

9.2 DA-24-00956 - Demolition of existing structures with Torrens-Title subdivision 1 into 2 allotments and construction of two storey dwelling on each lot.

Report to the Blacktown Local Planning Panel

Development application

DA number	DA-24-00956	Date of lodgement	2 October 2024
Applicant	Steven Sammut		
Owner	Mr Baljit Singh, Ms Simerjit Kaur, Mr Harmeet Singh and Ms Kulwinder Kaur		
Proposed development	Demolition of existing structures, Torrens-title subdivision into 2 residential lots and construction of 2-storey dwelling on each lot.		
Street address	91 Junction Road, Grantham Farm NSW 2765		
Notification period	4 to 21 October 2024	Number of submissions	0

Assessment

Panel criteria Section 9.1 Direction, EP&A Act	Departure from Development standards - Development that contravenes a development standard imposed by an environmental planning instrument by more than 10%.
Relevant section 4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Sustainable Buildings) 2022 • State Environmental Planning Policy (Precincts—Central River City) 2021 • Blacktown City Council Growth Centre Precincts Development Control Plan 2010 • Central City District Plan 2018 • Blacktown Local Strategic Planning Statement 2020
Report prepared by	Ali Baburi
Report date	9 July 2025
Recommendation	Approve, subject to conditions listed in attachment 9.

Checklist

Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the Assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive Summary of the Assessment report? Not applicable

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the Assessment report? Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)?

Yes

Housing Productivity Contribution (for DA lodged on or after 1 October 2023)

Does the DA require Housing Productivity Contribution Condition?

Not applicable

Biodiversity

Is the land bio-certified land under the Biodiversity Conservation Act 2016?

Yes

Attachments

1. Attachment 1 Location map [9.2.1 - 1 page]
2. Attachment 2 Aerial image [9.2.2 - 2 pages]
3. Attachment 3 Zoning extract [9.2.3 - 1 page]
4. Attachment 4 detailed information about proposal and submissions [9.2.4 - 2 pages]
5. Attachment 5 Development plans [9.2.5 - 14 pages]
6. Attachment 6 Assessment against planning controls post 1 March 2022 [9.2.6 - 5 pages]
7. Attachment 7 Applicant Clause 4.6 [9.2.7 - 8 pages]
8. Attachment 8 Council assessment of Clause 4.6 request [9.2.8 - 4 pages]
9. Attachment 9 Draft conditions DA 24 00956 [9.2.9 - 19 pages]

1 Executive summary

- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
- the proposed variation to the maximum permitted lot depth for any new lots within the Riverstone Scheduled Lands part of the North West Growth Centre. The proposal has merit and does not warrant refusal of the application as the site is already constrained by the established subdivision pattern. The applicant has submitted a Clause 4.6 variation request to this development standard in the Central City Growth Centre SEPP 2021 and it should be supported.
 - the proposal includes a double garage, which contravenes Table 4-4 (front-accessed dwellings on lots with 9m – 12.5m frontage) of the Blacktown City Council Growth Centre Precincts Development Control Plan 2010. The DCP permits only single-width garages on these lots. Given the substantial lot depth and proposed frontage dimensions, the additional garage width is considered reasonable in the circumstances of this case and will integrate satisfactorily with the streetscape such as not to warrant refusal of the application.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments have not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 The application is considered to be satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel approve the application subject to the recommended conditions listed at attachment 9.

2 Location

- 2.1 The site is located on the western side of Junction Road in Grantham Farm.
- 2.2 Adjoining the site to the north is a pedestrian laneway; to the east is an existing historical business use being Riverstone Landscape and Soil (landscaping supplies business); to the south (89 Junction Road) is a single storey dwelling house and to the west is another existing dwelling and April Crescent.
- 2.3 The locality is characterised by a mix of single and 2-storey dwelling houses.
- 2.4 The location of the site is at attachment 1.

3 Site description

- 3.1 The subject property, 91 Junction Road, Grantham Farm is legally described as Lot 118 in DP 1230781. The 1,237 m² irregular shaped site has a fall of roughly 1 m from the rear north-western side to the south-eastern side.
- 3.2 The site currently has a single-storey brick dwelling, metal shed, timber cubby house, planter box and carport awning. A masonry wall with infill metal panels is on the front boundary and a metal panel fence surrounds the dwelling on all the side and rear boundaries.
- 3.3 An aerial image and associated photos of the site and surrounding area are at attachment 2.

4 Background

- 4.1 The existing lot is a re-subdivision of land by Landcom under SPP-17-00001 approved by the Sydney Central Planning Panel on 28 November 2017 and a Ministerial Order to regularise the old original lot layout and roads that were part of the Riverstone Scheduled Lands. The land was originally part of an old subdivision in the 1800s with no services, infrastructure or proper roads but the lots were still registered, and land titles issued to owners. Landcom under the Ministerial Order and the panel consent worked with all the owners in 2 stages of this precinct to put in the services and road infrastructure and where possible maintained the shape of the original lots but reidentified them by survey. The new land titles were created and registered with Land Registry Service recently.
- 4.2 This property has had a long-standing residential use with aerial imagery dating back to 2004 with the current dwelling on the site.
- 4.3 The current zone of the site is R2 Low Density Residential under State Environmental Planning Policy (Central River City) 2021 (Appendix 7 - Alex Avenue and Riverstone Precinct Plan 2010).
- 4.4 The site is located within the bushfire zone (Vegetation Category 1) and was referred to the Rural Fire Service for comments.
- 4.5 The application was also referred to Sydney Water for water servicing comments.
- 4.6 The zoning plan for the site and surrounds is at attachment 3.

5 The proposal

- 5.1 The development application has been lodged by Steven Sammut on behalf of the owners of the property.
- 5.2 The applicant proposes demolition of existing structures, Torrens-title subdivision of the land into 2 residential lots and construction of a 2-storey dwelling on each lot.
- 5.3 Other details about the proposal are at attachment 4 and a copy of the development plans is at attachment 5.

6 Assessment against planning controls

- 6.1 A full assessment of the development application against relevant planning controls is provided at Attachment 6, including:
 - Environmental Planning and Assessment Act 1979
 - State Environmental Planning Policy (Precincts - Central River City) 2021
 - State Environmental Planning Policy (Resilience and Hazards) 2021
 - State Environmental Planning Policy (Sustainable Buildings) 2022
 - Blacktown City Council Growth Centre Precincts Development Control Plan 2010
 - Central City District Plan 2018
 - Blacktown Local Strategic Planning Statement 2020

7 Issues raised by the public

- 7.1 The proposed development was notified by letter to 10 property owners and occupiers in the locality between 4 and 21 October 2024. The development application could also be viewed on was also uploaded to Council's website under 'Have your say'.

7.2 No submissions were received.

8 Key issues

8.1 Proposed variation to the maximum permitted lot depth within the Riverstone Scheduled Lands

- 8.1.1 Clause 6.8(2) in Appendix 7 Alex Avenue and Riverstone Precinct Plan 2010 of State Environmental Planning Policy Central River City 2021 (SEPP Central Precincts 2021) states that consent must not be granted for the subdivision of any Riverstone Scheduled Lands unless every lot created by the subdivision has a frontage directly onto a public road and a maximum depth of 35 metres. The application proposes to retain the existing lot depth of 48.20m and therefore a variation of 37.48% (or 13.2 m) departure from the development standard is requested to be considered.
- 8.1.2 A Clause 4.6 variation request has been submitted to support the proposal. A copy of the applicant's request is at attachment 7. Our assessment of the Clause 4.6 variation request is at attachment 8.
- 8.1.3 The mother development application (SPP-17-00001) which created this lot was approved by the Sydney Central City Planning Panel on 28 November 2017 with the lot depth variation and thereby acknowledging it was a re-subdivision of the existing mother lot
- 8.1.4 That consent also approved a variation to the indicative layout plan to allow for the existing residence and associated buildings to remain on the subject lot and for April Crescent to be linked to Sydney Street, rather than its planned connection to Junction Road.
- 8.1.5 The subject lot has a narrow frontage to April Crescent, however, driveway access is not suitable due to the location of the entry on the curve of the road as well as the stormwater infrastructure located within the road reserve that obstructs access along the narrow opening.
- 8.1.6 This proposal will not result in any negative impacts to the surrounding lots and generally complies with Blacktown City Council Growth Centre Precincts Development Control Plan 2010.
- 8.1.7 Based on the planning assessment of the proposed development, the proposed variation to the lot depth in this unique situation is not sufficient to warrant refusal of the application as the proposed development will still result in a good design outcome.
- 8.1.8 On this basis the Clause 4.6 variation to the development standard should be supported. Refer to attachment 8 for a detailed assessment of the applicant's Clause 4.6 request.

8.2 The proposed inclusion of a double garage contravenes the Blacktown City Council Growth Centre Precincts Development Control Plan 2010

- 8.2.1 Section 4.2.8 (Table 4-4) of the Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (DCP) stipulates that front-accessed dwellings on lots with a frontage between 9 m and 12.5 m are permitted only a single-width garage. The proposed development includes double-width garages on lots with a frontage of 11.89 m, departing from this control by only 0.61 m.

- 8.2.2 A DCP variation request was submitted in support of the proposed garage configuration. The double garage door is 4.8 m, which will still be below 50% of the proposed lot frontage.
- 8.2.3 The proposed dwellings will each provide habitable rooms facing the street which will allow for passive surveillance of the driveway and the street, aligning with the DCP's architectural design provisions. The dwellings will also be well articulated to minimise visual dominance of the garages.
- 8.2.4 The proposal is unlikely to result in adverse impacts to surrounding properties as there are other dwellings with double garages in the area. Nor will it set a precedent given the unique features of this land.
- 8.2.5 The proposal is generally consistent with the objectives and provisions of the Blacktown City Council Growth Centre Precincts DCP 2010.
- 8.2.6 Based on the planning assessment of the proposed development, it is concluded that the proposed variation does not warrant refusal of the application. The overall design will provide a suitable built form outcome and will comply with other key planning objectives and controls.

9 External referrals

- 9.1 The development application was referred to the following external authorities for comment:

Authority	Comments
Rural Fire Service	Acceptable, subject to conditions
Sydney Water Corporation	Acceptable, subject to conditions

10 Internal referrals

- 10.1 The development application was referred to the following internal sections of Council for comment:

Section	Comments
Building	Acceptable, subject to conditions
Engineering	Acceptable, subject to conditions
Drainage	Acceptable, subject to conditions
Property	Acceptable, subject to conditions
Section 7.11	Acceptable, subject to conditions

11 Conclusion

- 11.1 The proposed development has been assessed against all relevant matters and is considered to be satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development subject to conditions.

