

Conditions of consent (draft)

Proposed development	S4.55(2) modification application to modify the basement car parking levels, amend internal layouts of all levels of the building, increase the overall building height, increase the overall floor area of the building, reduce the rooftop communal open space area, reduce number of car spaces from 112 spaces to 103 spaces and changes to the apartment mix
Property description	55 Newton Road, Blacktown (Lot 1 DP 1283495)

A. Condition 2.1.1 is amended as follows:

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:

Title	Drawing No.	Prepared by	Date
Demolition Plan	A006 Issue 1	Bureau Of Urban Architecture	26/07/17
Cover Page	3785 000 Issue 1	Figgis + Jefferson Tapa	29/06/22
Site Plan	3785 100 Issue 2	Figgis + Jefferson Tapa	22/12/22
Basement 2 Floor Plan	3785 DA 110 Issue 2	Figgis + Jefferson Tapa	-
Basement 1 Floor Plan	3785 DA 111 Issue 2	Figgis + Jefferson Tapa	-
Ground Floor Plan	3785 DA 112 Issue 3	Figgis + Jefferson Tapa	-
Level 1 Floor Plan	3785 DA 113 Issue 4	Figgis + Jefferson Tapa	-
Level 2 Floor Plan	3785 DA 114 Issue 4	Figgis + Jefferson Tapa	-
Level 3 Floor Plan	3785 DA 115 Issue 4	Figgis + Jefferson Tapa	-

Level 4 Floor Plan	3785 DA 116 Issue 4	Figgis + Jefferson Tepa	-
Level 5 Floor Plan	3785 DA 117 Issue 3	Figgis + Jefferson Tepa	-
Rooftop Plan	3785 DA 118 Issue 3	Figgis + Jefferson Tepa	-
Elevations	3785 DA 200 Issue 2	Figgis + Jefferson Tepa	-
Elevations	3785 DA 201 Issue 4	Figgis + Jefferson Tepa	-
Sections	3785 DA 300 Issue DA01	Figgis + Jefferson Tepa	22/12/22
Sections	3785 DA 301 Issue 3	Figgis + Jefferson Tepa	-
Sections	3785 DA 302 Issue DA01	Figgis + Jefferson Tepa	22/12/22
Unit Types 0B- 01+1B-02	3785 DA 400 Issue 3	Figgis + Jefferson Tepa	-
Unit Types 1B-03	3785 DA 401 Issue 3	Figgis + Jefferson Tepa	-
Unit Types 2B-02	3785 DA 402 Issue 3	Figgis + Jefferson Tepa	-
Unit Types 2B- 03+2B-04	3785 DA 403 Issue 3	Figgis + Jefferson Tepa	-
Unit Types 2B- 05+2B-06	3785 DA 404 Issue 3	Figgis + Jefferson Tepa	-
Unit Types 2B-07	3785 DA 405 Issue 3	Figgis + Jefferson Tepa	-
Unit Types 2B-08	3785 DA 406 Issue 3	Figgis + Jefferson Tepa	-
Unit Types 2B- 09+2B-10	3785 DA 407 Issue 3	Figgis + Jefferson Tepa	-
Unit Types 2B- 11+2B-12	3785 DA 408 Issue 3	Figgis + Jefferson Tepa	-
Unit Types 2B-13 + 3B-01	3785 DA 409 Issue 3	Figgis + Jefferson Tepa	-
Unit Types 3B-02	3785 DA 410 Issue 3	Figgis + Jefferson Tepa	-
Unit Types 3B- 03+3B-04	3785 DA 411 Issue 3	Figgis + Jefferson Tepa	-

Unit Types 3B-05 + 3B-06	3785 DA 412 Issue 3	Figgis + Jefferson Tapa	-
Unit Types 3B-07	3785 DA 413 Issue 3	Figgis + Jefferson Tapa	-
FSR Ground Floor Plan	3785 DA 500 Issue 2	Figgis + Jefferson Tapa	22/12/22
Cross Ventilation	3785 DA 600 Issue 2	Figgis + Jefferson Tapa	22/12/22
Site Coverage + Deep Soil	3785 DA 601 Issue 2	Figgis + Jefferson Tapa	22/12/22
Communal Open Space	3785 DA 602 Issue 2	Figgis + Jefferson Tapa	22/12/22
Compliance Table	3785 DA 603 Issue 2	Figgis + Jefferson Tapa	22/12/22
Solar Access Study	3785 DA 615 Issue DA01	Figgis + Jefferson Tapa	29/06/22
Solar Access Study	3785 DA 616 Issue DA01	Figgis + Jefferson Tapa	29/06/22
On-going Waste Management Plan	3785 DA 640 Issue DA01	Figgis + Jefferson Tapa	22/12/22
3D Images	3785 DA 700 Issue DA01	Figgis + Jefferson Tapa	29/06/22
External Finish	3785 DA 800 Issue DA01	Figgis + Jefferson Tapa	29/06/22
Landscape Cover Sheet	LDA-00 Revision B	Ground Ink Landscape Architects	12/04/23
Landscape Master Plan	LDA-01 Revision B	Ground Ink Landscape Architects	12/04/23
Ground Floor Landscape Plan	LDA-02 Revision B	Ground Ink Landscape Architects	12/04/23
Level 4 Landscape Plan	LDA-03 Revision B	Ground Ink Landscape Architects	12/04/23
Rooftop Landscape Plan	LDA-04 Revision B	Ground Ink Landscape Architects	12/04/23
Indicative Plant Palette	LDA-05 Revision B	Ground Ink Landscape Architects	12/04/23

