

Assessment against planning controls: section 4.15, summary assessment and variations to standards

1 Environmental Planning and Assessment Act 1979

1.1 Section 4.15 'Heads of Consideration'

| Heads of Consideration | Comment | Complies |
|--|--|---|
| a. The provisions of: (i) Any environmental planning instrument (EPI) | The proposal is considered to be consistent with the relevant EPIs, including SREP No. 20 – Hawkesbury- Nepean River, SEPP (State and Regional Development) 2011, SEPP (Infrastructure) 2007, SEPP BASIX 2004, SEPP No. 55 – Remediation of Land, SEPP No. 65 – Design Quality of Residential Apartment Development and the 9 'design quality principles' of SEPP 65, the Growth Centres SEPP 2006 and the Central City District Plan 2018. | Satisfactory |
| | The proposed development is a permissible land use within the R3 Medium Density Residential zone and satisfies the zone objectives outlined under the Growth Centres SEPP. | Satisfactory |
| | The proposed works, including drainage, earthworks, environmental protection works, flood mitigation works, roads, water recycling facilities and waterbodies (artificial) are a permissible form of development with consent in the SP2 Drainage Infrastructure zone. | Satisfactory |
| | The proposal is consistent with the Riverstone Precinct Plan, with the exception of the height of buildings development standard. The maximum permitted building height is 16 m. The proposal is for building heights ranging from below the permitted 16 m to a maximum of 20.26 m as measured from the ground levels created by the new roads. The maximum breach to this development standard is 4.26 m. The Applicant has submitted a request to vary this development standard under Clause 4.6 of the Growth Centres SEPP. | No, but acceptable in the circumstances for minor encroachments and rooftop structures. |
| | The proposal is inconsistent with the Riverstone Precinct Indicative Layout Plan. However, the Applicant has demonstrated that the departure from the ILP will not affect any adjoining properties in respect of their redevelopment potential and the surrounding traffic network. The change to the ILP will increase the developable land component across the site and this has been addressed in this report. Refer to further discussion at attachment 4. | No, but acceptable in the circumstances and supported. |
| | All buildings comply with the building separation design criteria of the Apartment Design Guide, with the exception of a minor variation in some instances to the balconies on level 5 to facilitate access for cleaning the façade and windows. | No, but acceptable in the circumstances as the design objectives are achieved. |

| Heads of Consideration | Comment | Complies |
|--|--|--|
| (ii) Any proposed instrument that is or has been the subject of public consultation under this Act | <p>In May 2017, after lodgement of this application in December 2016, the Department of Planning and Environment (DPE) exhibited a draft amendment to the Growth Centres SEPP 2006, referred to as the 'North West Draft Exhibition Package.' This exhibition coincided with the release of the Land Use and Infrastructure Implementation Plan (the purpose of which is to guide new infrastructure investment, make sure new developments do not impact on the operation of the new Western Sydney Airport, identify locations for new homes and jobs close to transport, and coordinate services in the area).</p> <p>A key outcome sought by the Department is the establishment of minimum and maximum densities for all residential areas that have been rezoned under the SEPP (i.e. density bands). Currently the planning controls nominate only a minimum density. This proposal will have a significant influence on the ultimate development capacity (i.e. yield) of the precincts.</p> <p>Following exhibition in mid 2017 and the receipt of many objections, the DPE is still considering this matter and no final decision has been made. The timing of adoption is uncertain at this stage, as is the content of any amendments. There is no guarantee the exhibited controls will be adopted and made law.</p> <p>This site is within the Riverstone Precinct and the maximum density bands demonstrated in the Exhibition Package is 25 to 35 dwellings per hectare, which equates to a maximum of 140 dwellings on this site. The proposal is for 587 dwellings, being an additional 447 dwellings above that anticipated in the Exhibition Package. Although the proposal is inconsistent with the maximum dwelling density exhibited, there is no certainty or imminence to these amendments coming into effect, and therefore this is not a matter for consideration in this application.</p> <p>Further, the Sydney Planning Panel has dealt with other DAs in the North West Growth Area that also do not comply with the exhibited (but not applicable) density bands. To be consistent, this DA should be dealt with in a similar way.</p> | No, but this application was lodged in 2016 and the amendment is neither certain nor imminent. |
| (iii) Any development control plan (DCP) | The Growth Centre Precincts DCP applies to the site. The proposed development is compliant with the numerical controls established under the DCP, with the exception of a minor variation to building setbacks to the secondary street frontages and side and rear boundaries for portions of the development. Refer to further discussion at Section 7 of the Assessment Report. | No, but variation is supported in this instance. |
| (iii a) Any Planning Agreement | N/A | N/A |
| (iv) The regulations | The DA is compliant. | Yes |

| Heads of Consideration | Comment | Complies |
|---|---|--|
| b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality | <p>It is considered that the likely impacts of the development, including traffic, parking and access, design, bulk and scale, overshadowing, noise, privacy, waste management, flora and fauna, salinity, contamination and stormwater management, have been satisfactorily addressed.</p> <p>A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties.</p> <p>In view of the above, it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.</p> | Yes |
| c. The suitability of the site for the development | <p>The subject site is zoned R3 Medium Density Residential with a 16 m building height limit under the Growth Centres SEPP. Residential flat buildings are permissible on the site with development consent.</p> <p>The site has an area and configuration that is suited to this form of development. The design solution is based on sound site analysis.</p> <p>The site is located within proximity to Schofields Railway Station and the future Local Centre.</p> <p>The proposal seeks to vary the public road layout under the Riverstone Precinct Plan. Refer to attachment 4 for further details of the amendments to the Indicative Layout Plan.</p> | <p>Yes</p> <p>No, but acceptable in the circumstances and supported.</p> |
| d. Any submissions made in accordance with this Act, or the regulations | <p>The application was exhibited for comment for a period of 14 days. We received 7 individual submissions and 1 petition with 24 signatures in opposition to the proposed development.</p> <p>The Applicant has submitted a detailed response to each of the concerns raised which is provided at attachment 9. The Applicant also submitted amended plans that include design improvements as requested by our City Architect; detailed at Section 10 of the Assessment Report.</p> <p>The submissions raised objection to the ability of the proposed road access to service the development, inadequate provision of public transport, and the impact on local school and other amenities. Concern was also raised with regard to loss of amenity to local residents, development which differs to the current land use, the size of the development, and dust nuisance as a result of earthworks and construction.</p> | We do not consider that the objections warrant refusal of the application. |

| Heads of Consideration | Comment | Complies |
|------------------------|---|----------|
| | <p>Several properties located along Advance Street have raised concern stating that the deletion of the Indicative Layout Plan road south of their properties will be a poor outcome. They claim the deletion will result in the loss of a buffer space and building separation, decreased privacy leading to devaluation of property prices, and reduced redevelopment potential of properties which will only have street frontage available to Advance Street. Concern is also raised about the loss of enjoyment on the use of their land and privacy, impact on traffic volume and safety on Advance Street, necessary infrastructure is not in place and will worsen with large developments, noise from occupants of the apartments and air conditioning units, and impacts on the existing services such as water pressure, drainage as the site slopes downwards towards Advance Street and loss of pedestrian pathways.</p> <p>Concern is raised regarding overshadowing, building height, inconsistency with the streetscape and surrounding residential homes, views to trees and rural aspect, balconies with glass balustrading are not suitable for visual privacy reasons and result in overlooking, noise disturbance from gates opening and closing, noise and light impacts from additional traffic, and interruption to services during construction.</p> <p>A further submission was received objecting to the proposed dwelling density, height of buildings, number of storeys, overlooking and privacy, crowding and amenity, significant modifications to the ILP roads, the adaptable units are non-compliant, environmental impact due to the destruction of native trees and habitat, and further investigation is required to ensure significant aboriginal archaeological artefacts are identified and protected. The submitter also objected due to an inappropriate apartment mix, no outdoor drying areas, monoculture of higher density dwellings, capacity of local amenities, risk of the Sydney property price bubble impacting on the commercial viability of developments and significant change to the character of the local area.</p> <p>These concerns are addressed in attachment 9 and are not considered to warrant refusal of the application.</p> | |
| e. The public interest | The site is zoned for residential flat buildings and the proposal provides high quality housing stock and housing diversity within the Riverstone Precinct. The overriding public interest is considered satisfied. | Yes |

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

| Summary comment | Complies |
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| The Sydney Central City Planning Panel (SCCPP) is the consent authority for all development with a capital investment value (CIV) of over \$20 million (being the CIV applicable for applications lodged but not determined prior to 1 March 2018 under Clause 23 transitional provisions of this SEPP). | Yes |

| Summary comment | Complies |
|---|----------|
| As this DA has a CIV of \$122.1 million, Council is responsible for the assessment of the DA and determination of the application is to be made by the Panel. | |

3 State Environmental Planning Policy (Infrastructure) 2007

| Summary comment | Complies |
|---|----------|
| 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 found the development acceptable, subject to conditions of consent. | Yes |

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

| Summary comment | Complies |
|--|----------|
| <p>The proposed development includes BASIX affected buildings and therefore requires assessment against the provisions of this SEPP, including BASIX certification.</p> <p>A BASIX Certificate was submitted with the Development Application in line with the provisions of this SEPP. The BASIX Certificate demonstrates that the proposal complies with the relevant sustainability targets and will implement those measures required by the certificate. This will be conditioned in any consent granted.</p> | Yes |

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

| Summary comment | Complies |
|--|--------------|
| <p>SEPP 55 aims to 'provide a State-wide planning approach to the remediation of contaminated land'. Clause 7 requires a consent authority to consider whether the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to the granting of development consent.</p> <p>The application is accompanied by a Preliminary and Detailed Site Investigation prepared by Trace Environmental dated 27 May 2015 which identified there was no evidence of potential contamination at the site. Based on the testing that was undertaken the report concludes the following:</p> <ul style="list-style-type: none"> The site was cleared and developed for residential and agricultural land use sometime before 1950. Since that time, it appears that the site has been utilised for residential, agriculture and livestock rearing purposes. Various buildings and sheds have been built and removed from the site in the past. The results of this Preliminary Site Investigation indicated potential sources of subsurface impacts resulting from historical land uses from filling and agricultural/livestock rearing activities. Therefore, a limited Detailed Site Investigation was recommended and undertaken. The site land use is currently low density residential. It is proposed to redevelop the site for a medium/high density residential land use. A total of 12 primary shallow soil samples were collected from 6 test pits advanced to depths of 1.4 m to 2 m below ground level at the site and submitted for laboratory analysis. The shallow soil samples were analysed for a variety of contaminants of potential concern to determine if historical site uses had impacted the subsurface at the site. | Satisfactory |

| Summary comment | Complies |
|--|----------|
| <ul style="list-style-type: none"> The results of the soil assessment showed no contaminants of potential concern at concentrations above the laboratory limits of reporting and/or Health Investigation Level, which indicates it is unlikely that significant subsurface impacts exist in the shallow soil at the site. The site is located in a low sensitivity environmental setting based on the preliminary conceptual site model and nearby land uses. The site is not located in an area of known acid sulphate soils. <p>The report confirms that the site is therefore considered suitable for the proposed residential development.</p> <p>The report has been reviewed by our Environmental Health Officer who advised that the site can be made suitable for residential use. Conditions of consent are recommended to be imposed to ensure that if any contaminated soil is found to be located on site it is disposed of appropriately and supported by a final validation statement prior to any Occupation Certificate being issued. The final validation statement must be prepared by a qualified geoscientist without any limitations in accordance with the <i>National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999</i> as amended 2013.</p> | |

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

| Summary comment | Complies |
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| <p>A consent authority must take into consideration the general planning considerations set out in Clause 5 of SREP 20 and the specific planning policies and recommended strategies in Clause 6 of SREP 20. The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of the Growth Centres SEPP.</p> <p>The development generally complies with the development standards and controls established within the Growth Centres SEPP, to enable the orderly development of the site. There are variations to the development standards and controls with respect to building height. However, the proposed development has demonstrated consistency with the relevant objectives and represents a site responsive development. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.</p> | Yes |

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

| Summary comment |
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| <p>SEPP 65 applies to the assessment of development applications for residential flat buildings 3 or more storeys in height and containing at least 4 dwellings.</p> <p>Clause 30 of SEPP 65 requires a consent authority to take into consideration:</p> <ul style="list-style-type: none"> advice (if any) obtained from the design review panel design quality of the residential flat development when evaluated in accordance with the design quality principles the Apartment Design Guide (ADG). <p>We do not have a design review panel.</p> <p>The tables below provide comments on our assessment of the 9 design quality principles and details where the numerical guidelines of the Apartment Design Guide are not fully complied with.</p> |

7.1 Design quality principles

| Principle | Control | Comment |
|--|---|--|
| 7.1.1 Design quality principles The development satisfies the 9 design quality principles. | | |
| 1. Context and neighbourhood character | <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> | <p>The site is located in a greenfields context, within the Riverstone Precinct of the North West Growth Centre. The surrounding locality proposes increased residential density as well as the creation of SP2 drainage land.</p> <p>The Schofields Railway Station and Local Centre are to the south-west of the site. A new school is to be constructed to the south of Schofields Road, within the Alex Avenue Precinct.</p> <p>The layout and design of the proposal responds well to the context of the site and is satisfactory with regard to the development standards and controls.</p> <p>The buildings have been architecturally designed and are considered compatible with the social, economic and environmental identity of this Precinct.</p> |
| 2. Built form and scale | <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p> | <p>The built form, height and scale of the proposed development have been resolved by a thorough evaluation of the site's surrounding context, topography and environmental characteristics, with an emphasis on amenity for future residents.</p> <p>This includes amendments to the building designs to reduce bulk and scale through:</p> <ul style="list-style-type: none"> increased separation to achieve compliant ADG separation distances between proposed buildings and adjoining residential lots amended facade designs to provide 'breaks' across all buildings to minimise building lengths ground floor units being designed to hide previously exposed basements provision of tiered landscaping to minimise visibility of basements above ground level provision of increased deep soil zones to provide plantings that will suitably soften the built form in the future. |

| Principle | Control | Comment |
|--------------------------|--|--|
| | | <p>The height of the buildings steps with the sloping topography of the site and variations to the maximum permitted height control is offset by parts of buildings that are well below the height control.</p> <p>The building façade design, combined with a range of different materials and aesthetics, have been applied to buildings across the site to provide further visual interest and to break up the bulk and scale of the built form.</p> |
| 3. Density | <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p> | <p>The proposal is for 587 apartments, being 147 dwellings per hectare.</p> <p>Each apartment has been designed to achieve a suitable level of amenity for residents. The proposed density and resulting population increase is consistent with that currently envisaged by the gazetted Growth Centre Precinct controls for this site.</p> <p>The proposed subdivision is generally (but not fully) consistent with the Riverstone Precinct ILP and seeks to provide residential development and new lots that will:</p> <ul style="list-style-type: none"> • provide new public roads of sufficient capacity to provide street parking opportunities • cater for the access points to basements of this proposed development for parking and waste collection • improve connection to future SP2 Drainage land that is located to the south. <p>Bus services are available on Advance Street to the north of the site. The proposed residential flat building development is also within 800 m of public transport and the Schofields Railway Station and Local Centre, which is located to the south-west of the subject site.</p> |
| 4. Sustainability | <p>Good design combines positive environmental, social and economic outcomes.</p> | <p>The proposal is supported by BASIX Certificates. The commitments are incorporated into the design of the buildings. The proposal demonstrates satisfactory levels of sustainability, waste management and efficient use of energy and water resources.</p> |

| Principle | Control | Comment |
|---------------------|--|--|
| | 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. | |
| 5. Landscape | <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.</p> | <p>A landscape plan has been submitted with the proposal, which incorporates a variety of planting that contributes to the amenity of the development. Deep soil zones have been provided throughout the development, and have increased in parts, to ensure sufficient planting can be achieved, some of which are co-located with the internal courtyard communal open space areas.</p> <p>The design has a myriad of landscaped through-site connections and open spaces to provide residents with easy access to a variety of different environments for recreation, relaxation and entertaining.</p> <p>The development will also have access to the proposed shared pedestrian cycle links along the creek corridor and the sports fields located within the precinct.</p> |
| 6. Amenity | <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p> | <p>The design of the proposal provides an acceptable level of amenity through a carefully considered spatial arrangement and layout.</p> <p>The proposal achieves a suitable level of internal amenity through 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.</p> <p>A high level of residential amenity will be achieved within the future development:</p> <ul style="list-style-type: none"> • 60% of units will achieve cross-ventilation • 70% of units will achieve a minimum of 2 hours of sunlight on 21 June • a maximum of 14% of units not receiving sunlight on 21 June. |

| Principle | Control | Comment |
|--|--|--|
| | | The proposal is designed with suitable consideration for solar access to habitable rooms, private open space and communal open space areas. This is considered to be appropriate given the adjoining site to the north is also capable of redevelopment and will overshadow parts of this site. |
| 7. Safety | <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p> | <p>The proposal is satisfactory in terms of future residential occupants overlooking communal spaces while maintaining internal privacy. Public and private spaces are clearly defined and suitable safety measures are integrated into the development.</p> <p>The proposal provides suitable casual surveillance of the public domain.</p> <p>It is noted that communal open space areas are located at the public domain ground level and at rooftop level, to enable the communal open space to maximise opportunity for solar access and increase useability.</p> |
| 8. Housing diversity and social interaction | <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p> | <p>The proposal consists of a mix of dwellings which are responsive to anticipated market and demographic demands.</p> <p>The proposal provides additional housing choice which is in close proximity to public transport and the Schofields Local Centre.</p> <p>The proposal provides housing diversity with an appropriate mix of 1 bedroom (25%), 2 bedroom (66%) and 3 bedroom (9%) apartments.</p> |
| 9. Aesthetics | <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p> | <p>The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials, finishes and colours and reflect the use, internal design and structure of the buildings.</p> <p>The facades have been designed to include 'designed' breaks to reduce the length of each building which, when combined with face brick and rendered/painted finishes and aluminium privacy elements, ensure well-designed buildings.</p> |

| Principle | Control | Comment |
|-----------|---------|--|
| | | <p>A series of finishes will be applied to give each building its own identity. The design of the buildings includes physical breaks and deep recesses to provide visual relief and interest, so the buildings do not consist of flat facades.</p> <p>The contemporary design assists in setting a suitable appearance for the transitioning character of this locality and creates a desirable streetscape.</p> |

7.2 Compliance with Apartment Design Guide (ADG)

| ADG requirement | Proposal | Compliance |
|-----------------|----------|------------|
|-----------------|----------|------------|

We have assessed the application against the relevant provisions of the ADG and the table below only identifies where compliance is **not fully achieved**.

It is compliant with all other matters under the ADG.

Controls

| | | | |
|-------------------------------|---|---|---|
| 2E Building Depth | <p>Use a range of appropriate maximum building depths of 12 m to 18 m from glass line to glass line. Provide apartment layouts which meet natural ventilation and sunlight requirements.</p> <p>Wider building depth can be considered for apartments which are dual aspect (east-west facing). Greater depths may require significant building articulation and increased perimeter wall length.</p> <p>Narrower building depth can be considered for dual aspect north-south facing apartments to reduce the number of south facing apartments.</p> | <p>The proposed building depths range from 15 m to 23 m. Therefore all buildings exceed the 18 m building depth control by up to 5 m. However, the proposal demonstrates adequate daylight and natural ventilation, good orientation, articulation, layouts, and room and apartment depths. Overall, the proposal provides good amenity to the apartments and satisfies this control.</p> | <p>Minor variation sought, but acceptable as the ADG considerations are achieved.</p> |
| 2F Building Separation | <p>5 to 8 storeys/up to 25 m:</p> <p>18 m between habitable rooms/balconies</p> <p>13 m between habitable rooms/balconies and non-habitable rooms</p> <p>9 m between non-habitable rooms</p> | <p>All buildings have been amended to comply with the building separation design criteria with the exception of a minor variation in some instances to the balconies on level 5 to facilitate access for cleaning the façade and windows.</p> | <p>Minor variation sought, but acceptable as the design objectives are achieved.</p> |

Siting the Development

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|-----------------------------------|--|--|------------|
| 3J Bicycle and car parking | <p>Sites within 800 m of a railway station comply with the Guide to Traffic Generating Developments.</p> | <p>The site is within 800 m from Schofields Railway Station.</p> | <p>Yes</p> |
|-----------------------------------|--|--|------------|

| ADG requirement | | Proposal | Compliance |
|-----------------|--|--|--|
| | >20 units Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bed unit. 0.9 spaces per 2 bed unit. 1.4 spaces per 3 bed unit. 1 space per 5 units (visitor parking) | Residential parking spaces Required = 510 Provided = 614 Visitor parking spaces Required = 118 Provided = 161 Car wash bays are not indicated on the plans, but will be required as a condition of consent. The 'loss' of on-street parking due to the proposed deletion of roads is offset by a surplus of 145 basement parking spaces (comprising a surplus of 104 additional residential spaces and 41 additional visitor spaces). | Yes To be conditioned |

8 Central City District Plan 2018

| Summary comment | Complies |
|---|----------|
| <p>While the Act does not require consideration of District Plans in the assessment of Development Applications, the DA is consistent with the following overarching planning priorities of the Central City District Plan:</p> <p>Liveability</p> <ul style="list-style-type: none"> Improving housing choice Improving housing diversity and affordability Creating great places. | Yes |

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

| Summary comment |
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| <p>We have assessed the DA against the relevant provisions and the table below only identifies where compliance is not fully achieved.</p> <p>It is compliant with all other matters under <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i>.</p> |

9.1 General development standards

| Development standard | | Complies | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|---|------------|---------------|---|---------|------|---|---------|-------|---|---------|-------|---|---------|-------|---|---------|-------|---|---------|-------|---|---------|-------|---|---------|-------|---|---------|------|---|---------|-------|---|---------|-------|--|
| Controls within Appendix 4 – Alex Avenue and Riverstone Precinct Plan 2010 of the SEPP | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Part 4 Principal development standards | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Cl. 4.3 Height of buildings Maximum 16 m | <p>The proposed development has a maximum height of 20.26 m, as measured from the ground levels created by the new roads to the highest point of the lift overrun of Building C.</p> <p>The proposal also has minor encroachments for lift overruns, rooftop open space access, and part of the roof and habitable spaces, with some components of the development being offset above and below the height plane.</p> <p>The proposed overall building height and extent of variation for each building is as follows:</p> <table><thead><tr><th>Building</th><th>Height (m)</th><th>Variation (%)</th></tr></thead><tbody><tr><td>A</td><td>16.66 m</td><td>4.1%</td></tr><tr><td>B</td><td>19.17 m</td><td>19.8%</td></tr><tr><td>C</td><td>19.30 m</td><td>20.6%</td></tr><tr><td>D</td><td>19.56 m</td><td>22.3%</td></tr><tr><td>E</td><td>19.93 m</td><td>24.6%</td></tr><tr><td>F</td><td>18.61 m</td><td>16.3%</td></tr><tr><td>G</td><td>18.53 m</td><td>15.8%</td></tr><tr><td>H</td><td>18.42 m</td><td>15.1%</td></tr><tr><td>J</td><td>16.60 m</td><td>3.8%</td></tr><tr><td>K</td><td>20.26 m</td><td>26.6%</td></tr><tr><td>L</td><td>18.30 m</td><td>14.4%</td></tr></tbody></table> <p>The buildings have been designed to respond to the topography of the site and have been stepped, with the majority of each building being compliant with the 16 m height limit.</p> <p>Due to the stepping of the buildings, fall of the land and the predominant compliance with the height control, the perceivable height of the buildings is reduced.</p> <p>A range of different materials and aesthetics have been applied to buildings across the site to provide further visual interest and to break up the bulk and scale of the built form.</p> | Building | Height (m) | Variation (%) | A | 16.66 m | 4.1% | B | 19.17 m | 19.8% | C | 19.30 m | 20.6% | D | 19.56 m | 22.3% | E | 19.93 m | 24.6% | F | 18.61 m | 16.3% | G | 18.53 m | 15.8% | H | 18.42 m | 15.1% | J | 16.60 m | 3.8% | K | 20.26 m | 26.6% | L | 18.30 m | 14.4% | <p>No.</p> <p>The Applicant seeks to vary this development control. Refer to Section 7 of Assessment Report and attachments 7 and 8.</p> |
| Building | Height (m) | Variation (%) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A | 16.66 m | 4.1% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| B | 19.17 m | 19.8% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| C | 19.30 m | 20.6% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| D | 19.56 m | 22.3% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| E | 19.93 m | 24.6% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| F | 18.61 m | 16.3% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| G | 18.53 m | 15.8% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| H | 18.42 m | 15.1% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| J | 16.60 m | 3.8% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| K | 20.26 m | 26.6% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| L | 18.30 m | 14.4% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Cl. 4.6 Exceptions to development standard Request must be in writing | <p>The Applicant has submitted a Clause 4.6 statement in support of a variation to height, which is provided at attachment 8. The building heights referenced by the Applicant are measured from the existing ground level in strict accordance with the Growth Centres SEPP.</p> <p>Council's consideration of the request is at section 7 of the Assessment Report and attachment 8. The building heights that we reference are measured from the ground levels created by the new roads.</p> | <p>The Clause 4.6 request is satisfactory in the circumstances of the case.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| Development standard | | Complies |
|--|---|--------------|
| 5.9 Preservation of trees or vegetation | <p>The proposal seeks to remove all trees and vegetation on the site. Due to the extent of works required to achieve the appropriate road and stormwater levels, the retention and protection of trees on the site is not possible.</p> <p>The proposal includes replacement trees and landscaping throughout, including new street trees, which is considered satisfactory to contribute to the amenity of the area.</p> | Satisfactory |

10 Blacktown City Council Growth Centre Precincts Development Control Plan 2016 (Growth Centre DCP)

Summary comment

We have assessed the DA against the relevant provisions and the table below only identifies where compliance is **not fully achieved**.