12 Disclosure of political donations and gifts

- 12.1 Under Section 10.4 of the Environmental Planning and Assessment Act 1979, a disclosure statement must be lodged in certain circumstances in relation to any planning application, i.e. a development application, an application to modify a consent and an application to make an environmental planning instrument or development control plan.
- 12.2 A disclosure statement of a reportable political donation or gift must accompany a planning application or submission (including a submission either objecting to or supporting the proposed development) if the donation or gift is made within 2 years before the application or submission is made. If the donation or gift is made after the lodgement of the application, a disclosure statement must be sent to Council within 7 days after the donation or gift is made. The provision also applies to an associate of a submitter.
- 12.3 A disclosure statement may be made available for viewing upon a written request to Council in line with Section 12 of the Local Government Act 1993.
- 12.4 Disclosures:
- | | | |
|-----------------------|--|----|
| • Political donations | Has a Disclosure statement been received in relation to this application?
If yes, provide Disclosure statement register reference | No |
| • Gifts | Have staff received a 'gift', that needs to be disclosed, from anyone involved with this application? | No |

13 Recommendation

- 1 Uphold the request made under Clause 4.6 of State Environmental Planning Policy (Central River City) 2021 (Appendix 7: Alex Avenue and Riverstone Precinct Plan 2010) to vary the Clause 6.8(2).
- 2 Approve Development Application DA-24-00956 for the reason listed below, and subject to the conditions listed at attachment 9.
 - a The site is isolated, and the proposed development meets the objectives of the varied clause and the objectives for development in the zone.
- 3 Council officers notify the applicant of the Panel's decision.

14 Declaration and endorsement

We, the undersigned, declare, to the best of our knowledge that we have no interest, pecuniary or otherwise, in this development application or persons associated with it; and we have provided an impartial assessment.



Ali Baburi
Town Planner



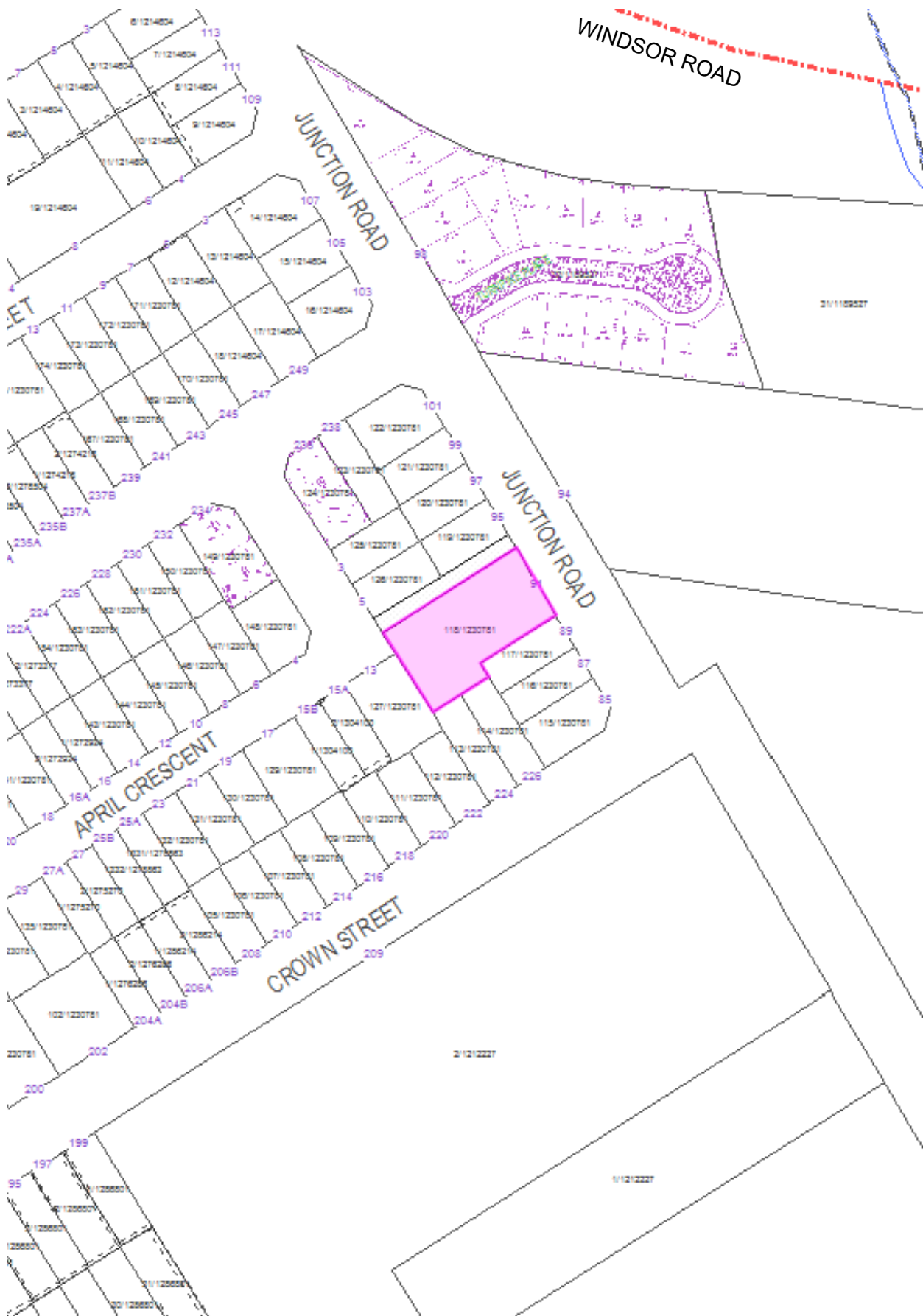
Judith Portelli
Manager Development Assessment



Jamie Hogan
A/Director City Planning and Development

Attachment 1

Location map



Attachment 2

Aerial image (as at 6 June 2025)

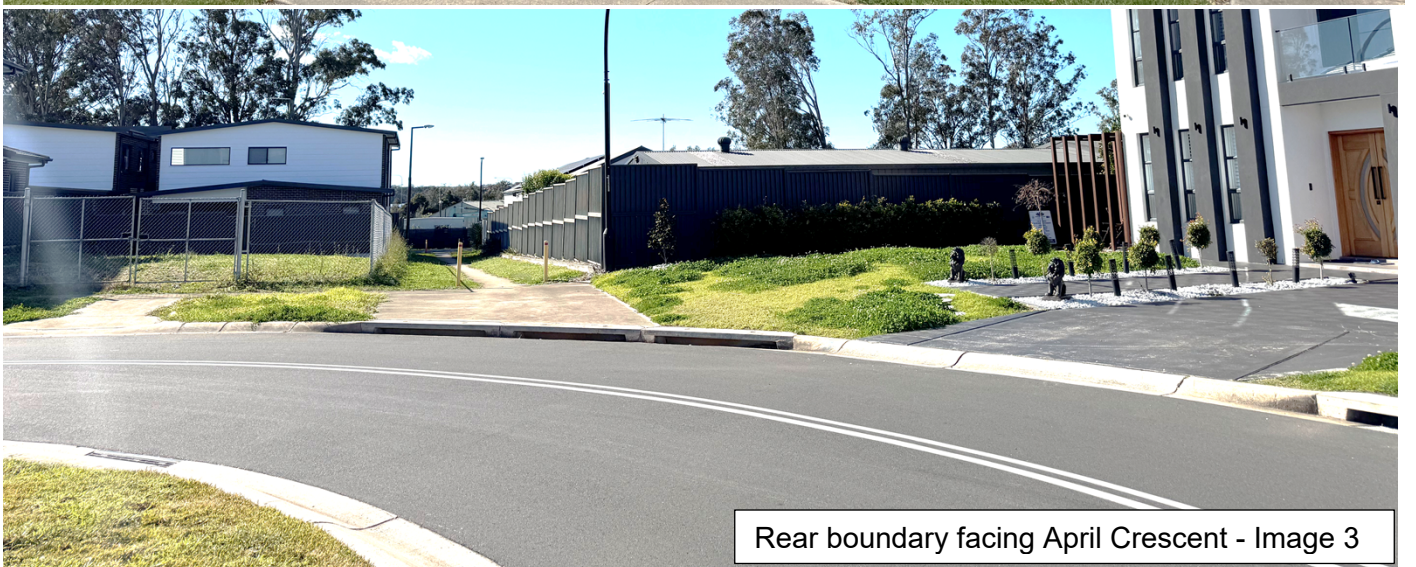




Front boundary - Image 1



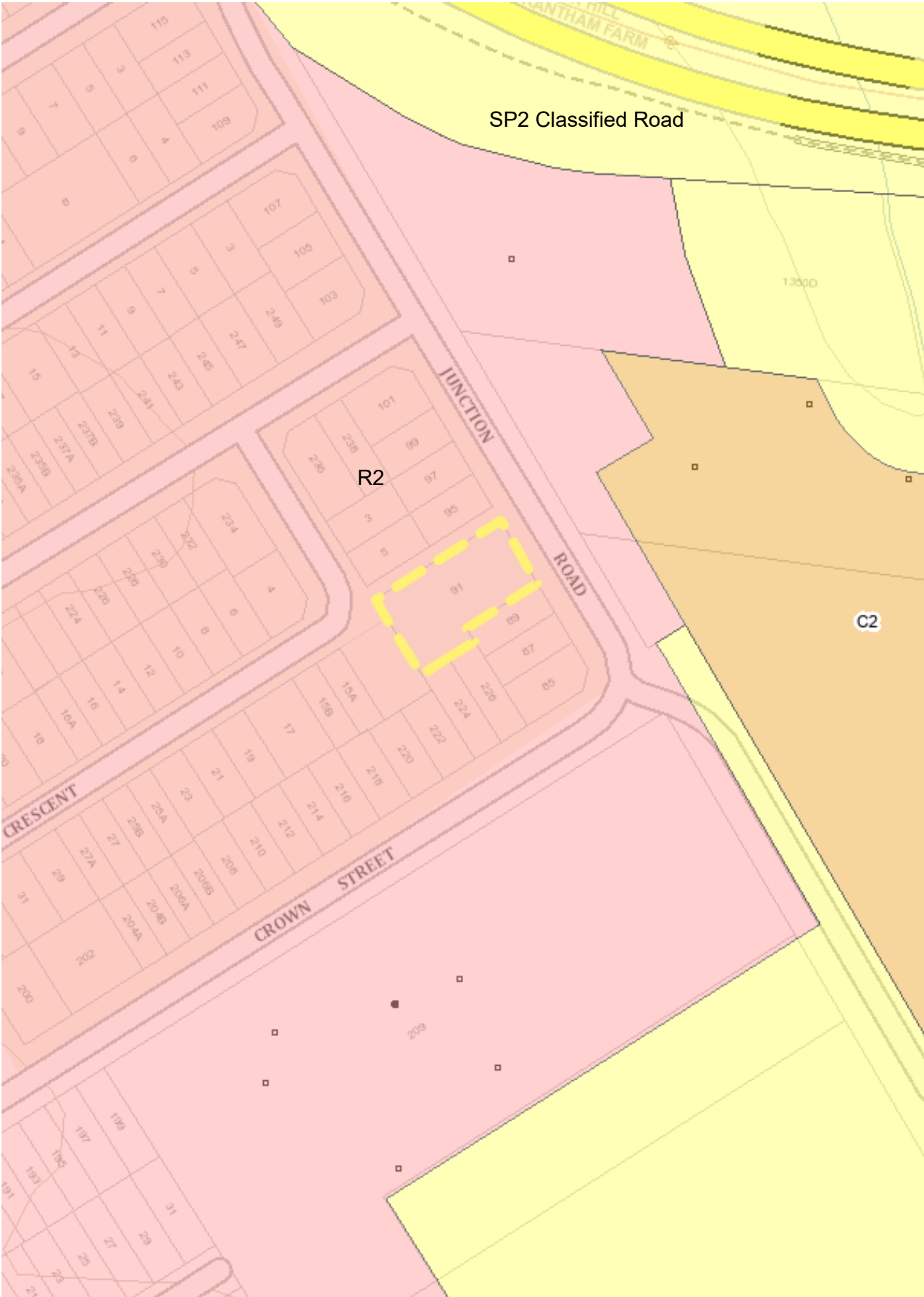
Front/side boundary and laneway - Image 2



Rear boundary facing April Crescent - Image 3

Attachment 3

Zoning extract



Attachment 4

Detailed information about proposal and DA submission material

1 Overview

1.1 The application proposes the demolition of existing structures, Torrens-title subdivision of 1 lot into 2 lots and construction of a 2-storey dwelling on each lot.