Landscape Details	LDA-06 Revision B	Ground Ink Landscape Architects	12/04/23
Street Tree Detail and Maintenance	LDA-07 Revision B	Ground Ink Landscape Architects	12/04/23

B. Condition 2.1.2 is amended as follows:

2.1.2 This consent grants approval for the following, subject to full compliance with all other conditions of this consent:

- (a) 7 x 1-bedroom units/studios
- (b) 47 x 2-bedroom units
- (c) 16 x 3 bedrooms units.

C. Condition 2.5.1 is amended as follows:

2.5 Compliance with BASIX Certificate

2.5.1 All commitments listed in the BASIX Certificates number: 1295617M_02 dated 18 April 2023 shall be complied with.

D. Condition 5.3. and 5.3.1 are deleted

E. Conditions 5.7.1 and 5.7.2 are amended as follows:

5 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

5.7 Acoustic Privacy

5.7.1 The recommended treatments for glazing, external doors, roof/ceiling construction and mechanical ventilation as set out in Acoustic DA Assessment Report prepared by Acouras Consultancy (Document Reference SYD2017-1056-R001B) dated 27/04/2022 are to be implemented. This is to be verified on the Construction Certificate Plans.

5.7.2 Noise associated with mechanical plant is to be assessed as part of the detailed design and construction phases of the development to ensure compliance with the noise emission requirements as identified in Acoustic DA Assessment Report prepared by Acouras Consultancy (Document Reference SYD2017-1056-R001B) dated 27/04/2022.

F. Condition 5.9.1 is deleted

G. Condition 6.1.1 is amended as follows:

6 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

6.1 Section 7.11 Contributions under Section 7.17 Directions

- 6.1.1 Before the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works), whichever occurs first, contributions under Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid.

These payments contribute to the provision of the local infrastructure specified in the contribution/s plan specified below.

The amounts below are as at 1 August 2023. They WILL BE INDEXED from this 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 and payments made by credit card attract a % surcharge as detailed in Council's Goods and Services Pricing Schedule.

JRPP-16-04457

Contribution Item	Amount
Flood Mitigation	\$7,350.00
Stormwater Quality	\$29,039.00
Traffic Management Medium/High Density Development	\$122,349.00
Traffic Management All Residential Development	\$171,181.00
Open Space Medium/High Density Development	\$591,924.00
Open Space All Residential Development	\$163,973.00
Community Facilities	\$42,885.00
Total	\$1,128,701.00

The Section 7.11 contribution(s) have been based on the total developable area and the potential additional population nominated below.

Additional population: 145.7 persons
Developable area: 0.2807 hectares

MOD-22-00316

Contribution Item	Amount
Traffic Management Medium/High Density Development	\$4,833.00
Traffic Management All Residential Development	\$6,762.00
Open Space Medium/High Density Development	\$23,384.00
Open Space All Residential Development	\$6,478.00
Community Facilities	\$1,694.00
Total	\$43,151.00

The Section 7.11 contribution(s) have been based on the potential additional population nominated below. Should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

Additional population: 5.7 persons
Total population: 151.4 persons

The contribution(s) will be indexed according to index specified in the contributions plan.

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

Section 7.11 Contributions Plan No. 19 – Blacktown Growth Precinct

H. Condition 6.3.2(a) is amended as follows:

6.3 Aesthetics/Landscaping

6.3.2 The approved development is to be constructed as follows:

- (a) In accordance with External Finish Drawing No. 3785 DA 800 Issue DA01 prepared by Figgis + Jefferson Tapa dated 29/06/22. The finishes must also be durable, graffiti resistant, easily cleanable and fire resistant to National Construction Code standards.