It is compliant with all other matters under the *Blacktown City Council Growth Centre Precinct Development Control Plan 2016 (Growth Centre DCP)*.

10.1 Part 2.0 Precinct planning outcomes (from main body of DCP)

| DCP requirement | | Proposal | Complies |
|---|--|---|--|
| 2.2 Indicative Layout Plan | DA is to be generally in accordance with Indicative Layout Plan | <p>The proposal varies from the road pattern in the Indicative Layout Plan. This variation is considered appropriate.</p> <p>No objection is raised by Council's Access and Transport Management, engineering and waste sections.</p> | Variation proposed. Refer to Section 7 of the Assessment Report for further details. |
| 2.3.2 Salinity and soil management | <p>Land within areas of potential salinity and soil aggressivity risk must be accompanied by a salinity report. A qualified person is to certify the project upon completion of the works.</p> <p>The Salinity Management Plan is to be in accordance with Appendix C of the DCP. All works are to comply with the plan.</p> | <p>Portions of the site have a higher level of salinity risk potential according to the DCP.</p> <p>The application is accompanied by a Geotechnical Report prepared by Asset Geotechnical and dated 30 May 2015 which states that the tested soils are classified as non-saline. Therefore, a Salinity Management Plan is not required.</p> <p>Given the site is mapped as having moderate salinity potential, it is recommended that a condition be imposed that the design and construction of structures be undertaken in line with the Blacktown Growth Centre DCP and 'Building in a Saline Environment' 2nd edition by DIPNR017 (2018), or more recent relevant publications.</p> | Yes, subject to conditions. |

| DCP requirement | | Proposal | Complies |
|---|--|---|---|
| 2.3.3 Aboriginal and European heritage | Are there any areas of Aboriginal heritage value within or adjoining the site, and is the site identified on the European cultural heritage sites figure? If so, a report is required from a qualified consultant. | <p>The site is identified as being subject to potential Aboriginal heritage constraints.</p> <p>An Aboriginal Cultural Heritage Assessment Report prepared by Archaeological and Heritage Management Solutions was submitted with the application. The report identified an Aboriginal object towards the western boundary, but stated that, following a field study, the site is considered to have low archaeological potential. It is recommended that a condition be imposed to require an Aboriginal Heritage Impact Permit (AHIP) for the site to allow for the destruction of the isolated find and any other unidentified cultural material, with a copy to be provided to the registered Aboriginal parties involved in the project.</p> | Yes, subject to conditions. |
| 2.3.4 Native vegetation and ecology | <p>Native trees/vegetation to be retained where possible.</p> <p>A landscape plan is to be submitted with the DA. Trees to be selected from Appendix D of the DCP.</p> | <p>The proposal seeks to remove all trees and vegetation. Due to the extent of works required to achieve the appropriate road and stormwater levels, the retention and protection of trees on the site is not possible.</p> <p>The proposal includes replacement trees and landscaping throughout, including new street trees, which is considered satisfactory to contribute to the amenity of the area.</p> <p>The proposed landscape concept plans will provide a significant number of new evergreen trees, along all new street frontages and adjacent to the SP2 land.</p> <p>The landscape concept seeks to provide a variety of landscaped areas that will link buildings through site connections and provide a myriad of different environments for social interaction, relaxation and entertaining.</p> <p>Furthermore, the location of the proposed works is not identified on the North West Growth Centre Native Vegetation Protection Map. Under the Biodiversity Certificate Order, the subject site is not identified as 'native vegetation protection area' on the SEPP</p> | <p>Yes, subject to conditions.</p> <p>Yes, subject to conditions.</p> |

| DCP requirement | | Proposal | Complies |
|---------------------------------|--|---|-----------------------------|
| | | <p>North West Growth Centre Vegetation Map.</p> <p>Development can therefore occur without the need for any further assessment of flora and fauna under the <i>Threatened Species Conservation Act 1995</i> and the <i>Environment Protection and Biodiversity Conservation Act 1999</i>. Appropriate conditions are to be imposed regarding the planting of appropriate endemic species to suit the environmental conditions.</p> | |
| 2.3.6 Site contamination | <p>All subdivision DAs to be accompanied by a Stage 1 Preliminary Site Investigation.</p> <p>Where required, a Stage 2 investigation is to be carried out.</p> | <p>The application is accompanied by a Preliminary and Detailed Site Investigation report prepared by Trace Environmental dated 27 May 2015. Based on the testing that was undertaken, the report concluded that there was no evidence of potential contamination on site.</p> <p>These reports were reviewed by our Environmental Health Officer who advised that subject to the implementation of these recommendations, the site can be made suitable for residential use.</p> | Yes, subject to conditions. |

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

10.2.1 Specific residential flat building controls

| DCP requirement | | Proposal | Complies |
|---|------------------------------|--|--|
| Key controls for residential flat buildings (Table 4-10) | | | |
| Corner lots secondary setback | Minimum 6 m | <p>6 m to the walls of all habitable rooms.</p> <p>Some private balconies and architectural elements have a setback of only 4.5 m.</p> | No, minor encroachments which are supported in this instance. |
| Side setback | Above 3 storeys: minimum 6 m | <p>6 m to the walls of all habitable rooms. Some architectural elements and balconies have a setback of only 4.5 m.</p> | No, minor encroachments for Building D which are supported in this instance. |

| DCP requirement | | Proposal | Complies |
|---------------------|-------------|--|---|
| Rear setback | Minimum 6 m | Building A = 6 m (minor encroachment by architectural element, all habitable rooms and balconies achieve 6 m) Building B = 6 m Building C = 6 m Building D = 6 m (minor encroachment by architectural element, all habitable rooms and balconies achieve 6 m) Building E = over 11 m | No, minor architectural encroachments for Buildings A and D are supported in this instance. |

10.2.2 Controls for all residential development

| DCP requirement | | Proposal | Complies |
|---|---|--|--|
| Dwelling design controls (Section 4.2) | | | |
| 4.2.9 Visual and acoustic privacy | Internal layout of residential buildings, window openings, location of courtyards and balconies, and building plant to be designed to minimise noise impacts. | <p>The application is accompanied by an Environmental Noise Impact Assessment prepared by Day Design dated 5 October 2016 which considers the impact of the noise associated with the proposed development on adjoining properties, namely noise from traffic, residential uses and mechanical plant.</p> <p>The assessment also considers the acoustic amenity of future occupants. The assessment concludes that noise emission is expected to be within acceptable limits and provides recommendations for noise attenuation.</p> | Yes, subject to conditions requiring certification of the acoustic measures. |



CLAUSE 4.6 VARIATION REPORT

30-32 Advance Street,
SCHOFIELDS

2 November 2016

Updated 26.10.17

1.0 INTRODUCTION

- 1.1 This Clause 4.6 variation report accompanies amended DA drawings submitted for approval. This report supports the proposed variation to the Height development standard in the R3 zone pursuant to Appendix 4 Clause 4.3 of the SEPP relates to Height of Buildings. The accompanying map SEPP, specifies a maximum building height of 16 metres
- 1.2 The proposed heights for the building are provided below:

Table 1: Proposed Building Heights

| Building | Top of Roof/lift Overrun/ COS Height | Variation |
|----------|--------------------------------------|------------------|
| A | 16.18m | 180mm |
| B | 17.2 to 18.2 | 1200mm to 2200mm |
| C | 17 to 18.6 | 1700mm to 2600mm |
| D | 16.15m to 17.86m | 150mm to 1860mm |
| E | 17.06m to 17.95m | 1060mm to 1950mm |
| F | 16.21m to 16.89m | 210mm to 890mm |
| G | 16.13m to 17.1m | 130mm to 1100mm |
| H | 16.43m to 17.6m | 430mm to 1600mm |
| J | 16.05m | 50mm |
| K | 16.025m to 17.95m | 25mm to 1950mm |
| L | 16.66.to 17.85m | 660mm to 1850mm |

- 1.3 The development seeks a height variation of between 500mm and 2.6m to the top of the roof/overrun for some buildings. The variation to Buildings B & C relate to the access to the communal roof top open space.
- 1.4 The following diagram illustrates the areas of non-compliance across the development site:

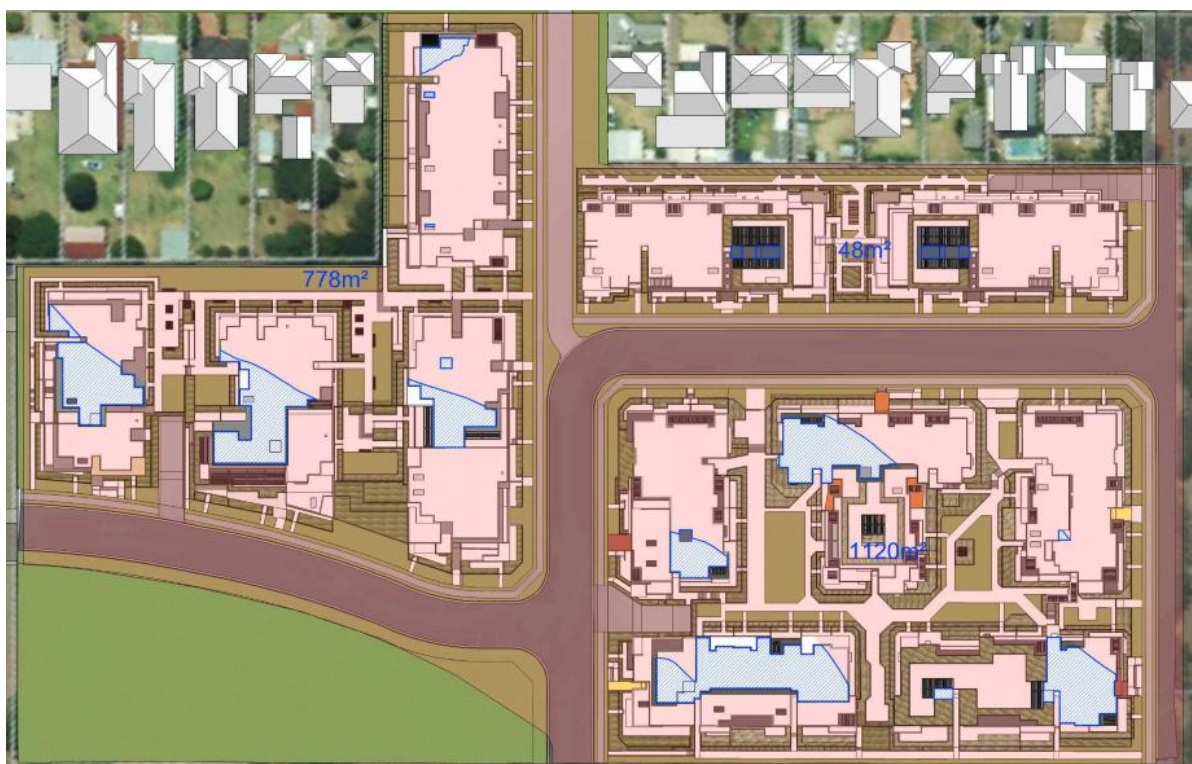


Figure 1: Grey white areas highlight non-compliant areas

- 1.5 A maximum building footprint of 1946m² will exceed the 16m height control by varying degrees as shown in Table 1 above. This equates to a total of 17.8% of the proposed building footprint.
- 1.6 Overall, 82.2% of the proposed building footprint fully complies and is below the maximum 16m LEP height control limit.
- 1.7 The report is structured to address the requirements of Clause 4.6 using the following headings:
 - What is the variation to the standard?
 - Is the development consistent with Objectives of the zone.
 - Is the development consistent with the objectives of the standard?
 - Is compliance with the development standard unreasonable and unnecessary in the circumstances of the site? 4.6(3)(a) and 4(a)(i)
 - Are there sufficient environmental planning grounds to justify the contravention of the development standard?

Is the development consistent with the objectives of the zone ?

- 2.1 Yes. The zoning of the land is R3 Medium Density Residential
- 2.2 The proposed development maintains compliance with the objectives of the zoned R3 Medium Density Residential zone.
- 2.3 The objectives of the R3 Medium Density Residential Zone under the SEPP are as follows:
- *To provide for the housing needs of the community within a medium density residential environment.*
 - *To provide a variety of housing types within a medium density residential environment.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
 - *To support the well-being of the community, by enabling educational, recreational, community, and other activities where compatible with the amenity of a medium density residential environment.*
- 2.4 The proposed development satisfies the objectives of the R3 Medium Density Residential zone, as outlined below:
- The development provides for residential housing in a locality that seeks to increase residential density.
 - The proximity to the Richmond train line and extension of the north-west railway line will further support this increased density.
 - The development provides units with high residential amenity that will enhance the variety of apartments in the locale;
 - The development encourages the use of public transport given the highly accessible location of public transport and position near local conveniences.
 - The high quality architectural design and finish of the buildings combined with the new road layout is a desirable outcome for this precinct.
- 2.5 The site is located within a nominated growth centre. It is anticipated that the subject site will evolve into a new precinct that will provide high quality residential development around new roads that are generally consistent with the indicative layout plan within the Blacktown City Council Growth Centres DCP.
- 2.6 It is therefore considered that the development, notwithstanding the variation to the development standard, achieves the objectives of the R3 Medium Density Residential zone.

Is the development consistent with the objectives of the standard?

- 2.7 The proposed development will achieve compliance with the objectives of the development standard under Part 7 Appendix 4 Clause 4.3 of the SEPP. A detailed assessment against each objective, relating to height, is provided below:

(a) to establish the maximum height of buildings for development on land within the Alex Avenue and Riverstone Precincts,

- 2.8 As demonstrated above, 82.2% of the roof/lift overrun features of the eleven proposed buildings will be compliant with or are below the 16m height control. The areas of non-compliance have been off-set with either compliant or significantly lower roof heights across this large precinct.
- 2.9 The height variation is appropriate across this site and will not detrimentally affect adjoining sites by way of privacy, shadow and scale, as demonstrated in the Statement of Environmental Effects.
- 2.10 The portion of building that is over the 16 metre height limit is generally well setback from the street edge or a small portion of the roof plane or lift overrun. Hence, the perceived scale of the proposed building when viewed from the public domain will not be larger than a building that complies with the building height control. The variation to Buildings B & C solely relates to access to the roof top communal open space which provides additional amenity for residents.
- 2.11 Overall the, minor variation across the site will not be highly evident when viewed from the public way or adjoining properties. The minor variation to the height limit is appropriate and reflective of the topography across the site.

(b) to protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

- 2.12 At least 82.2% of the roof and lift overrun features associated with the eleven proposed buildings will comply with or be significantly lower than the 16m height control, as demonstrated above.
- 2.13 The accompanying shadow diagrams demonstrate that the adjoining properties and future communal open space will not be unreasonably affected by the development and adequate sunlight will be maintained.
- 2.14 The proposed residential units within the development will achieve a high level of amenity with 70% receiving a minimum of 2 hours of sunlight on 21 June and 60% of units achieving cross-ventilation.
- 2.15 The minor variation across the site will not unreasonably affect adjoining sites or communal open space as demonstrated in this accompanying Statement of Environmental Effects.
- 2.16 The design of the buildings is generally consistent with the controls of the LEP and DCP and is of an appropriate scale for this emerging Growth Area.

(c) to facilitate higher density development in and around the local centre, the neighbourhood centres and major transport routes while minimising impacts on adjacent residential, commercial and open space areas,

- 2.17 The proposed buildings will contain a total of 587 residential units and will achieve the higher density expectations established for the Riverstone precinct growth area. The proposed development is well below the maximum permitted FSR.
- 2.18 As demonstrated in the accompanying shadow diagrams and traffic report the development will not unreasonably affect adjoining residential and open space areas.

(d) to provide for a range of building heights in appropriate locations that provide a high quality urban form.

- 2.19 The varying heights across the eleven new buildings ensure that the built form has variation to the urban environment. The proposed materials and finishes will provide each new building with architectural interest and individuality.
- 2.20 The proposed building form and design will achieve a high level architectural finish with the eleven proposed buildings framing the new road layout and creating a highly amenable urban environment consistent with the characteristics of this emerging growth centre.
- 2.21 The proposed stepping of the buildings is in response to the site topography while ensuring the communal open spaces situated between the buildings and across the site can remain relatively level with the proposed building and maximise its functionality for the benefit of future residents.
- 2.22 Each building will be highly modulated and articulated to provide visual interest that will minimise the bulk and scale of the development across the site.
- 2.23 Overall, the development will result in a high quality architectural form that will urbanise the precinct and achieve the desired future characteristics of this locality. The buildings are kept generally to 5 storeys with 82.2% of the proposed building footprint compliant and below the maximum height of 16 metres presenting as a predominantly 5 storey form.
- 2.24 The variation to height will not make a tangible impact on adjoining properties in terms of overshadowing.
- 2.25 For the reasons discussed above, the variation to the height control will still achieve the building height objectives.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

- 2.26 The proposed variation to the height control is assessed with consideration to the principles established by the Land and Environment Court in *Whebe V Pittwater Council [2007] NSW LEC 82*. His Honour Preston CJ set out 5 ways of establishing that compliance with the standard is unreasonable or unnecessary. The 5 parameters were further tested in *Four2Five Pty Ltd v Ashfield Council NSWLEC 90* where Justice Pain found that meeting the objectives of the standard was not sufficient to demonstrate that compliance was unreasonable or unnecessary.
- 2.27 Each of the 5 ways will be addressed in detail below:

(a) The proposal meets the objectives of the development standard notwithstanding its non-compliance with the standard. In this instance one must determine the objectives of the standard and if not expressly stated in the LEP what are the inferred objectives?

2.28 Yes the proposal meets the objectives of the standard as demonstrated above.

(b) The underlying objective or purpose is not relevant to the development;

2.29 The underlying objectives for height are still relevant.

(c) The underlying objective or purpose would be defeated or thwarted if compliance was required with the standard;

2.30 The underlying objective or purpose of the height control would be thwarted if compliance was required. This assessment is made on the basis of the minimal affects produced by the proposed development:

- The subject site is located within the Riverstone emerging growth centre and this precinct is transitioning to higher densities. The proposed heights will still achieve an appropriate height transition and land use intensity. It is preferable to provide higher density living in closer proximity to public transport and in this instance the site is extremely close to the Schofields train station which connects to the future north-west railway line, which will see increased services to the City.
- The proposed development is well below the density anticipated by this site established by the Floor Space Ratio Control. The LEP permits a maximum FSR of 1.75:1. The development application provides a maximum FSR of 1.40:1. The redistribution of the permitted floor space results in variation to the height control.
- As amended, the development will facilitate the additional land area required in excess of the SP2 zoned land to meet the drainage basin requirements of the wider area on the land to the south. Without the creation of a residual lot to the south, the effective servicing of precinct cannot occur. The development will facilitate this;
- The proposed building and road layout combined with the proposed building heights will not detrimentally affect adjoining properties by way of overshadowing as demonstrated in the accompanying shadow diagrams. In addition, 70% of units within the new development will achieve at least 2 hours of sun on the 21 June.
- The proposed separation and setbacks combined with the building design demonstrate that the development will not unreasonably affect adjoining sites. The separation distances between buildings are compliant and the building design ensures the privacy of existing and future residents is maintained.
- The accompanying shadow diagrams demonstrate that all adjoining properties and future communal open space will not be unreasonably affected by shadow.
- Overall the building layout and new roads will ensure appropriate heights that will achieve a high quality urban environment consistent with the characteristics of the emerging precinct.

2.31 The underlying objectives would be thwarted if compliance was required.

(d) The development standard has been virtually abandoned or destroyed by Council's own actions.

- 2.32 Council has not abandoned the height controls. However it is noted that there is a disparity between the FSR control and the height control. The permitted FSR or in this instance a lesser FSR cannot be configured within compliant buildings.

(e) The zoning of the land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable and unnecessary.

- 2.33 The zoning of the land is appropriate being, R3 Medium Density Residential, given the sites location within the Alex Avenue and Riverstone Precinct growth area.

Are there sufficient environmental planning grounds to justify contravening the development standard?