1.2 Both 2-storey dwellings will include:

Ground floor:

- Double garage
- Lounge
- Living/ kitchen/ meals
- Bedroom 5
- Butler's pantry
- Laundry
- Bathroom
- Walk-in linen room
- Alfresco with outdoor kitchen

First floor:

- 2 master bedrooms, each with walk-in-robe and en-suite
- 2 bedrooms
- Bathroom
- Linen cupboard
- Upper living
- 2 balconies

1.3 The 2 floors for each dwelling are connected by a stairway.

2 Subdivision component

2.1 The subject site has a site area of 1,237 m², lot width of 28.675 m, a fall of 1.36 m to the front boundary and a lot length of 48.20 m.

2.2 Lot 1 is proposed to have a size of 571 m² with a lot width of 11.89 m and a lot length of 48.20 m.

2.3 Lot 2 is proposed to have a size of 666.10 m² with a lot width of 11.89 m and a lot length of 47.87 m.

3 Sustainability

3.1 The application was supported by a BASIX Certificate (Certificate No. 1797109S_02 and 1797122S) dated 27 May 2025.

4 Stormwater

- 4.1 A stormwater concept plan prepared by Arc Innovations Design and Construction dated 14 January 2025 was submitted with the application. It indicates stormwater will flow to an on-site rainwater tank with overflow pipes connected to the kerb and gutter on Junction Road.

5 Waste management

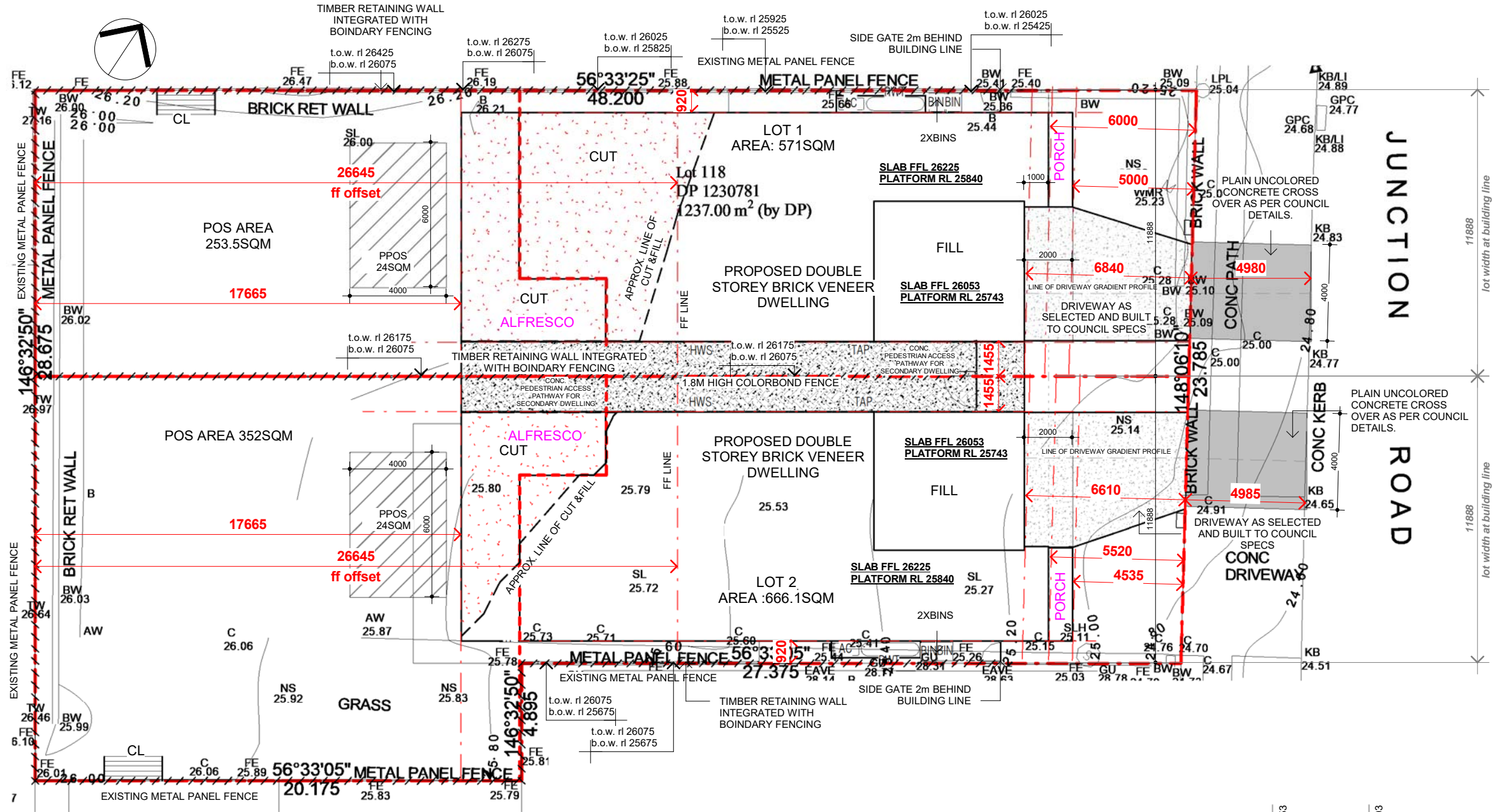
- 5.1 A waste management plan prepared by Developable Pty Ltd and dated 17 September 2024 was submitted with the application. The plan states that waste materials from demolition and construction would be removed by Eastern Creek Resource Recovery Park or similar for off-site recycling and reuse.

6 Landscaping

- 6.1 A Landscape Plan prepared by Arc Innovation Design and Construction dated 14 January 2025 was submitted with the application indicating various planting proposed.

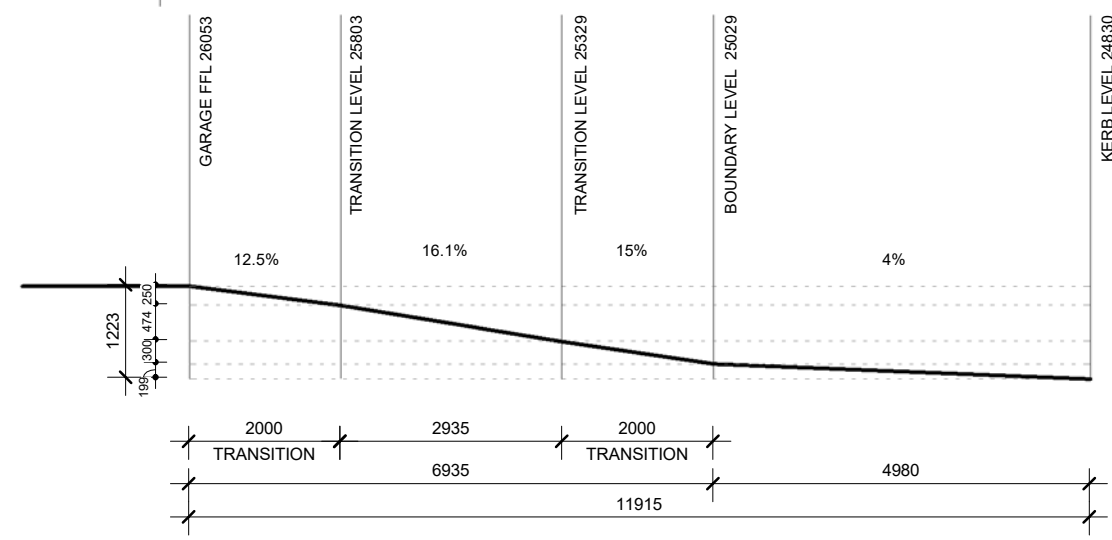
Attachment 5

Development application plans

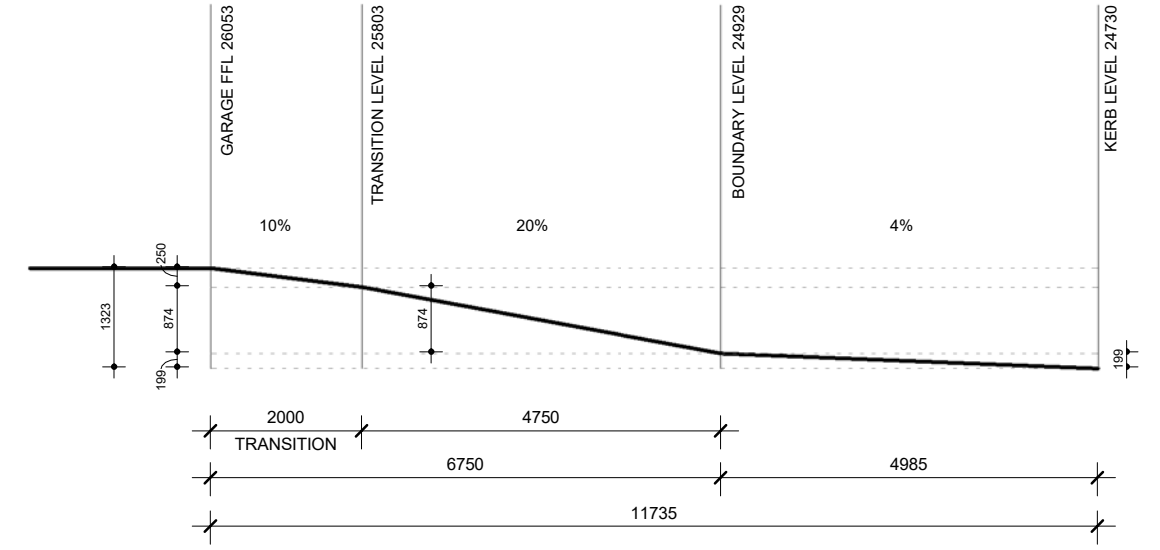


1 Site Plan
1 : 200

- SITE BOUNDARY
- FENCE LINE
- CLOTHES LINE
- POS AREA
- PRINCIPLE POS
- SITE CUTTING
- BM** BENCH MARK
- GM** GAS METER
- GP** GULLY PIT
- GSIP** GRATED SURFACE INLET PIT
- H** HYDRANT
- JP** JUNCTION PIT
- KIP** KERB INLET PIT
- NS** NATURAL SURFACE
- PC** PRAM CROSSING
- S** SEWER
- SV** STOP VALVE
- T** TREE
- TEL** TELSTRA PIT
- VC** VEHICLE CROSSING
- WM** WATER METER



