys, or any combination of these, shall be provided for stability, where necessary.
- 4.1.9 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 4.1.10 At least one access and egress route shall be made available connecting any undemolished floor to an open space well clear of the structure being demolished. The egress route shall be clearly identified as an emergency exit and maintained clear of obstructions at all times.
- 4.1.11 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 4.1.12 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.
- 4.1.13 Should any excavation associated with the demolition works extend below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

- 4.1.14 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- 4.1.15 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.



4.2 Nuisance Control

- 4.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the demolition works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 4.2.2 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7 am and 6 pm, Monday to Friday, and 8 am to 1 pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.
- 4.2.3 The waste material sorting, storing 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 the demolition works.

4.3 Tree Protection

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

5 COMPLETION OF DEMOLITION WORKS

5.1 Final Inspection

5.1.1 A final inspection is required to ascertain compliance with the condition of approval prior to the release of the road damage deposit.

5.2 Hazardous Materials and Waste

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

6 Prior to Construction Certificate (General)

6.1 **DA Plan Consistency**

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



6.2 Waste Requirements

- 6.2.1 The applicant is to provide a vertical cross section plan demonstrating a 4.5 m headroom allowance clear of eaves, overhangs, balconies and undercroft areas for the trucks entire travel path.
- 6.2.2 Access for collection vehicles must be designed in accordance with approved architectural plans, CAD files and vertical clearances as per Australian Standards.

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

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

6.4 Other Matters

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

6.5 Salinity and Aggressive Soil Management

6.5.1 A Salinity Assessment, including the preparation of a Salinity Management Plan is to be undertaken by a suitably qualified person and any recommendations are to be identified on the construction certificate plans for each stage.

6.6 **Geotechnical Investigation**

6.6.1 The recommendations provided in the Geotechnical Investigation – 10 - 14 THIRD AVENUE, BLACKTOWN NSW, prepared by Asset JK Geotechnics Pty Ltd, report no. 29539Vrpt Blacktown, dated 2 August 2016 shall be implemented, particularly in regard to Section 4 of the report. Upon completion of inspections/assessments an appropriately qualified environmental consultant shall prepare a validation report.



6.7 **Site Contamination**

- 6.7.1 Prior to the release of any construction certificate on the site an EPA recognised geoscientist is to certify the site as suitable for residential development in accordance with the strict residential use criteria as set out in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.
- 6.7.2 The recommendations provided in the CONTAMINATION SCREENING & SALINITY ASSESSMENT, PROPOSED MIXED-USE DEVELOPMENT, 10 14 THIRD AVENUE, BLACKTOWN, prepared by Environmental Investigation Services Pty Ltd, Report No. E29539Klet, dated 28 July 2016 are to be met.
- 6.7.3 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;
 - NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites (1997)
 - NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995).
 - Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (1992).

6.8 Food Premises

Plans and specifications must be submitted that shows the childcare centre kitchen complies with the requirements of:

- Food Act 2003 and Regulations there under.
- Australian Standard 4674 2004 Design, construction and fit-out of food premises.

6.9 **Acoustic Measures**

- 6.9.1 The recommendations provided in the Acoustic Report for the Development Application, prepared by Sebastian Giglio, Report No. 2785/D02, dated 9 December 2016 shall be implemented.
- 6.9.2 In accordance with Section 68 of the Local Government Act 1993 an 'Application for Approval to Install, Construct or Alter a Septic Tank or Sewage Management System' shall be submitted to Council for consideration. Approval must be obtained prior to construction work commencing
 - 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 (period)}
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7 am - 10 pm)	40 dB(A)
	Night (10 pm – 7 am)	35 B(A)

- A certificate must be provided by a qualified acoustic engineer stating that
 provision has been made in the design of all sound producing plant,
 equipment, machinery, mechanical ventilation system or refrigeration systems
 to ensure that it is acoustically attenuated so that the noise emitted:
 - (a) does not exceed an L_{Aeq} sound pressure level of 5dB (A) above the ambient background noise level when measured
 - at the most effected point on or within any residential property boundary or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
 - (b) cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10 pm and 7 am.

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

6.10 Street Tree Planting

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

On this basis the following bond is applicable:

- 4 street trees@ \$310 per tree = \$1,240 (refundable)
- inspection fee @ \$130 = \$130 (non-refundable)
- 6.10.2 The pavement treatment adjacent to the street trees is to be as follows:
 - 100 mm unreinforced concrete slab
 - 30 mm bedding sand
 - paving units
 - pavers supplied by 'Sam the Paving Man'. The main paving colour is to be 'Basalt Black' and the banding is to be 'Sesame Grey'.



6.11 **Awnings**

- 6.11.1 Details of the proposed awnings over Council's road reserve, including colour samples of the materials / finishes from brochures or the like are to be submitted for the separate approval of Council's Maintenance Engineers. The height and width of the proposed footpath awning is to comply with the following requirements:
 - (a) The general provisions applicable to awnings under the Local Approvals Policy 2015 Parts A, E, E1 and E2.
 - (b) It must not cover, obstruct or interfere with facilities essential to the function or occupation of any building (e.g. ventilation ducts/openings and architectural features).
 - (c) Must have a minimum horizontal distance of 600 mm from the road kerb/shoulder.
 - (d) Must have a minimum height of 3.2 m to the underside of the awning (i.e. measured above the adjacent finished / proposed footway level).
 - (e) Must have a maximum height of 5 m to the upper side of the awning (excluding the overhead support components).
- 6.11.2 Under awning lighting is to be provided to enhance pedestrian amenity and safety.
- 6.11.3 Certification is to be provided by a NPER engineer as to the structural integrity of the awning and compliance with the BCA and other relevant standards.