I. Conditions 6.3.3.1 and 6.3.3.2 are deleted

J. Condition 6.4.2 is amended as follows:

6.4 Access/Parking

6.4.2 A minimum of 103 car parking spaces are required to be provided on site, being 89 residential spaces and 14 visitor car parking spaces (including 8 accessible parking spaces). All car parking spaces are to be designed to provide minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Residential Flat Building (adjacent to solid wall): 2.7m x 5.4m
Accessible Car Space: In accordance with AS2890.6

K. Condition 6.4.6 is deleted

L. Condition 6.8.1(b)(iii) is amended as follows:

6.8 NSW Police Requirements.

- 6.8.1 The construction certificate plans are to demonstrate compliance with the principles of Crime Prevention through Environmental Design with regard to the following -
 - (b) Lighting
 - (iii) The ceiling of the car park should be painted white or have a light coloured or reflective finish to enhance the lighting operating in this space.

M. Condition 7.1.3 is amended as follows:

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

7.1 General

7.1.3 Construction certificate plans shall be generally in accordance with the following drawings and relevant consent conditions:

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
C & M Consulting Engineers	2585	SW01-08	1-8	C	24.05.2022

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

- (i) Provide Floodway Warning Signs for the aboveground detention areas in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.
- (ii) 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.
- (iii) Provide a basement design that ensures a minimum 0.5% slope to all surface inlet pits.
- (iv) 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.

N. Condition 8.5.1 is amended as follows:

8 Prior to Construction Certificate (Building)

8.5 BASIX Certificate Compliance

- 8.5.1 The plans and specifications must indicate compliance with the commitments listed in BASIX Certificates number: 1295617M_02 dated 18 April 2023.

O. Condition 8.5.1 is amended as follows:

12 DURING CONSTRUCTION (BUILDING)

12.6 Waste Control

- 12.6.2 The applicant must provide evidence of tipping dockets for all demolition and construction waste generated onsite.
- 12.6.3 The applicant must ensure all litter is managed onsite by ensuring waste receptacles are covered when not in use.

P. Condition 14.5 is amended and Condition 14.5.1, 14.5.2, 14.5.3 and 14.5.4 are assed as follows:

14 PRIOR TO OCCUPATION CERTIFICATE

14.5 Street Tree Planting

- 14.5.1 Street tree planting is to be undertaken as shown in Landscape Plan Detail LDA-03 (Rev A 3/4/22) and LDA-03 (Rev A 19/12/22) by Ground Link Landscape Architects. The applicant is to undertake street tree planting and maintenance along the frontages of the development site to improve the amenity of the streetscape. This must be

undertaken before a Occupation Certificate is issued or by agreement with Councils Open Space Infrastructure Officer.

- 14.5.2 Street tree planting must be undertaken in line with the approved Street Tree Plan issued. Trees must be of a minimum container size of 45 litres with root directors or root barriers. The applicant must obtain clearances from relevant service authorities.
- 14.5.3 The applicant will be required to pay a bond per tree as indicated in the current goods and services pricing schedule to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), by Council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed to request a practical completion inspection and at the end of street tree bond maintenance period for an inspection.
- 14.5.4 The applicant will also be required to pay two inspection fees and a landscaping assessment fee as indicated in the current goods and services pricing schedule. Councils Open Space Infrastructure Officer will inspect all street trees during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification.

Q. Conditions 14.7.1 and 14.7.2 are amended and Conditions 14.7.3 and 14.7.4 are added as follows:

- 14.7.1 A Community Management Agreement/Strata Management Agreement be submitted to Council's waste section and approved prior to the release of the Occupation Certificate. It must:
- (a) indicate a requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan. This includes placement of bins out for collection and their return to the storage areas following servicing.
 - (b) indicate the responsibility for maintenance of the garbage collection system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times including providing access to the loading bay prior to bin servicing.
 - (c) indicate the method of communication to new tenants and residents regarding the waste management service and collection system for the complex.
 - (d) clearly outline the requirement for the building manager to maintain and display consistent signs on all bins and in all communal bin storage areas.
 - (e) clearly outline the requirement for the building manager to arrange for the prompt removal of dumped rubbish from the site.
 - (f) include the updated (and approved) waste management plan as lodged with the development application on 27/03/2023.
 - (g) provide a clear bin placement plan that indicates bin collection points for each apartment in the development.
- 14.7.2 Should Council provide a waste service to this site, the elected strata manager must sign our 'Onsite Waste Collection Agreement Form' on behalf of all lot owners (and stamped using the common seal), before collections can occur onsite. The information

must be submitted to Council's waste section and approved prior to the release of the Construction Certificate.