U1_Driveway Gradient
1 : 100



U2_Driveway Gradient
1 : 100



GENERAL NOTES:
1. Figured Dimensions shall be taken in preference to scaling.
2. Check all Dimensions and Levels on site before commencing work or ordering materials.
3. All Existing Ground Lines and tree locations are approximate, therefore to be verified on-site by the builder.
4. Any discrepancies to be reported to arcINNOVATIONZ before proceeding.
5. All Workmanship and materials shall comply with all the relevant codes and standards.
6. All Plans are copyright work of arcINNOVATIONZ.

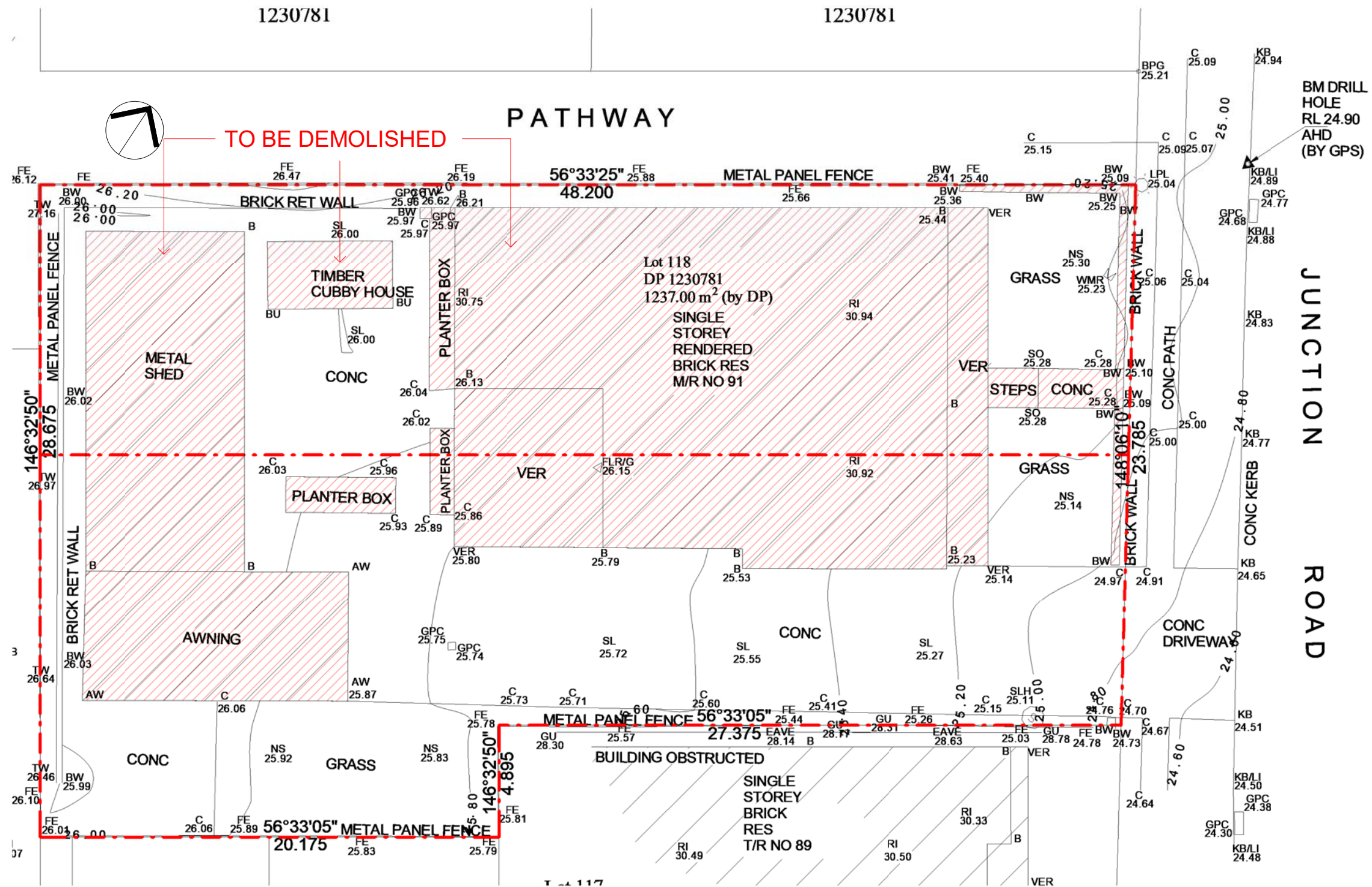
CLIENT:

PROJECT
LOT 118, DP - 1230781 NO. 91
JUNCTION ROAD, GRANTHAM FARM.

SITE PLAN
Project number
Date
Drawn by
Stage
Checked by

20230000	Updated as per council	14.01.25	D
16.10.23	Updated as per DRP	17.07.24	C
VB	Updated as per council	18.12.23	B
TBC	Issue for DA Approval	16.10.23	A
JS	DESCRIPTION	DATE	ISSUE

DW.04
Scale
ISSUE FOR DA APPROVAL
Page 16 of 104



1 DEMOLISH PLAN
1 : 200

GENERAL NOTES:

1. Figured Dimensions shall be taken in preference to scaling.
2. Check all Dimensions and Levels on site before commencing work or ordering materials.
3. All Existing Ground Lines and tree locations are approximate, therefore to be verified on-site by the builder.
4. Any discrepancies to be reported to arcINOVATIONZ before proceeding.
5. All Workmanship and materials shall comply with all the relevant codes and standards.
6. All Plans are copyright work of arcINOVATIONZ.

CLIENT:

PROJECT

LOT 118, DP - 1230781 NO. 91
JUNCTION ROAD, GRANTHAM FARM.

DEMOLISH PLAN

Project number
Date
Drawn by
Stage
Checked by

20230000
16.10.23
VB
TBC
JS

DESCRIPTION	DATE	ISSUE
Updated as per council	14.01.25	D
Updated as per DRP	17.07.24	C
Updated as per council	18.12.23	B
Issue for DA Approval	16.10.23	A

DW.03.1

Scale

D

1 : 200

ISSUE FOR DA APPROVAL

Page 17 of 64



1 SUBDIVISION PLAN
1 : 150



Office: 46 Buller St, North Parramatta, NSW 2151
Tel: 02 96 30 1155
Fax: 02 8076 1576
M: 0423 211 914
www.arcinnovationz.com.au
info@arcinnovationz.com.au

GENERAL NOTES:

1. Figured Dimensions shall be taken in preference to scaling.
2. Check all Dimensions and Levels on site before commencing work or ordering materials.
3. All Existing Ground Lines and tree locations are approximate, therefore to be verified on-site by the builder.
4. Any discrepancies to be reported to arcINNOVATIONZ before proceeding.
5. All Workmanship and materials shall comply with all the relevant codes and standards.
6. All Plans are copyright work of arcINNOVATIONZ.

CLIENT:

PROJECT

LOT 118, DP - 1230781 NO. 91
JUNCTION ROAD, GRANTHAM FARM.