- 2.34 There are sufficient environmental planning grounds to justify the variation as follows: The flexible application of the control will achieve a better outcome on this site for the following reasons:

- The site will be developed to provide new roads, footpaths and landscaped setbacks. The proposed building layouts and relationship with the new public domain will achieve the desired future character for this emerging precinct;
- As amended, the development will facilitate the additional land area required in excess of the SP2 zoned land to meet the drainage basin requirements of the wider area on the land to the south. Without the creation of a residual lot to the south, the effective servicing of precinct cannot occur. The development will facilitate this;
- To enable an appropriate development of the site the development will provide 4 new allotments with amalgamated car parking basements to minimise disruption to new footpaths and reduce conflict with pedestrians;
- The additional height to seven of the eleven proposed new buildings will vary across the site and will not unreasonably affect adjoining properties or new residential units, all will still maintain or achieve a high level of solar access including the communal open space areas;
- The varied height will provide architectural interest to this new precinct and will not be significantly higher than the 16m height control given the size of the development and shared variation across the site;
- The topography combined with the amalgamated basement levels will see some buildings higher than others; however, the benefits of amalgamated basement levels far outweigh the impacts of the minor height non-compliance across the precinct. The resulting benefit will be that the communal open space will remain level and accordingly have improved functionality and provide disabled access for the benefit of future residents;
- The residential properties adjoining on Advance Street will not be detrimentally affected by shadow due to site orientation to the south and adequate measures are in place to minimise overlooking from Building A, B and C;

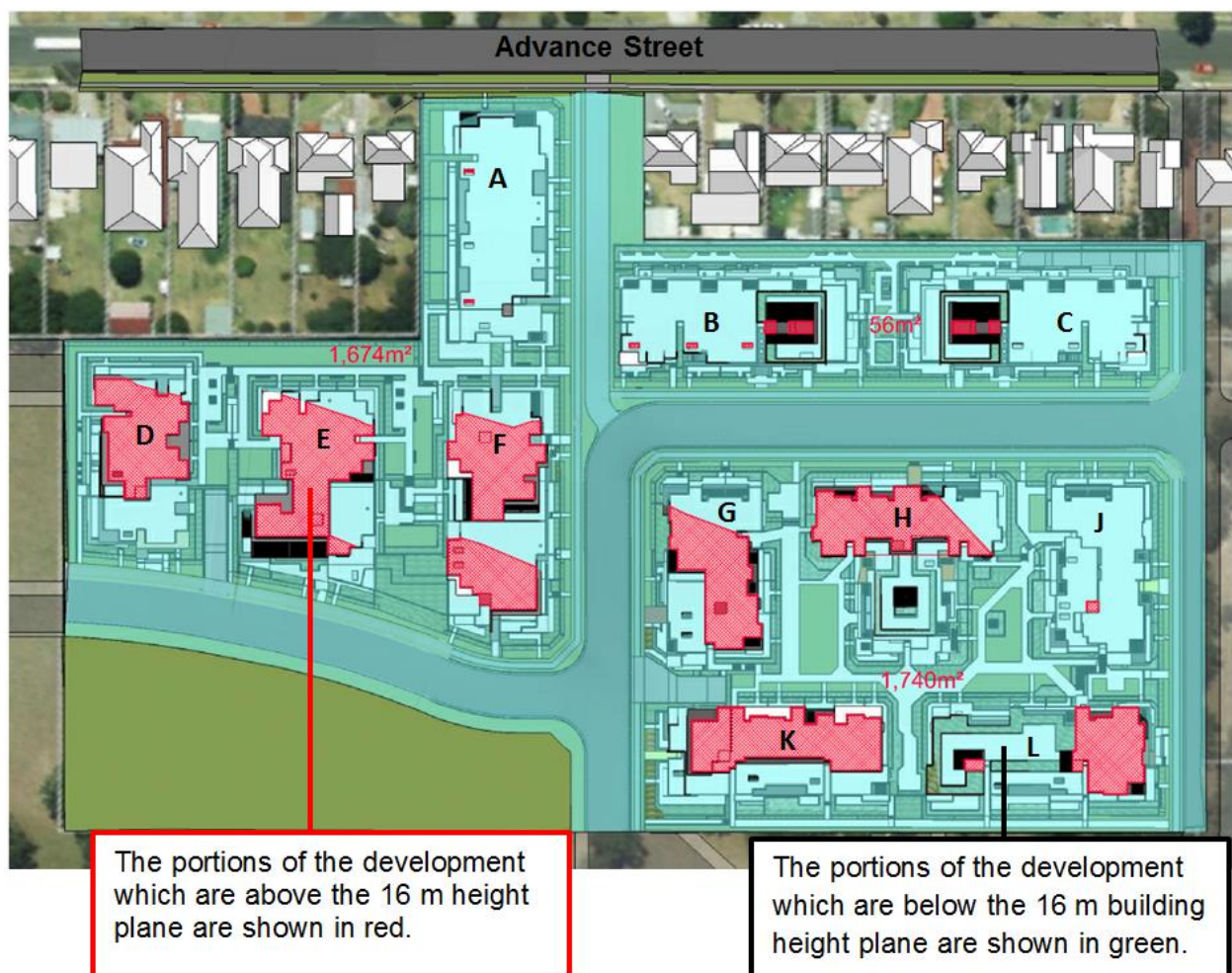
- The location of the roads around all buildings combined with site layout will ensure that adjoining properties to the east, west and south will not be unreasonably affected by shadow; and
- The increased heights have been off-set across the site and this flexible outcome results in a highly appropriate development that will achieve the desired characteristics of the emerging precinct without any detrimental effects.
- The proposed development is well below the density anticipated by this site established by the Floor Space Ratio Control. The LEP permits a maximum FSR of 1.75:1. The development application provides a maximum FSR of 1.40:1. By the flexible application of the height control, this enables the site to achieve a reasonable development density although significantly lower than the maximum FSR permitted.

2.35 Based on the above, there are sufficient planning grounds to justify the variation.

Council assessment of Clause 4.6 request to vary height of buildings development standard

Visual representation of height offset

The following figures identify the portions of the building envelopes proposed in JRPP-16-04461 that exceed the 16 m height limit and the portions of the development that are below the height limit of Clause 4.3 Height of Buildings in Appendix 4 Alex Avenue and Riverstone Precinct Plan 2010 of *State Environmental Planning Policy (SEPP) 2006*. The building height is measured from the ground levels created by the new roads.





VIEW FROM SOUTH-WEST



VIEW FROM NORTH-WEST

Assessment of Clause 4.6 variation request

1. **Consideration regarding if compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (Clause 4.6(3)(a))**

The underlying objective of the height of buildings development standard is still considered relevant to the proposal. However, 100% compliance in this circumstance is considered both unreasonable and unnecessary because:

- The parts of the proposed building envelopes which exceed the height limit relate to the roofline and parapets, rooftop plant and equipment, and services to enable access to rooftop communal open space areas (for Buildings E, F and H).
- The proposed buildings are appropriately stepped to reflect the slope of the site and to coordinate with the levels of the future roads. This includes ensuring that the levels of the ground floor apartments are afforded with an appropriate amount of amenity given their relationship with the new road levels.
- The stepped building forms mean that some portions of the buildings are below the 16 m building height limit to compensate for some parts of the buildings and rooftop plant and equipment being above the building height limit.
- The stepped design generates a desirable amenity outcome for future residents and a positive aesthetic streetscape presentation.
- The portions of the roof structures that exceed the height limit do not result in excessive bulk and scale and do not result in adverse shadow and amenity impacts on surrounding properties.
- The additional height does not result in any additional yield and does not result in an additional storey, as the height variation is offset throughout the development.
- The lift overruns are suitably placed so they are not visible from the street and will result in only minor additional overshadowing to adjoining properties as shadows are generally contained in the roof areas and on the new public roads.
- The additional height does not result in additional yield in terms of the number of apartments and results in better designed buildings.

Despite the height exceedances, the proposal is a well-considered design which is compatible with the emerging scale of development in the locality.

2. Consideration of sufficient environmental planning grounds to justify contravening the development standard (Clause 4.6(3)(b))

The proposal demonstrates sufficient environmental planning grounds to justify contravening the height of buildings development standard for the following reasons:

- The proposal promotes the orderly and economic use and development of the site because it provides a carefully considered master planned approach.
- The proposal promotes the social welfare of the community by providing suitable opportunities for solar access to apartments and to communal open space areas within the site.
- The proposed design comprises stepped building forms which ensure that the changes in the landform are accommodated, including allowing for basement access for waste vehicles and amalgamated basement levels which service the needs of residents. In addition, the design also maximises deep soil areas which are co-located with communal open space areas.
- The proposal promotes good design and amenity, which creates a diverse and attractive neighbourhood based on strong urban design principles.

The Applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by Clause 4.6(3) in points 1 and 2 above.

3. The objectives of the standard are achieved notwithstanding non-compliance with the standard (Clause 4.6(4)(a)(ii))

| Appendix 4 –Alex Avenue and Riverstone Precinct Plan 2010 of <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> | |
|---|---|
| Objectives of Clause 4.3 'Height of buildings' | How the proposal achieves the objective |
| a. To establish the maximum height of buildings for development on land within the Alex Avenue and Riverstone Precincts. | <p>Although the proposed building envelopes exceed the permissible height by up to 4.26 m, the development does not achieve an additional residential level. The increase in height does not impact on the density, floor area or scale of the development. The additional height simply accommodates the roof line, parapets and rooftop plant and equipment, including access to rooftop communal open space areas for Buildings E, F and H.</p> |
| b. To protect the amenity of adjoining development and land in terms of solar access to buildings and open space. | <ul style="list-style-type: none"> Minimise visual impact <p>The additional building height is supported because it is visually negligible and generates a satisfactory streetscape outcome.</p> <p>This is particularly the case given the site adjoins land to all sides which is also permitted to be developed to a building height of 16 m with residential flat buildings. The proposed variation is compatible with the surrounding future developments and public transport infrastructure and will be visually imperceptible.</p> Solar access to buildings and open space of adjoining development and land <p>The proposed building envelopes generally reflect a 5 storey development as viewed from the public domain, with portions of Buildings F and K being 6 storeys in height. The majority of overshadowing generated by the buildings is located on the roads and part of the site zoned SP2 Infrastructure Drainage.</p> <p>The adjoining land to the south-east of the site is also zoned R3 Medium Density Residential and capable of redevelopment for residential flat buildings. We consider that the adjoining site to the south is afforded sufficient opportunity for solar access given proposed buildings K and L exceed the minimum 6 m setback requirement to the south-eastern boundary. Buildings K and L have a setback to their building line of 9 m, with some projecting balconies having a setback of 7.5 m. Buildings K and L are stepped with the slope of the site, with some portions of the roofline up to 2.33 m below the height limit and some portions of the roofline up to 4.26 m above the height limit, and the lift overrun structures have a small footprint.</p> <p>Therefore suitable levels of amenity are afforded to the surrounding properties, including future redevelopment anticipated by the Precinct Plan.</p> <p>Refer to the shadow diagrams at attachment 5.</p> |

Appendix 4 –Alex Avenue and Riverstone Precinct Plan 2010 of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*

| Objectives of Clause 4.3 'Height of buildings' | How the proposal achieves the objective |
|---|---|
| c. To facilitate higher density development in and around the local centre, the neighbourhood centres and major transport routes while minimising impacts on adjacent residential, commercial and open space areas. | The proposal satisfies this objective to facilitate higher density development in and around commercial centres and major transport routes. It provides 587 apartments which are supported by the services which will be offered in the future by improvements to Railway Terrace, the nearby Schofields Railway Station and future Schofields Town Centre. |
| d. To provide for a range of building heights in appropriate locations that provide a high quality urban form. | The site and surrounds are well serviced for this form of residential development. The development offers a design which is interesting and modern, and is of a high quality architectural design standard. |

Therefore, the proposal is in the public interest because the development is consistent with the objectives of this particular development standard.

4. The objectives of the zoning are achieved notwithstanding non-compliance with the standard (Clause 4.6(4)(a)(ii))

Appendix 4 – Alex Avenue and Riverstone Precinct Plan 2010 of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*

| Objectives of the R3 Medium Density Residential zone | How the proposal achieves the objective |
|--|--|
| a. To provide for the housing needs of the community within a medium density residential environment. | The proposal provides for the housing needs of the community by providing 587 apartments and associated ground level and rooftop communal open space areas (to Building E, F and H) for passive and active recreation. |
| b. To provide a variety of housing types within a medium density residential environment. | The proposed residential flat buildings provide a mix of 1, 2 and 3 bedroom apartments which contribute to the variety of housing types in this Precinct. |
| c. To enable other land uses that provide facilities or services to meet the day to day needs of residents. | Not applicable to this application. |
| d. To support the well-being of the community, by enabling educational, recreational, community, and other activities where compatible with the amenity of a medium density residential environment. | Not applicable to this application. |

Therefore, the proposal is in the public interest because the development is consistent with the objectives for development within the R3 Medium Density Residential zone in which this development is to be carried out.

5. The concurrence of the Secretary has been obtained (Clause 4.6(4)(b))

The Clause 4.6 written request to vary a development standard in an Environmental Planning Instrument has been considered under Planning Circular PS 08-003. The Secretary (formerly Director-General) of the NSW Department of Planning and Environment's concurrence is assumed as this request is adequate, does not raise any matter of significance for State or regional environmental planning, and there is no public benefit of maintaining the standard, as discussed in points 6 and 7 below.

6. Contravention of the development standard does not raise any matter of significance for State or regional environmental planning (Clause 4.6(5)(a))

There is no identified outcome which would raise any matter of significance to planning matters of State or regional significance as a result of varying the development standard as proposed under this application.

7. There is no public benefit of maintaining the standard (Clause 4.6(5)(b))

When compared to providing a development which strictly complies with the height of buildings development standard, this application offers public benefit because it provides a built form scale which is generally 5 storeys as viewed from the public domain, which is consistent with the scale anticipated by the Precinct Plan. Due to the slope of the site, portions of Buildings F and K are 6 storeys in height and maintain a positive development outcome which does not impact on the privacy or solar access of surrounding properties. The proposal also accommodates rooftop plant and equipment to properly service the development and access to rooftop communal open space areas. The proposal offers improved outcomes for and from development. Therefore, there is no public benefit in maintaining strict compliance with the development standard.

Based on the above assessment, the Clause 4.6 variation request is considered reasonable and well founded. It is recommended for support to allow flexibility in the application of the development standard.

Summary of residents' concerns and Council response

1 Summary of submissions

As a result of the public exhibition of this Development Application (DA), we received 7 individual submissions and 1 petition with 24 signatures.

The submissions raised concern with regard to the ability of the proposed road access to service the development, inadequate provision of public transport, and the impact on the local school and existing amenities. Concern was also raised with regard to loss of amenity to local residents, development which differs from the current land use, the size of the development, and dust nuisance as a result of earthworks and construction.

Several properties located along Advance Street have raised concerns that the deletion of the Indicative Layout Plan road south of their properties will be a poor outcome and result in the loss of a buffer space and building separation, decreased privacy leading to devaluation of property prices, and reduced redevelopment potential of properties along Advance Street which will only have street frontage available to Advance Street. Concern was also raised with regard to loss of enjoyment of the use of their land and privacy, impact on traffic volume and safety on Advance Street, necessary infrastructure is not in place and will worsen with large developments, noise from occupants of the apartments and air conditioning units, impacts on the existing services such as water pressure and drainage as the site slopes downwards towards Advance Street, and loss of pedestrian pathways.

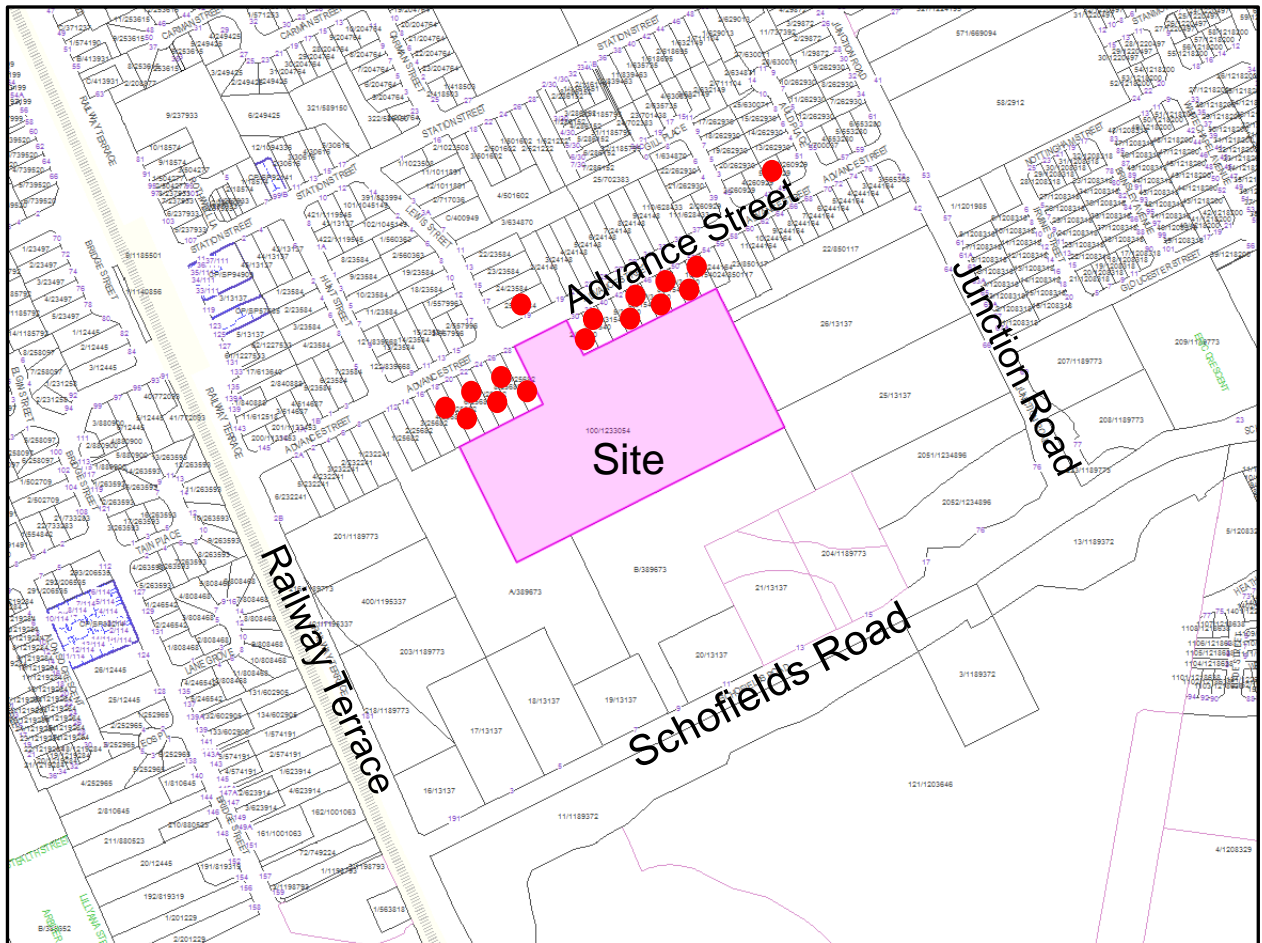
Concern was raised regarding overshadowing, building height, inconsistency with the streetscape and surrounding residential homes, views to trees and rural aspect, balconies with glass balustrading are not suitable for visual privacy reasons and result in overlooking, noise disturbance from gates opening and closing, noise and light impacts from additional traffic, and interruption to services during construction.

A further submission was received objecting to the proposed dwelling density, height of buildings, number of storeys, overlooking and privacy, crowding and amenity, significant modifications to the Indicative Layout Plan (ILP) roads, the adaptable units are non-compliant, environmental impact due to the destruction of native trees and habitat, and further investigation required to ensure significant aboriginal archaeological artefacts are identified and protected. The submitter also objected due to an inappropriate apartment mix, no outdoor drying areas, monoculture of higher density dwellings, capacity of local amenities, risk of the Sydney property price bubble impacting on the commercial viability of developments, and significant change to the character of the local area.

In response, the Applicant submitted a detailed response to each of the concerns raised and submitted amended plans which also included design improvements as requested by our City Architect. Refer to further details at Section 10 of the Assessment Report.

A summary of these concerns and the Applicant's response is provided below, followed by our consideration of the issues raised.

2 Location of submitters



Key:

The site the subject of this application is highlighted in purple.

● = Location of the submitter/petitioner property.

Notes:

- 1 submitter's property is not shown as it is a confidential submission.
- 1 submitter's property is not shown as it is out of the scope of this map.
- In some cases, multiple submissions signed by different individuals were received from the same property.

