

## Panels Amended Conditions of Consent

<b>Proposed development</b>	<p>A Concept approval under clause 4.22 of the Environmental Planning and Assessment Act 1979 for a mixed -use shop top housing development consisting of 5 x multi storey tower forms containing commercial tenancies and 1 club at the ground level and associated basement car parking</p> <p>A detailed approval under clause 2.6 of Blacktown Local Environmental Plan 2015 for subdivision of the site into two Torrens title allotments to enable development over 2 stages.</p>
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<b>Property description</b>	55-57 North Parade Mount Druitt
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### 1. ACTIONS REQUIRED PRIOR TO THE LODGEMENT OF ANY FUTURE DETAILED DEVELOPMENT APPLICATION RELIANT UPON THIS CONSENT

- 1.1 In order to support Blacktown City Council's stated objective of revitalising the Mount Druitt CBD as a strong mixed-use centre, activated by a substantial residential population, the first detailed Development Application in reliance of this Concept Development Approval must provide for the following:
- The dedication of land adjacent to Jirrang Close and Cleeve Close to provide for future road widening and the dedication of that land for that purpose, as negotiated between the applicant and Council;
  - Subject to Council completing the pre-requisite design and costing of the proposed road widening, a financial contribution equal to half the cost of widening the roads along the sites Jirrang Close and Cleeve Close frontages;
  - The incorporation of North/South and East/West through site links, as publicly accessible private open space, so as to connect existing public open space areas surrounding the site, in accordance with the approved plans.
  - The provision of low-cost housing, secured by a covenant on title. The minimum amount of low-cost housing to be provided is 4% of the total residential GFA component of the development. The mix and location of units provided for the purpose of low-cost housing is to be determined by the Applicant for the first Detailed Development Application.
  - A publicly accessible area of no less than 250 m<sup>2</sup> at ground floor level and in close proximity to the existing Council operated community facility, for use as a multi-purpose wet and dry community space (not in Body Corporate)

All future Detailed Development Applications for the site are to demonstrate consistency with the requirements above.

- 1.1.1 All future Detailed Development Applications for the site are to demonstrate consistency with the requirements of SPP-21-00003 Planning Agreement which is to be executed prior to lodgement of future Detailed Development Applications.

## **2. ADVISORY NOTES**

### **2.1 Terminology**

- 2.1.1 Any reference in this document to a 'consent' means a 'development consent' defined in the Environmental Planning and Assessment Act 1979.
- 2.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Part 6 of the Environmental Planning and Assessment Act 1979.

### **2.2 Scope of Consent**

- 2.2.1 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.
- 2.2.2 If any food or public health related commercial activities are proposed in the future, then the use and fit out of the premises are to meet the requirements of the Food Act 2003 (NSW) and Trade Waste regulations.
- 2.2.3 The granting of this Concept Approval should not be interpreted as endorsement of any future yield or mix of land uses on the site. These matters will all be determined in the course of preparing and determining any future Detailed Development Applications.
- 2.2.4 This consent does not authorise any civil engineering works or the like in relation to the 2 lot Torrens Title Subdivision of the site. All future buildings and works associated with the development of the site will be the subject of future Detailed development Applications and any associated Conditions of Consent, Constructions certificates and the like.

### **2.3 Other Approvals**

- 2.3.1 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

### **2.4 Services**

- 2.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) 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 subdivision of the site, either on the land or on the adjacent public road(s).

All approved plans 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](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

- 2.4.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before proceeding. If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the

development consent (or a new development application) may be necessary.

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

## 2.5 Survey

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

## 3. GENERAL

### 3.1 Scope of Consent

- 3.1.1 Under Clause 100 of the *Environmental Planning and Assessment Regulation 2000*, this Notice of determination relates to:

- A mixed -use shop top housing development consisting of 5 x multi storey tower forms containing commercial tenancies and 1 club at the ground level and associated basement car parking.
- A Development Application for the paper subdivision of the site into two (2) Torrens Title allotments to enable development over 2 stages.

Further Detailed Development Applications are required for any work in relation to construction of the building envelopes for 5 x multi storey mixed used shop top housing and associated parking.