SUBDIVISION PLAN

Project number
Date
Drawn by
Stage
Checked by

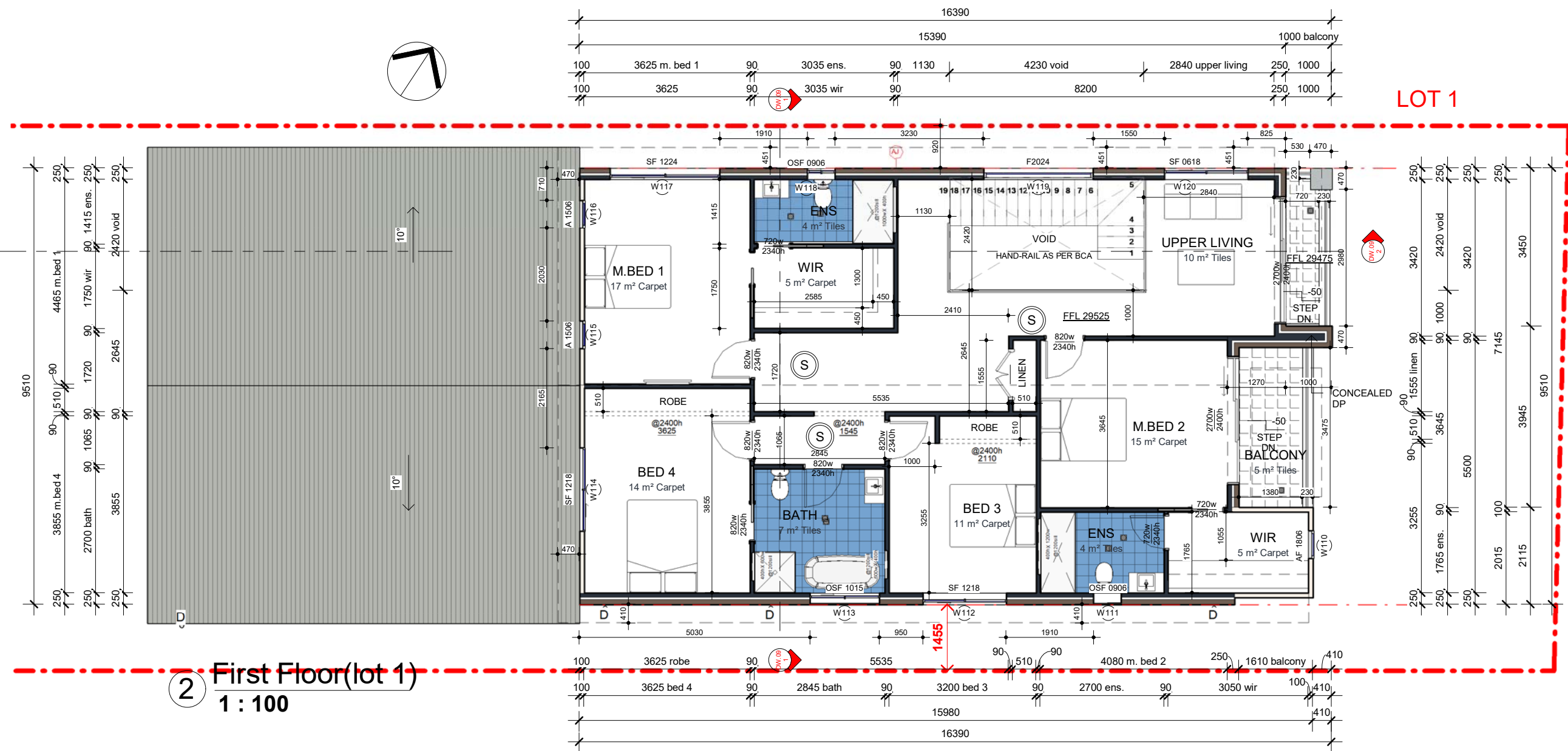
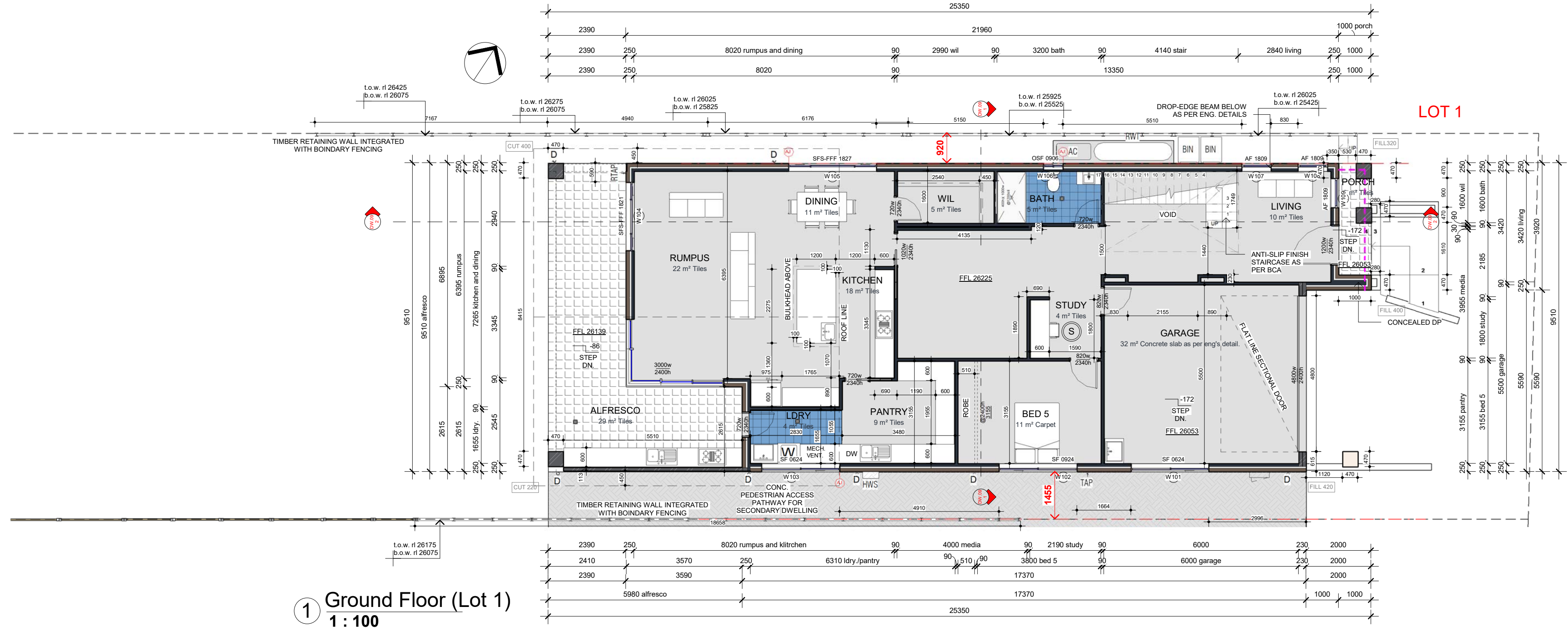
20230000
16.10.23
Author
TBC
JS

DESCRIPTION	DATE	ISSUE
Updated as per council	14.01.25	D
Updated as per DRP	17.07.24	C
Updated as per council	18.12.23	B
Issue for DA Approval	16.10.23	A

DW.03.2
Scale

D
1 : 150

ISSUE FOR DA APPROVAL
Page 18 of 64



WINDOWS KEY LEGEND

A	AWNING
AF	AWNING-FIXED
AFA	AWNING-FIXED-AWNING
F	FIXED
FC	FIXED CORNER
FF	FIXED-FIXED
SF	SLIDING-FIXED
SFF	SLIDING-FIXED-BOTTOM FIXED
SK	SKYLIGHT
L	LOUVER

NOTE:
O - OBLIQUE GLAZING WINDOW

LEGEND

(S)	INTERCONNECTED SMOKE ALARM
RWP	RAIN WATER DOWN PIPE
RWT	RAIN WATER TANK
AC	AIR-CONDITIONING UNIT
HWS	HOT WATER SYSTEM
BIN	STORAGE BIN
AJ	ARTICULATION JOINT
---	EAVE LINE ABOVE
---	DROP EDGE BEAM BELOW AS PER ENG'S DETAIL
●	FLOOR WASTE

NOTE: ALL WALL OPENING ARE SET AT 2400H UNLESS NOTED OTHERWISE

Window Schedule(U1)

Mark	Type	Height	Width	Location
W101	SF 0624	600	2400	GARAGE
W102	SF 0624	900	2400	BED 5
W103	SF 0624	600	2400	LDTRY
W104	SFS-FFF 1821	1800	2100	RUMPUS
W105	SFS-FFF 1827	1800	2700	DINING
W106	OSF 0906	900	600	BATH
W107	AF 1809	1800	900	LIVING
W108	AF 1809	1800	900	LIVING
W109	AF 1809	1800	900	LIVING
W110	AF 1806	1800	600	WIR
W111	OSF 0906	900	600	ENS
W112	SF 1218	1200	1810	BED 3
W113	OSF 1015	1000	1510	BATH
W114	SF 1218	1200	1810	BED 4
W115	A 1506	1500	600	M.BED 1
W116	A 1506	1500	600	M.BED 1
W117	SF 1224	1200	2400	M.BED 1
W118	OSF 0906	900	600	ENS
W119	F2024	2000	2400	ENS
W120	SF 0618	600	1810	UPPER LIVING

Door Schedule(U1)

Type	Height	Width	Location	Note
ED 2427	2400	2700	M.BED 2	External Glaze
DA480	2400	3000	ALFRESCO	External Glaze
ED 2427	2400	2700		External Glaze

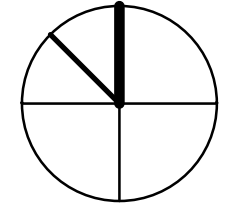
Grand total: 3

10.6.2 Ventilation requirements
Ventilation must be provided to a *habitable room, sanitary compartment, bathroom, shower room, laundry and any other room* occupied by a person for any purpose by any of the following means:
(a) Openings, *windows, doors or other devices* which can be opened—
(i) with a ventilating area not less than 5% of the floor area of the room required to be ventilated; and
(ii) open to—
(A) a suitably sized court, or space open to the sky; or
(B) an open verandah, carport, or the like; or
(C) an adjoining room in accordance with (b).
(b) Natural ventilation to a room may come through a *window, opening, door or other device* from an adjoining room (including an enclosed verandah) if—
(i) the room to be ventilated or the adjoining room is not a *sanitary compartment*; and
(ii) the *window, opening, door or other device* has a ventilating area of not less than 5% of the floor area of the room to be ventilated; and
(iii) the adjoining room has a *window, opening, door or other device* with a ventilating area of not less than 5% of the combined floor areas of both rooms; and
(iv) the ventilating areas specified may be reduced as appropriate if direct natural ventilation is provided from another source (See Figure 10.6.2).
(c) An exhaust fan or other means of mechanical ventilation may be used to ventilate a *sanitary compartment, laundry, kitchen or bathroom*, or where mechanical ventilation is provided in accordance with 10.6.3(b), provided contaminated air exhausts comply with 10.8.2.

9.5.1 smoke alarm requirements
Smoke alarms must—
(a) be located in—
(i) a Class 1a building in accordance with 9.5.2 and 9.5.4; and
(ii) a Class 1b building in accordance with 9.5.3 and 9.5.4; and
(b) comply with AS 3786, except that in a Class 10a *private garage* where the use of the area is likely to result in smoke alarms causing spurious signals, any other alarm deemed suitable in accordance with AS 1670.1 may be installed provided that smoke alarms complying with AS 3786 are installed elsewhere in the Class 1 building; and
(c) be powered from the consumer mains source where a consumer mains source is supplied to the building; and
(d) be interconnected where there is more than one alarm.

11.3.7 Protection of openable windows — bedrooms
(1) A window opening in a bedroom must be provided with protection, where the floor below the window is 2 m or more above the surface beneath.
(2) Where the lowest level of the window opening covered by (1) is less than 1.7 m above the floor, the window opening must comply with the following:
(a) The openable portion of the window must be protected with—
(i) a device capable of restricting the window opening; or
(ii) a screen with secure fittings.
(b) A device or screen *required by (a)* must—
(i) not permit a 125 mm sphere to pass through the window opening or screen; and
(ii) resist an outward horizontal action of 250 N against the—
(A) window restrained by a device; or
(B) screen protecting the opening; and
(iii) have a child resistant release mechanism if the screen or device is able to be removed, unlocked or overridden.
(3) Where a device or screen provided in accordance with (2)(a) is able to be removed, unlocked or overridden, a barrier with a height not less than 865 mm above the floor is *required to* an openable window in addition to window protection.
(4) A barrier covered by (3) must not—
(a) permit a 125 mm sphere to pass through it; and
(b) have any horizontal or near horizontal elements between 150 mm and 760 mm above the floor that facilitate climbing (see Figure B).