6.12 Letterboxes

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

6.13 **Lighting**

- 6.13.1 A detailed lighting plan is to be prepared by a suitably qualified person. The plan is to provide the following:
 - (a) The location, method of lighting, levels of illumination, and the spacing between all lighting. The lighting is to be designed in accordance with Australian/New Zealand lighting standards for public space, pedestrian walkways and basement carpark areas.
 - (b) Lighting that is 'vandal proof'. In this regard, all lighting must be protected by way of vandal proof metal guards to ensure globes/tubes are not broken and that any potential 'dark-spots' are eliminated. Where possible, lighting should be positioned at a height to deter vandal attacks.
 - (c) Appropriate vandal proof security lighting to ensure the basement carparks, vehicle and building entry points, business/retail areas, stairwells, walkways and public/communal areas, residential entry/exit points, lift areas, foyers, garbage disposal areas are a safe environment for all occupants and users of the site. Where appropriate sensor/motion activated and 24 hour timer



- activated lighting is to be provided to ensure all external public areas are well illuminated, to deter vandal and nuisance activity, eliminate areas of concealment, and provide better safety at night. In this regard, motion-activated lighting and strategically positioned CCTV cameras should also be provided.
- (d) Vandal proof lighting that ensures the effective operation of the CCTV system. In this regard, lighting levels are to be enhanced around all CCTV cameras (e.g. around lift entries, basement carparks and building entries) to enable face recognition when CCTV cameras are in use.
- (e) All external lighting must be within the recommended lux rating of the Australian Standard to reduce glare on residential neighbours and occupants of the development. To ensure all lighting is satisfactory, a light spillage diagram will need to be submitted together with the lighting details.

6.14 Construction Environmental Management Plan

6.14.1 Prior to the release of a Construction Certificate, an appropriately qualified person is to prepare a comprehensive Environmental Management Plan (EMP). The EMP is to be submitted to Council for separate approval.

The operational measures at a minimum should include the following:

- (a) Proposed schedule of works
- (b) Proposed hours of work
- (c) Noise and vibration controls
- (d) Salinity Management Plan
- (e) Erosion and Sedimentation Control Plan
- (f) Hazardous building materials survey
- (g) Procedures for validation of imported fill material and the proposed means of disposing overburden
- (h) Waste and materials re-use on-site
- (i) Community response and management procedure outlining the course of action to be undertaken following receipt of a complaint
- (j) Proposed means of controlling of any activity that could potentially cause a pollution incident as defined by the Protection of the Environmental Operations Act 1997.
- (k) Dust (air quality) management strategy noting that any stockpiled soil is to be stored on plastic sheeting in an area that is securely bunded with a silt fence and hay bales to prevent surface-water run-off. Plastic sheeting must be placed over the stockpile to minimise wind-blown dust.
- 6.14.2 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.



7 Prior to Construction Certificate (Planning)

7.1 Section 94 Contributions

7.1.1 The following monetary contributions pursuant to Section 94 of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Subdivision Certificate.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted up to \$10,000 only. Any payments above \$10,000 must be made by cheque. Payments above \$10,000 cannot be split between different credit or EFTPOS cards.

Contribution item		Amount	Relevant CP
i.	Flood Mitigation	\$5,321	19
ii.	Stormwater Quality	\$21,022	19
iii.	Traffic Management – Medium to High Density	\$223,981	19
iv.	Traffic Management – All residential development	\$313,375	19
V.	Open Space – Medium to High Density	\$1,083,619	19
vi.	Open Space – All residential development	\$300,181	19
vii.	Community Facilities	\$78,509	19
viii.	Local Road Construction	\$127,382	19
ix.	Streetscape Facilities	\$96,762	19
X.	Traffic Management – Childcare Centre Development	\$245,574	19
xi.	Traffic Management – Commercial/Retail Development	\$216,658	19
CON	TRIBUTION TOTAL AMOUNT	\$2,712,384	19

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

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



Section 94 CP No. 19 – Blacktown Growth Precinct

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

Developable area: 2,380 sqm

Childcare centre area: 2,036.33 sqm Commercial/Retail area: 609 sqm

Number of Residential Units: 143 dwellings

Additional Population: 312.4 persons

Road Frontage: 54 m

7.2 Necessary Plan Amendments

- 7.2.1 The following additional information is required to be submitted for Council's separate approval prior to the issue of any Construction Certificate for the approved development:
 - (a) Details of the proposed awning over Council's road reserve, including colour samples of the materials/finishes from brochures or the like. Note: The height and width of the proposed footpath awning is to comply with the requirements of Council's Maintenance Engineers.

7.3 **Building Materials and Finishes**

- 7.3.1 The development is to be constructed in accordance with the approved materials, finishes and colours submitted as part of the approved colours and finishes schedule.
- 7.3.2 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.
- 7.3.3 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20%, must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.
- 7.3.4 All bathrooms, WC or laundry windows in the external walls and the building shall be fitted with translucent glazing.