- 3.1.2 While this consent remains in force, the determination of any further Detailed Development Application(s) in respect of the site cannot be inconsistent with this consent, except as provided for in conditions of this consent requiring design amendments.
- 3.1.3 This consent grants approval for the following development to occur subject to full compliance with all other conditions of this consent:
- (a) Facilitating Subdivision of the site into two Torrens title allotments to enable the development to occur over 2 stages
- 3.1.4 This consent relates to the following drawings/details submitted to Council with the Application, subject to compliance with any other conditions of this consent:

Plan reference	Revision issue	Dated
Concept Plans		
Building Envelope- Master plan Drawing No: A0101	Issue C	1/11/2021
Building Envelop- Elevation 1/2 Drawing No: A0102	Issue B	1/11/2021
Building Envelop- Elevation 2/2 Drawing No: A0103	Issue B	1/11/2021
Building Envelop- Sections Drawing No: A0104	Issue B	1/11/2021
Subdivision Detailed DA Plans		
Subdivision Plan, Ref 4029	-	2/3/2021

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

- 3.1.5 The following items are not approved and do not form part of this Stage 1 Concept Development Application consent:
- Any demolition, excavation, construction and/or occupation of the site.
  - The total yield (commercial and residential), floor layouts, apartment mix and

number of residential apartments.

c. The detailed design of the building exteriors including facades and roof treatment.

d. Public domain and landscape design.

e. Streetscape elevations; their massing and façade treatment.

d.f. The number and allocation of car parking spaces, bicycle spaces or loading spaces/areas for each building.

e.g. The configuration of the basement car parking levels.

f.h. Strata or community title subdivision of any of the buildings.

### 3.2 TFNSW – Requirements

3.2.1 Any future Development Applications is to address the following requirements from TFNSW as raised in their correspondence dated 11 May 2021:

The applicant is to demonstrate that the adjacent intersections can accommodate the traffic generated by this development to the satisfaction of Council. SIDRA modelling should be provided showing nearby intersections, particularly the signalised intersection of Mount Street and North Parade. Modelling should include base and future scenarios, with and without development.

### 3.3 Sydney Train -Requirements

3.3.1 Due to the proximity of the works proposed in the Concept Plans to the rail corridor and Transport Asset Holding Entity land and assets, the Applicant is requested to consult with Sydney Trains prior to lodgement of any future development applications.

3.3.2 The lodgement of the Detailed Development Application for all stages are to be accompanied with the documentation provided below for review, comment and written endorsement by Sydney Trains. This documentation must comply with all relevant standards and all the requirements provided in the Transport Asset Standards Authority (ASA) standard “External Development” (this can be accessed at [www.asa.transport.nsw.gov.au](http://www.asa.transport.nsw.gov.au)):

- i. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
- ii. Cross sectional drawings showing the rail corridor, easements, electrical assets, sub soil profile, proposed excavation and structural design of sub ground support in close proximity to the rail corridor and electrical assets. All horizontal and RL measurements are to be verified by a Registered Surveyor.
- iii. Detailed Survey Plan showing the relationship of the proposed developed with respect to the rail corridor and TAHE (Transport Asset Holding Entity) land and assets.

3.3.3 The proposed development will need to take the following guideline(s) into consideration for incorporating into the lodgement of the DA:

- i. Department of Planning’s Development near Rail Corridors and Busy Roads – Interim Guideline 2008.

3.3.4 Electrolysis may be found up to 60 metres from Sydney Trains electrical assets, and it can

cause accelerated corrosion of nearby metallic structures. It is advised that the Applicant/Developer is aware of the issue of electrolysis and ways in which its associated impacts can be avoided or minimised. In this regard, please refer to Part 5.2 of Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

- 3.3.5 No works are permitted within the Rail Corridor, or TAHE (Transport Asset Holding Entity) land or airspace, including craneage or other aerial operations.
- 3.3.6 Sydney Trains advises that they have 11kV & 66kV High Voltage Aerial Transmission Lines located near this site. The Applicant is to be aware of these assets to ensure potential associated impacts are avoided and mitigated.
- 3.3.7 The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor.
- 3.3.8 The Applicant must take extreme care to prevent any form of pollution (including dust) entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