11.3.8 Protection of openable windows — rooms other than bedrooms
(1) A window opening in a room other than a bedroom must be provided with protection where the floor below the window is 4 m or more above the surface beneath.
(2) The openable part of the window covered by (1) must be protected with a barrier with a height of not less than 865 mm above the floor.
(3) A barrier *required by (2)* must not—
(a) permit a 125 mm sphere to pass through it; and
(b) have any horizontal or near horizontal elements between 150 mm and 760 mm above the floor that facilitate climbing. See Figure O



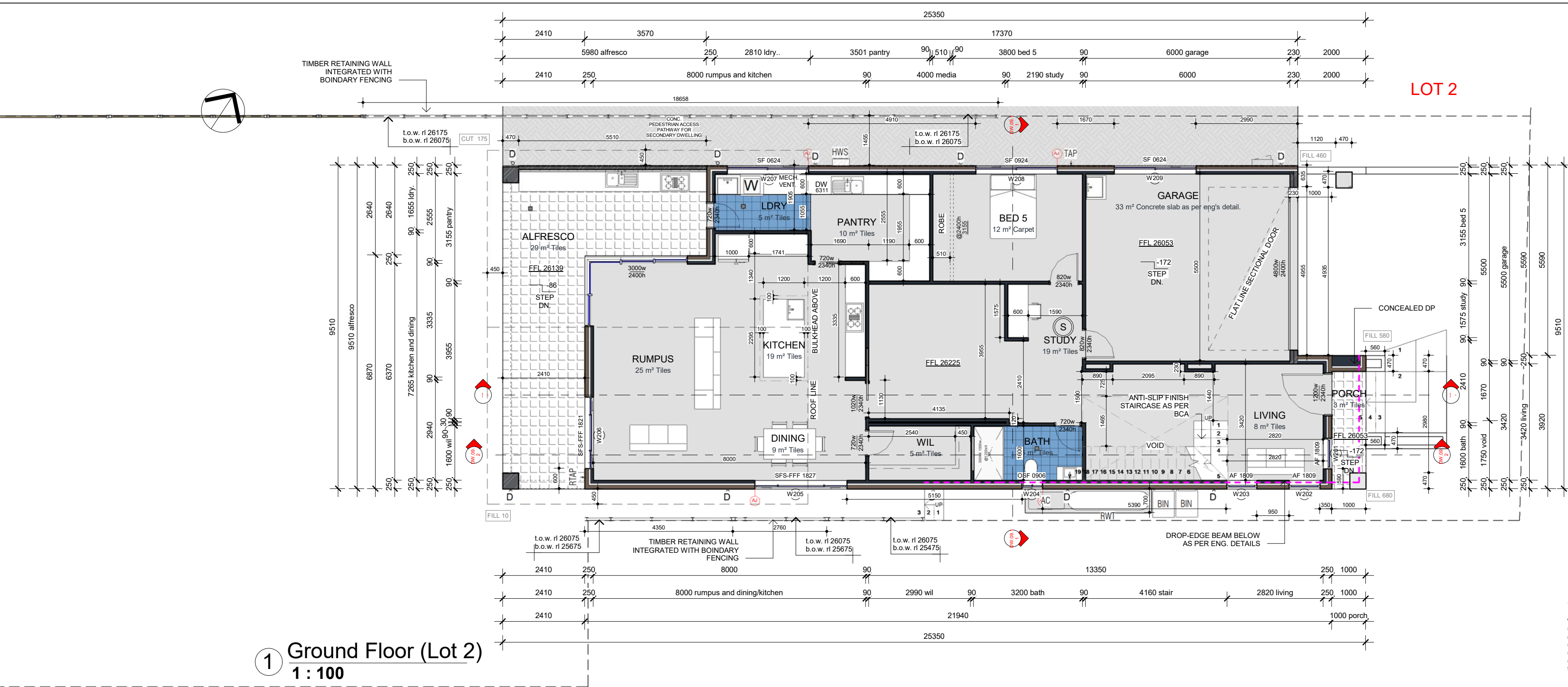
LOT 1 FLOOR PLANS

Project number	20230000
Date	16.10.23
Drawn by	VB
Checked by	JS
Scale	1 : 100

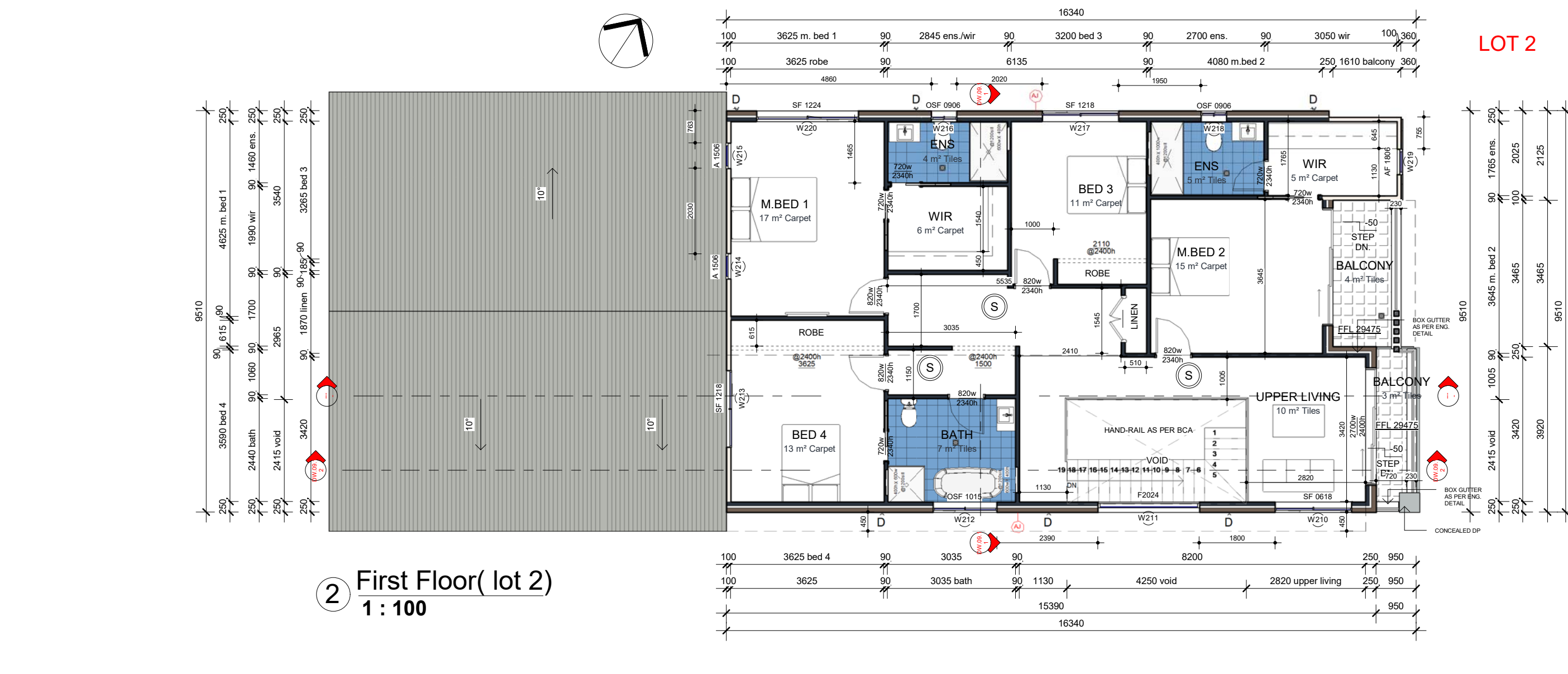
DW.05

DESCRIPTION	DATE	ISSUE
UPDATED AS PER COUNCIL	14.01.25	D
Updated as per DRP	17.07.24	C
UPDATED AS PER COUNCIL	18.12.23	B
ISSUE FOR DA APPROVAL	16.10.23	A

Page 19 of 64



1 Ground Floor (Lot 2)
1 : 100

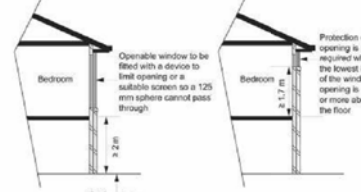


2 First Floor(lot 2)
1 : 100

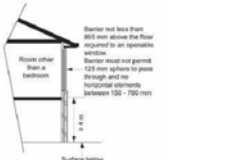
10.6.2 Ventilation requirements
Ventilation must be provided to a *habitable room, sanitary compartment, bathroom, shower room, laundry* and any other room occupied by a person for any purpose by any of the following means:
(a) Openings, windows, doors or other devices which can be opened—
(i) with a ventilating area not less than 5% of the floor area of the room required to be ventilated; and
(ii) open to—
(A) a suitably sized court, or space open to the sky; or
(B) an open verandah, carport, or the like; or
(C) an adjoining room in accordance with (b).
(b) Natural ventilation to a room may come through a *window, opening, door* or other device from an adjoining room (including an enclosed verandah) if—
(i) the room to be ventilated or the adjoining room is not a *sanitary compartment*; and
(ii) the window, opening, door or other device has a ventilating area of not less than 5% of the floor area of the room to be ventilated; and
(iii) the adjoining room has a *window, opening, door* or other device with a ventilating area of not less than 5% of the combined floor areas of both rooms; and
(iv) the ventilating areas specified may be reduced as appropriate if direct natural ventilation is provided from another source (See Figure 10.6.2).
(c) An exhaust fan or other means of mechanical ventilation may be used to ventilate a *sanitary compartment, laundry, kitchen* or bathroom, or where mechanical ventilation is provided in accordance with 10.6.3(b), provided contaminated air exhausts comply with 10.8.2.

9.5.1 smoke alarm requirements
Smoke alarms must—
(a) be located in—
(i) a Class 1a building in accordance with 9.5.2 and 9.5.4; and
(ii) a Class 1b building in accordance with 9.5.3 and 9.5.4; and
(b) comply with AS 3786, except that in a Class 10a private garage where the use of the area is likely to result in smoke alarms causing spurious signals, any other alarms deemed suitable in accordance with AS 1670.1 may be installed provided that smoke alarms complying with AS 3786 are installed elsewhere in the Class 1 building; and
(c) be powered from the consumer mains source where a consumer mains source is supplied to the building; and
(d) be interconnected where there is more than one alarm.

11.3.7 Protection of openable windows — bedrooms
(1) A window opening in a bedroom must be provided with protection, where the floor below the window is 2 m or more above the surface beneath.
(2) Where the lowest level of the window opening covered by (1) is less than 1.7 m above the floor, the window opening must comply with the following:
(a) The openable portion of the window must be protected with—
(i) a device capable of restricting the window opening; or
(ii) a screen with secure fittings.
(b) A device or screen required by (a) must—
(i) not permit a 125 mm sphere to pass through the window opening or screen; and
(ii) resist an outward horizontal action of 250 N against the—
(A) window restrained by a device; or
(B) screen protecting the opening; and
(iii) have a child resistant release mechanism if the screen or device is able to be removed, unlocked or overridden.
(3) Where a device or screen provided in accordance with (2)(a) is able to be removed, unlocked or overridden, a barrier with a height not less than 865 mm above the floor is required to an openable window in addition to window protection.
(4) A barrier covered by (3) must not—
(a) permit a 125 mm sphere to pass through it; and
(b) have any horizontal or near horizontal elements between 150 mm and 760 mm above the floor that facilitate climbing (see Figure B).