3 Consideration of issues raised

| Issue | Applicant's response | Planning comment/response |
|--|--|--|
| 1) Inadequate and inaccurate analysis of available road access servicing development. | <p>The revised drawings submitted to Council in October 2017 outline the proposed Indicative Layout Plan (ILP) changes and the increase in developable area.</p> <p>The amended drawings and accompanying documentation demonstrate that the development can function with the reduced roads and will not affect future redevelopment potential of properties along Advance Street as the original ILP did not provide direct access for the Advance Street properties.</p> | The Applicant's revised submission clearly shows the proposed road network. Refer to attachment 5. |
| 2) Inadequate and limited reporting of impact on public transport servicing development. | <p>The Growth Centres SEPP and the recent Draft North West Land Use and Infrastructure Implementation Plan (May 2017) have carefully considered infrastructure within the release areas.</p> <p>The area is still transitioning in density and the development is appropriate given proximity to the Richmond railway line and construction of the Sydney Metro Northwest. The development of this site is below the maximum floor space ratio permitted on the site, accordingly resulting in an appropriate development density.</p> | The site is appropriately serviced by amenities and public transport as directed by the Growth Centre Precinct requirements and is satisfactory. |
| 3) Impact on local schools and other amenities. | Land within the release area has been zoned for new schools. This has been a key consideration of the State Government when the area was planned for redevelopment. | The locality features existing schools and infrastructure. These are currently being improved, or will be improved in the future, by the NSW Department of Education, to support the intent of the Growth Centre Precinct. |
| 4) Loss of amenity to local residents. | <p>The locality is transitioning in nature and the proposed redevelopment is consistent with the SEPP and DCP controls, and variations have been justified in the accompanying Statement of Environmental Effects and supporting documentation.</p> <p>The removal of the road behind the Advance Street properties will enable the orderly development of the subject site, as the original ILP resulted in an unusual shaped allotment in the north-western corner.</p> | The transition of the site from a vacant and generally grassed site to a residential flat building development is substantial. However, the proposal is in keeping with the desired future character of the Precinct and reflects the aim of the Apartment Design Guide to achieve better design and planning for residential apartment development. |

| Issue | Applicant's response | Planning comment/response |
|--|---|---|
| | <p>The proposed setbacks of Buildings D and E from the rear boundary of the Advance Street properties will be 6 m and 12 m respectively for all levels above ground, with level 5 of Building D increasing to 9 m. This separation complies with the ADG and will provide adequate separation for the adjoining land which is also zoned R3 Medium Density Residential.</p> | |
| <p>5) Development foreign in nature to current land use.</p> | <p>The Growth Centres SEPP 2006, DCP and the draft Our Greater Sydney 2056 – A Metropolis of Three Cities Regional Plan have identified increased density within this locality and including the subject site.</p> <p>The development is below the maximum FSR permitted across the site and is therefore consistent with the transitioning nature of the area.</p> | <p>The proposed new local roads and residential flat buildings are a permissible land use in the R3 Medium Density land use zone that was established by the NSW Government in 2010.</p> |
| <p>6) Size of development</p> | <p>The development complies with the SEPP maximum FSR and is consistent with current planning controls and strategic planning documents.</p> | <p>The proposal is generally consistent with the development standards applicable to this site, and any departures from the controls have been satisfactorily justified by the Applicant.</p> |
| <p>7) Complaint regarding control of earthworks in subject property creating a dust nuisance to neighbouring properties indicative of lack of care in respect of residents in their development processes.</p> | <p>Generally a Construction Management Plan is required to be prepared and adhered to during construction works. A condition may be imposed, should consent be granted, to address this matter.</p> | <p>Conditions of consent are recommended to be imposed requiring a Construction Management Plan and appropriate protection measures to be in place during any demolition, earthworks and construction activities.</p> |
| <p>Submission issues raised from owners of 22 Advance Street, Schofields</p> | | |
| <p>8) Removal of 18 m road/street that runs along rear boundary will result in the following issues:</p> | | |
| <p>- Buffer being deleted.</p> | <p>As discussed above, Buildings D and E will be setback 6 m and 12 m respectively, with Building D increasing to 9 m at Level 5. Yes, part of the road has been deleted but the design has provided greater setbacks than required under the ADG and improved building form for Building A.</p> <p>The current controls do not refer to the road being required as a buffer. The properties fronting Advance Street are also zoned R3 Medium Density Residential and could also be redeveloped, subject to amalgamation.</p> | <p>The apartments in Buildings D and E, which adjoin properties along Advance Street, satisfy the building separation requirements. Suitable boundary fencing, trees, landscape buffer screening and a mix of masonry balcony balustrades and privacy screens are proposed.</p> |

| Issue | Applicant's response | Planning comment/response |
|---|--|---|
| | | We support the deletion of the ILP road in this location, which would have had guaranteed traffic and noise to these properties if provided. Refer to Section 7 of the Assessment Report. |
| - Decreased privacy leading to devaluation of property. | This is not a valid planning consideration. No evidence has been provided to support this statement. | This is not a matter for planning consideration. The Advance Street properties have the same zoning as the subject DA site. |
| - Reduce potential redevelopment of our property. | <p>The adjoining properties zoned R3 Medium Density Residential have the potential to be redeveloped.</p> <p>The deletion of part of the east-west road will not affect the redevelopment potential of the adjoining Advance Street properties, as these properties have no frontage to the internal road system under the ILP. If this road were retained as it exists on the ILP, the owners of that land may be financially burdened with having to acquire land to gain access to the road. As the properties have a primary frontage to Advance Street, the deletion of this road will have no unreasonable impact.</p> | The deletion of the road means the setback of the properties to 2 potential road frontages has been eliminated. The proposal is not considered to constrain the potential for the amalgamation and redevelopment of surrounding properties. |
| - Future plans and height will encroach on our current use, enjoyment, harmony and privacy. | <p>The amended plans submitted to Council comply with or exceed the required separation distances under the ADG.</p> <p>The minor height non-compliances will not create additional overshadowing for the Advance Street properties due to the orientation of the land and the height has been justified in the Statement of Environment Effects and Clause 4.6 variation report.</p> | As above, we consider that appropriate design measures are incorporated into Buildings D and E. |
| - Impact on Advance Street traffic volume and safety. | The submitted traffic report has determined that the proposed traffic volume will not detrimentally affect the surrounding street network. | The proposal has been assessed by our Access and Transport Management Section which advises that the additional traffic generated by the proposed development can be accommodated within the existing and future road network capacity. |
| - Necessary infrastructure is not in place and will worsen with large developments. | Adequate infrastructure exists or is proposed to be provided to support the current development. | The Growth Centre Precincts include provision for infrastructure and services to support the development. |

| Issue | Applicant's response | Planning comment/response |
|--|---|--|
| <ul style="list-style-type: none"> - If development approved we seek the road to be reinstated. | <p>The road does not provide any benefit for the redevelopment of the adjoining sites as their lots do not adjoin or have access to the proposed ILP road.</p> <p>The accompanying traffic report, submitted to Council, has determined that the traffic will not detrimentally affect the surrounding traffic network.</p> <p>The buildings comply with, or exceed, the minimum ADG separation requirements.</p> | <p>We support the deletion of the ILP road in this location. Refer to Section 7 of the Assessment Report.</p> |
| <p>9) Invasion of privacy due to boundary fence and 5 storey building overlooking backyard and gates of ground floor units near my fence line.</p> | <p>As discussed above, all buildings comply with or exceed the ADG minimum separation requirements.</p> | <p>Suitable building separation, boundary fencing, trees, landscape buffer screening, and a mix of masonry balcony balustrades and privacy screens are proposed.</p> |
| <p>10) Devalue the market value of my property due to privacy concerns and high intimidating structure close to rear fence.</p> | <p>The buildings are appropriately positioned in accordance with the amenity provisions of the ADG.</p> | <p>This is not a matter for planning consideration.</p> |
| <p>11) Impact of new road into Advance Street such as increased traffic, dust and noise, pollution during excavation and construction, health and social issues such as in point 9 above: privacy. Noise from unit dwellers from balconies facing my property and noise from air conditioning units on balconies facing my property.</p> | <p>Appropriate conditions should be included in the consent, should consent be granted, to address construction issues and noise from air conditioners.</p> <p>Noise from future residents will need to comply with Council noise requirements just like any other residential property.</p> | <p>Conditions of consent are recommended to be imposed requiring appropriate protection measures to be in place during any demolition, earthworks and construction activities.</p> <p>Noise attenuation measures are required to be incorporated into the development to ensure that mechanical noise from air conditioning units and plant and equipment do not impact on the acoustic amenity of surrounding properties.</p> |
| <p>12) Impact on existing services to my property, such as water pressure and drainage, as the site falls toward my property, 22 Advance Street.</p> | <p>The submitted civil engineering drawings demonstrate that the development will comply with Council's drainage requirements. The development will not affect adjoining properties.</p> | <p>The site falls to the south-west, and therefore does not fall towards 22 Advance Street. Therefore, the water pressure and drainage to 22 Advance Street are not affected.</p> |
| <p>Submission issues raised from owners of 20 and 26 Advance Street, Schofields</p> | | |
| <p>13) Removal of 18 m road/street that runs along rear boundary will result in the following issues:</p> | | |
| <ul style="list-style-type: none"> - Privacy affected. | <p>As discussed above, compliant separation setbacks are provided as required under the ADG. In the case of Building E they exceed the minimum requirements.</p> | <p>See comment in 9) above.</p> |

| Issue | Applicant's response | Planning comment/response |
|--|---|---|
| <ul style="list-style-type: none"> - From a development point of view, we should have a 2 street frontage (Advance Street and the new street behind) as per the current approved road map/indicative layout plan. If there is no new street behind us, it leaves us limited. By having 2 street frontages, it allows us to build a smaller development with dwellings facing both Advance Street and the new future street behind if we wanted. | <p>The properties along Advance Street did not have access to the internal roads under the ILP. The proposed road changes do not affect the redevelopment potential of the properties along Advance Street. The deletion of the road does not impact on the ability to develop the Advance St properties.</p> | <p>The ILP always had a gap of approximately 6.5 m to 8.5 m from the proposed road to the common boundary and so the ILP was never flush with these residents' boundaries. The proposal is not considered to constrain the potential for the amalgamation and redevelopment of surrounding properties.</p> |
| <ul style="list-style-type: none"> - If the new density control plans (to massively reduce yields on R3 land in the Growth Centre) that Blacktown Council and NSW Department of Planning and Environment have released is gazetted, then by having no road at the back, leaves us and our neighbours with extremely minimal development potential. | <p>The current planning controls prescribed by the SEPP do not include a maximum density control.</p> | <p>Although the proposal is inconsistent with the maximum dwelling density exhibited by the NSW Government in May 2017, there is no certainty or imminence to these amendments coming into effect, and therefore this is not a matter that should be given determinative weight in consideration of this application.</p> |
| <ul style="list-style-type: none"> - Our property and our neighbours' properties slope slightly to the rear. From a development point of view, this will require us to discharge the stormwater to the rear of the block. Now if there is a new street/road there, then it's no problem. But if there's no street/road, then we have to obtain an easement from the neighbour behind (either the current land owner or body corporate of 587 owners – this will be a very difficult process). | <p>As noted, the Advance Street properties did not have direct street access and would be required to acquire additional land to facilitate access to the road for vehicles or servicing.</p> | <p>The proposal is not considered to constrain the potential for the amalgamation and redevelopment of surrounding properties. Conditions of consent are recommended to be imposed requiring the Applicant to create an easement for stormwater drainage over the site to benefit the properties at 18 to 28 Advance Street, and ensure these properties have a legal point of discharge to the land zoned SP2 Drainage to the south.</p> |
| <ul style="list-style-type: none"> - We and a number of our neighbours recently purchased these properties based on its development potential and the fact that there was an upside to the properties by having a 2 street frontage in future. Also, that the road at the back was going to significantly separate our properties to the new mini suburb that's proposed at the back of us. | <p>As noted, the Advance Street properties did not have direct street access and would be required to acquire additional land to facilitate access to the road for vehicles or servicing.</p> | <p>The proposal is not considered to constrain the potential for the amalgamation and redevelopment of surrounding properties.</p> |

| Issue | Applicant's response | Planning comment/response |
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| Submission issues raised from owners of 24 Advance Street, Schofields | | |
| 14) Removal of 18 m road/street that runs along rear boundary will result in the following issues: | | |
| <ul style="list-style-type: none"> - Privacy and noise – from 5 storey development and proximity to our property. | <p>The ILP did not propose a road that adjoined the rear of the Advance Street properties. There is a parcel of land owned by the Applicant that separates the Advance Street properties from the road.</p> <p>The submitted Traffic Report determined that the road changes will not detrimentally affect the local traffic network.</p> <p>The proposed buildings will achieve separation compliance with the ADG as shown on the amended architectural drawings.</p> | <p>Suitable building separation, boundary fencing, trees, landscape buffer screening, and a mix of masonry balcony balustrades and privacy screens are proposed to protect the visual privacy of surrounding properties.</p> <p>Suitable acoustic protection measures will be required to be implemented to ensure that potential noise and vibration impacts are mitigated to protect the acoustic privacy of surrounding properties.</p> |
| <ul style="list-style-type: none"> - Overshadowing - our backyard faces south east and as a consequence we get the morning sun on our backyard. - Any and all 16 m high, 5 storey, units directly on our back fence will overshadow our backyard for a number of hours each day. It would not be unreasonable to say that in winter a 16 m high building on our back fence would prevent any sun from hitting our lawn, clothes line, vegetable garden until at least midday. | <p>As shown on the submitted sun view diagrams, the adjoining properties to the west along Advance Street will receive sunlight from 11 am until 3 pm on 21 June. This exceeds the ADG requirements.</p> <p>26 and 28 Advance Street will see a reduction in morning sun to the rear yards, however by 10.30 am, 26 Advance Street will receive full sunlight and 28 Advance Street will receive full sunlight by 12 pm to the whole allotment for the remainder of the day.</p> <p>The retention of the road will not increase sunlight as it is positioned to the south of the Advance Street properties.</p> | <p>Proposed Building A results in additional overshadowing when compared to a development which retains the ILP road by approximately 8 m. However, the proposal demonstrates that the private open space of the surrounding properties receive at least 3 hours of sunlight between 9 am and 3 pm on 21 June.</p> |
| <ul style="list-style-type: none"> - The retention of the road directly behind all the Advance Street properties backing onto this development is needed in order to prevent these issues. Even the developer's own diagrams show that half our house and all of our backyard will be overshadowed at various times of the year. | <p>The removal of the road enables orderly development of the land. The north-western corner of the development site would result in residual parcels of land which are not capable of redevelopment.</p> | <p>As detailed in Section 7 of the Assessment Report and attachment 4, the retention of the ILP road to the south of 18 to 28 Advance Street results in the creation of a strip of land which ranges in width from 6 m to 8.5 m, and requires the properties at 18 to 28 Advance Street to acquire this strip of land to enable development of their land, for example as residential flat buildings to take advantage of access to the ILP road. We consider this to be an onerous requirement for the properties at 18 to 28 Advance Street. Therefore, the deletion of this ILP road is supported.</p> |

| Issue | Applicant's response | Planning comment/response |
|---|---|--|
| - We believe that the removal of the road and associated footpaths will have no benefits for current residents, in fact it will be extremely detrimental to current residents. The primary reason for the request to remove the road and associated footpaths seems to be to obtain extra land for development/other purposes. | The strategic development of the ILP is dependent on holistic development of various sites which are in separate ownership. The changes to the road system are acceptable on traffic grounds and the proposed residential flat buildings comply with the ADG separation requirements and the proposal is well below the maximum FSR permitted on the site. | |
| - The removal of the planned road and associated footpaths directly behind us, and the location of over 16 m high units, can only seriously devalue our property. | The land is zoned for this form and scale of development. | This is not a matter for planning consideration. |
| - The height development standard in the R3 zone pursuant to Appendix 4 Clause 4.3 of the SEPP which relates to the Height of Buildings, specifies a maximum building height of 16 m. However, the applications shows all the buildings will exceed the 16 m limit, some by more than 2 m. This is clearly a breach of the Council's own rules. | As discussed in the submitted Clause 4.6 variation request and Statement of Environmental Effects, the proposed height protrusion is due to the sloping nature of the site. The points of exceedance will not create unreasonable shadow for any properties along Advance Street and the majority of variation is located in the buildings to the south and south-east of the Advance Street properties which minimises bulk and scale issues. The variation has been suitably justified. | The proposed height of buildings is supported, as discussed in Section 7 of the Assessment Report. |

Submission issues raised from owners of 40 Advance Street, Schofields

15) Impact on 40 Advance Street:

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| - The proposed development is not in keeping with the current streetscape and surrounding properties and residential homes. The streetscape of my home will be ruined with a large building (i.e. Building B) overlooking my property. This will also diminish the value of my property. | The proposed development is consistent with the transitioning nature of this growth area. Building B and Building C are setback 6.64 m to 6.66 m across Levels 1 to 3 and 9.04 m to 9.06 m at Level 4. This complies with the ADG minimum separation requirements. The area has been rezoned to facilitate this form of development. | The proposal is considered to be in keeping with the desired future character of the Riverstone Precinct Plan. Property value is not a matter for planning consideration |
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| Issue | Applicant's response | Planning comment/response |
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| <ul style="list-style-type: none"> - The visual enjoyment from my property will be ruined. We currently have a nice view from the rear over trees and rural aspect. This development will change that view to a large building (i.e. Building B) and numerous residential balconies. Loss of privacy to use my backyard and rear living space. The construction of Building B at the proposed position will allow 35 balconies to look into my backyard and rear living space. I had planned to install a swimming pool in my backyard in the future and will not be able to proceed with this plan due to lack of privacy. | <p>The proposed development is consistent with the transitioning nature of this growth area.</p> <p>Building B and Building C are setback 6.64 m to 6.66 m across Levels 1 to 3 and 9.04 m to 9.06 m at Level 4. This complies with the ADG minimum separation requirements.</p> <p>The area has been rezoned to facilitate this form of development.</p> | <p>Suitable building separation, boundary fencing, trees, landscape buffer screening, and a mix of masonry balcony balustrades and privacy screens are proposed to protect the visual privacy of surrounding properties.</p> |
| <ul style="list-style-type: none"> - The proposed construction of balconies using glass balustrade will result in a further loss of privacy to my backyard and rear living space, as these proposed units' living areas and bedrooms will also have a direct view of my backyard and rear living space. My backyard will no longer be able to be enjoyed and used freely without being viewed from the proposed development. | <p>The proposed development is consistent with the transitioning nature of this growth area.</p> <p>Building B and Building C are setback 6.64 m to 6.66 m across Levels 1 to 3 and 9.04 m to 9.06 m at Level 4. This complies with the ADG minimum separation requirements.</p> <p>The area has been rezoned to facilitate this form of development.</p> | <p>Suitable building separation, boundary fencing, trees, landscape buffer screening, and a mix of masonry balcony balustrades and privacy screens are proposed to protect the visual privacy of surrounding properties.</p> |
| <ul style="list-style-type: none"> - The construction of the proposed units will create noise, dust and traffic that will impact on the quiet enjoyment of my property. There will also be loss of privacy as construction workers will be on scaffolding close to my property and have a view of my backyard and into my rear living space. | <p>Appropriate conditions can be imposed on the consent to control construction management activities.</p> <p>The construction phase will be temporary.</p> | <p>Conditions of consent are recommended to be imposed requiring appropriate protection measures to be in place during any demolition, earthworks and construction activities.</p> |

| Issue | Applicant's response | Planning comment/response |
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| <p>- The noise created from people living in the 35 units of Building B facing my backyard will result in a loss of quiet enjoyment of my property. The proposed terraces on the ground floor of Building B each have a gate to access the terrace. The noise created from these gates opening and closing will create a noise disturbance and create pedestrian traffic along the fence to my backyard.</p> | <p>Residents within the future development will need to be respectful of residential noise limits similar to existing residents. The proposed RFB development is permissible in the zone and is significantly below the maximum FSR permitted.</p> | <p>The balcony and window openings along the northern façade of Buildings B and C are treated with a mix of glazing, masonry and privacy screening measures. The balconies are also inset within the building footprint, which assists with reducing noise impacts generated by occupants and limits overlooking of surrounding properties.</p> <p>To ensure that visual and acoustic privacy is maximised, a condition is recommended to be imposed requiring all apartments of Buildings B and C which are directed towards the adjoining Advance Street properties to have translucent or masonry balcony balustrades, a sill height of at least 1.4 m to bedroom windows, at least 1 privacy screen to each balcony and the planting of evergreen trees along the boundary.</p> <p>There are 10 ground level apartments with courtyards accessed via a gate.</p> <p>A condition of consent is recommended to be imposed requiring gates to be fitted with latches/devices which ensure that the opening and closing of the gate is quiet.</p> |
| <p>- The increase traffic created from the addition of 587 units to the street will make the street very busy and noisy. This noise and headlights will impact on the bedrooms at the front of my property. There will be problems for vehicles entering and leaving my driveway as the increased number of cars and pedestrians will create traffic in the street.</p> | <p>The submitted Traffic Report determines that the increased number of cars and traffic movement will not be unreasonable given existing infrastructure.</p> <p>All driveway entry and exit points are located from new roads away from the Advance Street frontage. This minimises impacts for properties fronting Advance Street.</p> | <p>Additional road traffic and pedestrians will be generated as a result of this proposal. However, the traffic will be dispersed between Advance Street, Junction Road and Schofields Road.</p> <p>The proposal has been assessed by our Access and Transport Management Section which advised that the additional traffic generated by the proposed development can be accommodated within the existing and future road network capacity.</p> |

| Issue | Applicant's response | Planning comment/response |
|--|---|---|
| - The proposed development will impact on existing services and diminish the quality of services to my property. The addition of so many residential units to the area will put a strain on existing services and create problems for my property, such as decrease in water pressure and sewerage services. | The submitted civil engineering drawings will comply with Council requirements and will be adequate to service the new development. | Conditions will be imposed requiring the Applicant to obtain approval from Sydney Water and to provide utilities and services. |
| - Interruption to services to my property during construction will be a great inconvenience and affect enjoyment of my property. | Construction works will be temporary. Appropriate conditions can be imposed on the consent to address construction management issues. | Conditions of consent are recommended to be imposed requiring appropriate protection measures to be in place during any demolition, earthworks and construction activities. |

Submission – no address or details provided

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| <p>16) Exceeds zoned density.</p> <p>The site is zoned for 25 dwellings per hectare. The proposed development is 167.8 dwellings per hectare.</p> <p>Under the May 2017 Land Use plan for this growth area, the proposed development is located in a 25 to 35 dwellings per hectare zone. At 167.8 dwellings per hectare, the allowable density has been exceeded by 479%. At the maximum density of 35 dwellings per hectare, this land would have a maximum number of 122 dwellings (not 587).</p> <p>Development Applications submitted after 23 May 2017 should comply with the NSW State Department of Planning and Environment's North West Priority Growth Area Land Use and Infrastructure Implementation Plan, May 2017.</p> <p>This document includes modification of the zone density to include both minimum and maximum densities. This change was due to the large number of developments in the North West Growth Area that grossly exceeded the planned density, effectively increasing the area's population beyond planned levels.</p> | <p>SEPP (Sydney Region Growth Centres) 2006 establishes a minimum density and the development complies with this.</p> <p>The NSW Department of Planning and Environment's North West Priority Growth Area Land Use and Infrastructure Implementation Plan has not yet been incorporated into the SEPP and therefore is not a statutory document required for consideration.</p> <p>The submitted SEE and supporting documentation has suitably justified the proposed development and complies with the minimum density controls.</p> | <p>This application was lodged in 2016, prior to the proposed maximum dwelling density being exhibited in May 2017.</p> <p>Although the proposal is inconsistent with the maximum dwelling density exhibited in May 2017, there is no certainty or imminence to these amendments coming into effect, and therefore this is not a matter that should be given determinative weight in consideration of this application.</p> <p>The proposal reflects the scale of development anticipated for this site, with portions of the development being under and over the building height limit.</p> <p>Therefore, the proposed dwelling density is as originally anticipated and is satisfactory.</p> |
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| Issue | Applicant's response | Planning comment/response |
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| <p>This development grossly exceeding the maximum density demonstrates why the density zonings had to be changed. Riverstone precinct is planned to provide up to 9,000 new houses over 975 hectares. This development alone represents 6.5% of the planned dwellings, at only 0.36% of the land area. This demonstrates that the development is out of scale with the area's expected population. Council has a responsibility to the current and future residents of the area to provide appropriate capacity of amenities.</p> | | |
| 17) Exceeds height limit and number of storeys | | |
| <p>The site is zoned for 25 dwellings per hectare. This density is described by the Development Control Plan as 'Generally single and double storey dwellings with some 3 storey buildings.' The proposed development is part 5, part 6 storeys, which is 2 to 3 storeys higher than the standards state.</p> | <p>The proposed heights are generally consistent with the 16 m height control. A variation to height is a result of the topography of the site and the accompanying plans, Clause 4.6 and Statement of Environmental Effects demonstrate that the variations will not adversely affect adjoining properties or future buildings within the development. 88.4% of the development will comply with the 16 m height control. Also the proposed FSR of 1.4:1 is significantly lower than the SEPP maximum of 1.75:1.</p> | <p>The proposed height of buildings is supported, as discussed in Section 7 of the Assessment Report.</p> <p>Section 3.1.1 Residential Density of the DCP states that the typical characteristics of this site, having a minimum residential density of 25 dwellings per hectare, is for 'generally single and double storey dwellings with some 3 storey dwellings'.</p> <p>However, this statement in the DCP is inconsistent with the zoning and development standard for height of buildings in the Growth Centres SEPP, which is the higher-order planning instrument, and permits residential flat buildings and a 16 m building height.</p> |
| <p>The Development Application claims that the larger variations to the height of Buildings B and C (2.2 to 2.6 m lift overrun) are necessary for the rooftop communal open space. However, a more appropriate development plan would have a smaller building footprint, allowing for more ground level communal open space. This would remove the 'need' to exceed the height limits, as well as reducing the excessive density and associated negative impact on the future community.</p> | <p>The design incorporates appropriate and varying forms of communal open space across the site. It is unreasonable to require smaller building footprints as the density of the development is significantly less than a development that maximises its FSR.</p> <p>The variation to the height is appropriate in the circumstances of this site and results in a better planning outcome.</p> | <p>The proposal, as amended, comprises communal open space areas in the form of outdoor courtyards, small communal rooms in Buildings A and C, and rooftop areas on Buildings B, C, E, H and L.</p> <p>The ADG states that communal open space areas can be located on the roof and should offer gathering areas to provide opportunity for social interaction amongst residents. The proposal provides this in a form which is well designed and landscaped.</p> <p>The rooftop communal open space areas enhance the opportunity for recreational amenity and are supported.</p> |