7.4 Communal Open Space and Landscaping

- 7.4.1 A detailed landscape plan is to be submitted which reflects the concept landscape plan and it is to include details for tree and landscape species.
- 7.4.2 All landscaping, recreation features and furniture, BBQ facilities, children's play equipment and clothes drying facilities shall be of a high quality and detailed on the approved landscaping design plans.



7.5 **Access/Parking**

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

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

- 7.5.2 The layout of the car parking areas (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking dimensions) should be in accordance with AS2890.1 2004 and AS2890.6 2009. Heavy vehicle access must comply with Australian Standard AS2890.2 in terms of dimensions, grade, sight distance, driveway width, ramp grade and manoeuvrability requirements for commercial vehicles as proposed to access the site.
- 7.5.3 A total of 230 parking spaces are to be provided on site being:
 - 164 spaces for residential uses,
 - 16 for retail/commercial uses, and
 - 50 spaces for the child care centre.

Suitable bicycle parking must also be provided as indicated on the approved plans.

- 7.5.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 2009.
- 7.5.5 Any proposed fence/Side boundary fence/landscape element on either side next to the proposed driveways must not exceed 900 mm in height for a length of 2.5 m from the property boundary within the property and 2.0 m along the property boundary (see Figure 3.3 AS 2890.1) to ensure safety of pedestrians on footpath.
- 7.5.6 Customers and visitors to the site must not be capable of accessing any private residential area from the basement carpark.
- 7.5.7 A roller shutter and card-key system is to be installed at the segregation point between the retail/business/visitor spaces and the secure residential parking spaces. An additional roller door is to be installed at the entry/exit point of the basement carpark to restrict after-hour access to the basement carpark. Any non-resident/customer wishing to gain access to the carpark outside normal business hours will therefore need to contact an on-site building manager. All details are to be shown on the Construction Certificate plans.

7.6 Adaptable Housing Units

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



8 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

8.1 **Building Code of Australia Compliance**

- 8.1.1 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).
- 8.1.2 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:
 - (a) Part C
 - (b) Part D
 - (c) Part E
 - (d) Part F
 - (e) Part J

8.2 Site Works and Drainage

- 8.2.1 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.
- 8.2.2 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.
- 8.2.3 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.



- 8.2.4 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.

8.3 Fire Services

- 8.3.1 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.
- 8.3.2 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.

8.4 Internal Works

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

8.5 **BASIX Certificate Compliance**

The plans and specifications must indicate compliance with the commitments listed in BASIX Certificate 751885M dated 31 August 2016

9 Prior to Construction Certificate (Engineering)

9.1 **General**

- 9.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.
- 9.1.2 All fees for Construction, *Roads Act 1993* and *Local Government Act 1993* approvals <u>must</u> be paid to Council prior to the issue of any of the above certificates or approvals. All fees for Compliance Certificates <u>must</u> be paid to Council prior to any construction certificate works commencing.



9.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
Algorry	P 4474	-	D01	В	20.01.2017
Zappia & Associates			D02		
7.0000.000			D03		
			D04		
			D05		
			D06		
			D07		
			D08		
			D09		
			D09A	Α	
			D10	В	
			D11	Α	01.09.2016
			D12	В	20.01.2017
			D13		
			D14	Α	01.09.2016
			D15		
			D16		

The following items are required to be addressed on the Construction Certificate plans:

- i. For record purpose amend draining D12 to reflect a Revision B date 20.01.2016.
- ii. A detailed stormwater drainage long-section for any portion of the drainage system located outside of Lot 100 DP 1002564 clearly illustrating any proposed or existing service, utility, street tree or other possible obstruction.
- iii. Amend drawing D06 to reflect the installation of a 375 RC pipe for any portion of the drainage system located outside of Lot 100 DP 1002564 in accordance with Council's Engineering Guide.

DRAINAGE SECTION REQUIREMENTS

- iv. On Drawing No. D12 (B), the High Early Discharge (HED) pit is over 1,200 mm deep and must have a minimum internal opening of 1,200 mm x 1,200 mm.
- v. On Drawing No. D12 (B), provide a 1,200 mm x 1,200 mm access to the rainwater tank to facilitate maintenance access on the pumps.
- vi. On Drawing No. D13 (B), the level of underside of rainwater chamber top cover is RL61.20 on Section C-C, which is same as the tail water level.



This shows that there is no clearance between the underside of the rainwater chamber cover and the OSD tail water level. Provide a non-return flap on the 300 mm overflow pipe.

9.2 Construction Certificate Requirements

- 9.2.1 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:
 - On-site stormwater detention
 - Water quality treatment
 - Earthworks

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

9.3 Roads Act Requirements

- 9.3.1 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

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

9.4 Other Engineering Requirements

- 9.4.1 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.
- 9.4.2 Any ancillary works undertaken shall be at no cost to Council.
- 9.4.3 Submit written evidence from the Roads and Maritime Services indicating compliance with all necessary requirements.
- 9.4.4 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

9.5 Roads

9.5.1 Replace the redundant layback and footway crossing with Council's standard kerb and gutter. The footway area shall be restored with turf in accordance with Council's specifications.

9.6 **Drainage**

9.6.1 Drainage from the site shall be connected into Council's existing drainage system. In this regard it is required to connect the drainage pipe into an <u>existing</u> Council kerb inlet pit in Third Avenue, Blacktown.



- 9.6.2 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.
- 9.6.3 An experienced Drainage Engineer registered with NER and supported by a DRAINS or similar electronic hydraulic drainage model is to certify that the internal drainage system is capable of carrying the 20 year ARI flows without surcharge at any pits.