11.3.8 Protection of openable windows — rooms other than bedrooms
(1) A window opening in a room other than a bedroom must be provided with protection where the floor below the window is 4 m or more above the surface beneath.
(2) The openable part of the window covered by (1) must be protected with a barrier with a height of not less than 865 mm above the floor.
(3) A barrier required by (2) must not—
(a) permit a 125 mm sphere to pass through it; and
(b) have any horizontal or near horizontal elements between 150 mm and 760 mm above the floor that facilitate climbing (see Figure O).



Door Schedule(U2)					
Type	Height	Width	Location	Note	
D2430	2400	3000	RUMPUS	External Glaze	
ED 2427	2400	2700	UPPER LIVING	External Glaze	
ED 2427	2400	2700	BALCONY	External Glaze	
Grand total: 3					

Window Schedule(U2)					
Mark	Type	Height	Width	Location	
W201	AF 1809	1800	900	PORCH	
W202	AF 1809	1800	900	LIVING	
W203	AF 1809	1800	900	LIVING	
W204	OSF 0906	900	600	BATH	
W205	SFS-FFF 1827	1800	2700	DINING	
W206	SFS-FFF 1821	1800	2100	RUMPUS	
W207	SF 0624	600	2400	LDRY	
W208	SF 0624	900	2400	BED 5	
W209	SF 0624	600	2400	GARAGE	
W210	SF 0618	600	1810	UPPER LIVING	
W211	F2024	2400	2400		
W212	OSF 1015	1000	1510	BATH	
W213	SF 1218	1200	1810	BED 4	
W214	A 1506	1500	600	M.BED 1	
W215	A 1506	1500	600	M.BED 1	
W216	OSF 0906	900	600	ENS	
W217	SF 1218	1200	1810	BED 3	
W218	OSF 0906	900	600	ENS	
W219	AF 1806	1800	600	WIR	
W220	SF 1224	1200	2400	M.BED 1	

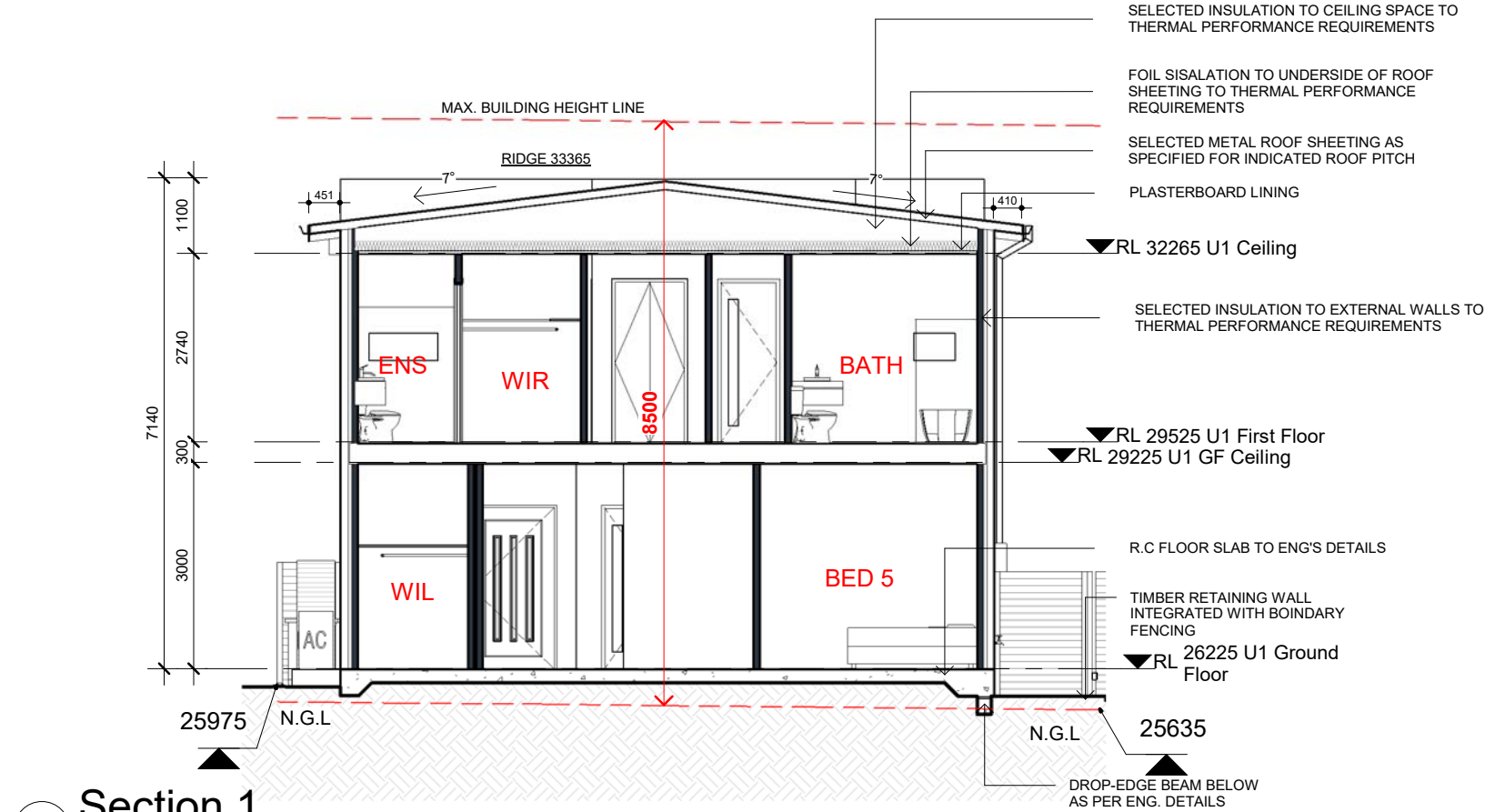
WINDOWS KEY LEGEND	
A	AWNING
AF	AWNING-FIXED
AFA	AWNING-FIXED-AWNING
F	FIXED
FC	FIXED CORNER
FF	FIXED-FIXED
SF	SLIDING-FIXED
SFS	SLIDING-FIXED-BOTTOM FIXED
SK	SKYLIGHT
L	LOURVE
NOTE: O - OBSCURE GLAZING WINDOW	

LEGEND	
(S)	INTERCONNECTED SMOKE ALARM
RWP	RAIN WATER DOWN PIPE
RWT	RAIN WATER TANK
AC	AIR-CONDITIONING UNIT
HWS	HOT WATER SYSTEM
BIN	STORAGE BIN
AJ	ARTICULATION JOINT
—	EAVE LINE ABOVE
—	DROP EDGE BEAM BELOW AS PER ENG'S DETAIL
●	FLOOR WASTE

NOTE: ALL WALL OPENING ARE SET AT 2400H UNLESS NOTED OTHERWISE







11.3.3 Barriers to Prevent falls
 (1) A continuous barrier must be provided along the side of a trafficable surface, such as—
 (a) a stairway, ramp or the like; and
 (b) a floor, corridor, hallway, balcony, deck, verandah, mezzanine, access bridge or the like; and
 (c) a roof top space or the like to which general access is provided; and
 (d) any delineated path of access to a building, where it is possible to fall 1 m or more measured from the level of the trafficable surface to the surface beneath (see Figure 11.3.3a).
 (2) The requirements of (1) do not apply to—
 (a) a retaining wall unless the retaining wall forms part of, or is directly associated with, a delineated path of access to a building from the road, or a delineated path of access between buildings (see Figure 11.3.3b); or
 (b) a barrier provided to an openable window covered by 11.3.7 and 11.3.8.

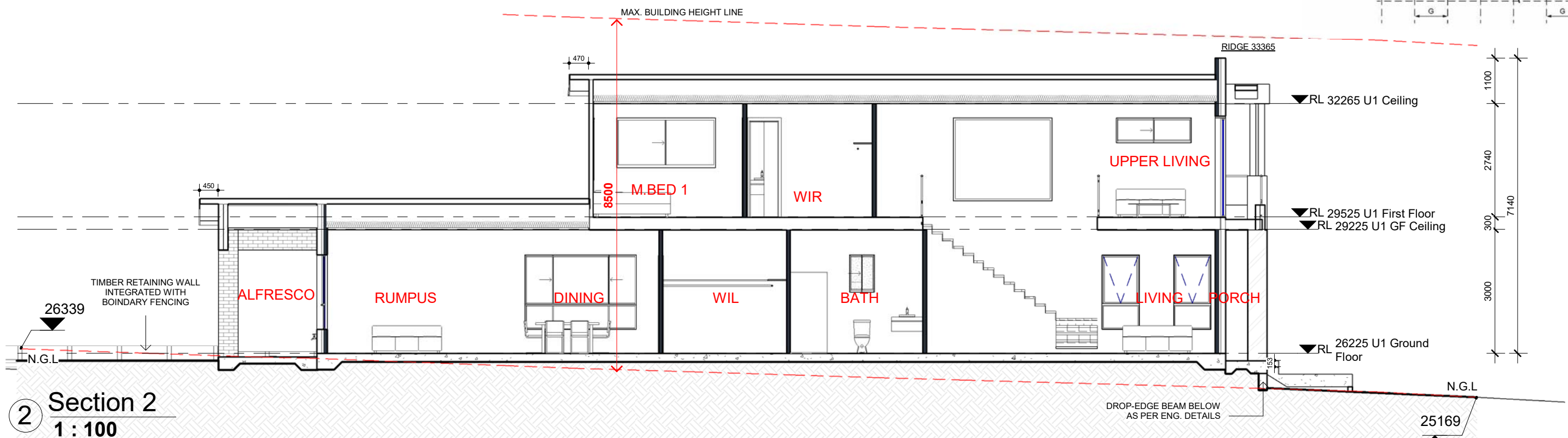
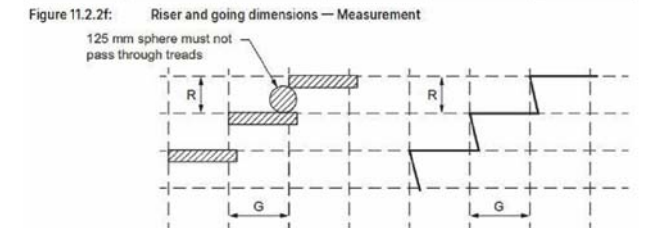
11.2.2 Stairway construction
 (1) A stairway must be designed to take loading forces in accordance with AS/NZS 1170.1 and must have—
 (a) not more than 18 and not less than 2 risers in each flight; and
 (b) goings (G), risers (R) and a slope relationship quantity (2R + G) in accordance with Table 11.2.2a, except as permitted by (2) and (3); and
 (c) constant goings and risers throughout each flight, except as permitted by (3) and (4), and the dimensions of goings (G) and risers (R) in accordance with (1), (2) and (3) are considered constant if the variation between—
 (i) adjacent risers, or between adjacent goings, is not more than 5 mm; and
 (ii) the largest and smallest riser within a flight, or the largest and smallest going within a flight, is not more than 10 mm; and
 (d) risers which do not have any openings that would allow a 125 mm sphere to pass through between the treads; and
 (e) treads of solid construction (not mesh or other perforated material) if the stairway is more than 10 m high or connects more than 3 storeys.
 (2) In the case of a stairway serving only non-habitable rooms, such as attics, storerooms and the like that are not used on a regular or daily basis—
 (a) the going (G), riser (R) and slope relationship quantity (2R + G) in accordance with Table 11.2.2a may be substituted with those in Table 11.2.2b; and
 (b) need not comply with (1)(d).
 (3) In the case of a stairway with winders—
 (a) a maximum of 3 consecutive winders in lieu of a quarter landing in a flight and a maximum of 6 consecutive winders in lieu of a half landing in a flight; and
 (b) the going (G) of all winders in lieu of a quarter or half landing may vary from the going of the straight treads within the same flight provided that the going (G) of such winders is constant.
 (4) The point of measurement of the going (G) in the slope relationship quantity (2R + G) for tapered treads and treads in spiral stairways as described in Table 11.2.2a (see Figure 11.2.2a, Figure 11.2.2b and Figure 11.2.2c) must be—
 (a) for tapered treads, other than treads in a spiral stairway—
 (i) not more than 1 m in width, the middle of the unobstructed width of the stairway (see Figure 11.2.2b); and
 (ii) more than 1 m in width, 400 mm from the unobstructed width of each side of the stairway (see Figure 11.2.2c); and
 (b) for treads in spiral stairways, the point seven tenths of the unobstructed width from the face of the centre pole or support towards the handrail side (see Figure 11.2.2d and Figure 11.2.2e).
 (5) Riser and going dimensions must be measured in accordance with Figure 11.2.2f.

