

Draft conditions of consent

Proposed development: Stage 1 Concept Development Application under Section 4.22 of the *Environmental Planning and Assessment Act 1979* for 9 building envelopes comprising up to 630 apartments and 1 neighbourhood shop, 2 basement car parking levels, new public roads and public domain improvements.

Property description: Lots 68 and 69 DP 30186
34 and 42 Tallawong Road, Rouse Hill

1. Staged Development Application

Pursuant to Clause 100 of the *Environmental Planning and Assessment Regulation 2000*, this Notice of determination relates to a Stage 1 Concept Development Application. A subsequent Development Application (Stage 2) or multiple staged Development Applications are required for any work on the site.

2. Approved Stage 1 Concept development

Development consent is limited to a Stage 1 Concept Plan building envelope and land uses within this envelope, in line with the following concept drawings, subject to changes as required by any condition(s) of this consent:

Plan reference	Revision issue	Dated
Plans prepared by Kann Finch Group Pty Ltd:		
SK2.00 Cover sheet	A	08.09.2017
SK2.18 Envelope diagram	A	08.09.2017
SK2.20 Site sections sheet 1	A	08.09.2017
SK2.21 Site sections sheet 2	A	08.09.2017
SK2.22 Elevations sheet 1	A	08.09.2017
SK2.23 Elevations sheet 2	A	08.09.2017
SK2.25 Height control 16 m view 1	A	08.09.2017
SK2.26 Height control 16 m view 2	A	08.09.2017
SK2.27 Height control 16 m view 1 existing	A	08.09.2017
SK2.28 Height control 16 m view 2 existing	A	08.09.2017
SK3.31 Site areas	A	08.09.2017
SK3.32 Deep soil & building footprint	A	08.09.2017
SK3.33 Communal open space	A	08.09.2017
SK3.36 Ventilation diagrams	A	08.09.2017
SK3.37 Ventilation diagrams	A	08.09.2017
SK3.38 Solar access	A	08.09.2017
SK3.39 Solar access	A	08.09.2017
SK3.40 Shadow study - June 21st 9.00am	A	08.09.2017
SK3.41 Shadow study - June 21st 10.00am	A	08.09.2017

Plan reference	Revision issue	Dated
SK3.42 Shadow study - June 21st 11.00am	A	08.09.2017
SK3.43 Shadow study - June 21st 12.00pm	A	08.09.2017
SK3.44 Shadow study - June 21st 1.00pm	A	08.09.2017
SK3.45 Shadow study - June 21st 2.00pm	A	08.09.2017
SK3.46 Shadow study - June 21st 3.00pm	A	08.09.2017
SK4.10 Basement 2	A	08.09.2017
SK4.11 Basement 1	A	08.09.2017
SK4.12 Lower ground	A	08.09.2017
SK4.13 Upper ground	A	08.09.2017
SK4.14 Levels 1 & 2	A	08.09.2017
SK4.15 Level 3	A	08.09.2017
SK4.16 Level 4	A	08.09.2017
SK4.17 Roof plan	A	08.09.2017
SK4.50 Conceptual facade details	A	08.09.2017
SK1.110 Building articulation	-	-
SK1.100 Section – Ground Floor, Typical Edge Condition	-	-
Landscape Report & Plans prepared by Arcadia Landscape Architecture:		
Landscape Stage One Development Application	1	Sept 2017

3. Consistency of future Development Applications

While this consent remains in force, the determination of any further Development Application(s) ('Stage 2' Development Application(s)) in respect of the site cannot be inconsistent with this consent.

4. Lapsing of the consent

This development consent will lapse after a period of 5 years effective from the date of this Notice, unless subsequent consent is granted to a stage 2 Development Application(s) to carry out development on the site and that development has commenced.

5. Approved Stage 1 Concept Plan land uses

The land uses approved in this Stage 1 Concept Plan consent include:

- Up to 630 residential apartments ('residential flat buildings') and associated basement car parking and infrastructure under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.
- 1 neighbourhood shop with a retail floor area that does not exceed 100 m² under clause 5.4 (7) under Appendix 12 Blacktown Growth Centres Precinct Plan of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

6. Building envelopes

Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate building design, including services, balconies, shading devices, lifts, stairs, private and communal open space, circulation space, and the like, will be entirely within the approved building envelope.

7. Building height

The maximum height of the rooflines of the buildings, parapets, rooftop plant and equipment, lift overruns, stairwells and shading structures for the rooftop communal open space areas for buildings A, E and F must not exceed the maximum permitted relative levels for building height as shown on the plans approved in this Stage 1 Concept Plan.