#### 3.4 **Water NSW -Requirements**

- 3.4.1 The future Detailed Development Applications must include, as a minimum, the following documents:

- i. **Geotechnical Investigation Report:**  
Describing the results of intrusive investigations at the site;
  - with a Description of all proposed water supply works including a plan indicating the footprint and type of work including proposed dewatering use (spear points connected to a pump, sump, and a pump).
  - Containing the Relevant Property Details including address, Lot DP, Coordinates and Council.
  - Corresponding magnitude of drawdown required to complete construction within the excavation 'in the dry'.
  - Whether the Dewatering will be temporary or permanent, estimated duration of dewatering and the estimated water take

Note: that if multiple construction options are considered in a report there should be a recommendation included to identify the method that has the least impact on the groundwater system.
- ii. **Basements floor plans and architectural sections:**  
Plans, drawings and demonstrated tenure over the subject land, illustrating accurate design dimensions of the proposed basement (or other structure)
- iii. **Sections illustrating the design depth of the proposed basement(s)**  
  
(sections oriented approximately at right angles) including length, width, depth, supporting structures, and construction approach - the method should have the least impact on the groundwater system.  
All depth measurements are to be provided both in metres below ground level (m BGL) and in metres relative to Australian Height Datum (m AHD).
- iv. **Environmental Site Assessment: Detailed Statement of Environmental Effects (SEE)**  
Report identifying the contamination status of the property and the general quality characteristics of the groundwater beneath the site. Photographs of site required.

- v. Acid Sulfate Soils Assessment and Management Report (if applicable)  
identifying the nature, extent, and management of acid sulfate soils (where present)

### 3.5 Police NSW -Requirements

- 3.5.1 The recommendation of the NSW police in the letter D/2021/657128 dated 3/8/2021 shall be incorporated into the design of buildings in future Development Applications.

### 3.6 Endeavour Energy -Requirements

- 3.6.1 The recommendation of Endeavour Energy in the letter dated 21/8/2021 shall be incorporated into the design of all the buildings in future Detailed Development Applications.

### 3.7 Requirements for future development applications

- 3.7.1 All future – works and development proposed to be carried out on the site and as detailed in the concept development consent, excluding the Torrens Title paper subdivision component of this consent, shall be the subject of separate development applications to Council.
- 3.7.2 The future Detailed Development Applications are to demonstrate how these DAs will address Public Domain, Built Form, Landscape and their relationship with each other and the wider precinct in recognition of Councils desire to establish a consistent, high quality, accessible and durable public domain, within which buildings of high architectural merit can be located over time.

### 3.8 Building envelopes

- 3.8.1 Subject to the other conditions of this consent, the proposed building envelopes are only approved in concept on the basis that the ultimate building design, including services, balconies, shading devices, lifts, stairs, private and communal open space, circulation space, corner splays and the like, will be entirely within the approved building envelope.

- 3.8.2 Detailed Development Applications are to demonstrate satisfactory modulation of the approved building envelopes, addressing, among other things outlined in the conditions of this consent is subject to Detailed Development Applications and includes:

- the configuration and size of residential building footprints,
- the design of building elevations in response to solar, wind, orientation and other environmental factors,
- the massing of elevations, facades and roof treatments and the massing and design of tower forms to differentiate each building to achieve design excellence.

- 3.8.3 Detailed Development Applications are to ~~That~~ and that full compliance with all the ~~The~~ conditions of consent and demonstrate consistency with the relevant version of the Apartment Design Guide at the time of lodgement of the ~~detailed development application~~ are fully met. relevant application.

### 3.9 Building height

- 3.9.1 Except as otherwise provided for in conditions of this or any future consent, 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 area must not exceed the maximum permitted relative levels for building height as shown on the plans approved in this Concept Plan.

### 3.10 Public domain, Landscape and Deep soil zone

3.10.1 A public domain master plan is to be prepared by the applicant and submitted for approval by Council with the first detailed development application for the site. The public domain master plan shall be consistent with the approved application and include all land associated with the proposed 2 lot subdivision and ensure:

- the long-term durability and maintenance of publicly accessible spaces
- that the public domain is of high design merit
- the publicly accessible spaces work in partnership with future detailed Development Applications, both onsite and offsite.