9.7 Erosion and Sediment Control

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

9.8 Earthworks

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

9.9 **On-Site Detention**

- 9.9.1 Provide an on-site detention system in accordance with Council's Engineering Guide for Development.
- 9.9.2 The development site is within the following catchment and on-site detention system shall be designed to achieve the following:

Catchment	Site Storage Requirement (100%)	Permissible Site Discharge (100%)
All Other Hawkesbury Sub- Catchments – Area #4	264	147

- 9.9.3 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings however any significant variation to the onsite detention design shall require a Section 96 application.
- 9.9.4 Submit the following certificates which are to be prepared by a registered engineer (NER):
 - Certification that the structures associated with the on-site stormwater detention system have been <u>designed</u> to withstand all loads likely to be imposed on them during their lifetime.
 - Certification that the on-site stormwater detention system will perform to meet the on-site stormwater detention requirements.
- 9.9.5 The following documents shall be submitted to accompany the on-site detention design in accordance with the design and construction specification:



- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
- OSD detailed design submission and calculation summary sheet
- A maintenance schedule that is signed and dated by the designer.

9.10 **Stormwater Quality Control**

- 9.10.1 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.
- 9.10.2 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 96 application.
- 9.10.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

9.11 **Vehicular Crossings**

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

9.12 Other Drainage Section Requirements

- 9.12.1 In the Stormwater Management Report Section 4.3 Water Conservation and Gross Pollutant targets, amend the irrigable area as 439 sqm and the annual demand as 132 kL/year.
- 9.12.2 An experienced hydraulic engineer is to prepare and certify a detailed Non-Potable Water Reuse Plan for non-potable water uses (including all toilet flushing and landscape watering) for all the commercial uses and the childcare centre on the site. The plan is to show the rainwater pipe arrangement including first flush or pretreatment system, pump, mains water direct tank top up, isolation valves, flow meters for all mains water inflows or solenoid controlled mains water bypass and non-potable usage outflows, a timer for landscape watering, an inline automatic backwash filter and certify that all Sydney Water requirements have been satisfied. A solenoid controlled mains water bypass is required for toilet flushing, but landscape watering must only use pump water and be on a separate reuse line, independent to the toilets. Provide a warning light to indicate pump failure. The Landscape Watering system is to be designed to automatically achieve a minimum usage rate of 132 kL/year for the 60 kL tank as per the Stormwater Management Plan. This is the average usage throughout the year and the system needs to be adjusted to allow for monthly seasonal variations e.g the flow rate in December/ February is to be designed to allow for a 50% increase above the average yearly flow. All rainwater re-use pipes are to be coloured purple. Rainwater warning signs are to be fitted to all external taps where rainwater is used as a source.



- 9.12.3 Details are to be provided for permanent interpretive signage minimum A2 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 tank 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.
- 9.12.4 Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
 - i. 4 star dual-flush toilets
 - ii. 3 star showerheads
 - iii. 4 star taps (for all taps other than bath outlets and garden taps)
 - iv. 3 star urinals
 - v. Water efficient washing machines and dishwashers are to be specified.
- 9.12.5 Due to the cut and/or fill exceeding 1.5 m, a desktop Groundwater Assessment Report is required for the site in accordance with Section 4.6 of DCP 2015 Part J. Where there is the potential for interaction with groundwater, a Groundwater Management Plan must be prepared by a Geotechnical Engineer registered with NER.
- 9.13 Services/Utilities
- 9.13.1 The following documentary evidence shall accompany any Construction Certificate:
 - (a) A 'Notification of Arrangement' Certificate from energy provider, or any other recognised energy provider, stating that arrangements have been made for the provision of electrical services, including the provision of street lighting, have been made available to the development.

10 PRIOR TO DEVELOPMENT WORKS

10.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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



- 10.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
 - (a) the name, address and telephone number of the principal certifying authority for the work, and
 - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 10.1.3 Should the development work:
 - (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involve the enclosure of a public place,

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

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

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

- 10.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 10.1.5 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 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 10.1.6 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.



- 10.1.7 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.
- 10.1.8 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
 - (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

10.2 **Notification to Council**

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

10.3 Home Building Act

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



10.4 **Sydney Water Authorisation**

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

OR

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

10.5 Use of Crane

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

11 DURING CONSTRUCTION (BUILDING)

11.1 Safety/Health/Amenity

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

11.1.3 Should the development work:

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



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

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

- 11.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.
- 11.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 11.1.6 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix 'F' of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 11.1.7 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 11.1.8 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
 - (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 11.1.9 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

11.2 **Building Code of Australia Compliance**

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

11.3 Surveys

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



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

11.4 Nuisance Control

- 11.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 11.4.2 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays, 8 am to 1 pm, Saturdays and no such work to be undertaken at any time on Sundays or public holidays.

11.5 Waste Control

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

11.6 **Construction Inspections**

- 11.6.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):
 - (a) After excavation for, and prior to placement of, any footings; and
 - (b) Prior to pouring any in-situ reinforced concrete building element; and
 - (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
 - (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2, 3 or 4 building); and
 - (e) Prior to covering any stormwater drainage connections; and
 - (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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



11.7 Site Contamination

- 11.7.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, an amended Remediation Action Plan (RAP) is to be submitted to Council's Manager, Development Assessment for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.
- 11.7.2 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:
 - (a) The applicant is to ensure that validation for the entire subject site can be prepared by a certified contaminated land consultant recognised by the EPA in accordance with Council's Contamination Land Policy and NEPM 2013.
 - (b) The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
 - (c) Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
 - (d) Any filling shall be undertaken in accordance with the fill protocol approved by Council's Manager, Development Assessment.