8. Design requirements

- a. Except as otherwise approved, the stage 2 Development Application design plans must comply with the design criteria specified in Council's *Growth Centre Precincts Development Control Plan 2018*.
- b. The treatment to Tallawong Road is to be consistent with the Figure 4-3 'Bicycle and pedestrian network' of Schedule 8 Riverstone East Precinct of the *Blacktown City Council Growth Centre Precincts Development Control Plan 2018*, being a collector road and a main off-road shared pedestrian and bicycle pathway.
- c. The half width road (Road 3) located along the southern boundary of the site is to be deleted and replaced with a publicly accessible pathway and landscaping (including large trees) to provide benefit to the future occupants of this site and local community. This land and associated pathway and landscaping are to be owned and maintained by the person acting on this consent or future strata title or community title scheme, or similar, of the adjoining building(s).
- d. The facades of buildings B, C, F and E are to feature careful detailing/articulation to reduce the perceived length of the facades, including recesses, as shown on the Building Articulation Plan, Drawing No. SK1.110.
- e. The basement structures are to be suitably treated to ensure a suitable transition is provided between the ground floor apartment and the adjacent public footpath, as shown on the Typical Edge Condition Section Plan, Drawing No. SK1.100.
- f. Detailed landscaping design plans which accompany any stage 2 detailed Development Application(s) are to demonstrate at least 50% of the trees and vegetation to be planted on site are native species which complement the remnant native vegetation.

9. Matters not approved

The following items are not approved and do not form part of this Stage 1 Concept Development Application consent:

- a. Any demolition, removal of trees, excavation, construction and/or occupation.
- b. The layout of up to 630 residential apartments.
- c. The layout of 1 neighbourhood shop.
- d. The design of the building exteriors including facades.
- e. Public domain and landscape design.
- f. The number of car parking spaces, bicycle spaces or loading spaces/areas.
- g. The configuration of the basement car parking levels.
- h. Subdivision (including amalgamation of the lots, Torrens title, strata or community title subdivision).

10. Section 7.11 contributions

The approval of this consent does not preclude the requirement for Section 7.11 contributions on the site for future stage 2 Development Applications.

11. Special infrastructure contributions

The applicant is to make a special infrastructure contribution in line 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. The applicant must also obtain a certificate to that effect from the Department of Planning and Environment before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

Information about the special infrastructure contribution can be found on the Department of Planning and Environment's website: <http://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding/Special-Infrastructure-Contributions-SIC>

The approval of this consent does not preclude the requirement for special infrastructure contributions on the site for future stage 2 Development Applications.

12. BASIX

A BASIX Certificate in line with the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* must be submitted with any relevant stage 2 Development Application.

13. Contamination and remediation

Any stage 2 Development Application is to be consistent with the recommendations of the Stage 2 Detailed Contamination Assessment prepared by Geotechnique Pty Ltd, Report No. 14221/1-AA and dated 17 April 2018. Any relevant stage 2 Development Application is to confirm that the site is suitable for the proposed use and demonstrate that the site can be remediated to the extent necessary for the proposed use to the strict residential standards of the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, as amended in 2013.

14. Salinity

Any stage 2 Development Application is to be consistent with the recommendations of a Salinity Assessment Report to be prepared by a geotechnical engineer to minimise the chance of development increasing the risk of, and impacts from, soil and groundwater salinity.

15. Aboriginal and European heritage

Any stage 2 Development Application is to satisfy Section 2.3.3 Aboriginal and European heritage of Blacktown City Council's *Growth Centre Precincts Development Control Plan 2018*. The application is to be accompanied by an Aboriginal and European Heritage Assessment Report and be consistent with its recommendations.

16. Protection of native vegetation at Cudgegong Reserve

Any stage 2 Development Application is to demonstrate that the native vegetation at Cudgegong Reserve 260 (Lots 76 and 77 DP 208203 and zoned E2 Environmental Conservation) and RE1 Local Open Space zoned Reserve 1056 (at part Lot 66 DP 30186 for a neighbourhood park) is appropriately protected at all times to ensure the ecological value of the Reserves is safeguarded.

17. Food or public health related commercial activities

Any relevant stage 2 Development Application which includes any food or public health related commercial activities is to demonstrate that the use and fit out of the premises complies with the requirements of the *Food Act 2003* and Regulations thereunder, and the Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.

18. Noise impact assessment report

A noise impact assessment report is to be submitted with any relevant stage 2 Development Application. 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 must satisfy the following criteria with windows and doors closed:

Internal space	Time period	Criteria: LAeq (period)
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7 am – 10 pm)	40 dB(A)
	Night (10pm – 7 am)	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 they are acoustically attenuated so that the noise emitted:

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

The method of measurement of sound must be carried out in line with Australian Standard 1055.1. The noise assessment is to be in line with the Environment Protection Agency Industrial Noise Policy (INP).