3.10.2 This public domain master plan is to address at the minimum, the following:

- a) Flood design levels – they need to be incorporated into the design and show how they work with the landscape design, building access and streetscape interface.
- b) Sections and elevations that depict how the development will manage level changes, accessibility and relationship with the site boundary.
- c) A contiguous ground plane to be provided in both east-west and north-south through site link with full accessibility and
- d) Materials and treatment of the through-site link, footpaths and street trees including paving, public furniture, planting.
- e) Opportunities for public art at multiple primary pedestrian activity areas / key locations within the masterplan area
- f) Planting schedule and the location of tree species within the site
- g) Deep soil zones, which are to be unencumbered by structures within, above or below the zone. The location and quantum of the deep soil zone will need to be considered with the future DA to ensure the deep soil zones are coordinated with the landscape strategy and the basement layouts.
- h) Details confirming the operation, management and maintenance of the proposed publicly accessible ground level private open space areas.

3.10.3 All future Detailed Development Applications for the site are to be:

- consistent with the overall approved public domain masterplan in condition 3.10.1.
- accompanied by a detailed landscape plan and streetscape elevations consistent with the public domain master plan, providing information on proposed landscape treatments and deep soil zone/planting based on the approved setbacks and road widening.

### 3.11 Street trees

3.11.1 Subject to Council completing any pre-requisite design, the future Detailed Development Applications are to include details of streetscape elevations, street tree planting and maintenance details for all sides of the development. The street trees are to be spaced at approximately 8 metres taking into account vehicle sightlines and street light spill. The street trees are to be a minimum container size of 100 Litres and standard council tree pits with porous paving are to be used where hard pavement covers the nature strip area between kerb and property boundary. Standard street tree bonding conditions should also be applied.

### 3.12 Detailed building design requirements

3.12.1 The detailed design of the building in the future Detailed Development Applications and the subsequent detailed design of the actual buildings, must:

- a) Ensure ~~a high standard of architectural design~~ design excellence, is achieved.
- b) Ensure materials and detailing that contribute to a variety in tower forms, whilst providing overall consistency with the development. In this regard the use of glass needs to be limited.



- b)c) Ensure town centre streetscapes of two-storey podiums are created that differs from the residential tower components.
- e)d) Consider the roof-top shading and wind protection elements as features that differentiate the buildings

3.12.2 The Detailed Development Application for each tower are to include variation in design, architectural details and materials, whilst falling within the scope of an overall “design philosophy” for the entire site. Each of the tower buildings are to be of similar detail and materiality but are to have individualised expression – refer reference images submitted with application.

3.12.3 The proposed Buildings in all future Detailed Development Applications are to demonstrate full compliance with relevant environmental planning instruments (including Blacktown Local Environmental Plan 2015 and the draft Blacktown Development Control Plan) unless otherwise varied by the approved concept plan. This also includes amendments/further design detail to demonstrate consistency with the principles of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* and the accompanying Apartment Design Guide, with specific regard to providing:

- **Building Separation:** At least 18 m building separation is required between Buildings E and D subject to no opposing habitable spaces above the 8th storey of these towers.
- **Public Domain Interface:** The building E tower has been granted a reduced setbacks based on a merit assessment related to the interface with the adjacent Mount Druitt Town Square. Layouts of the apartments above the 8th storey must demonstrate compliance with the ADG for visual privacy dimensions through habitable room orientation, directional windows and/or screening devices to manage privacy at the eastern and western boundaries.
- **Noise and Pollution:** The impacts of external noise and pollution are to be minimised through the careful siting and layout of buildings. Appropriate measures are to be implemented to mitigate noise transmission between the land uses, with particular regard to the existing Vegas Hotel and the proposed apartments at stage 1.
- **Travel paths:** residential entries that are clearly defined and separate to the commercial/retail entries. The plans are to demonstrate separated travel paths for:
  - for commercial patrons
  - for residential occupiers
  - for club patronsSeparated travel paths will be required from basement car parks to the ground and upper floors for each building. This matter is to be specifically addressed in the detailed design at the DA Stage, in particular clearly indicating which lift will be dedicated to the residential use and which lift will be dedicated to the commercial use. Separate lifts need to be provided for residential and non-residential uses. A shared lift system between commercial and residential will not be supported, separate access must be provided to each.