- 14.7.3 The applicant must demonstrate to Council's satisfaction, that completed construction of the covered/undercroft waste collection area achieves the required 4.5m headroom allowance (as per Australian Standards 2890.2) for the trucks entire travel path. This 4.5m headroom allowance must be achievable clear of all eaves, overhangs, balconies, services (including sprinklers, pipes etc), and at the roller door entry point. Failure to comply may impact the ability for waste collection vehicles to safely access the development to service its waste and recycling bins. This must be submitted to Council's waste section and approved prior to the release of the Occupation Certificate.
- 14.7.4 The applicant must provide to Council satisfaction, proof of installation of 'no parking' signage along both sides of the of the private laneway, private road or loop road, right of carriageway and/or in and around the loading bay/collection point (whichever applies to the site), before collections can occur onsite. This must be submitted to Council's waste section and approved prior to the release of the Occupation Certificate.

R. Condition 14.12.1 is amended as follows:

14.12 External finishes

- 14.12.1 The approved development is to be constructed in accordance with the schedule of materials, finishes and colours as identified on External Finish Drawing No. 3785 DA 800 Issue DA01 prepared by Figgis + Jefferson Tepa dated 29/06/22. The finishes must also be durable, graffiti and fire resistant and easily cleanable.

S. Condition 14.21.6 is amended as follows:

14.21 Landscaping/Car Parking

- 14.21.6 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose. In this regard, the following car parking provision is to be provided on site:

Resident car parking spaces	89
Visitor car parking spaces	14
Total	103 (including 8 accessible parking spaces)

T. Condition 14.21.7 is amended as follows:

14.21 Landscaping/Car Parking

- 14.21.7 A roller shutter and card-key system is to be installed at the entry/exit point of the basement car park.

U. Conditions 15.6.2, 15.6.3 be amended and 15.6.4 and 15.6.5 be added

15.6 Waste

- 15.6.2 The Owners Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.

- 15.6.3 Ongoing management of waste for the site must be in accordance with the waste requirements outlined in the approved waste management plan as submitted with the development application. This includes but is not limited to:
- o separation or caging of waste equipment onsite from residents (such as chute discharge points or storage areas for bin movement aides etc), to prevent injury or damage,
 - o provision and maintenance of suitable signage in all areas with waste facilities such as bin storage areas, waste chute rooms on each floor, chute discharge points, bin collection points, loading bays or any other relevant area accessible to residents, cleaners and/or building management staff,
 - o separated bin storage areas and associated waste management equipment for commercial and residential components of a development if applicable,
 - o provision of bin movement aids such as bin tugs and trolleys if suggested for the site. Adequate storage for both the bin tug and trolley attachment must be shown on the architectural drawings,
 - o engagement of a building manager and/or caretaker onsite to manage the waste system if suggested for the site. This includes prompt removal of illegal dumping onsite.
- 15.6.4 The Community Management Statement, Strata Management Statement, Total Maintenance Plan and/or Plan of Management (whichever is relevant to this site), must be provided to each tenant and/or owner occupier upon commencement of the site, and for every subsequent lease renewal and/or change in ownership of every lot in perpetuity.
- 15.6.5 A building manager must be engaged in perpetuity and for the life of the development to:
- o manage bins and bulky waste onsite,
 - o clean bins and the waste room(s),
 - o arrange clear access to the waste loading bay on collection day (i.e., remove lockable bollards or open roller doors and boom gates etc), which are in place to protect the truck turning areas on private property from being parked out,
 - o install and maintain relevant waste management signage onsite.

V. Condition 14.26, 14.26.1 and 14.26.2 are added as follows

14.26 Storage spaces within apartments

- 14.26.1 All areas nominated for use as storage spaces within the apartments are not permitted to be used for habitable purposes. A restriction is to be included in the strata management plan to ensure that it is enforced in perpetuity. The final recital of the wording to be used in the strata management plan is to be submitted to Council for approval prior to issue of the Occupation Certificate.
- 14.26.2 All tenancy contracts are to include a by-law that prohibits the use of the internal unit storage spaces for habitable purposes. The final recital of the wording to be used in the by-law is to be submitted to Council for approval prior to issue of the Occupation Certificate.

W. Condition 16.1.1 is amended as follows:

16 OPERATIONAL (ENVIRONMENTAL HEALTH)

16.1 Acoustic Validation

- 16.1.1 A post commissioning report produced by an independent organisation that is eligible for membership with the *Association of Australian Acoustic Consultants* is to be

prepared within 3 – 6 months of the multi storey development operating to validate the findings of Acoustic DA Assessment prepared by Acouras Consultancy (Document Reference SYD2017-1056-R001B) dated 27/04/2022 have been implemented.