| Issue | Applicant's response | Planning comment/response |
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| <p>The application also attempts to justify the significant height non-compliance as being due to the development site being 'extremely close to the Schofields train station' (actual travel distance is more than 1 km), and that 'the proposed development is well below the density anticipated by this site established by the Floor Space Ratio Control.' The floor space ratio is not the primary measure of density, and the Development Application fails to justify or even mention that it exceeds the 25 to 35 dwellings per hectare density by 479%.</p> | <p>The development complies with the minimum density control for the site and is significantly lower than the maximum SEPP ratio of 1.75:1. The density control is a minimum and not a maximum.</p> <p>The height variation has been justified in the Statement of Environmental Effects, Clause 4.6 variation and as discussed above.</p> <p>The current planning controls anticipated development of this nature.</p> | <p>Although the proposal is inconsistent with the maximum dwelling density exhibited in May 2017, there is no certainty or imminence to these amendments coming into effect, and therefore this is not a matter that should be given determinative weight in consideration of this application.</p> |
| <p>These excessive variations contribute to the density exceedance demonstrated in Issue 1 above. The development should reduce the number of floors, which would allow compliance with the height controls, as well as reducing the overdevelopment and overpopulation of the area.</p> | <p>It is noted that only parts of the 'uppermost' levels on buildings exceed the height control. The position of the height exceedance has been justified and will not detrimentally affect existing properties by way of shadow or privacy.</p> | <p>The proposed height of buildings is supported, as discussed at section 7 of the Assessment Report.</p> |
| <p>To exceed the storey and height limits without even having a pitched roof, as well as greatly exceeding the zoned density and intended number of storeys, makes this proposal inconsistent with the desired future character of this density as defined in the BCC Growth Centre Precincts DCP.</p> | <p>Refer to discussion above.</p> | <p>The proposed height of buildings is supported, as discussed in Section 7 of the Assessment Report.</p> |
| 18) Overlooking and Privacy | | |
| <p>Section 3F 'Visual Privacy' in the Apartment Design Guide states that designs should 'allow residents within an apartment development and on adjacent properties to use their private spaces without being overlooked.' As the context of this development is adjacent to pre-existing low density residential housing, visual privacy is a major concern that will impact significantly on the amenity of these properties.</p> | <p>The development complies with or exceeds the minimum separation requirements deemed adequate under the ADG. The residential properties along Advance Street are also zoned R3 Medium Density Residential and therefore do not require increased separation under the ADG.</p> | <p>The apartments which adjoin properties along Advance Street (Buildings A, B, C, D and E) satisfy the building separation requirements.</p> <p>Visual privacy of surrounding dwellings is protected by boundary fencing, trees, landscape buffer screening, and a mix of masonry balcony balustrades and privacy screens. A condition is recommended to be imposed to ensure the privacy screening measures are installed prior to occupation and are maintained.</p> |

| Issue | Applicant's response | Planning comment/response |
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| <p>There will be overlooking issues into the private backyards of houses to the north of Buildings B and C (11 properties) and to the west of Building A/north of buildings D and E (5 properties), as well as potentially on the opposite side of Advance Street to Building A.</p> <p>No privacy screens or other privacy measures are proposed on the buildings overlooking these properties.</p> | <p>The development complies with or exceeds the ADG minimum separation requirements and on this basis is not required to provide additional privacy measures.</p> | <p>As above.</p> |
| <p>Our interpretation is that the developer assumes that the existing residences will soon be redeveloped, and as such the impact to this dwelling and its occupant is not relevant. We object to this disregard for the privacy of local residents in the strongest terms.</p> | <p>The properties along Advance Street are zoned the same and have the possibility of future redevelopment. The development achieves compliance with the ADG setbacks, which ensures adequate separation distances.</p> | <p>As above.</p> |
| <p>19) Crowding and Amenity.</p> <p>There are multiple encroachments and deviations which collectively show that the proposed design would overcrowd the site:</p> <ul style="list-style-type: none"> - Exceed density, height, storeys, building length. - 19% increase in developable land with road removal. - Excessive corridor length. - Incorrect ventilation and solar access figures based on 553 units not 587 units and should apply to each building, not the entire development. - No access shown on Building E to the roof communal open space. <p>Overall the development is out of scale and character when combining the above.</p> | <p>As discussed above, the density, height and storeys are appropriate.</p> <p>The road removal has achieved more orderly development of the land and improved building integration, particularly Building A.</p> <p>Where possible 2 to 3 windows are provided to increase daylight into the corridor spaces and when combined with the floor layout the corridors change direction to minimise the length of each corridor.</p> <p>60% of the 587 units achieve cross ventilation and 70% of the 587 units achieve minimum of 2 hours of sunlight on 21 June.</p> <p>Development is consistent with the SEPP and DCP controls and transitioning nature of the area.</p> | <p>The Applicant has demonstrated that the proposal is generally consistent with the controls in the Growth Centres SEPP, DCP and Apartment Design Guide. We consider the proposal to provide a development which balances a medium density scale development with carefully considered design principles which achieves a high level of amenity for future residents.</p> |

| Issue | Applicant's response | Planning comment/response |
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| 20) Significant Modifications to ILP | | |
| <p>The development proposes extensive modifications to the Indicative Layout Plan (ILP). Three roads have been completely removed, resulting in an increase in developable land area of 4,439 m², or 19%. The Development Application has attempted to justify these modifications to 'achieve the density uplift', increase block size, to allow sites to be 'reasonably developed.'</p> <p>Road 5 removes the buffer between the development and Advance Street properties.</p> <p>Given the Applicant stands to gain significant additional profit through the 19% increase in developable land at the expense of the privacy of properties along Advance Street, and at the expense of the future Schofields community through the overpopulation of the area, these ILP modifications should be rejected.</p> | <p>All changes to road patterns from the ILP have been justified.</p> <p>It is noted that the realignment of the roads will allow for the orderly development of land given the ownership of lots within the Growth Centre and minimise irregular shaped land.</p> | <p>The proposed variation to the ILP is supported, as discussed in Section 7 of the Assessment Report.</p> |
| <p>21) Adaptable units not in compliance.</p> <p>The Accessibility Report is out of date and now significantly incorrect, as it was prepared on an old variation of the proposed development (with 553 units instead of 587 units).</p> <p>Only 52 provided resulting in 8.2% of the development, below the required 10%.</p> | <p>The development proposes 10% of the units as adaptable units as nominated on the apartment schedule. This represents 59 units.</p> | <p>The Applicant is required to provide adaptable apartments. This will be conditioned accordingly.</p> |
| <p>22) Environmental Impact: Destruction of Native Trees and Habitat.</p> <p>Out of the 101 trees listed in the tree report, 27 (or 26.7%) were listed as being recommended for removal due to damage, disease or being a pest species. Only 12 trees were recommended to be retained, with the remaining 61 trees listed as being non-retainable simply 'due to the development'.</p> | <p>Vegetation was considered holistically prior to the release of the Growth Area. The removal of trees from the site is reasonable and any significant vegetation identified prior to the release of the Growth Area is generally and has been identified on the Native Vegetation Protection Map within the Growth Centre SEPP.</p> | <p>Our assessment of the proposal includes the potential to retain existing trees, and due to the extent of works required to achieve the appropriate road and stormwater levels, the retention and protection of trees on the site is not possible.</p> <p>The proposal includes replacement trees and landscaping throughout, including new street trees, which is considered satisfactory to contribute to the amenity of the area.</p> |

| Issue | Applicant's response | Planning comment/response |
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| <p>If this circular reasoning is acceptable to the Council, then it's unclear what the purpose of the tree report is.</p> <p>Blacktown City Council Growth Centre Precincts Development Control Plan 2.3.4 Objective a. is 'To conserve and rehabilitate the remaining native vegetation within the relevant Precinct,' with Control 1 'Native trees and other vegetation are to be retained where possible by careful planning of subdivisions to incorporate trees into areas such as road reserves and private or communal open space.' Clearly, this development has not attempted to retain these native trees, and this development should therefore be rejected. A low rise medium density development of the site, such as for townhouses or terraces, would have more chance of retaining native trees.</p> <p>As no wildlife report has been submitted, we don't know what the impact of removing these native trees is – they may have hollows that house native animals. We strongly oppose the destruction of these important trees for this development.</p> | | <p>We will impose a condition requiring the Applicant/developer to be responsible for protecting fauna on-site during works, under the instruction of a suitably qualified ecologist.</p> |
| <p>23) Aboriginal artefacts</p> <p>An Aboriginal artefact was discovered as part of the surface archaeological survey. The report states that surface evidence is often insufficient to conclude that there is no sub-surface deposits, and that test excavations are important for a true measure of potential artefacts. No test excavations were performed as part of the survey, and 2 of the Aboriginal Stakeholder representatives requested that test pits should be dug to ensure no other significant archaeology is present on the site. The Aboriginal Archaeology Report recommends that an Aboriginal Heritage Impact Permit should be acquired prior to development of the site, to allow for the destruction of Aboriginal artefacts.</p> | <p>An Aboriginal Heritage Impact Permit (AHIP) is to be obtained from the Office of Environment and Heritage (OEH) under Section 90 of the <i>National Parks and Wildlife Act 1974</i>. A condition is required to be imposed should consent be granted.</p> | <p>An Aboriginal Cultural Heritage Assessment Report, prepared by Archaeological and Heritage Management Solutions, was submitted with the application. The report identified an Aboriginal object towards the western boundary and following their field study considered the site to have low archaeological potential.</p> <p>It is recommended that a condition be imposed to require an AHIP for the site, to allow for the destruction of the isolated find and any other unidentified cultural material, with a copy to be provided to the Registered Aboriginal Parties involved in the project.</p> |

| Issue | Applicant's response | Planning comment/response |
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| <p>24) Inappropriate Unit Mix.</p> <p>The mix of proposed units is: 25% 1 bedroom, 66% 2 bedroom and 8.8% 3 bedroom units. This configuration caters to a limited demographic and perpetuates the housing affordability crisis for families who require more space. In an area that is predominantly large detached houses, this apartment mix is not consistent with the current market demands and future demographic trends.</p> | <p>A variety of unit types are proposed. The units are also of varying sizes and where possible incorporate studies.</p> | <p>The proposal consists of a mix of dwellings which are responsive to anticipated market and demographic demands.</p> |
| <p>25) No outdoor drying areas are shown on plans, but are a DCP requirement:</p> <p>'Outdoor clothes lines and drying areas are required for all dwellings and can be incorporated into communal areas for multi-dwelling development and residential flat building developments.'</p> | <p>Dryers will be provided within each laundry.</p> <p>The accompanying BASIX certificate achieves compliance.</p> | <p>Suitable mechanical drying facilities are provided for each apartment.</p> |
| <p>26) The Statement of Environmental Effects is badly outdated. The document refers to the development prior to extensive modification (such as increasing unit number from 553 to 587 units, removing Road 5, combining basement parking for Building A and Buildings D, E and F), and as such it is frequently irrelevant to the final development. Other documents still refer to this older version of the development, such as the Access Report. These inconsistencies create the potential for confusion surrounding the details of the development, and should be clarified to ensure the application is unambiguous about what would be built if it was approved.</p> | <p>All changes to the plans during the assessment process have been appropriately addressed to Council's satisfaction.</p> | <p>The Applicant did not amend the Statement of Environmental Effects.</p> <p>However, the Applicant did clarify and correct the plans and other documentation, which is not unusual during the assessment process.</p> <p>The final amended submission is considered satisfactory.</p> |

| Issue | Applicant's response | Planning comment/response |
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| <p>27) Monoculture of higher density dwellings.</p> <p>Landcom's Density Guide Book recommends a mix of densities to create areas of different character. The NSW Department of Planning and Environment recommends providing more diverse housing options by increasing the supply and quality of low rise medium density housing, so as to not saturate the market with high density apartments. This block is an ideal opportunity to address 'the missing middle', but instead a block of units has been proposed which does not comply with the DCP standards. This is a pattern across many of the dwelling developments currently proposed for this area (such as DA-17-00431, DA-17-01702, JRPP-16-03330 and JRPP-16-03339). These apartment blocks do not fit with Blacktown Council's intended zone/density characteristics.</p> <p>Should this application be approved despite the clear breach of many of Blacktown Council's development standards (as listed above), it should be a rare exception.</p> <p>Instead it would be one of a number of such apartment blocks being approved, contributing to monoculture and additional strain on amenities that was not planned for.</p> <p>The DCP has an objective 'to encourage a diversity of housing types,' yet this development proposes 587 of the same housing type: apartments.</p> <p>To comply with the DCP, this development should be altered to include low rise medium density options such as townhouses, terraces and dual occupancy homes. This will provide better amenity to the future residents and neighbourhood.</p> | <p>The BCC Growth Centre Precincts DCP has set a minimum density rate of 25 dwellings per hectare.</p> <p>This control is a minimum <u>not maximum</u> control.</p> <p>With regard to the 'Missing Middle' document, this is a <u>draft</u> document intended to provide more affordable housing that requires less land area. This '<u>draft</u>' document is for strategic consideration for Council and the State Government when preparing/amending SEPPs and LEPs to guide future development.</p> <p>The current controls allow for the development of residential flat buildings and the proposed density is acceptable as discussed above.</p> <p>The new roads, public domain, proposed materials and finishes and landscaping will ensure 'monoculture' is minimised.</p> | <p>Although the proposal is inconsistent with the maximum dwelling density exhibited in May 2017, there is no certainty or imminence to these amendments coming into effect, and therefore this is not a matter that should be given determinative weight in consideration of this application.</p> <p>The objective for residential density in the DCP is to promote housing diversity and affordability. This objective relates to the overall Growth Centre Precincts, and does not specify that different dwelling types are to be provided on each site. The proposal provides a mix of 1, 2 and 3 bedroom apartments, which contributes to housing diversity and affordability with regard to the overall Growth Centre Precincts.</p> |

| Issue | Applicant's response | Planning comment/response |
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| <p>28) Capacity of local amenities. This development will place additional strain on the local train station, especially the parking lot, which is already over capacity. The development site is approximately 1 km walk from Schofields Train Station, which exceeds the DCP definition of 'walking distance' (400 m).</p> <p>As such it is unrealistic to assume all or most residents would walk to the station, or to catch a bus from Schofields Road, especially considering factors like weather conditions and the age, fitness and potential disability of residents. This development will also place additional strain on local schools, the road network, and recreational facilities.</p> <p>As this development is 4.79 times the maximum zoned density, it will clearly contribute to this problem.</p> | <p>Noted. The site is appropriate for the redevelopment given the existing amenities.</p> <p>As outlined above there is no maximum density only a minimum, which the development complies with.</p> | <p>The site is in suitable proximity to public transport and is serviced by infrastructure.</p> |
| <p>29) Consensus is building that the Sydney property market has been experiencing a bubble, and that the downturn has already begun. Apartment prices have already started to fall in Sydney (and have fallen considerably in Melbourne), with oversupply a major concern.</p> <p>Once this occurs, these large crowded blocks of units over an hour from Sydney's CBD will no longer be commercially viable. Despite uncertainty, this is a serious risk to consider when regulating the saturation of remote North West Sydney with high density developments.</p> | <p>This is not a relevant planning consideration.</p> | <p>Noted, however this is not a matter for planning consideration.</p> |

| Issue | Applicant's response | Planning comment/response |
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| <p>30) Significant change to the character of the local area.</p> <p>While the area is being developed and density must increase, consideration must be given for the current residences. This development represents an excessive deviation from the intended character of the local area, which is currently a quiet residential area consisting mainly of low density single or double-storey residential housing.</p> <p>The development is situated at the edge of the R3 Medium Density Residential and R2 Low Density Residential zones. The R3 zone is 25 to 35 dwellings per hectare and the R2 zone is 15 to 25 dwellings per hectare. To have a 5-6 storey development at 167.8 dwellings per hectare in this area would be a significant change to the character of the local area, and does not fit with the current or intended future character of the area.</p> | <p>The maximum LEP FSR permits development up to 1.75:1. This development only seeks an FSR of 1.4:1, significantly below the maximum.</p> <p>The development is consistent with the transitioning nature of the area and the height variations have been justified in the Statement of Environmental Effects and the Clause 4.6 report.</p> | <p>The density, height and scale of the proposal reflects the objectives and building form anticipated by the relevant planning controls that are in place at the moment, including the Riverstone Precinct Plan and the Apartment Design Guide. The scale of the proposal is that of a medium density development which is responsive to the existing characteristics of the site and its surrounds.</p> <p>This application was lodged in 2016 prior to the exhibition of the proposed maximum density in May 2017. The proposed maximum density control has not been introduced, and is not at this point relevant to this application.</p> |
| 31) Submitter's recommendations | | |
| <p>Release up-to-date documents and extend or re-open the exhibition period so that a coherent proposal can be reviewed in full.</p> | <p>Adequate documentation has been provided to assess the amended development. This is a matter for Council.</p> | <p>We consider the submission documents to be adequate. The application was publicly exhibited in accordance with our policies.</p> |
| <p>Revise the proposal to smaller buildings with 3 storeys and a smaller footprint, to:</p> <ul style="list-style-type: none"> – Bring building heights and number of storeys within limits – Reduce impact to local amenities and roads – Provide adequate amenity to residents – Comply with maximum density and zone characteristics – Preserve some of the native trees and habitat. | <p>The building form is appropriate with all height exceedances justified.</p> <p>The size of the development is significantly lower than the maximum FSR permitted as discussed above.</p> | <p>The submitter's preference is noted, however the proposal is generally compliant with the controls, and reflects the intended outcome for this precinct as provided for in the controls that legally apply to the site.</p> |

| Issue | Applicant's response | Planning comment/response |
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| Privacy treatments should be introduced to protect the privacy of existing dwellings along Advance Street. | All buildings comply with the minimum ADG separation requirements. | The apartments which adjoin properties along Advance Street (Buildings A, B, C, D and E) satisfy the building separation requirements. Visual privacy of surrounding dwellings is protected by boundary fencing, trees, landscape buffer screening, and a mix of masonry balcony balustrades and privacy screens. A condition is recommended to be imposed to ensure the privacy screening measures are installed prior to occupation and are maintained. |
| Revise the design to preserve the ILP as designed. | The revised ILP is acceptable and reasonable to allow for the orderly development of the land. | The proposed variation to the ILP is supported, as discussed in Section 7 of the Assessment Report. |
| Include outdoor drying areas. | Dryers are provided within each unit. | Suitable mechanical drying facilities are provided for each apartment. |
| Include more 3 bedroom and some 4 bedroom units, to better reflect the current and future needs of the community. | The mix of units provided is appropriate and will cater for various needs. | The proposal consists of a mix of dwellings which are responsive to anticipated market and demographic demands. |
| Increase the number of adaptable units to 59 to comply with regulation, and revise Accessibility Report to reflect updated development plans. | The apartment schedule demonstrates that the development complies. | The Applicant is required to provide adaptable apartments. This will be conditioned. |
| If this development is approved (even after amendment), to avoid monoculture a number of lower density housing options should be approved as a prerequisite to any additional apartment blocks in this zone. | The SEPP and DCP do not require lower density housing options to be incorporated into the design. The proposed building form is appropriate. | The proposal provides a suitable mix of apartment style dwellings and is consistent with the existing Precinct Plan controls in relation to density and housing. |
| As other oversized apartment blocks have already been approved by the Council in this area, this application should be rejected to avoid monoculture and to ensure the 35 dwellings per hectare density maximum is not even further exceeded. | The density control is a minimum not a maximum, and the development complies with the minimum. | Although the proposal is inconsistent with the maximum dwelling density exhibited in May 2017, there is no certainty or imminence to these amendments coming into effect, and therefore this is not a matter that should be given determinative weight in consideration of this application. |

Conclusion

We do not consider the concerns raised in the public submissions to be sufficient to warrant the refusal of this application. Several of the concerns are considered capable of being resolved through the Applicant's amendments to the proposal and by conditions.

Conditions of consent (draft)

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| Proposed development | Integrated development application for the demolition of the existing structures, subdivision, removal of trees and the staged construction of 11 x part-5 and part-6 storey residential flat buildings comprising 587 apartments and 775 basement car parking spaces, new public roads, landscaping and associated infrastructure. |
| Property description | Lot 100 DP 1233054, 30 Advance Street SCHOFIELDS |

PART 1

1 DEFERRED COMMENCEMENT MATTERS

The following are deferred commencement conditions imposed pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act 1979*.

Pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, the Applicant must satisfy the following deferred commencement conditions of consent prior to the development consent becoming operative:

- 1.1 Provide amended drainage plans to the satisfaction of the Manager Asset Design, including the plans prepared by Australian Consulting Engineers Job No. 150120 drawing numbers D103, D202, D302-304, D402-404 Revision F, D104 -105, D201, D203-205, D301, D305-309, D401, D405-408 Revision E, D409 Revision B, D501, D502 Revision D, D503 Revision G, D504-507 Revision A and external drainage drawing numbers C050-055 Revision H. The amended plans must address the following:
 - i. Calculate the required volume of temporary OSD to cater for the catchment area which includes the site and the external road areas. The 100 year flows from the whole site are to be directed to the temporary OSD basin.
 - ii. Design the temporary OSD to comply with Council's Water Sensitivity Urban Design (WSUD) Standard Drawings Plan No. A(BS)175M available on Council's website and associated OSD Deemed to Comply Tool – Developer's Edition spreadsheet.
 - iii. Provide details of the temporary OSD basin on plan and section on a separate sheet. The layout of the basin with dimensions and levels are to be shown on the plan. Provide a section through the control pits to show the levels. Refer sheet 21 of Council's WSUD Standard Drawings Plan No. A(BS)175M for detail. Provide sufficient information to clearly demonstrate that the nominated 1,072 m³ can be achieved. Account for any bypass including the downstream batters of the basin. Provide a vehicular access ramp down into the temporary detention basin
 - iv. Based on a site area of 38,200 m² the minimum storage required is 1,738 m³, but if the area is 39,906 m² this will increase. However the plans nominate only 1,072 m³ is available for the proposed temporary OSD basin within the SP2 land. Demonstrate where the required storage volume shortfall of about 660 m³ for this development can be provided on a lot or lots. Provide details of the additional temporary OSD storages and any interaction with water quality requirements.
 - v. The pipe and pit layout for the discharge into and from the gross pollutant trap is to be generally in accordance with Cardno Drawing E39/9V (A) Sheet 1166.