Note: In order to achieve full compliance with the SEPP 65 controls and Apartment Design Guide including those mentioned above, it may be necessary for the residential density of the development to be reduced accordingly.

### 3.13 Visual Privacy



- 3.13.1 The buildings proposed in future Detailed Development Applications are to demonstrate that appropriate visual privacy measures are installed to the proposed apartments in the form of solid balustrading, fixed visual privacy louvres and translucent windows, where appropriate. Any privacy screens must be integrated into the design of the façade and not simply add-ons.
- 3.13.2 Future development applications are to be accompanied by a detailed analysis of the proposed building's potential visual privacy impacts on surrounding apartments. Appropriate visual privacy measures shall be implemented in the design of the development to ensure that sight lines directly into the habitable rooms and outdoor living spaces of surrounding apartments and dwelling houses are protected.
- 3.14 **Floor to floor heights**
- 3.14.1 All future Detailed Development Applications for the buildings on these sites are to demonstrate a minimum of 4.5m height clearance for the basement and a minimum of 3.1m floor to floor height unless the applicant can demonstrate otherwise to Council's satisfaction.
- 3.15 **Air flow and wind tunnelling**
- 3.15.1 All future Detailed Development Applications for the buildings on these sites are to provide a detailed modelling and an assessment of the air flow through the spaces between the buildings to confirm the likely impact of wind tunnelling on the various trafficable outdoor areas within and around the subject development, so as to ensure that the amenity of the outdoor areas is not adversely impacted as a result of the proposed development.
- 3.16 **Contamination**
- 3.16.1 All future Development Application for the building on the site must have regards for with the recommendations of the Detailed Site Investigation report (Ref: 12185.1.ER.1-1) prepared by Alliance Geotechnical, dated 9 February 2021 and the supporting letter by Alliance Geotechnical (Ref: 12185.1.ER.1-2) dated 9 November 2021. Any relevant future 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.
- 3.16.2 Recommendations outlined Detailed Site Investigation (Ref: 12185.1.ER.1-1) prepared by Alliance Geotechnical, dated 9 February 2021 and the supporting letter by Alliance Geotechnical (Ref: 12185.1.ER.1-2) dated 9 November 2021 must be carried out in any future Development Application.
- 3.16.3 Where applicable, all future Detailed Development Applications shall provide for the remediation of all contaminated areas. 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 (2020)
  - NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995).
  - NSW Environmental Protection Authority's Contaminated Sites: Guidelines for NSW Site Auditor Scheme 3rd edition (2017)
  - National Environment Protection Council (NEPC) 1999 National Environment Protection (Assessment of Site Contamination Measure) as amended 2013
  - NSW Environment Protection Authority's Waste Classification Guidelines, Part 1: Classifying Waste (2014)

A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use.

- 3.16.4 Any new information during remediation or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to Blacktown City Council.

**3.17 On Site Car Parking**

- 3.17.1 All the buildings in the future Development Applications are to demonstrate compliance with the provision of the required car parking spaces, motor cycle and bicycle parking spaces within the basement in accordance with the minimum determined by the Guide to Traffic Generating Developments and/or Council's DCP. Any additional car parking provision beyond the minimum requirements will be reviewed at the future Detailed Development Applications, based on the information accompanying each Development Application.
- 3.17.2 All future development applications shall be accompanied by a Plan of Management regarding the use and management of the car parking areas.

**3.18 On site Loading Bays**

- 3.18.1 The location of the loading bays are to be indicated on the basement car parking plans for the building in the future Development Application. All future Development Application plans are to indicate a designated loading bay/s for waste collection in the basement of each tower building, adjacent to and with direct access to the waste collection room.

