

Draft conditions of consent

Proposed Development:

Section 4.55(2) modification to an approved 20 storey mixed-use commercial/residential building over 6 basement car parking levels. The modifications include conversion of all 3 bedroom units into 1 and 2 bedrooms creating additional 16 units, reduction of the approved commercial floor space, internal reconfigurations to most levels and changes to external building details.

The section 4.55(2) modification application (MOD-17-00272) is approved subject to amendments to the original conditions as shown in **BOLD** below and with additional conditions shown in **RED**.

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

Drawing No.	Prepared by	Dated
Site Plan A10-00 Revision B	Conrad Gargett	14/06/2017
Floor Plans: Ground Floor A21-00 Revision B Level 1 Floor A21-01 Revision C Level 2 Floor A21-02 Revision C Levels 3 – 8 Floors A21-03 Revision B Levels 9-19 Floors A21-09 Revision B Plant Room A21-20 Revision C	Conrad Gargett	14/06/2017 25/10/2017 25/10/2017 14/06/2017 14/06/2017 25/10/2017
Basement Plans: Level 1 A21-B1 Revision B Basement Level 2 A21-B2 Revision B Basement Level 2 A21-B3 Revision B	Conrad Gargett	14/07/2018
Elevations Plans: A31-02 Revision A A31-03 Revision A A31-04 Revision A A31-05 Revision A	Conrad Gargett	18/06/2018
Schedule of Material and Finishes: A10100 Revision D A10101 Revision D	Conrad Gargett	18/06/2018
Document:	Dated	Enclosure No
Waste Management Plan	April 2009	2C
Landscape Concept Plans Sheets 1 -4 Issue E inclusive	06/06/2009	1V-1Y

* Unless modified by any condition of this consent. In this regard, please refer to Condition 4.1.

2.3.1 All commitments listed in **BASIX Certificate number: 244868M_02 dated 28 October 2016 shall be complied with.**

4.1.1 The following plan amendments shall be included on or addressed by any Construction Certificate relating to the approved development:

- (a) Balustrading in compliance with the BCA is to be provided in conjunction with the podium levels and any roof top planter boxes. Safe access to the planter boxes should also be provided for maintenance purposes. The balustrading must be transparent to maintain view of the landscaping.
- (b) In order to minimise potential noise impacts from the adjoining Church site, double glazing must be installed to all residential units facing the Church site.
- (c) Plumbing connection are to be provided to the ground floor commercial tenancy to facilitate its use as a cafe/restaurant.
- (d) **A minimum of 10% of the residential units within the approved building are to be designed in accordance with the Australian Adaptable Housing Code (AS 4299-1995).**
- (e) **19 disabled car spaces shall be shown on the basement plans, in accordance with Australian Standard 2890.1.**
- (f) **All habitable rooms shall have a minimum floor to ceiling height of 2.7 m. Service bulkheads are not to intrude into habitable spaces and this should be demonstrated in the plans to be submitted for construction certificate.**

4.2.1 **The following monetary contributions pursuant to *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at the base date of June 2003 for CP 3 and March 2005 CP16. 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) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.**

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted. 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.
Traffic Management Facilities	\$12,250.00	16
Open Space	\$6,596.00	16
Community Facilities	\$8,226.00	16
Open Space	\$18,713.60	3

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

**S7.11 CP No. 3 Open Space in Established Residential Areas
S7.11 CP No. 16 Blacktown CBD (Northern Precinct)**

The Section 7.11 contribution(s) have been based on the adjusted commercial floor space area, number of additional units and the potential additional population nominated below. Should any amendments change the potential

additional population or commercial floor space, the Section 7.11 contribution(s) will be adjusted accordingly.

Commercial area: -0.56 sqm (adjustment)

Additional Population: 13.6

Additional Units: 16

4.4.1 Council is particularly concerned about the appearance of the development. Accordingly, the following additional information is required to be submitted for Council's separate approval prior to the issue of any Construction Certificate for the approved development:

~~(a) Details of the proposed external building materials and finishes, including colour samples from brochures or the like. In this regard, the external finishes should reflect those details shown in the coloured perspective held on Council's file JRPP-09-1574 at Enclosure 1R.~~

(b) A detailed landscaping plan prepared by a suitably qualified person which provides for the embellishment of all common open space areas (i.e. ground level, podiums and roof-top) by providing:

- (i) Suitable ground covers, shrubs and trees to complement the height, scale, design and function of the approved development, and help soften the visual appearance of the large building.
- (ii) Measures designed to enable easy long-term maintenance of the property.
- (iii) Planting of a combination of 35 litre, 75 litre and 100 litre trees. All shrubs to be planted are to have a minimum pot size of 200 mm.
- (iv) Details of the soil depth, plant species and automatic irrigation system for all planter boxes, including on the podium and roof top areas.
- (v) Full details of the proposed street planting.

In this regard, the landscaping is to be generally in accordance with the Landscape Concept Plans (Drawing Number: 08106CC Sheets 1-4 Revision E dated 6 June 2009)

(c) The common open space areas are to be embellished with appropriate equipment. This should include children's play equipment, permanently installed hardwood/anodised aluminium vertical slat tables and bench seating, push button electric barbeque facilities with stainless steel hot plates, pergola structures, shade structures and the like. Details of all seating/outdoor furniture, play equipment, etc are to be shown on the landscape plan required by 4.3.1(b) above. Note: Pre-painted open metal (pool type) fencing is to be provided around the children's play equipment. The fencing is to be a minimum height of 1.2 m and is to be provided with a self-closing latch top child-proof gate.

(d) All common open space areas are to be appropriately illuminated by the use of bollard type outdoor lighting or the like, to provide for the safety of residents at night. Details of all outdoor lighting are to be submitted. Note: If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining residential properties/units are to be protected.

(e) Details of the proposed awning, including colour samples of the materials/finishes from brochures or the like. In this regard, Council's preference is for opaque glass as it will allow an acceptable level of both sunlight and shade to the footpath area below. Note: The height and width of the proposed footpath awning is to comply with the requirements of Council's Maintenance Engineers.

- 4.5.2 **A minimum of 21 commercial car spaces, 1 courier bay, 183 residential (including 19 disabled) car spaces and 37 visitor car spaces are to be provided on site**, each designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Commercial Car Space: 2.6 m x 5.4 m

Residential Flat Building (excluding width of pillar): 2.5 m x 5.4 m

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

Disabled Car Space: 3.2 m x 5.4 m

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

4.8 Adaptable Housing

- 4.8.1 Certification from a qualified Building and Access Consultant confirming that the Adaptable Housing Units are capable of being modified when required by the occupants in accordance with the BCA and Australian Adaptable Housing Standard (AS 4299-1995) shall be submitted to Council prior to the Construction Certificate being issued.

- 5.4 The plans and specifications must indicate compliance with the commitments listed in the **BASIX Certificate number: 244868M_02 dated 28 October 2016**.

- 10.9.1 All requirements listed within **BASIX Certificate number: 244868M_02 dated 28 October 2016 for the development must be complied with prior to the issue of an Occupation Certificate for the development:**

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

- 10.17.1 No Occupation Certificate must be issued unless all design verifications have been provided in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000. A certifying authority must not issue a construction certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development.

All other conditions of development consent JRPP-09-1574 remain unaltered and any other modification sought but not mentioned in the preceding paragraphs is not included in this approval.

The modification has been made under section 4.55 of the Environmental Planning and Assessment Act 1979.