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

11.8 **Aboriginal Archaeology**

11.8.1 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.

11.9 Salinity and Aggressive Soil Management

11.9.1 All salinity management measures provided in the report prepared at the construction certificate stage shall be implemented during construction.



12 During Construction (Environmental Health)

12.1 Premises Construction

12.1.1 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.

12.2 **Ventilation System**

12.2.1 On completion of the installation of the ventilation system, a Compliance Certificate is to be submitted to Council certifying that the system has been installed and commissioned in accordance with the approved details.

12.3 Food Preparation Area

- 12.3.1 The food preparation areas shall be constructed so as to comply with the requirements of;
 - (a) The Food Act 2003 and Regulations there under.
 - (b) Australian Standard 4674 2004 Design, construction and fit-out of food premises.
 - (c) Australian Standard 1668.2 2012: The use of ventilation and air-conditioning in buildings Mechanical ventilation in buildings

13 During Construction (Engineering)

13.1 Notification of Works

- 13.1.1 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 5 business days prior to commencement of engineering works.
- 13.1.2 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.

13.2 **Insurances**

13.2.1 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 Indemnity and Workers Compensation.



13.3 Service Authority Approvals

13.3.1 Prior to the commencement for construction of footway crossings and driveways a clearance shall be obtained from the relevant telecommunications carriers and Endeavour Energy. The clearance shall notify that all necessary ducts have been provided under the proposed crossing.

13.4 **Boundary Levels**

13.4.1 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.

13.5 Earthworks and Compaction Requirements

- 13.5.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.
- 13.5.2 Special attention is drawn to the below listed requirements of Council's Works Specification Civil (Current Version).
 - (a) Submission of compaction certificates for fill within road reserves.
 - (b) Submission of compaction certificates for road sub-grade.
 - (c) Submission of compaction certificates for road pavement materials (sub-base and base courses).
 - (d) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
 - (e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)

Note: Council's Works Specification (Civil) requires road pavement and pipe bedding materials be sourced from approved suppliers. A listing of these materials and approved stockpile numbers can be found on Councils webpage.

The above documentation shall be submitted at the prior to Subdivision and/or Occupation certificate stage as required by this consent.

13.5.3 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's 'Works Specification - Civil (Current Version)'. Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.



- 13.5.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 13.5.5 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control windblown dust.
- 13.5.6 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 13.5.7 Trucks transporting cut and fill must have their loads covered and provisions of 'shaker pads' and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 13.5.8 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.
- 13.6 Inspection of Engineering Works Environmental Planning and Assessment Act 1979.
- 13.6.1 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.

13.7 Inspection of Engineering Works - Roads Act 1993

13.7.1 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 24 hours' notice. Council's Development Overseers may be contacted on 02 9839 6586 between 7 am - 8 am and 12.30 pm - 1.30 pm, 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).



13.8 Public Safety

13.8.1 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.

13.9 Site Security

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

13.10 Traffic Control

- 13.10.1 Any 'Traffic Control Plan' utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 2002.
- 13.10.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.
- 13.10.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 13.10.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified RMS accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 2002.
- 13.10.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 2002 and the current version of the RMS Traffic Control at Work Sites manual and shall be submitted to Council prior to implementation.

13.11 Requirement from Roads and Maritime Services

13.11.1 A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Third Avenue during construction activities.



14 PRIOR TO OCCUPATION CERTIFICATE

14.1 Road Damage

14.1.1 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.

14.2 Compliance with Conditions

- 14.2.1 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.
- 14.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

14.3 Fire Safety Certificate

14.3.1 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).

14.4 Fee Payment

14.4.1 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.

14.5 **Service Authorities**

14.5.1 A final written clearance shall be obtained from Sydney Water Corporation, Integral Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.



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

14.6 **Temporary Facilities Removal**

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

14.7 Fee Payment

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



14.8 **Engineering Matters**

14.8.1 Surveys/Certificates/Works As Executed plans

- 14.8.1.1 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.
- 14.8.1.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Council.
- 14.8.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 14.8.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 14.8.1.5 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.
- 14.8.1.6 Written evidence is to be obtained from the Roads and Maritime Services (RMS) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 14.8.1.7 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 Council's Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.

14.8.2 Easements/Restrictions/Positive Covenants

- 14.8.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
 - (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).



- (b) The standard format for easements and restrictions as accepted by Land Registry Services.
- 14.8.2.2 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.
- 14.8.2.3 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.
- 14.8.2.4 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

14.8.3 Bonds/Securities/Payments in Lieu of Works

- 14.8.3.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.
- 14.8.3.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least 12 months.
 - (a) In the case of subdivision This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)
 - (b) In the case where no subdivision occurs This period commences at the date of practical completion of the development.