- vi. The minimum Gross Pollutant Trap (GPT) size is to be a Rocla CDS 2028. Provide a minimum 2 m level working platform around the GPT.
- vii. Provide details of the splitter pit for 5/A.
- viii. Delete the splitter pit at 2/D and delete the pipe from L/1 to L/2.
- ix. Increase the pipe size from 1/D to 2/D to a minimum 450 mm and possibly 525 mm at 0.5%. Review downstream pipe sizes without the splitter pit.
- x. On drawing no. C050 (H), increase the pipe size to 1,200 mm from Pit 7/C to 4/A in order to convey the 6 month flows from the external catchment to the proposed regional bio-retention basin.
- xi. On drawing no. C050 (H) show the 5 x 5 m splay corner and partial kerb return and the south-west corner of lot 4 to the future road to the south of proposed lot 4 (near building K). Relocate pit 7/C to the tangent point. Ensure pit 6/C is within the lot clear of the splay. Add new pit 6.1/C at the splay.
- xii. On drawing no. C050 (H) provide a 1,050 mm stub pipe from Pit 7/C in the south-eastern direction (45⁰) to enable future pipe connection of the external drainage system.
- xiii. On drawing no. C050 (H) add an additional pit within 10 m upstream of pit 4/C to improve the capture of the flow in Road 4.
- xiv. Provide a minimum 150 mm kerb between the lots along the north-western boundary of Lot 2 south-eastern boundary of Lot 4 and south-western boundary of Lot 3 to retain the surface flows on the upstream side and direct these flows to water treatment. Similarly provide kerbs along the low side boundary of any lot.
- xv. Ensure the size of the discharge control pits for and grates over the 100year ARI orifices is a minimum 1200mmx1200mm. Grate 2 x 600 x 900.
- xvi. The orifice within the Discharge Control Pit is to be protected by a suitable screen. Provide Maximesh Rh3030 for orifice diameters 150 mm or less with a minimum area of 50 times the orifice area and Weldlok F40/203 for orifices 150 mm diameter or more with a minimum area of 20 times the orifice area.
- xvii. Review all the rainwater tank overflow sizes as 3 x 100 mm pipes appears insufficient for the minimum 20 year flows.
- xviii. Part of the roof areas are designed as open space courtyard areas. These areas have lower water quality than normal roof and are not to discharge to the rainwater tank. Provide a separate pipe layout to drain these areas.
- xix. Provide minimum ReIn Uni-Pit 300 or similar to improve inflow for any roof in lieu of standard RWO.
- xx. Raise the base floor level of each Stormfilter chamber to be above the 1 year ARI HGL water level in the immediate downstream pit.
- xxi. Provide energy dissipaters at the inlets to the Stormfilter chambers.
- xxii. In each Stormfilter chamber provide sealed impermeable baffle or hood set 250 mm upstream of the weir to contain floatables. Extend the baffle from the tank soffit (or a minimum of 150 mm above the downstream 20 year HGL level) down to 300 mm below the top of the weir for the 460 mm Stormfilter cartridge.
- xxiii. Provide a plan and the section through each Stormfilter chamber showing the energy dissipaters, overflow weir, impermeable oil baffle and the arrangement of filter cartridge with dimension and levels on a separate sheet.
- xxiv. The entire floor of each Stormfilter chamber (excluding the overflow pit) is to be raised to the false floor level.
- xxv. Show on the drawings that the treated underdrain flows are directed to the overflow chamber.
- xxvi. Set the pipe inlet inverts into the Stormfilter chamber a minimum of 100mm above the false floor level and adjust the invert levels of pipe lines upstream of the

- Stormfilter chambers accordingly. Amend levels on section details of Stormfilter chambers.
- xxvii. The outlet of the Stormfilter chamber is to discharge downstream of Stormfilter weir at the overflow chamber and the inflows are to be directed upstream of Stormfilter chamber.
 - xxviii. Reposition the non-return flap valves along the section of outer wall of rainwater tank overflow weir at the face of overflow pipe outlets.
 - xxix. There are insufficient access grates for Stormfilter chambers C, D, E, F, G, H, K and J, L. Access grates must be a minimum 900mm by 900mm and are positioned such that the maximum distance from any point in the tank to the nearest grate is not greater than 2.5m (Note: grates accessing Enviropods are additional) .
 - xxx. Amend the number of filter cartridges for Stormfilters D, E and F on drawings to match the numbers modelled in MUSIC.
 - xxxi. Provide minimum 900 x 900 size Enviropods for Stormfilter tanks G, H, K, J and L where installed in the Stormfilter chambers for the overflows from the rainwater tanks. Direct all the overflow pipes from the rainwater tank to the Enviropod for treatment.
 - xxxii. Provide additional minimum 900 x 900 access grates on top of the Enviropods installed within the Stormfilters to facilitate maintenance access to the Enviropods.
 - xxxiii. Provide metal mosquito proof mesh welded under the access grates into the Stormfilter Chamber.
 - xxxiv. Enviropods treating only surface flows require a minimum clear depth of 500 mm from the underside of the grate to any inlet or outlet pipe obvert. Enviropods treating surface flows and upstream pipe flows require a minimum clear depth of 500 mm from the invert of the upstream pipes to be treated, to the obvert of the outlet pipe. Where these pits are treating upstream pipe flows the inverts of all pipes in and out of the pit are to be shown.
 - xxxv. Review the levels of all the pits containing drop through Enviropods and if the drop pipe configuration is not achievable, all the surface inlet pits to be installed with Enviropods.
 - xxxvi. On drawing D103 (F):
 - a) for unit A delete pit 1-09
 - b) for Stormfilter tank A, the upstream Pit 1-08 with top RL 31.24, IL 30.70, a drop pipe Enviropod cannot be installed due to the limited depth. Therefore, provide Enviropods on all the surface inlet pits.
 - c) delete the Enviropods within private courtyards of Line 1. Enviropods are only permitted in common property areas. Demonstrate that a drop through Enviropod can be achieved on Line 1 at pit 1/13 located within the common area.
 - xxxvii. On drawing D202 (F)
 - a) Delete pit 2-13 as not required.
 - b) Provide additional Enviropods for all the pits from Pit 2-10.1 to Stormfilter tank B.
 - c) It is not clear that a drop through Enviropod can be fitted at pit 2-09 or pit 2-34. If not provide Enviropods on all surface inlet pits. Pit 2-20 is similar as there is insufficient cover for the pipes (should be 300 mm but currently 50 mm) to treat the pipe flows.
 - d) Amend connection details of Stormfilter chambers C on drawing no. D202 (F) by relocating the overflow weir to the southern side
 - xxxviii. On drawing no. D302 (F):
 - a) Reposition Pit 7.C to the tangent point and amend 1200 outlet pipe direction.
 - b) Show 1050 upstream stub pipe into pit 7.C at 45°.
 - c) Show 5 x 5 splay corner with tank and 900 mm pipe clear.
 - d) Show pit 6.C within the lot clear of the splay.
 - e) Provide new pit 6.1.C within the lot at 90° to pit 7.C and provide a 1050 mm pipe from Pit 6.1.C to pit 7.C.

- f) Connect pit 6.C to 6.1.C.
- g) Delete pit 3-35 and connect Stormfilter outlet to pit 6.1.C from the side
- xxxix. On drawing no. D402 (F):
 - a) delete pit 4-27.
 - b) The Drop through Enviropods don't have sufficient depth to be effective. See amended drawing D503.
 - c) Reconfigure the Stormfilter and rainwater tank dimensions to provide a minimum setback of 1.5 m from the western side boundary.
- xl. On drawing no. D404 (F):
 - a) Provide a turfed or landscaped swale along the northern boundary to capture the upstream 1 in 20 year flows from neighbouring properties to bypass the internal drainage system. The swale is to have a masonry retaining wall adjacent to the boundary that does not exceed the neighbouring ground levels, a flat base and a maximum side slope of 1V:4H. Allow for Mannings $n = 0.05$ and provide a minimum 50 mm freeboard to the top of the swale. Calculations and section details are to be provided to justify the swale capacity. Note when calculating travel times the maximum length using the kinematic wave equation is 50 m, otherwise use Manning's Equation to assess velocity and travel time through the upstream properties. Finished levels within the swale are to be provided at frequent intervals for the length of the swale.
 - b) Within 1.5 m of the northern boundary provide an independent pit and pipe drainage catchment to collect the upstream catchment. Inlet pits are to be provided at maximum 15 m intervals.
 - c) The independent rear pit and pipe system is to be piped separately along the western boundary to pit 1/D.
- xli. All pipes across the footpath area are to be concrete or steel, not PVC.
- xl.ii. On drawing no. D501 (D):
 - a) Detail where the rainwater first flush devices are to be positioned.
 - b) Provide a detail of the new high flow pits for the roof area.
- xl.iii. On drawing no. D503 (G):
 - a) provide an accurate plan of the Stormfilter Chamber / Rainwater tank (RWT) to scale with the section instead of the current schematic.
 - b) Show additional grates on the Stormfilter chamber.
 - c) On section E position flaps on RWT overflow inside the Stormfilter chamber
 - d) Reposition the 1200 x 1200 access to the RWT above the pumps.
 - e) On Section E the Stormfilter cartridge and false floor is show in the overflow pit and not in the Stormfilter chamber.
 - f) On Section E and Plan show inflow pipe into chamber with energy dissipater.
 - g) On Section E show baffle 250 upstream of the Stormfilter weir extending from tank soffit to 300 below the weir.
 - h) The Drop Pipe Enviropod Configuration Section is incorrect. Show the dimension from the invert of the inlet pipe to the obvert of the outlet pipe as "MIN 500".
 - i) Amend Enviropod levels accordingly.
- xl. iv. On drawing no. D504 (A), D505 (A) and D506 (A):
 - a) provide an accurate plan of the Stormfilter Chamber / Rainwater tank (RWT) to scale with the section instead of the current schematic.
 - b) Show additional grates on the Stormfilter chamber.
 - c) On section position flaps on RWT overflow inside the Stormfilter chamber
 - d) Reposition the 1200 x 1200 access to the RWT above the pumps.
 - e) On Section the Stormfilter cartridge and false floor is show in the overflow pit and not in the Stormfilter chamber.
 - f) On Section and Plan show inflow pipe into chamber with energy dissipater.
 - g) On Section show baffle 250 upstream of the Stormfilter weir extending from tank soffit to 300 below the weir.

provided to Council within 12 months of the date of this determination. If it is not provided by this time, the consent will lapse pursuant to section 4.53(6) of the Act.

- 1.8 The consent will not become operative until the Council gives written notification to the applicant that the requirements of Conditions 1.1, 1.2, 1.3, 1.4, 1.5 and 1.6 have been satisfied and thereafter, the consent will become operative from the date of that notification subject to the conditions set out below.

PART 2

1 ADVISORY NOTES

1.1 Terminology

- 1.1.1 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 6.4 of the *Environmental Planning and Assessment Act 1979*.

1.2 Scope of Consent

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

1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.3.3 Separate Council approval under the *Roads Act 1993* is required for any crane used to construct this development that swings over public air space.
- 1.3.4 If any aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.

1.4 Services

- 1.4.1 The applicant is advised to consult with:

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

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

All approved building construction plans attached to the Construction Certificate should

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

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

- 1.4.2 Information regarding the location of underground services may be obtained from the Sydney 'Dial Before You Dig' service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.
- 1.4.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.4 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

1.5 **Tree Planting and Service Locations (after all other services)**

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

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

1.6 **Identification Survey**

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

1.7 **Engineering Notes**

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

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

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

- Construction Certificate for Building Works

- Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent)
- Works which require approval under the *Roads Act 1993* or *Local Government Act 1993* CAN NOT be privately certified. Examples of these works are, but not limited to:
- Works in public areas (i.e. Road Reserve, Public Reserves)
 - Inter-allotment drainage (i.e. drainage outside the boundary of the land being developed)

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

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

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

1.8 Payment of Engineering Fees

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

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

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

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

2 GENERAL

2.1 Scope of Consent

2.1.1 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 REFERENCE | DATE |
|---|-------------------|
| Subdivision Plan prepared by H Ramsay & Co Surveyors | |
| 8178 Subdivision Plan, Sheet 1 | 2 October 2018 |
| Architectural Plans prepared by Krikis Tayler Architects | |
| DA101 Title Sheet, Location & Demolition Plan, Issue A | 27 September 2017 |
| DA103 Site Masterplan, issue E | 20 March 2018 |
| DA110 Lot 2 Basement 1 Plan, Issue A | 27 September 2017 |
| DA111 Lot 2 Lower Ground Floor Plan, Issue C | 06 April 2018 |
| DA112 Lot 2 Ground Floor Plan, Issue C | 06 April 2018 |

| DRAWING REFERENCE | DATE |
|---|-------------------|
| DA113 Lot 2 Level 1 Floor Plan, Issue A | 27 September 2017 |
| DA114 Lot 2 Level 2 Floor Plan, Issue B | 11 October 2017 |
| DA115 Lot 2 Level 3 Floor Plan, Issue A | 27 September 2017 |
| DA116 Lot 2 Level 4 Floor Plan, Issue A | 27 September 2017 |
| DA117 Lot 2 Roof Plan, Issue A | 27 September 2017 |
| DA120 Lot 3 North Level 1 & 2 Floor Plans, Issue B | 11 October 2017 |
| DA121 Lot 3 North Level 3 & 4 Floor Plans, Issue A | 27 September 2017 |
| DA122 Lot 3 North Level 5 & Roof Plans, Issue B | 11 October 2017 |
| DA130 Lot 3 South Basement 1 Floor Plan, Issue C | 20 March 2018 |
| DA131 Lot 3 South Lower Ground Floor Plan, Issue D | 20 March 2018 |
| DA132 Lot 3 South Ground Floor Plan, Issue C | 20 March 2018 |
| DA133 Lot 3 South Level 1 Floor Plan, Issue C | 20 March 2018 |
| DA134 Lot 3 South Level 2 Floor Plan, Issue A | 27 September 2017 |
| DA135 Lot 3 South Level 3 Floor Plan, Issue B | 11 October 2017 |
| DA136 Lot 3 South Level 4 Floor Plan, Issue A | 27 September 2017 |
| DA137 Lot 3 South Level 5 Floor Plan, Issue A | 27 September 2017 |
| DA138 Lot 3 South Roof Plan, Issue A | 27 September 2017 |
| DA140 Lot 4 Basement 1 Floor Plan, Issue B | 20 March 2018 |
| DA141 Lot 4 Lower Ground Floor Plan, Issue C | 20 March 2018 |
| DA142 Lot 4 Ground Floor Plan, Issue C | 20 March 2018 |
| DA143 Lot 4 Level 1 Floor Plan, Issue A | 27 September 2017 |
| DA144 Lot 4 Level 2 Floor Plan, Issue A | 27 September 2017 |
| DA145 Lot 4 Level 3 Floor Plan, Issue A | 27 September 2017 |
| DA146 Lot 4 Level 4 Floor Plan, Issue B | 11 October 2017 |
| DA147 Lot 4 Level 5 Floor Plan, Issue B | 11 October 2017 |
| DA148 Lot 4 Roof Plan, Issue A | 27 September 2017 |
| DA151 Elevations Sheet 1, Issue B | 20 March 2018 |
| DA152 Elevations Sheet 2, Issue B | 20 March 2018 |
| DA153 Elevations Sheet 3, Issue B | 20 March 2018 |
| DA154 Elevations Sheet 4, Issue A | 27 September 2017 |
| DA155 Elevations Sheet 5, Issue C | 20 March 2018 |
| DA160 Sections Sheet 1, Issue A | 27 September 2017 |
| DA161 Sections Sheet 2, Issue B | 20 March 2018 |
| DA162 Sections Sheet 3, Issue B | 20 March 2018 |
| DA163 Sections Sheet 4, Issue B | 20 March 2018 |
| DA180 Material Board, Issue A | 27 September 2017 |
| Landscape Plans prepared by iScale Landscape Architecture | |
| 102.17(15)/378 DA Overall Landscape Plan, Revision A | 12 October 2017 |
| 102.17(15)/379 DA Building A Detailed Landscape Plan, Revision A | 12 October 2017 |
| 102.17(15)/380 DA Building B & C Detailed Landscape Plan, Revision A | 12 October 2017 |
| 102.17(15)/381 DA Building D, E & F Detailed Landscape Plan, Revision | 12 October 2017 |

| DRAWING REFERENCE | DATE |
|---|-----------------|
| A | |
| 102.17(15)/382 DA Building G, H, J, K & L Detailed Landscape Plan, Revision A | 12 October 2017 |
| 102.17(15)/383 DA Materials Palette 1, Revision A | 12 October 2017 |
| 102.17(15)/384 DA Materials Palette 2, Revision A | 12 October 2017 |
| 102.17(15)/454 DA Rooftop Planter Plan, Revision A | 12 October 2017 |

2.2 Subdivision

- 2.2.1 This consent approves the subdivision of the site to create 1 lot for temporary access via Advance Street (Lot 1), 3 development lots (Lots 2, 3 and 4), 1 residue lot for the part of the land zoned SP2 Infrastructure drainage and 1 lot for new public roads to be dedicated to Council.

2.3 Staging

- 2.3.1 The development is permitted to be constructed and occupied in 3 stages as nominated in the Staging Diagram, Drawing Number SK161101_01, Issue B, dated 28 September 2029. All street trees, landscaping, public domain elements, services and infrastructure, etc., are required to be completed prior to the issue of the final Occupation Certificate of the final lot under construction.
- 2.3.2 The temporary access driveway in proposed Lot 1 which connects to Advance Street is permitted to be constructed and maintained in private ownership by the applicant. This access driveway must provide two-way vehicular and pedestrian access at all times.

The temporary access driveway/road via Advance Street shall be removed and made good once the future permanent public road pattern to the east or west of the site is completed.

2.4 Apartment Mix

- 2.4.1 This consent approves the following apartment yield and mix:

| Lot & Building | 1 Bedroom Apartments | 2 Bedroom Apartments | 3 Bedroom Apartments | Total Apartments |
|----------------|----------------------|----------------------|----------------------|------------------|
| Lot 2 | | | | |
| Building B | 7 | 46 | 5 | 58 |
| Building C | 8 | 41 | 6 | 55 |
| Lot 3 | | | | |
| Building A | 31 | 28 | 3 | 62 |
| Building D | 10 | 26 | 7 | 43 |
| Building E | 12 | 38 | 5 | 55 |
| Building F | 7 | 52 | 2 | 61 |
| Lot 4 | | | | |
| Building G | 11 | 32 | 1 | 44 |
| Building H | 7 | 52 | 0 | 59 |
| Building J | 14 | 31 | 0 | 45 |
| Building K | 26 | 19 | 10 | 55 |
| Building L | 15 | 22 | 13 | 50 |
| Total | 148 | 387 | 52 | 587 |

2.5 Services

- 2.5.1 Low voltage electricity and telecommunications services for the approved development

shall be reticulated underground.

2.6 Suburb Name

- 2.6.1 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: Schofields

- 2.6.2 Any advertising of land sales in association with the approved development shall clearly indicate that the development is located in the following suburb:

Suburb: Schofields

2.7 Compliance with BASIX Certificate

- 2.7.1 All commitments listed in BASIX Certificate numbers 665774M_04 and 665776M_03 shall be complied with.

2.8 Other Matters

- 2.8.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction or engineering works.
- 2.8.2 Any future substation or other utility installation, including easement impositions required to service the approved subdivision/development must not under any circumstances be sited on future or existing Council land, including, but not limited to road reservations, drainage land and/or public reserves. Any proposal to locate a proposed substation, easement or other utility installation on Council land must be negotiated with and fully endorsed by the relevant Council Directorates.
- 2.8.3 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of the Department of Environment and Climate Change (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

2.9 Engineering Matters

2.9.1 Design and Works Specification

- 2.9.1.1 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

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.

2.9.1.2 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.

2.9.1.3 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.

2.9.2 **Other Necessary Approvals**

2.9.2.1 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)

2.9.3 **Subdivision**

2.9.3.1 Principal Certifying Authority - Blacktown City Council shall be the Principal Certifying Authority for the proposed subdivision and shall issue the Subdivision Certificate upon compliance with all conditions of this consent.

2.9.4 **Other Matters**

2.9.4.1 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.

2.9.4.2 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.

2.10 **Drainage Matters**

2.10.1 Each year by the first business day on or after 1 September the registered proprietor/owners corporation of each lot is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule and 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.

- 2.10.2 The development must at all times maintain the water quality system to achieve the following pollutant removal targets of Part J of DCP 2015 for the entire site in perpetuity:

Required percentage reductions in post development average annual load of pollutants

| Pollutant | % post development pollutant reduction targets |
|------------------------|--|
| Gross Pollutants | 90 |
| Total Suspended Solids | 85 |
| Total Phosphorous | 65 |
| Total Nitrogen | 45 |

- 2.10.3 The developer is to maintain the temporary detention basin(s) and it is (they are) not to be removed, nor the positive covenants lifted, until the downstream regional Council detention basin is completed.
- 2.10.4 The developer is to maintain the Gross Pollutant Trap until the downstream regional basin is completed including water quality.

2.11 WaterNSW General Terms of Approval

- 2.11.1 The development is to be in accordance with the General Terms of Approval issued by WaterNSW dated 24 February 2017 and as follows:
- An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
 - The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of belowground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
 - Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
 - Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
 - Documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to

the dewatering process must be provided. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing 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

- 3.2.1 Trees 90, 94 and 96 as identified in the Arboricultural Development Impact Assessment Report, Revision A, prepared by Birds Tree Consultancy and dated October 2016 shall be retained and protected in line with AS 4970-2009. These existing trees are located in the part of the site zoned SP2 Infrastructure Drainage. The remainder of trees on the site are permitted to be removed.
- 3.2.2 Any existing trees located outside of the boundary of this site are not approved for removal and must be retained and protected as per AS 4970-2009 Protection of Trees on Development Sites. These trees include but are not limited to Trees 28, 29, 32, 34, 36, 37, 53, 55, 56, 58, 59 and 86 as identified in the Arboricultural Development Impact Assessment Report, Revision A, prepared by Birds Tree Consultancy and dated October 2016.

3.3 Notice to Adjoining Properties

- 3.3.1 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 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.

4.2 Nuisance Control

- 4.2.1 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 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.

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 Blacktown Growth Centre Precincts Development Control Plan 2016

- 6.2.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Growth Centre Precincts Development Control Plan 2016.

6.3 Section 7.11 Contributions

- 6.3.1 The following monetary contributions under Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at the BASE date of June 2015. They WILL BE INDEXED from the base date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction

Certificate (for building works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted. However, payments by credit card or EFTPOS over \$10,000.00 are levied a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

| Contribution Item | Base Amount | Relevant C.P. |
|-----------------------------------|--------------|---------------|
| Stormwater Quantity Eastern Creek | \$ 2,181,981 | 20 |
| Stormwater Quality Eastern Creek | \$ 93,111 | 20 |
| Traffic Management | \$ 632,385 | 20 |
| Open Space | \$ 7,407,859 | 20 |
| Community Facilities | \$ 100,064 | 20 |
| E2 Conservation Zone | \$ 319,150 | 20 |

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

The Section 7.11 Contribution(s) have been based on the total developable area, stormwater quality development area and/or the additional population nominated below. Should the final plan of survey indicate any change in the total developable area, stormwater quality development area or potential additional population, the information for this Section 7.11 Contribution(s) will be adjusted accordingly for each relevant stage.

| | |
|--|-----------------|
| Number of intended dwellings/apartments: | 587 apartments |
| Total Developable Area: | 3.5015 hectares |
| Stormwater Quality Developable Area: | 0.8754 hectares |
| Additional Population: | 1,053.3 persons |

Payments must be made prior to the issue of a Construction Certificate for each relevant lot. These contributions are permitted to be paid in stages according to the following parameters:

| Lot | Area (hectares) | Stormwater Quality Area (hectares) | Buildings | Number of apartments and mix (1/2/3 bed) | Additional Population (persons) |
|-----|-----------------|------------------------------------|----------------|--|---------------------------------|
| 2 | 0.5014 | 0.1254 | B & C | 113 15/87/11 | 213 |
| 3 | 1.0565 | 0.2641 | A, D, E & F | 221 60/144/17 | 391.5 |
| 4 | 1.154 | 0.2885 | G, H, J, K & L | 253 73/156/24 | 448.8 |

The Section 7.11 Contribution(s) have been based on the total developable area, stormwater quality development area and/or the additional population nominated below. Should the final plan of survey indicate any change in the total developable area, stormwater quality development area or potential additional population, the information for this Section 7.11 Contribution(s) will be adjusted accordingly for each relevant stage.