19. SEPP No. 65 – Design Quality of Residential Apartment Development

The residential components of any stage 2 Development Application are to demonstrate that the design complies with the principles of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* and the accompanying Apartment Design Guide.

20. Basement access and car parking spaces

Any stage 2 Development Application is to demonstrate that the minimum required car parking spaces and bicycle parking spaces are provided within the basement levels. All parking areas are to be designed in line with AS 2890, Council's *Growth Centre Precincts Development Control Plan 2018* and relevant standards (e.g. AusRoads, RMS Guidelines).

To ensure this, any stage 2 Development Application is to be accompanied by detailed plans of the parking areas, clearly depicting dimensions of any ramps, parking aisle widths, space widths and lengths and overhead clearances. The plans are also to detail on-site traffic management measures for residential and non-residential land uses and servicing of the site. The entire path of travel for waste and loading/servicing vehicles within the Lower Ground Level (Drawing Number SK4.12) is to achieve a height clearance of 4.5 m clear of overhead services and structural elements and a minimum vehicle length of 11 m.

Head room clearance at the basement ramps and levels must comply with the requirements of AS 2890.1 (Section 5.3) for a Disabled Vehicle and meet AS 2890.1 - Appendix C for the Disabled parking space and access to the lift.

Sight distance is to be maintained at the basement car parking entrances in terms of both pedestrian and vehicular sight distances.

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times, and must not obstruct other properties or the public way.

21. Stormwater drainage

Any stage 2 Development Application is to be accompanied by a stormwater drainage concept plan and engineering details and must be designed and undertaken in line with the relevant aspects of the following documents:

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

Design plans, calculations and other supporting documentations prepared in line 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 Certificate for Building I will only be permitted to be issued after the regional stormwater management facilities are constructed and operating, and the temporary on-site detention is no longer required.

22. Waste collection

Any stage 2 Development Application is to demonstrate compliance with Council's requirements for waste collection and *Blacktown Development Control Plan 2015*. This is to include the submission of a Waste Management Plan and detailed architectural plans which address Council's requirements.

23. Access

An access report is to be submitted with any stage 2 Development Application to demonstrate that the building has been designed and is capable of being constructed to provide access and facilities for people with a disability in line with the *Disability Discrimination Act 1992* and Access to Premises Standards.

24. Compliance with building standards

Any stage 2 Development Application is to demonstrate compliance 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. Any stage 2 Development Application is to satisfy the requirements of the relevant Australian Standards.

25. Landscaping

Detailed landscape plans are to be submitted with any stage 2 Development Application. The landscaping plans are to be consistent with the landscaping demonstrated on the approved concept plans, including the provision of deep soil landscaping areas along the boundaries of the site and internal courtyard areas, and landscaping to the rooftop communal open space areas. The landscaping plans are also to detail all boundary fencing to be retained and/or replaced, recreation features furniture within the communal open space areas, street tree planting and retaining structures (which are required to be of masonry construction).

26. Crime prevention through environmental design

Any stage 2 Development Applications are to be accompanied by a Crime Prevention Report, or similar, which demonstrates that the design and operation of the proposal is consistent with the principles of Crime Prevention Through Environmental Design. This is to be to the satisfaction of the Local Police.

27. Sydney Trains: Sydney Metro Northwest

Any stage 2 Development Application must demonstrate that all structures are designed, constructed and maintained so as to avoid any damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the future rail corridor construction and rail operations and Sydney Metro Rail Facility to the proposed development.

28. NSW Rural Fire Service

Where required by Section 4.46 (formerly section 91(1)) of the *Environmental Planning and Assessment Act 1979*, any Stage 2 Development Applications are to be accompanied by a *Planning for Bushfire Protection 2006* assessment and referral to NSW Rural Fire Service for concurrence under Section 4.14 (formerly 79BA) of the *Environmental Planning and Assessment Act 1979*.

29. Sydney Water

Any stage 2 Development Applications are to provide details on the diversion of the existing Sydney Water sewer line. This is to be done in line with the relevant requirements of Sydney Water.

30. Signage

If signage is proposed, any stage 2 Development Application is to include details of proposed business identification signage and way finding signage for occupants, staff, guests and servicing vehicles.

31. Services

Any stage 2 Development Application is to demonstrate appropriate servicing of the development including water, sewer, trade waste, energy, gas, telecommunications, NBN.