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

14.8.3.3 Where Council's has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request.

14.8.4 **Inspections**

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



14.8.5 **CCTV Inspection of Stormwater Drainage Structures**

14.8.5.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV on completion of the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of a DVD of the inspection, a hard copy printout of the SEWRAT (or equivalent) report and a certified CCTV statement in accordance with Section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

14.9 Other Drainage Section Requirements

- 14.9.1 Maintenance schedule requirements are to be provided for each of the Stormwater Quality Improvement Devices including CDS unit and rainwater tank. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, signature and date on it.
- 14.9.2 Written evidence is to be provided that the registered owner/lessee has entered into a minimum 5 year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor(s) for the maintenance of CDS unit and rainwater tank. A copy of the signed and endorsed contract(s) and maintenance contractor(s) details are to be forwarded to Council's WSUD Compliance Officer.
- 14.9.3 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer is to certify that all the non-potable water uses for the commercial uses and childcare centre are being supplied by rainwater and that all the requirements of the detailed Non-Potable Water Re-use Plan have been installed and are working correctly. A signed, works-as-executed Non-Potable Water Re-use Plan is to be provided to Council.
- 14.9.4 Provide a maintenance plan for each of the pump systems to ensure effective ongoing operation of the pumps including replacement as required.
- 14.9.5 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
 - i. 4 star dual-flush toilets
 - ii. 3 star showerheads
 - iii. 4 star taps (for all taps other than bath outlets and garden taps)
 - iv. 3 star urinals
 - v. Water efficient washing machines and dishwashers have been used.



14.9.6 Where the Groundwater Assessment Report indicated the requirement for a Groundwater Management Plan, then a Geotechnical Engineer registered with NER, is to certify that all the requirements of the Groundwater Management Plan have been undertaken and that there is no adverse impact due to groundwater

14.10 External Finishes

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

14.11 Letterboxes

- 14.11.1 The letterboxes are to comply with the details submitted as part of the Construction Certificate and must comply with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 14.11.2 The street number must be displayed prominently at the front of the building to comply with Local Government Act, 1973 Section 124, Order 8. The street number is to be visible at night.

14.12 Power Boards

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

14.13 Landscaping

- 14.13.1 All landscaping and common open space areas shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 14.13.2 All common open space areas and internal driveways shall be appropriately illuminated by the use of suitable outdoor lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night. The loading dock area and car parking areas must also be provided with sufficient lighting to enhance the safety of users.

14.14 Street Tree Planting

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

14.15 **Car Parking**

14.15.1 Off-street commercial, resident and resident visitor car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability for residents and their visitors.



- 14.15.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 14.15.3 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.6. 2009
- 14.15.4 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 14.15.5 The car parking allocation is to be incorporated into a Parking Management Strategy which will also include the following responsibilities for the Managing Agent/future Body Corporate:
 - (a) Measures to ensure a clear segregation between the retail, commercial, serviced apartment, residential and non-residential parking spaces is maintained at all times.
- 14.15.6 A roller shutter and card-key system is to be installed at the segregation points between the commercial/visitor and residential parking areas, and at the entry/exit points of the basement carparks.
- 14.15.7 Bicycle racks are to be provided on site in accordance with the Apartment Design Guide (ADG).
- 14.15.8 The ceiling of each basement carpark is to be painted white to enhance lighting illumination.
- 14.15.9 On-site waste collection areas, loading areas and manoeuvrability paths are to be suitably line-marked and sign-posted to ensure areas are kept clear of obstructions that may prohibit their future use.
- 14.16 **Ancillary Work**
- 14.16.1 Each dwelling unit is to be provided with a mechanical drying appliance within the unit.
- 14.16.2 Mail boxes are to be provided on site in accordance with the requirements of Australia Post.
- 14.16.3 The awning must be constructed in accordance with those details submitted as part of the Construction Certificate. The height and width of the awning must comply with the requirements of Council's Maintenance Section.
- 14.16.4 Plumbing services are to be provided to the commercial tenancy to enable the installation of a potential kitchen.



14.17 Waste Management

- 14.17.1 A Strata Management Agreement shall:
 - indicate requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan.
 - indicate responsibility for maintenance of the waste system (including any bin movement aides) and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times.
 - indicate the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.
 - include a copy of the updated and approved waste management plan as lodged with the development application.
- 14.17.2 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 and a Section 88B or similar is to be listed on the title to this effect.
- 14.17.3 The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.
- Appropriate provisions are to be made for the storage and collection of waste. A separate caged bulky waste storage area, separate resident and commercial waste rooms and waste chutes are to be provided in accordance with the approved plans. On-site waste collection areas, the loading bay and manoeuvrability paths are also to be suitably line-marked and sign-posted to ensure areas are kept clear of obstructions that may prohibit their future use. Parking barriers/locks are to be provided in the loading bay to prevent unauthorised parking in this area.

14.18 Requirements from Road and Maritime Services

- 14.18.1 All vehicles are to be wholly contained on site before being required to stop.
- 14.18.2 Parking for building maintenance and removalists is to be provided on site.

14.19 Other Matters

14.19.1 All commitments listed in BASIX Certificate 751885M dated 31 August 2016 shall be complied with prior to the issue of an Occupation Certificate for the development.



- 14.19.2 All fencing, landscaping, clotheslines, hot water systems, TV antennae, mailboxes, driveways and the common open space area are to be completed in accordance with the approved plans and conditions of this consent to Council's satisfaction prior to the release of the Occupation Certificate for each stage.
- 14.19.3 A post-construction dilapidation report shall be carried out for any of the potentially affected existing buildings surrounding the proposed development. A copy of the report shall be submitted to Council prior to issue of Occupation Certificate for each stage.
- 14.20 State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development
- No occupation certification must be issued unless all design verifications have been provided in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000, a certifying authority must not issue a construction certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.