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

S.7.11 CP No. 20 Riverstone and Alex Avenue Precincts.

6.4 **Special Infrastructure Contributions**

- 6.4.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the *Environmental Planning and Assessment Act 1979* under Section 7.17 or its equivalent of the Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Environment before a Construction Certificate or Subdivision Certificate is issued in relation to any part of the development to which this consent relates.

More information

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

<https://www.planning.nsw.gov.au/policy-and-legislation/infrastructure/infrastructure-funding/special-infrastructure-contributions-sic>

6.5 **Necessary Plan Amendments**

- 6.5.1 The following plan amendments shall be included on or addressed by any Construction Certificate relating to the approved development:
- (a) All balconies and window openings on the façades of Buildings A, B, C, D, E, and F which are in the vicinity of adjoining properties along Advance Street of the north-western façade of Buildings B, and C are required to be treated as follows:
 - Balcony balustrades are to be either treated with translucent glazing or are to be constructed of masonry materials.
 - At least 1 privacy screen is to be installed on the outer side of all balconies which prevents occupants of the apartment
 - All bedroom windows are to have a sill height of at least 1.4 metres.
 - (b) The trees to be planted along the boundaries shared with the adjoining Advance Street properties shall be species which are suitable for screen planting, are evergreen, and do not drop excessive leaves on the adjoining Advance Street properties. This relates to the screen planting for Buildings A, B, C, D, E, and F.
 - (c) All gates which provide resident entry to the ground level courtyards and which are in the vicinity of any adjoining properties along Advance Street must be fitted with latches/devices which ensure that the opening and closing of the gate is quiet. This is to ensure that the courtyard gates do not affect the acoustic amenity of the residential properties along Advance Street.

6.6 **Construction Traffic Management Plan**

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

6.7 **Construction Environmental Management Plan**

- 6.7.1 A Construction Environmental Management Plan is to be submitted to Council prior to the issue of any Construction Certificate as required by Clause 3.3 *Construction*

6.8 Aboriginal Heritage Matters

6.8.1 The recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by Archaeological and Heritage Management Solutions dated November 2015 shall be implemented, as follows:

- An Aboriginal Heritage Impact Permit (AHIP) shall be sought for the entirety of the subject area to allow for destruction of the isolated find (#45-5-4625) and any other un-identified cultural material.
- A copy of the Aboriginal Cultural Heritage Assessment Report shall be provided to the Registered Aboriginal Parties involved in the project to ensure they support the outcomes of the assessment.

6.8.2 Copies of the aboriginal assessments and AHIP are to be submitted to Council prior to the issue of any Construction Certificate and prior to any site preparation and excavation works commencing. The AHIP is to be accompanied by an extensive search site record for the area covered by the AHIP in spread sheet and map format.

6.9 Street Tree Planting

6.9.1 The applicant must submit a Street Tree Plan to Council's Project Officer Civil and Open Space Infrastructure for approval. The plan shall detail the proposed street tree planting and landscaping for this development which is consistent with the approved development application. The Street Tree Plan is to reflect the species palette in Council's Street Tree Guidelines and must include:

- cross-sections showing dimensions of tree pits
- species
- details of root protection barriers
- soil specifications
- location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

NOTE: Any tree planting to be undertaken as part of the approved development shall be available to Council for inclusion in future carbon sequestration programs.

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

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

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

6.10 Waste Matters

6.10.1 The Construction Certificate plans and documentation must:

- i. Be submitted to Council's Sustainable Resources Project Officer for approval and demonstrate that the entire path of travel for waste trucks for each building achieves a minimum 4.5 metre headroom clearance (as required by the Australian Standards). The paths of travel are to be shown on section plans clear

- of eaves, overhangs, balconies, services and at the roller door entry point and incorporated into the Construction Certificate documentation.
- ii. Demonstrate that an 11 metre long HRV design vehicle is capable of safely manoeuvring in the basement and entering and exiting the site in a forward direction in Lot 2.
- iii. Demonstrate that all waste rooms housing 1,100 litre bulk bins have 1.5 metre wide doorways in any location where 1,100 litre bulk bins are to be moved in and out of the storage room.
- iv. Demonstrate that the waste collection vehicles are capable of entering and exiting the property in a forward direction.
- v. Demonstrate that the roads and internal driveways and ramps used for waste collection purposes are to be rated for at least 24 tonne trucks.

6.11 Access and Parking

- 6.11.1 775 basement car parking spaces are required to be provided on site, being 614 resident spaces, 161 visitor car parking spaces and at least 1 service/loading bay for Lots 2, 3 and 4. All car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Residential Flat Building (excluding width of pillar): 2.4m x 5.4m

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

Disabled Car Space: 4.8m x 5.4m (including shared zone)

- 6.11.2 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network.
- 6.11.3 A minimum of 196 bicycle parking spaces and 12 motorbike spaces are to be provided within the basement levels.
- 6.11.4 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.
- 6.11.5 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 – 2009 and AS1428.1 - 2009.
- 6.11.6 At least 1 car wash bay is to be provided for each car parking area. Each car wash bay is to be capable of being appropriately accessed and must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate car washing and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water.

6.12 Aesthetics and Materials

- 6.12.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20%.
- 6.12.2 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.
- 6.12.3 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the Material Board Plan submitted with the application. Building materials and finishes are to be finished with an anti-graffiti coating. Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate

plans. Materials and finishes including the external walls of the development are to comply with the requirements of the *Environmental Planning and Assessment Amendment (Identification of Buildings with Combustible Cladding) Regulation 2018* and *State Environmental Planning Policy Amendment (Exempt Development – Cladding and Decorative Work) 2018* which commenced on 22 October 2018.

- 6.12.4 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.
- 6.12.5 Windows in the residential apartments from the first floor level through to the top floor level are to be fitted with a child safety mechanism to prevent accidental falls out of windows by persons such as children. Details of such safety mechanisms shall be shown on the Construction Certificate plans and provided to the principal certifying authority/principal certifier.

6.13 Fencing and Retaining Structures

- 6.13.1 All fencing details and materials are to be as per the approved plans. All fencing is to be provided at full cost to the developer. All boundary fencing adjoining neighbouring residential properties are to be replaced at full cost to the developer and are to be of suitable quality, such as 2.1 m high lapped and capped timber fencing. Fencing is to be constructed on top of any masonry retaining walls.
- 6.13.2 All retaining walls/structures shall be of masonry construction (i.e. no timber walls).
- 6.13.3 With regard to the treatment of any front fences or walls at the ground level which is in the vicinity of the public domain / public footway, appropriate measures are to be in place to deter the potential for graffiti on these front fences or walls, such as landscaping which limits access to these front fences or walls, or a varied finish to these front fences / walls and with an anti-graffiti finish. These details are to be shown on the construction certificate plans to the satisfaction of the Certifying Authority.
- 6.13.4 Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti. All fencing which is visible from the public domain is not permitted to be continuous, closed board, or the like.

6.14 Common Areas and Landscaping

- 6.14.1 All common areas and landscaping shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate. The minimum pot sizes are to be 45 litres for medium sized plants and 100 litres for trees. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.
- 6.14.2 Indigenous species from the area are encouraged for all landscape plantings however, non-native species may be planted to external courtyard areas to achieve seasonal climate management.
- 6.14.3 All landscaping, lawn areas, recreation features and furniture, bbq facilities, children's play areas, pathways, ramps and fencing shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate.
- 6.14.4 The basement deep soil areas which relate to the above tree plantings are to be provided to ensure the viability of these trees.

6.15 Adaptable Housing Units

- 6.15.1 A minimum of 10% of the units within the development are to be designed in accordance with the *Australian Adaptable Housing Code* (AS 4299-1995). This includes ensuring barrier-free design and visibility is achieved. Construction Certificate documentation shall demonstrate that 'pre-adaptation' design is incorporated into the development. A schedule shall be maintained and updated with each construction certificate to ensure at least 10% of the total units are provided as adaptable housing units.

6.16 Floor to Ceiling Heights

- 6.16.1 All residential habitable rooms are to have a minimum floor to ceiling height of 2.7 metres. Service bulkheads shall not be greater than 500 mm wide and shall not project more than 200 mm below the ceiling. A minimum 2.5 metre floor to ceiling height is to be provided below bulkheads in habitable rooms. Service bulkheads are not to be positioned in areas that conflict with occupant circulation in the apartment, i.e. across doorways or open living areas.

6.17 Utilities, Services, Plant and Equipment

- 6.17.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the streetscape presentation, apartments, communal open space areas and adjoining properties with regard to visual, acoustic and odour impacts.
- 6.17.2 The garbage and recycling storage areas 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.
- 6.17.3 Written evidence is to be provided to Council from an appropriately qualified acoustic consultant stating that all plant and equipment have been selected to meet the project noise and vibration criteria.
- 6.17.4 A 'Notification of Arrangement' Certificate is to be obtained from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.

6.18 NSW Local Police – Requirements

- 6.18.1 All recommendations provided in Appendix 2 of the Crime Risk and Crime Prevention Report prepared by Harris Crime Prevention Services dated October 2017 shall be included in the Construction Certificate plans and documentation for each lot/building.

6.19 Other Matters

- 6.19.1 The Construction Certificate plans are to show any existing/proposed substations, kiosks, sewer man holes and/or vents affecting any lot / units, including corner lots / units in accordance with the BCC Growth Centre Precincts Plan DCP 2015.
- 6.19.2 All mail boxes are to accord with the requirements of Australia Post with regard to location, access and size. The letterbox system is to be vandal resistant and secure.
- 6.19.3 Separate Council approval under the *Roads Act 1993* is required for any crane used to construct this development that swings over public air space.

7 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

7.1 Building Code of Australia Compliance

7.1.1 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).

7.2 Site Works and Drainage

7.2.1 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.

7.2.2 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.

7.2.3 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.

7.2.4 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.

7.3 Fire Services

7.3.1 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.

7.3.2 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.

7.4 **BASIX Certificate Compliance**

The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number 665774M_04 and 665776M_03.

8 **PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)**

8.1 **Environmental Management**

- 8.1.1 The recommendations provided in the Geotechnical Report prepared by Asset Geotechnical and dated 30 May 2015 shall be implemented, particularly in regard to Section 5.5 'Salinity.' The design and construction of structures be carried out in accordance with the Blacktown Growth Centre Precincts Development Control Plan 2016 and 'Building in a Saline Environment' 2nd edition by DIPNR² (2008), or more recent, relevant publications.
- 8.1.2 A qualified acoustic engineer must certify that the buildings have been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

| Internal Space | Time Period | Criteria <i>L_{Aeq} (period)</i> |
|----------------|--------------------|---|
| Living Areas | Any time | 40 dB(A) |
| Sleeping Areas | Day (7am – 10pm) | 40 dB(A) |
| | Night (10pm – 7am) | 35 dB(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 10pm and 7am.

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

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 the relevant Construction Certificate can be issued.
- 9.1.2 All fees for Construction, *Roads Act 1993* and *Local Government Act 1993* approvals must be paid to Council prior to the issue of any of the above certificates or approvals. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.

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

| Prepared By | Project | Drawings | Rev | Dated |
|---------------------------------|---------|-----------|-----|-----------|
| Australian Consulting Engineers | 150120 | C000-C055 | G | July 2015 |

- a. Items as indicated in the “Deferred Commencement Matters” are required to be addressed on the Construction Certificate plans.

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:

- Road and drainage construction
- On-site stormwater detention
- Water quality treatment
- Earthworks
- Inter-allotment drainage (created within the subject lot)
- Path Paving (within a subdivision)

9.3 Local Government Act Requirements

- 9.3.1 Under *Section 68 of the Local Government Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Any works within a Council Reserve
- Any works on adjoining land (outside the subject site boundaries)
- Inter-allotment drainage on adjoining land

9.4 Roads Act Requirements

- 9.4.1 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
- Half width road construction
- Kerb inlet pit connections or construction
- Vehicular crossings
- Path Paving

9.5 Other Engineering Requirements

- 9.5.1 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.
- 9.5.2 Any ancillary works undertaken shall be at no cost to Council.
- 9.5.3 Submit written permission from the affected property owner for any works or drainage discharge proposed on adjoining land.
- 9.5.4 Submit written evidence from Sydney Water indicating compliance with all necessary requirements.

9.5.5 All street name poles, light poles and bus shelters shall be black powder coated in accordance with Blacktown City Council's Engineering Guide for Development. Ensure this is noted on the construction plans.

9.5.6 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

9.6 Roads

9.6.1 Submit a pavement report prepared and designed by a professional civil engineer with soil tests carried out by a registered NATA soils laboratory. The pavement design shall withstand the traffic loadings listed in this consent.

9.6.2 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer.

9.6.3 Any approved design drawings must show a 5m x 5m splay for residential allotments at each street intersection.

9.6.4 Splays shall be increased as required to meet site specific intersection designs in accordance with Council's Engineering Guide for Development.

9.6.5 Proposed new roads shall be designed and constructed as follows:

| Name | Width (m) | Length (m) | Formation (m) | Traffic Loading N(E.S.A) |
|------|-----------|------------|---------------|--------------------------|
| Rd 1 | 18 | 235 | 3.5, 11, 3.5 | 5 X 10 ⁵ |
| Rd 2 | 18 | 130 | 3.5, 11, 3.5 | 5 X 10 ⁵ |
| Rd 4 | 9 | 145 | 3.5, 5.5 | 5 X 10 ⁵ |

NOTE: Intersection details and adjusted alignment of ILP Rd 2, must comply with Council requirements specified in the Engineering Guide for Developments.

9.6.6 Proposed temporary road shall be designed and constructed as follows:

| Name | Width (m) | Length (m) | Formation (m) | Traffic Loading N(E.S.A) |
|------|-----------|------------|---------------|--------------------------|
| Rd 3 | 11 | 80 | 3, 7, 1 | 5 X 10 ⁵ |

9.6.7 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.

9.6.8 Staging of road construction will be permitted where suitable traffic circulation or temporary turning areas in dead end roads are evident in accordance with Council's Engineering Guide for Development.

9.7 Drainage matters

9.7.1 Drainage from the site must be connected into Council's existing drainage system.

- 9.7.2 Provide inter-allotment drainage lines for lots that do not drain directly to a public road. The design shall include pipeline long-sections and identify location and levels of services.
- 9.7.3 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.
- 9.7.4 Where the internal driveway cannot be drained to an internal pit a grated trench drain shall be provided at the property boundary.
- 9.8 **Erosion and Sediment Control**
- 9.8.1 Provide a sediment and erosion control plan in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development.
- 9.9 **Earthworks**
- 9.9.1 Proposed lots must be filled so that the ground levels behind the building are a minimum of 500mm above the designed 100-year average recurrence interval flood level.
- 9.9.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 9.9.3 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.
- 9.9.4 Retaining walls shall be a maximum single height of 1.2m (600mm cut + 600mm fill). Where a retaining wall is proposed that is more than 1.2m in height, a terraced solution shall be provided. Terraces should not exceed 900mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.
- 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 4.55 application.
- 9.10.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
- 9.10.4 Bio-retention basins to be designed in accordance with "Stormwater Biofiltration Systems. Adoption Guidelines. Planning, design and implementation. Version 1 June 2009. Facility for Advancing Water Bio-filtration", as a lined, standard biofiltration system and:
 - 1) Provide details for permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process for each lot. 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.
- 2) Amended drainage plans Series 150120 prepared by Australian Consulting Engineers shall be provided to address the following
 - i. The roof top courtyard areas do not discharge to the rainwater tanks.
 - ii. All other roof areas discharge to the rainwater tanks.
 - iii. The eleven rainwater tanks each have a capacity of 20 kL below the overflow level.
 - iv. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the rainwater tanks and Stormfilter chambers in accordance with Council's Engineering Guide for Development 2005.
 - v. The minimum storage and dual alternating pump requirements for the basement garage is to satisfy AS/NZS 3500.3:2015 – Plumbing and Drainage Part 3: Stormwater Drainage.
 - vi. Provide a basement design that ensures a minimum 0.5% slope to all surface inlet pits.
 - vii. Provide Floodway Warning Signs for the above ground detention area in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.
 - 3) An experienced hydraulic engineer is to prepare and certify a detailed Watering Plan for all landscape watering and the supply of cold water to the car wash bays for each lot. The plan is to show the rainwater pipe and tank arrangement including:
 - i) a first flush or pre-treatment system (typically first flush is 0.2 litres / m² of roof area going to the tank),
 - ii) a pump with isolation valves and a warning light to indicate pump failure;
 - iii) a mains water direct tank top up with air gap for landscape watering,
 - iv) flow meters on the mains water tank top-up line and the pump outflow line, to determine actual non-potable usage;
 - v) a timer and control box for landscape watering, allowing for seasonal variations;
 - vi) ensuring all the rainwater reuse pipes are coloured purple;
 - vii) an automatic backwash inline filter.
 - viii) fitting rainwater warning signs to all external taps using rainwater.
 - ix) ensuring that all Sydney Water requirements have been satisfied
 - 4) 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.
 - 5) Where a Works-in-Kind Agreement (WIK) is sought from Council for the construction of the Gross Pollutant Trap (GPT) the design of the system is to be approved by Council's Manager Asset Planning and Support. Reduction of Section 94 contributions is not available until works have been satisfactorily completed in accordance with the WIK agreement.
 - 6) A written application to enter into a WIK agreement must be provided to Council's Co-ordinator Contributions or an Officer acting in that position. Council's Section 94 Finance Committee will consider all applications on merit and advise the applicant in writing if the agreement is endorsed. Council reserves the right to approve or reject any WIK application and **will not reduce the monetary Section 94 contribution(s) on this consent unless all these conditions are complied with.**

9.11 Temporary On-Site Detention

- 9.11.1 Provide a temporary on-site detention system in accordance with Council's Engineering Guide for Development. This design shall limit the post-developed flows to the pre-developed flows for the 2 to 100 year ARI storm events.
- 9.11.2 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 temporary on-site detention design shall require a section 96 application.
- 9.11.3 Submit the following certificates which are to be prepared by a registered engineer (NER):
- Certification that the structures associated with the temporary on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
 - Certification that the temporary on-site detention system will perform to meet the temporary on-site detention requirements.
- 9.11.4 The following documents shall be submitted to accompany the temporary on-site detention design:
- 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

9.12 Vehicular Crossings

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

9.13 Footpaths

- 9.13.1 Construct path paving as follows:

| Street Name | Side | Paving Width (m) |
|---------------|------------|------------------|
| Rd 1 and Rd 2 | Both sides | 1.5 |

Note: Temporary Rd 3 and Rd 4 require footpath paving on one side only.

- 9.13.2 The construction of path paving is to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2016.

Proposed locations and widths are to be approved by Blacktown City Council's Co-ordinator Engineering Approvals. Shared pathways are to include line marking and signposting in accordance with the requirements of Austroads "Guide to Road Design" Part 6A and the Roads and Maritime Services NSW Bicycle Guidelines November 2003.

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 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.

10.1.5 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 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.

10.1.6 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.

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

10.5 Protection of Fauna

- 10.5.1 It is the responsibility of the developer to ensure that the removal of hollow-bearing trees or trees containing nests is conducted with due regard to any fauna present. In the event that fauna is evident an ecologist shall be engaged on-site to undertake appropriate relocation any fauna.

10.6 NSW Local Police – Requirements

10.6.1 The Applicant / person acting on this consent is to conduct a site inspection with the NSW Local Police prior to works commencing.

10.6.2 A Security Management Plan shall be prepared and adhered to during construction stage. This will assist with on-site building theft during and after hours.

10.7 **WaterNSW General Terms of Approval**

10.7.1 Prior to excavation works commencing the development is to be in accordance with the General Terms of Approval issued by WaterNSW dated 24 February 2017 and as follows:

- i. The following shall be included in the initial report (refer to **Condition 2.11.1**):
 - a. measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
 - b. a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - c. details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
 - d. a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [Note that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.]
- ii. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
- iii. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.

- iv. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
- v. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).
- vi. A copy of a valid consent for the development shall be provided in the initial report.
- vii. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called 'tailwater') must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
- viii. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

11 DURING EXCAVATION

11.1 WaterNSW General Terms of Approval

11.1.1 During excavation the development is to be in accordance with the General Terms of Approval issued by WaterNSW dated 24 February 2017 and as follows:

- i. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
- ii. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- iii. Measurement and monitoring arrangements to the satisfaction of the approval body are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
- iv. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.

- v. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
- vi. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
- vii. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the approval body under appropriate safety procedures

12 FOLLOWING EXCAVATION

12.1 WaterNSW General Terms of Approval

- 12.1.1 Following excavation, the applicant shall submit the following in accordance with the General Terms of Approval issued by WaterNSW dated 24 February 2017:
 - i. Following cessation of the dewatering operations, the applicant shall submit the completion report which shall include:
 - (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
 - ii. The completion report is to be assessed by the approval body prior to any certifying agency's approval for occupation or use of the completed construction.

13 DURING CONSTRUCTION (BUILDING)

13.1 Safety/Health/Amenity

- 13.1.1 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.
- 13.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
 - (c) the name, address and telephone number of the principal certifying authority for the work, and
 - (d) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
 - (e) stating that unauthorised entry to the work site is prohibited.
- 13.1.3 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.

- 13.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 13.1.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 13.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 13.1.7 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.
- 13.1.8 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.

13.2 **Building Code of Australia Compliance**

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

13.3 **Surveys**

- 13.3.1 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.
- 13.3.2 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.

13.4 **Nuisance Control**

- 13.4.1 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*.

13.4.2 All construction activities shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 7.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

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

13.5 **Stormwater Drainage**

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

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

13.6 **Waste Control**

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

13.7 **Construction Inspections**

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

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

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

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

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

14 DURING CONSTRUCTION (GENERAL)

14.1 Environmental Health

- 14.1.1 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.
- 14.1.2 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).
 - *National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999* as amended 2013.

14.2 Street Trees – Bonds, Services and Charges

- 14.2.1 The applicant is to undertake the planting and maintenance of 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 \$320.00 per tree and \$132.00 Inspection fee with Council to ensure the health and vigour of the trees. The bond shall be returned 12 months after the completion of the development (i.e. issue of final Occupation/Subdivision Certificate) if the trees are in a state of good health and vigour to Council's satisfaction.