**3.19 Council's Waste management and collection requirements**

- 3.19.1 All future Detailed Development Applications are to be accompanied by amended plans that demonstrate the following:
- i. Private roads and driveways that will be designed are rated to be suitable for 24 tonne trucks.
  - ii. Access for collection vehicles that is designed in accordance with the dimensions indicated on the approved architectural plans, CAD files and vertical clearances (as per Australian Standards), showing adequate truck entry and exit and in all manoeuvring areas to Council's satisfaction.
  - iii. 1.5 m wide doorways for any door used to move bins around.
  - iv. Where front lift vehicles and hook lift compactor bins are proposed to operate in the loading area, a minimum vertical clearance of 6.5 m is required to be provided.
  - v. A headroom allowance of 4.5 m for the entire travel path of waste vehicles, as required by AS 2890.2. The path of travel is to be clear of eaves, overhangs, balconies, services and roller door entry points.

**3.20 BASIX**

- 3.20.1 A BASIX Certificate in line with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with the future Detailed Development Application for each stage of buildings.

**3.21 Noise**

- 3.21.1 A noise impact assessment report is to be submitted with any future stage 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:

<b>Internal space</b>	<b>Time period</b>	<b>Criteria: LAeq (period)</b>
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 impact assessment is also to consider the impact of the development on surrounding properties and retail/commercial tenancies, with particular regard to the design and operation of the Vegas Hotel in the interim and construction works during on the stage of eth development.

3.21.2 Where applicable, all future Detailed Development Applications shall provide for compliance with the recommendations outlined Acoustic Assessment (Ref: TL886-01F02) prepared by Renzo Tonin & Associates, dated 17 February 2021, must be carried out.

3.21.3 A Construction Environment Management Plan should be in place and must include specific advice on how water treatment as well as demonstrating the discharged water complies with ANZECC water quality guidelines.

### 3.22 **Access Report**

3.22.1 An access report is to be submitted with each future Detailed 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.

### 3.23 **BCA**

3.23.1 Any future Detailed 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 future Detailed Development Application is to satisfy the requirements of the relevant Australian Standards.

3.23.2 Any future Detailed 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 NSW Police.

### 3.24 **Drainage requirements**

- 3.24.1 A detailed flood study and 2D flood model is to be prepared by the applicant and submitted for approval by Council with the first Detailed Development Application for the site. The detailed flood study and 2D flood model shall be consistent with the approved application and relate to the future development of the basement, podium, commercial/residential towers or other development on site. The detailed flood study and 2D flood model will be required for the entire site and related catchment/s. The study must be based on the "Flood modelling of local catchments" from Council's WSUD developer handbook and the restriction to user requirements over this site.
- 3.24.2 For any future detailed development application for the basement, podium, commercial/residential towers or other development on site, the applicant must submit amended drainage plans will be required to address the following;
- a. The on-site stormwater detention, water conservation and water quality requirements for the site must be in accordance with Part J of DCP 2015, Council's WSUD developer handbook, Council's WSUD standard drawing A(BS)175M and the Engineering Guide for Development.
  - b. Provide an on-site detention catchment plan showing the areas draining to the detention tank and clearly show areas of bypass.
  - c. Design and construct the OSD so as to comply, as a minimum, with the requirements of Council's Water Sensitive Urban Design (WSUD) Standard Drawings Plan No. A(BS)175M and the 'OSD Deemed to Comply Tool Spreadsheet' (version 2.3.0 or later available from Council). Provide sufficient details and multiple sections in different directions to clearly demonstrate the effective operation of the various WSUD systems.
  - d. The 1% AEP flows from the site are to be directed to the OSD. Demonstrate how the surface flows in excess of the pipe capacity are directed to the OSD system.
  - e. Access grates to the below ground detention tank (excluding the discharge control pits) must be a minimum 900 mm by 900 mm, grated not sealed) and are positioned such that the maximum distance from any point in the tank to the nearest grate is not greater than 1.5 m for clear heights less than 0.7 m, 2 m for clear heights less than 1.0 m, 3 m for clear heights less than 1.5 m, 4 m for clear heights less than 2.0 m and 6 m for clear heights greater than 2.0 m. Discharge control pits deeper than 1.2 m with screens require 2 x 600 by 1200 grate. Heelproof grates are recommended. Absolute minimum depth is 750 mm.
  - f. Water quality on site can be addressed by either providing on-lot water quality treatment (as currently shown) or the developer is given the option to enter into the Voluntary Planning Agreement (VPA) with Council. The applicable contribution rate is available from Council's Section 7.11 contributions team. The detailed submission shall nominate which option is being exercised and commence the process upon lodgement of the DA. Where a VPA is entered into provide a maintenance accessible gross pollutant trap treating gross pollutants and hydrocarbons designed for the 2EY flow at each discharge point as per the WSUD developer handbook.
  - g. Where full on-lot water quality treatment is proposed, design the system to comply with Council's WSUD Standard Drawings and WSUD Developer Handbook 2020. On ACOR drawing SKC1.01(P3) the Stormfilter and OSD tank arrangement does not comply with Council's guidelines. The Stormfilter chamber is to be repositioned to the North Parade boundary immediately