14.21 Graffiti Management Plan

- 14.21.1 A 'Graffiti Management Plan' is to be submitted for the separate approval of Council's Manager Development Services. The plan is to address the following issues:
 - (a) Methods to minimise the potential for graffiti
 - (b) Management/notification procedures for the 'early' removal of graffiti
 - (c) Annual review of any 'management agreement' for the removal of graffiti to ensure the property is maintained at its optimum level
 - (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.
- 14.21.2 The Owners Corporation is to manage the graffiti management plan. The recommendations of the plan are to be integrated into a Strata Management Agreement/by-laws.

14.22 Acoustic Verification

14.22.1 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.



- 14.22.2 A Noise Management Plan is to be implemented for the Child Care Centre and is to be monitored and enforced by the Director of the Child Care Centre. The Management Plan is to include provisions that:
 - Demonstrates how the chosen noise criteria for the Child Care Centre will be adhered to.
 - ii. Ensure children are supervised at all times to minimise noise generated by children.
 - iii. Install a contact phone number at the front of the centre so that any complaints regarding Centre operation can be made.
 - iv. Initiate a complaints handling procedure.

14.23 Food Premises

- 14.23.1 A health inspection is to be conducted by Council's Environmental Health Officer to ensure that the kitchen fit out complies with the requirements of the Food Act 2003 and Australian Standard 4674 2004 Design, construction and fit-out of food premises.
- 14.23.2 The premises is to be registered with Council as a food business.

14.24 **Childcare Operation**

- 14.24.1 A Licence, to operate a Child Care Centre for a maximum of 155 children is required from the Department of Family and Community Services prior to the Child Care Centre becoming operational.
- 14.24.2 A Operational Plan of Management is to be implemented for the Child Care Centre and is to be monitored and enforced by the Director of the Child Care Centre. The Management Plan is to include provisions that:
 - (a) Ensure children are supervised at all times to minimise noise generated by children.
 - (b) Install a contact phone number at the front of the centre so that any complaints regarding centre operation can be made.
 - (c) Initiate a complaints handling procedure.
 - (d) Use of the carpark must be used by staff, visitors, parents at all times to minimise disruption to adjoining property owners/occupants.
 - (e) Compliance with the recommendations of the acoustic report.
 - (f) Provision of a graffiti management plan.
 - (g) Ensure staff, parents and visitors use the basement carpark.
 - (h) Maintenance of the fence and landscaping facing the streets.



14.25 **Lighting**

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

14.26 **Privacy Screening**

14.26.1 All privacy screening measures / devices detailed on the approved plans are to be installed prior to the issue of any Occupation Certificate for each stage.

14.27 **Security**

- 14.27.1 Should any basement storage areas by provided, they are to have quality doors/cages and lock sets to restrict unauthorised access. These are recommended to be constructed of an appropriately robust steel welded mesh to be used in lieu of chain link wire. Consider the use of 'over the bonnet' metal fully enclosed and lockable storage containers.
- 14.27.2 The car parking allocation is to be incorporated into a Parking Management Strategy which will also include the following responsibilities for the Managing Agent/future Body Corporate:
 - (a) Measures to ensure a clear segregation between the commercial/retail, childcare centre and residential parking spaces is maintained at all times.
 - (b) Directional signage for the different uses' parking areas shall be installed at entry to the basement parking.

14.28 **NSW Local Police Matters**

- 14.28.1 Consideration to be given to the installation of CCTV surveillance cameras for the development, paying particular attention to those areas susceptible to antisocial behaviour and criminal activity. This includes the proposed communal open space areas, any common areas, access ramp, carpark and roof top areas. CCTV coverage should capture all of the proposed area. The exterior coverage should capture all entrances and exits and the immediate vicinity of the building.
- 14.28.2 Closed Circuit Television Systems (CCTV), Management and Operation; should be installed accordance to AS 48006.1 and Applications Guidelines AS 4806.2. By ensuring clear sightlines, the opportunity to commit a crime is decreased.
- 14.28.3 The CCTV exterior coverage should capture all entrances and exits and the immediate vicinity of the building.



- 14.28.4 A lighting maintenance policy needs to be established for the development. Lighting should be vandal resistant and placed around the perimeter of the property, at all entry/exits points, on footpaths leading to the unit block and also throughout the proposed common areas, particularly the communal open spaces, and driveway. Possible entrapment spots such as the storage units, waste/rubbish bin areas should be lit with vandal- resistant and energy saving lighting.
- 14.28.5 Lighting used in the carpark areas should illuminate continuously in hours of darkness. Pink/ blue lighting along driveway ramp deter person(s)/ youth loitering around area.
- 14.28.6 Access to the carpark and units should be via a swipe/card/ key system.
- 14.28.7 Landscaping and Vegetation:

Landscaping and vegetation enhance the natural amenity of any site. It is important to ensure dense foliage and inappropriate planting does not lead to opportunities for concealment.

The recommended plants suggested in the application should be low lying shrubs and or grass like plants that are free from stones and or rocks at the soil base (eliminating stones used for projectiles). These low lying shrubs and or grass like plants should be planted to avoid clumping and to retain sightlines and opportunities for surveillance around the communal areas. The plants proposed should have an appearance of impenetrability and qualities that minimises concealment opportunities.