The street tree bond amount will be applied following review and approval of the revised street tree plan. In accordance with Council's Good and Services Pricing Schedule, further assessment of the plans and future site inspection shall be levied by Council's Development Services Unit against the Developer for this purpose at a 2 hour period for a rate of \$188 per hour + GST.

14.3 European Heritage

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

14.4 Aboriginal Heritage

- 14.4.1 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 and Heritage is received by the Applicant. In addition, a

member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

- 14.4.2 The recommendations of the Aboriginal Heritage Impact Permit (AHIP) shall be adhered to.

14.5 Tree Protection Measures

- 14.5.1 Trees 90, 94 and 96 as identified in the Arboricultural Development Impact Assessment Report, Revision A, prepared by Birds Tree Consultancy and dated October 2016 shall be retained and protected in line with AS 4970-2009. These existing trees are located in the part of the site zoned SP2 Infrastructure Drainage. The remainder of trees on the site are permitted to be removed.

- 14.5.2 Any existing trees located outside of the boundary of this site are not approved for removal and must be retained and protected as per AS 4970-2009 Protection of Trees on Development Sites. These trees include but are not limited to Trees 28, 29, 32, 34, 36, 37, 53, 55, 56, 58, 59 and 86 as identified in the Arboricultural Development Impact Assessment Report, Revision A, prepared by Birds Tree Consultancy and dated October 2016.

14.6 Construction Traffic Management Plan

- 14.6.1 The Construction Traffic Management Plan submitted to Council is to be adhered to at all times.

15 DURING CONSTRUCTION (ENGINEERING)

15.1 Notification of Works

- 15.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum five (5) business days prior to commencement of engineering works.
- 15.1.2 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.

15.2 Insurances

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

15.3 Service Authority Approvals

- 15.3.1 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.

15.4 Boundary Levels

- 15.4.1 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.

15.5 Tree Protection and Preservation

- 15.5.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 15.5.2 Prior to commencement of engineering works that may disturb existing vegetation/trees, the site shall be inspected to identify and appropriately mark out any trees to be retained as well as determine areas that are to be left undisturbed. Proposed roads must be set-out onsite prior to this inspection. Note: Inspection must be carried out by Council's representative or an appropriately accredited private certifier. The applicant's representative must be present during this inspection.

15.6 Soil Erosion and Sediment Control Measures

- 15.6.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 15.6.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.
- 15.6.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

15.7 Filling of Land and Compaction Requirements

- 15.7.1 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.
- 15.7.2 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 all road pavement materials.
 - d) Submission of contour lot fill diagram 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 Council's webpage.

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

- 15.7.3 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.
- 15.7.4 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.
- 15.7.5 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 wind blown dust.
- 15.7.6 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.
- 15.7.7 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.
- 15.7.8 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.
- 15.8 **Filling in Contaminated Land**
 - 15.8.1 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.
 - 15.8.2 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.
 - 15.8.3 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.
- 15.9 **Inspection of Engineering Works – EP&A Act 1979**

- 15.9.1 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.

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

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

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

15.11 **Public Safety**

- 15.11.1 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.

15.12 **Site Security**

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

15.13 **Traffic Control**

- 15.13.1 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.
- 15.13.2 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.
- 15.13.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 15.13.4 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.

15.13.5 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.

15.14 Powder Coated Furniture

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

15.15 Drainage Matters

15.15.1 The 200 micron Enviropods and Stormfilter cartridges supplied by Stormwater 360 as detailed on the approved drainage plan are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

16 PRIOR TO SUBDIVISION CERTIFICATE (ENGINEERING)

16.1 Site Access

16.1.1 All lots shall have access from a dedicated public road. In this regard, all proposed roads shall be dedicated as public road free of cost to Council.

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

16.1.2 In the event that subdivision precedes construction of buildings on any of the lots, Council will require the lodgement of a Section 88B Instrument to ensure that development proceeds in accordance with this consent. The restriction should contain a provision that it may not be extinguished or altered except with the consent of the Council of the City of Blacktown.

16.1.3 An amount of \$880.00 per light pole is to be paid to Council for the ongoing maintenance of each black powder coated light pole to be installed in this subdivision and is to be paid prior to the release of the Subdivision Certificate. This rate is adjusted annually and the actual amount charged will be in accordance with Council's adopted fees and charges at the time of payment.

The number of light poles within the subdivision is to be included with the Subdivision Certificate application together with a copy of the approved street lighting plan. Any enquiries regarding this fee are to be directed to the Civil Maintenance Section of the City Assets Directorate.

The manufacturer of the light poles/street name poles/bus shelters is to provide written certification that all structures have been black powder coated to the satisfaction of

Council's Development Services Engineers prior to installation.

16.2 Service Authority Approvals

16.2.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Subdivision Certificate:

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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 release of the plan of subdivision.
- (b) A Notification of Arrangement" Certificate from Integral Energy, stating that electrical services, including the provision of street lighting, have been made available to the development.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

16.3 Consent Compliance

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

16.4 Additional Inspections

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

16.5 Fee Payment

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

16.6 Road Damage

16.6.1 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.

16.7 Compliance with Conditions

16.7.1 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.

16.7.2 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.

- 16.7.3 A Subdivision Certificate shall not be issued until all conditions of this consent, other than “operational” conditions, have been satisfied.

16.8 Service Authorities

- 16.8.1 The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.
- 16.8.2 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.

16.9 Temporary Facilities Removal

- 16.9.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 16.9.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 16.9.3 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.
- 16.9.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 16.9.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadwork 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.

16.10 Fee Payment

- 16.10.1 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.

16.11 Surveys/Certificates/Works As Executed plans

- 16.11.1 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.
- 16.11.2 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.

- 16.11.3 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) required by this consent have been achieved. The certificate must acknowledge that works and the construction of the floors have been complete. All levels must be to Australian Height Datum (AHD).
- 16.11.4 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the Temporary On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 16.11.5 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the Temporary On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 16.11.6 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 16.11.7 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. In this regard, the following surveys and Certificates shall be provided:
- a) An experienced irrigation specialist is to certify that all the requirements of the detailed Watering Plan have been installed as per the approved plan including the cold water supply taps to the car washes and are working correctly. Provide a signed, works-as-executed Landscape Watering Plan to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.
 - b) A Chartered Civil Engineer registered with NER, is to certify that:
 - i) all the requirements of the approved drainage plan have been undertaken;
 - ii) the rainwater tanks have been provided as per the approved construction certificate plans collecting all of the roof area (excluding the roof top courtyard area);
 - iii) for lot 1 a rainwater tank with a minimum 20 kL storage below the overflow has been installed for unit A.
 - iv) For lot 2 rainwater tanks each with a minimum 20 kL storage below the overflow have been installed for units B and C (two in total).
 - v) For lot 3 rainwater tanks each with a minimum 20 kL storage below the overflow have been installed for units D, E and F (three in total).
 - vi) For lot 4 rainwater tanks each with a minimum 20 kL storage below the overflow have been installed for units G, H, J, K and L (five in total).
 - vii) the minimum detention storage of 1,146 m³ has been provided below the 1.5 year ARI weir and a total of 1,738 m³ has been provided below the 100 year ARI emergency overflow weir;
 - viii) all the signage and warning notices have been installed;
 - ix) the interpretative water quality sign has been correctly installed
 - x) any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
 - xi) a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.
 - c) Stormwater 360 is to certify for the installation of the 200 micron Enviropods and Stormfilters that:

- I. They are installed in accordance with the Stormwater 360 standard operational guidelines and production drawings;
- II. The number of '200 micron' Enviropods shown on the approved plan have been installed;
- III. 460mm high Stormfilter cartridges with a minimum of seven for Stormfilter tank A, seven for Stormfilter tank B, five for Stormfilter tank C, five for Stormfilter tank D, fifteen for Stormfilter tanks E & F, eighteen for Stormfilter tanks G, H & K and nine for Stormfilter tanks J & L have been installed.
- IV. Each Stormfilter tank includes a baffle extending from the tank soffit to 300 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables for the 460 mm cartridges.
- V. The weir lengths of Stormfilters are as per the approved plan;
- VI. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tanks; and
- VII. Energy dissipater wall has been provided on the inlets to the Stormfilter chambers as per the approved plan.

16.11.8 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):

- a) Compaction certificates for fill within road reserves.
- b) Compaction certificates for road sub-grade.
- c) Compaction certificates for all road pavement materials.
- d) Contour lot fill diagram 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)

16.11.9 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

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

16.11.10 **Easements/Restrictions/Positive Covenants**

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

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

(b) The standard format for easements and restrictions as accepted by the Land Registry Services NSW.

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

16.11.10.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land Registry Services NSW over the Stormwater Quality Control devices/ and Rainwater Tanks for each lot including the SP2 land in

accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage by the first business day on or after 1 September each year.

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

16.11.10.5 The creation of an Easement to Drain Water, 2.0 metres wide in accordance with Council's Engineering Guide for Development (current issue), over Lot A DP 389673 in favour of lots 4, 5, 6, 7, 8 and 9 of DP 25682 free of cost to Council. The easement must be created under the *Conveyancing Act 1919* and have the nominated lot(s) burdened and each and every lot upstream benefited. This includes benefitting 18, 20, 22, 24, 26 and 28 Advance Street, Schofields.

16.11.10.6 The creation of an Easement to Drain Water, with a minimum width of 2.5 m wide along the southern boundary and western splay of Lot 4 in accordance with the requirements of the Council's Engineering Guide for Development 2005. The easement is to be in favour of Council and Lot 26 DP 13137. The drainage easement must be registered with NSW Land Registry Services and contain a sunset clause extinguishing the easement once Road 4 is extended to the SP2 land and registered as public road. The easement must be created under the *Conveyancing Act 1919* and have the nominated lot(s) burdened and each and every lot upstream benefited.

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

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

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

16.11.11.2 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 twelve months. This period commences at the release of the final plan of subdivision or practical completion of the development. The maintenance period may be extended to allow for the completion of necessary maintenance and or all outstanding minor works.

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

16.11.11.4 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.

16.11.12 **Inspections**

16.11.12.1 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.

16.11.13 CCTV Inspection of Stormwater Drainage Structures

16.11.13.1 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.

16.12 OTHER MATTERS

16.12.1 Provide maintenance requirements for each of the proposed Stormwater Quality Improvement Devices including the rainwater tanks. Where these devices are located in roadway/parking areas must include traffic management requirements. The maintenance schedule is to contain a requirement that either the filter cartridges are to be maintained by Stormwater 360, replaced no later than two years after the date of installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's WSUD Handbook. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.

16.12.2 Provide a maintenance plan for the basement pump systems to ensure effective ongoing operation of the pumps including replacement as required.

16.12.3 Written evidence is to be provided that the registered owner/owners corporation has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for maintenance of Stormfilters, Enviropods and rainwater tanks. All maintenance on the filter cartridges must be undertaken by Stormwater 360. A copy of the signed and endorsed contract and maintenance contractor details must be forward to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. Maintenance contract cannot be cancelled, but may be replaced with an another contract of the same standard or with a differing entity (e.g. owners' corporation).

16.12.4 Where the Groundwater Assessment Report indicates 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.

16.13 Salinity

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

17 PRIOR TO OCCUPATION CERTIFICATE

17.1 Compliance with Conditions

17.1.1 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.

17.1.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.8 of the *Environmental Planning & Assessment Act 1979*.

17.1.3 A Subdivision Certificate shall not be issued until all conditions of this consent, other than “operational” conditions, have been satisfied.

17.2 Road Damage

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

17.3 Fire Safety Certificate

17.3.1 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).

17.4 Fee Payment

17.4.1 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.

17.5 Acoustic Certification

17.5.1 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.

17.6 Contamination and Remediation

17.6.1 Should any remediation works be undertaken as a result of contaminated soil/material identified and disposed of during works, a validation report is to be prepared and submitted to Council's Environmental Health Officer. The validation report is to be prepared by a qualified geoscientist without any limitations in accordance with the *National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999* as amended 2013.

17.7 Waste Matters

17.7.1 The development is to be completed in accordance with the waste requirements of **Condition 6.10.1**.

17.7.2 A Community Management Agreement, Strata Management Agreement, or similar, must exist which:

- i. Clearly outlines that no bins are to be located or placed in the approved collection points outside the scheduled collection time for that area.
- ii. Clearly outlines the responsibility for maintenance of the waste collection points and ensure they are clear and unobstructed prior to collection times.
- iii. Clearly outlines the method of communication to new tenants and residents

- regarding the waste management services and collection system for the complex.
- iv. Includes the approved Waste Management Plan dated October 2017.

17.8 Street Tree Planting

- 17.8.1 Prior to the issue of the final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to the satisfaction of Council's Project Officer Civil and Open Space Infrastructure.

17.9 Services / Utilities

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

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

17.10 Other Matters

- 17.10.1 All landscaping, recreation features and furniture, bbq facilities, children's play equipment and lighting shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate. All landscaping is to be afforded suitable spacings and pot sizes to ensure that the range of the mature spread of the trees, shrubs and ground covers provide effective coverage and avoid the appearance of sparse landscaping.
- 17.10.2 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 17.10.3 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.
- 17.10.4 Vandal proof and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.
- 17.10.5 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.

- 17.10.6 All power boards should be housed within a locked cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.
- 17.10.7 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 17.10.8 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 17.10.9 Head room clearance at the basement ramp must comply with requirements of AS2890.1 (Section 5.3) for a Disabled Vehicle, and meet AS2890.1 – Appendix C for the disabled parking space and access to the lift.
- 17.10.10 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

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

- 17.11.1 No occupation certification must be issued unless all design verifications have been provided for the relevant stage in accordance with Clause 154A of the *Environmental Planning and Assessment Regulation 2000*. A certifying authority must not issue an occupation certificate for the 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](#).

17.12 Adaptable Housing Units

- 17.12.1 Certification from a qualified Access Consultant confirming that at least 10% of units are Adaptable Housing Units are capable of being modified when required by the occupants in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) is to be submitted to Council.

17.13 Graffiti Management Plan

- 17.13.1 A 'Graffiti Management Plan' is to be submitted for the separate approval of Council. The Plan is to address the following issues:
- (a) Methods to minimise the potential for graffiti;
 - (b) Management/notification procedures for the 'early' removal of graffiti no later than 48 hours after detection. Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s;
 - (c) Annual review of any 'management agreement' for the removal of graffiti to ensure the property is maintained at its optimum level; and
 - (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

17.14 Total Maintenance Plan

- 17.14.1 A 'total' maintenance plan is to be prepared for the site and it to ensure:
- (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, pathways, through site links, soft and hard landscaping, children's play equipment, fencing, mail boxes, lighting, bulky waste storage and loading

- areas, feature entry signage, parking signage and services are regularly inspected and maintained at optimum levels at all times.
- (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted 'junk mail' is to be collected on a regular basis and disposed of as necessary.
 - (c) The development is managed by a Site / Strata / Building Manager.

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

17.15 Engineering Matters

17.15.1 Surveys/Certificates/Works As Executed plans

- 17.15.1.1 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.
- 17.15.1.2 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.
- 17.15.1.3 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) required by this consent have been achieved. The certificate must acknowledge that works and the construction of the floors have been complete. All levels must be to Australian Height Datum (AHD).
- 17.15.1.4 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the Temporary On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 17.15.1.5 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the Temporary On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 17.15.1.6 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 17.15.1.7 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. In this regard, the following surveys and Certificates shall be provided:
 - d) An experienced irrigation specialist is to certify that all the requirements of the detailed Watering Plan have been installed as per the approved plan including the cold water supply taps to the car washes and are working correctly. Provide a signed, works-as-executed Landscape Watering Plan to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.

- e) A Chartered Civil Engineer registered with NER, is to certify that:
 - xii) all the requirements of the approved drainage plan have been undertaken;
 - xiii) the rainwater tanks have been provided as per the approved construction certificate plans collecting all of the roof area (excluding the roof top courtyard area);
 - xiv) for lot 1 a rainwater tank with a minimum 20 kL storage below the overflow has been installed for unit A.
 - xv) For lot 2 rainwater tanks each with a minimum 20 kL storage below the overflow have been installed for units B and C (two in total).
 - xvi) For lot 3 rainwater tanks each with a minimum 20 kL storage below the overflow have been installed for units D, E and F (three in total).
 - xvii) For lot 4 rainwater tanks each with a minimum 20 kL storage below the overflow have been installed for units G, H, J, K and L (five in total).
 - xviii) the minimum detention storage of 1,146 m³ has been provided below the 1.5 year ARI weir and a total of 1,738 m³ has been provided below the 100 year ARI emergency overflow weir;
 - xix) all the signage and warning notices have been installed;
 - xx) the interpretative water quality sign has been correctly installed
 - xxi) any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
 - xxii) a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.
 - f) Stormwater 360 is to certify for the installation of the 200 micron Enviropods and Stormfilters that:
 - VIII. They are installed in accordance with the Stormwater 360 standard operational guidelines and production drawings;
 - IX. The number of '200 micron' Enviropods shown on the approved plan have been installed;
 - X. 460mm high Stormfilter cartridges with a minimum of seven for Stormfilter tank A, seven for Stormfilter tank B, five for Stormfilter tank C, five for Stormfilter tank D, fifteen for Stormfilter tanks E & F, eighteen for Stormfilter tanks G, H & K and nine for Stormfilter tanks J & L have been installed.
 - XI. Each Stormfilter tank includes a baffle extending from the tank soffit to 300 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables for the 460 mm cartridges.
 - XII. The weir lengths of Stormfilters are as per the approved plan;
 - XIII. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tanks; and
 - XIV. Energy dissipater wall has been provided on the inlets to the Stormfilter chambers as per the approved plan.
- 17.15.1.8 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):
- f) Compaction certificates for fill within road reserves.
 - g) Compaction certificates for road sub-grade.
 - h) Compaction certificates for all road pavement materials.
 - i) Contour lot fill diagram and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
 - j) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)
- 17.15.1.9 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

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

17.15.2 Easements/Restrictions/Positive Covenants

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

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

(b) The standard format for easements and restrictions as accepted by the Land Registry Services NSW.

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

17.15.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land Registry Services NSW over the Stormwater Quality Control devices/ and Rainwater Tanks for each lot including the SP2 land in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage by the first business day on or after 1 September each year.

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

17.15.2.5 The creation of an Easement to Drain Water, 2.0 metres wide in accordance with Councils Engineering Guide for Development (current issue), over Lot A DP 389673 in favour of lots 4, 5, 6, 7, 8 and 9 of DP 25682 free of cost to Council. The easement must be created under the *Conveyancing Act 1919* and have the nominated lot(s) burdened and each and every lot upstream benefited. This includes benefitting 18, 20, 22, 24, 26 and 28 Advance Street, Schofields.

17.15.2.6 The creation of an Easement to Drain Water, with a minimum width of 2.5 m wide along the southern boundary and western splay of Lot 4 in accordance with the requirements of the Council's Engineering Guide for Development 2005. The easement is to be in favour of Council and Lot 26 DP 13137. The drainage easement must be registered with NSW Land Registry Services and contain a sunset clause extinguishing the easement once Road 4 is extended to the SP2 land and registered as public road. The easement must be created under the *Conveyancing Act 1919* and have the nominated lot(s) burdened and each and every lot upstream benefited.

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

17.15.3 Bonds/Securities/Payments in Lieu of Works

- 17.15.3.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.
- 17.15.3.2 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 twelve months. This period commences at the release of the final plan of subdivision or practical completion of the development. The maintenance period may be extended to allow for the completion of necessary maintenance and or all outstanding minor works.
- 17.15.3.3 Concrete path paving must not be placed until about 75% of the construction has been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Pricing Schedule. The security will be released upon satisfactory completion of the works.
- 17.15.3.4 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.

17.15.4 **Inspections**

- 17.15.4.1 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.

17.15.5 **CCTV Inspection of Stormwater Drainage Structures**

- 17.15.5.1 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.

17.16 **Drainage - Other Matters**

- 17.16.1 Provide maintenance requirements for each of the proposed Stormwater Quality Improvement Devices including the rainwater tanks. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The maintenance schedule is to contain a requirement that either the filter cartridges are to be maintained by Stormwater 360, replaced no later than two years after the date of installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's WSUD Handbook. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.
- 17.16.2 Provide a maintenance plan for the basement pump systems to ensure effective ongoing operation of the pumps including replacement as required.
- 17.16.3 Written evidence is to be provided that the registered owner/ owners corporation has entered into a minimum five (5) year signed and endorsed maintenance contract with

a reputable and experienced cleaning contractor for the maintenance of Stormfilters, Enviropods and rainwater tanks. All maintenance on the filter cartridges is undertaken by Stormwater 360. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au . This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard or with a differing entity (e.g. owners' corporation).

- 17.16.4 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.

18 OPERATIONAL

18.1 Specific Uses

- 18.1.1 The approved development shall comply with the requirements of the following definition contained within *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*:

'residential flat building' means *'a building containing 3 or more dwellings, but does not include an attached dwelling, a manor home or multi dwelling housing.'*

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

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

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

- 18.1.4 The hours of operation and noise levels from the ground level communal outdoor areas, communal rooms and rooftop communal open space areas are to be appropriately managed to ensure that the occupiers of the buildings and residents of neighbouring properties are not adversely affected by noise, in particular not prior to 8am and not after 10pm daily.

18.2 Access / Parking

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

18.3 Waste Management and Collection

- 18.3.1 All waste and recycling collection areas and activities, including bulky waste storage and collection activities are to be appropriately managed wholly within the development site at all times and are the responsibility of the strata management (or similar) of the site.

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

- 18.3.3 No goods, materials, or trade waste shall be stored, displayed for sale or manufactured

at any time outside the building on either the internal roadway, car parking areas, landscaping or footpaths.

- 18.3.4 Should general, recycling and bulky waste collection be undertaken by Council, the Strata Manager is to sign Council's 'Agreement for Onsite Waste Collection' form.

18.4 Landscaping

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

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

- 18.4.3 The management of vegetation, gardens, planter boxes, communal areas, fences, decking, BBQ area, children's play equipment, lighting and other similar areas is to be incorporated within the future strata management plan once the development is occupied.

18.5 Lighting and Security

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

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

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

18.6 Emergency Procedures

- 18.6.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed throughout the development for resident, guest and emergency information at all times to the satisfaction of Council.

18.7 Graffiti Removal

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

18.8 Total Maintenance Plan

- 18.8.1 The approved Total Maintenance Plan must be adhered to at all times.

18.9 Environmental Management

- 18.9.1 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*.

- 18.9.2 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.

- 18.9.3 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.
- 18.9.4 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 multi storey development operating to validate the findings of Environmental Noise Impact Assessment shall be submitted
- 18.9.5 To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10pm and 6am.
- 18.9.6 All waste and recycling bins must be stored wholly within the approved waste storage areas. 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.
- 18.10 **NSW Local Police Matters**
- 18.10.1 All security measures required by this consent shall be appropriately maintained and in good working order.
- 18.10.2 Contact details for the Body Corporate and Building Manager must be forward to the NSW Police once the Body Corporate is formed and in the event of any changes to these contact details.
- 18.10.3 A Security Management Plan and Evacuation Plan for this development is to be forwarded to Riverstone Police Station.