adjacent to the emergency overflow to the street. Provide a MUSIC model digitally to Council to demonstrate that the water quality targets have been achieved.

- h. Provide a water quality catchment plan showing what areas drain to specific devices and what areas are bypassing treatment.
- i. A Rainwater tank is required to meet the water conservation targets under Part J for the development. A minimum of 80% of non-potable water demand for the development is to be met through the reuse of rainwater. Non-potable water demand is to include landscape watering of the podium and other area and toilet/urinal flushing within all the commercial and retail units. Rainwater is defined as flows off non-trafficable roofs. A flow off a trafficable roof is stormwater.

3.24.3 For any future detailed development application for the basement, podium, commercial/residential towers or other development on site, the applicant must provide amended architectural plans to address the following:

- a) The height of the building is not to exceed RL 119.00 AHD.
- b) Detail the extent of incursion of the OSD tank, rainwater tank and Stormfilter chamber and that these structures can be incorporated into the basement below without interfering with the travel path of the garbage truck collection route or other vehicles, particularly to Building B. Show location and clearances.
- c) Set the minimum residential/commercial floor levels and the basement driveway crest level, as the higher of 0.5 m above the 1% AEP backwater flooding in North Parade, or 0.3 m above any 1% AEP overland flows paths down Cleaves Close or elsewhere around the site.
- d) Based on the revised flood and floor levels address disabled access or otherwise to any access point along the frontages and particularly to the podium and any shops with direct access from the street based on t. The podium level should be a minimum of 150 mm below the design floor levels.

#### **4. PRIOR TO SUBDIVISION CERTIFICATE**

##### **4.1 Consent Compliance**

- 4.1.1 All relevant conditions within the 'Prior to Subdivision Certificate' section of this consent shall be satisfied before any Subdivision Certificate can be issued.

##### **4.2 Fee Payment**

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

##### **4.1 Roads**

- 4.1.1 Any approved design drawings must show an 8m x 8m splay for commercial allotments at each street intersection.
- 4.1.2 Splays are to be adjusted to meet site specific intersection designs in accordance with

Council's Engineering Guide for Development.

- 4.1.3 Design the bus bay in accordance with Council Plan A(BS)125 and Council's engineering construction specification.

**4.2 Easements/Restrictions/Positive Covenants**

- 4.2.1 Any easement or restriction created as a result of this consent must be in accordance with the following:

- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
- (b) The standard format for easements and restrictions as accepted by NSW Land Registry Services (LRS).

- 4.2.2 Restrictions and positive covenant must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the overland flow-path. Documentary evidence of this LRS lodgement shall be submitted to Council.

- 4.2.3 Provide a drainage easement over all of lot 2 in accordance with the requirements of the Council's Engineering Guide for Development 2005. The easement is to be in favour of lot 1. The Restriction to User and drainage easement must be registered with Land Registry Services NSW.

- 4.2.4 Provide a Positive Covenant over lot 2 for future development to provide On-Site Stormwater Detention in accordance with the requirements of Council's WSUD Standard Drawings A(BS)175M using Council's Deemed to Comply Tool - Developer's Edition spreadsheet for the combined catchment areas of lot 1 and lot 2. The Positive Covenant must be registered with NSW Land Registry Services.

- 4.2.5 Provide a Positive Covenant over lot 1 for this lot to proportionally by area contribute for all costs associated with the maintenance of the On-Site Stormwater Detention, rainwater tank with non-potable reuse pump operation and the WSUD compliance devices. The Positive Covenant must be registered with NSW Land Registry Services.