- 14.28.8 That a key holder be identified with relevant contact details provided to aid emergency services to gain entry if there are any related issues preventing them from getting immediate access.
- 14.28.9 Erect appropriate signage. i.e. 'Trespassers will be prosecuted, surveillance systems operating and security personal on duty' etc.
- 14.28.10 Warning signs in carpark. Signs should be clear and concise displaying the area of which cars should be parked.
- 14.28.11 Warning signs- in carpark. Signs to be clear and prominent warning people not to leave valuables in their cars. e.g. 'Lock it or lose it' or 'Do not leave valuables in your vehicle'.
- 12.20.12 Increased means of security for letter boxes to deter incidents of mail theft and identification fraud. CCTV shall be installed in the proposed foyer/ mail room.
- 12.20.13 The basement carpark should be designed to permit maximum natural surveillance, access control and illumination. E.g. by using cable railings in place of concrete retaining walls.
- 12.20.14 That a key holder be identified with relevant contact details provided to aid emergency services to gain entry if there are any related issues preventing them from getting immediate access.



14.28.12	Details of the Body Corporate are to be forwarded to NSW Local Police, Blacktown Local Area Command.
14.28.13	A copy of Evacuation Plan for the development is to be forwarded to the NSW Local Police, Blacktown Local Area Command.
15	OPERATIONAL (PLANNING)
15.1	Graffiti Removal
15.1.1	Removal of any graffiti, visible from any public road or space, is the responsibility of the property owner/s. All graffiti must be removed within 48 hours.
15.2	Access/Parking
15.2.1	All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
15.2.2	All loading and unloading operations shall take place at all times wholly within the confines of the land. All vehicles must enter and exit the site in a forward direction at all times.
15.2.3	Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
15.3	General
13.3	General
15.3.1	No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
	No goods, materials, or trade waste shall be stored at any time outside the
15.3.1	No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles. Spillage of light, if any, shall be controlled so as not to cause nuisance to the
15.3.1 15.3.2	No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles. Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land. If artificial lighting is proposed full details are to be submitted indicating the
15.3.1 15.3.2 15.3.3	No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles. Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land. If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected. Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the
15.3.1 15.3.2 15.3.3 15.3.4	No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles. Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land. If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected. Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997. Emission of sound from the land shall be controlled at all times so as to not
15.3.1 15.3.2 15.3.3 15.3.4	No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles. Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land. If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected. Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997. Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants. The hours of operation of the development shall not be outside of the following



- 15.3.7 The centre must implement the Operational Management Plan at all times.
- 15.3.8 The centre at all times must implement the Graffiti Management Plan as required.

15.4 **Landscaping**

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

15.5 Use of Premises

- 15.5.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- This consent does not authorise the use of the land for Child Care purposes unless the operator and all employees are in possession of current licences from the NSW Department of Family and Community Services.

15.6 Waste Management

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

15.7 **Emergency Procedures**

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

15.8 Other Matters

- Approval is given only for the care of a maximum of 155 places (32 children aged 0 2 years; 36 children aged 2 3 years; and 87 children aged 3 5 years).
- 15.8.2 Separate Council approval is required for signage and/or any changes to the age group of children. Any proposal for an increase in children numbers may require additional car parking to be provided on site.



- The use of the premises is to comply at all times with the requirements of the Department of Family and Community Services, and the National Quality Framework and Standards.
- All staff members are to park on the premises at all times utilising the designated staff car parking spaces. At no times are staff to park on the street or in the designated on site visitor car parking spaces. Parents dropping off/picking up children are to be directed to park on the premises rather than on the street, through the Plan of Management.
- 15.8.5 The air conditioning units are to be placed in a position that is inaccessible to children and do not impact on any Industrial property adjoining the child care centre.

15.9 **Clothes Drying**

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

15.10 **Lighting and Security**

- 15.10.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 15.10.3 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.
- 15.10.4 Sightlines must be kept free from obstructions. If a lack of natural surveillance occurs this would quickly encourage anti-social behaviour and criminal offences specifically malicious damage to the area. The 'fear of crime' would also no doubt increase if there is sign of malicious damage, rubbish, broken bottles etc around the development. Regular maintenance and up-keep of the site must therefore be adhered to.

15.11 Awnings

- 15.11.1 The integrity of the awning must be checked by a NPER engineer engaged by the body corporate every 5 years to ensure compliance in line with the BCA and other relevant standards. A certificate of compliance is to be forwarded to Council's Civil and Park Maintenance Section for its records every 5 years.
- No hanging is permitted under the awning which may affect the minimum clearance height of 2.4 m.
- 15.11.3 The property owner is responsible for the maintenance of the awnings at all times.



16 OPERATIONAL (ENVIRONMENTAL HEALTH)

16.1 Environmental Management

- 16.1.1 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 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.
- 16.1.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 16.1.4 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 Department of Environment and Conservation's Environmental Noise Management NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.
- 16.1.5 A post commissioning report produced by an independent organisation that is eligible for membership with the *Association of Australian Acoustic Consultants* within 3 6 months of the centre operating to validate the Acoustic reports findings.
- 16.1.6 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.
- 16.1.7 The food premises shall be maintained in accordance with the requirements of;
 - Food Act 2003 and Regulations there under.
 - Australian Standard 4674 2004 Design, construction and fit-out of food premises.
- 16.1.8 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.
 - Windows are to remain fully closed while indoor structured activities take place.



- 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 10 pm and 7 am.
- 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.