- 4.2.6 Dedication at no cost to Council of splay corners as public road ways to cater for bus movements, at all street intersections in accordance with Council standards and specifications.

- 4.2.7 Each and every lot is to be burdened with a Restriction to User that states that no further development may occur on the lot burdened until:

- a) No further development of the lot burdened is to take place unless a development application is lodged with Blacktown City Council which is to include an analysis of flood impacts on the local area from overland flows from the north through Cleeves Close and surrounding areas and draining to the outlet under the Main Western Railway located at the intersection of Jirrang Close and North Parade, Mount Druitt. The flood impacts shall be prepared using 2D computer modelling as agreed with Blacktown City Council and is to be documented in a comprehensive report entitled Jirrang Close Flood Impacts Study. The flood study shall be in accordance with the requirements of Council's WSUD developer handbook.
- b) This study shall include rainfall runoff from the whole of the catchment that drains to the Jirrang Close intersection and hydraulic analysis and mapping of overland and pipe flows that are conveyed to the Jirrang Close intersection including those flows

directed along Cleeve Close, North Parade, Jirrang Close and across any property not being the aforementioned roads.

- c) The study will consider the documented requirements of Blacktown City Council for such catchment studies for the 1% AEP (Annual Exceedance Probability) critical event and the Probable Maximum Flood for assessment of evacuation strategies. The study will recommend solutions to any 1% AEP flooding that is established through the computer modelling which may include but not be limited to minimum floor levels, control of levels to prevent ingress of inundation into buildings or basement car parks, additional inlet drainage pits, additional pipelines, provision of flow relief weirs, flood storage tanks and the like.
- d) The study will be based on detailed survey and/or ALS data.
- e) The computer model shall be provided digitally to Council for review.
- f) The flood study, flood modelling and results are accepted and approved by Council.

4.2.8 Each and every lot is to be burdened with a Restriction to User that states that no further development may occur on the lot burdened where the height of the building exceeds RL 119.00 AHD ( the maximum height of the building as approved by this concept plan) . The Restriction to User must be registered with NSW Land Registry Service prior to issue the subdivision certificate or lodgement of any future DA whichever occurs first. The Restriction to User must be registered with NSW Land Registry Services.

4.2.9 The entire areas of Lots 1 and 2 are to be burdened and benefited accordingly for the purpose of Reciprocal rights-of-vehicular and pedestrian easement for access in gross and shared car parking under Section 88B of the Conveyancing Act 1919 and must be registered with NSW Land Registry Services.

4.2.10 A Restriction as to User over proposed Lots 1 and 2 shall be created under Section 88B of the Conveyancing Act 1919 in the following terms:

No further development of the lot burdened is to take place unless it is approved by Development Consent. Such approval is to require, but not be restricted to, drainage works, the provision of satisfactory access, the assessment of site contamination and salinity including any remediation works, an aboriginal archaeological assessment and the payment of Section 7.11 Contributions.

NOTE: The final wording of the recital of the Restriction as to User is to be to Council's satisfaction.

#### 4.3 **Endeavour Energy -Requirements**

4.3.1 Any requirement of Endeavour Energy related to the subdivision and outlined in the letter dated 21/8/2021 must be satisfied prior to issue of the subdivision certificate.

#### 4.4 **Service Authority Approvals**

4.4.1 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](http://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 a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.

- 4.4.2 All relevant 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.

#### **4.5 Inspections**

- 4.5.1 Any additional Council inspections 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.

### **5. OPERATIONAL**

#### **5.1 Operation of the existing Vegas Hotel**

- 5.1.1 Following the issue of the subdivision certificate, the existing Vegas Hotel on proposed Lot 1 is allowed to continue to operate in accordance with the submitted Plan of Management, only while a minimum of 121 unpaid car parking spaces are available and fully accessible at all time for the exclusive use of the Vegas Hotel's staff and patrons, unless the applicant can demonstrate otherwise to Council's satisfaction. The use of the existing Vegas Hotel is to cease immediately if the required car parking spaces are no longer available for the use by the Vegas Hotel's staff and patrons.