Table 11.2.2a: Riser and going dimensions (mm)

Stair type	Riser (R) (see Figure 11.2.2f)		Going (G) (see Figure 11.2.2f)		Slope relationship (2R+G)	
	Max	Min	Max	Min	Max	Min
Stairs (other than spiral)	190	115	355	240	700	550
Spiral	220	140	370	210	680	590

Table 11.2.2b: Riser and going dimensions (mm) — stairways serving non-habitable rooms used infrequently

Riser (R)		Going (G)		Slope relationship (2R+G)	
Max	Min	Max	Min	Max	Min
225	130	355	215	700	540



1 Section 1
1 : 100

2 Section 2
1 : 100



GENERAL NOTES:
 1. Figured Dimensions shall be taken in preference to scaling.
 2. Check all Dimensions and Levels on site before commencing work or ordering materials.
 3. All Existing Ground Lines and tree locations are approximate, therefore to be verified on-site by the builder.
 4. Any discrepancies to be reported to arcINOVATIONZ before proceeding.
 5. All Workmanship and materials shall comply with all the relevant codes and standards.
 6. All Plans are copyright work of arcINOVATIONZ.

CLIENT:

PROJECT
 LOT 118, DP - 1230781 NO. 91
 JUNCTION ROAD, GRANTHAM FARM.

SECTIONS

Project number
Date
Drawn by
Stage
Checked by

20230000
16.10.23
VB
TBC
JS

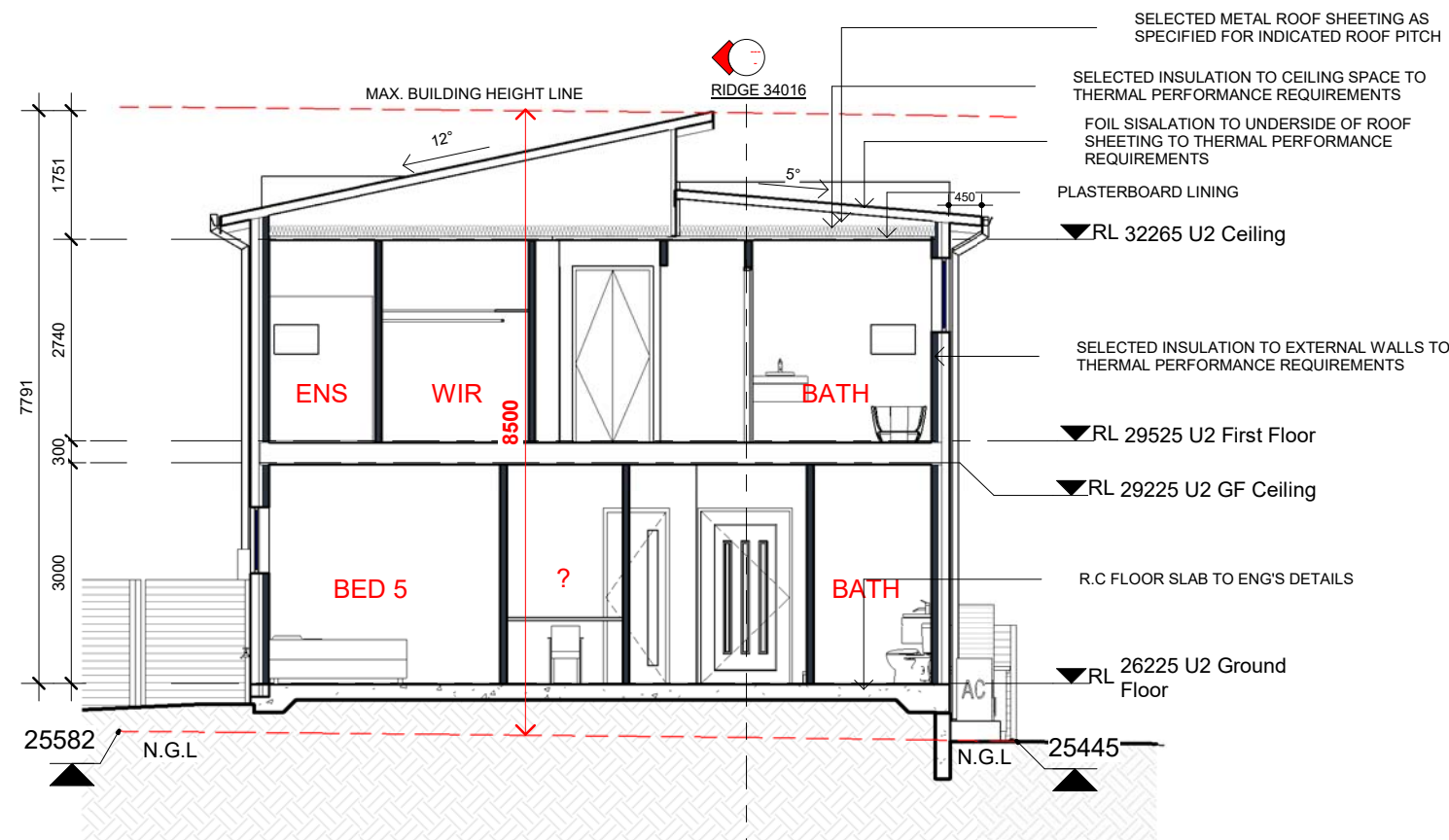
DESCRIPTION	DATE	ISSUE
Updated as per council	14.01.25	D
Updated as per DRP	17.07.24	C
Updated as per council	18.12.23	B
Issue for DA Approval	16.10.23	A

DW.09
Scale

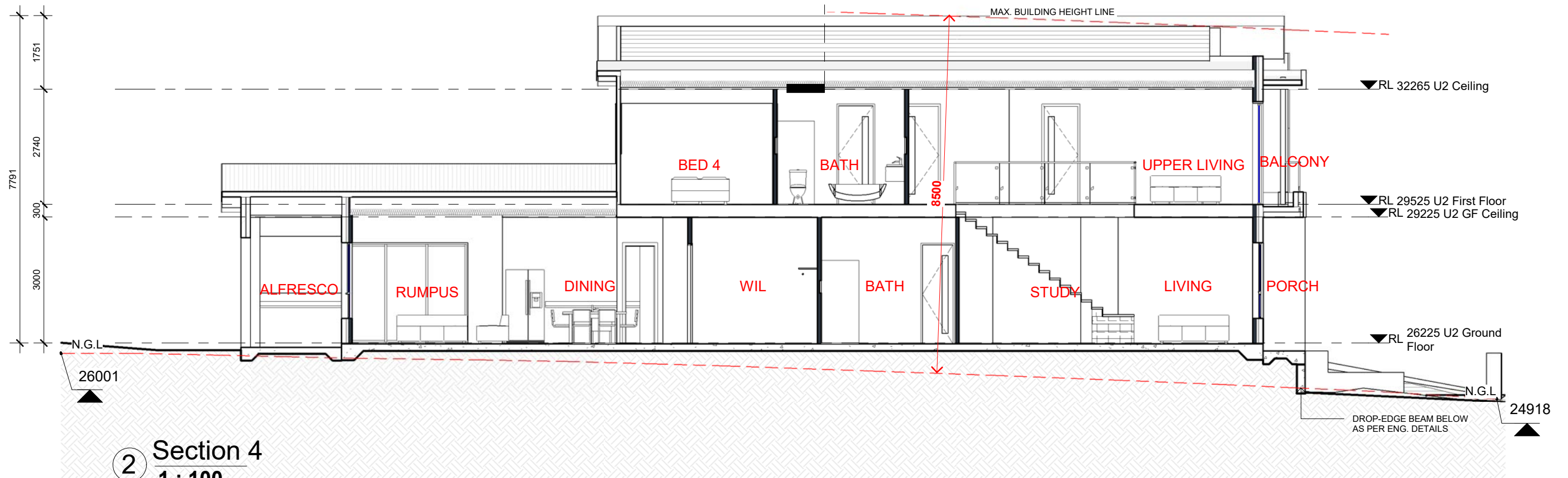
D
1 : 100

ISSUE FOR DA APPROVAL

1 Section 3
1 : 100



2 Section 4
1 : 100



GENERAL NOTES:

1. Figured Dimensions shall be taken in preference to scaling.
2. Check all Dimensions and Levels on site before commencing work or ordering materials.
3. All Existing Ground Lines and tree locations are approximate, therefore to be verified on-site by the builder.
4. Any discrepancies to be reported to arcINOVATIONZ before proceeding.
5. All Workmanship and materials shall comply with all the relevant codes and standards.
6. All Plans are copyright work of arcINOVATIONZ.

CLIENT:

PROJECT

LOT 118, DP - 1230781 NO. 91
JUNCTION ROAD, GRANTHAM FARM.

SECTIONS

Project number
Date
Drawn by
Stage
Checked by

20230000
16.10.23
VB
TBC
JS

DESCRIPTION	DATE	ISSUE
Updated as per council	14.01.25	D
Updated as per DRP	17.07.24	C
Updated as per council	18.12.23	B
Issue for DA Approval	16.10.23	A

DW.09.1

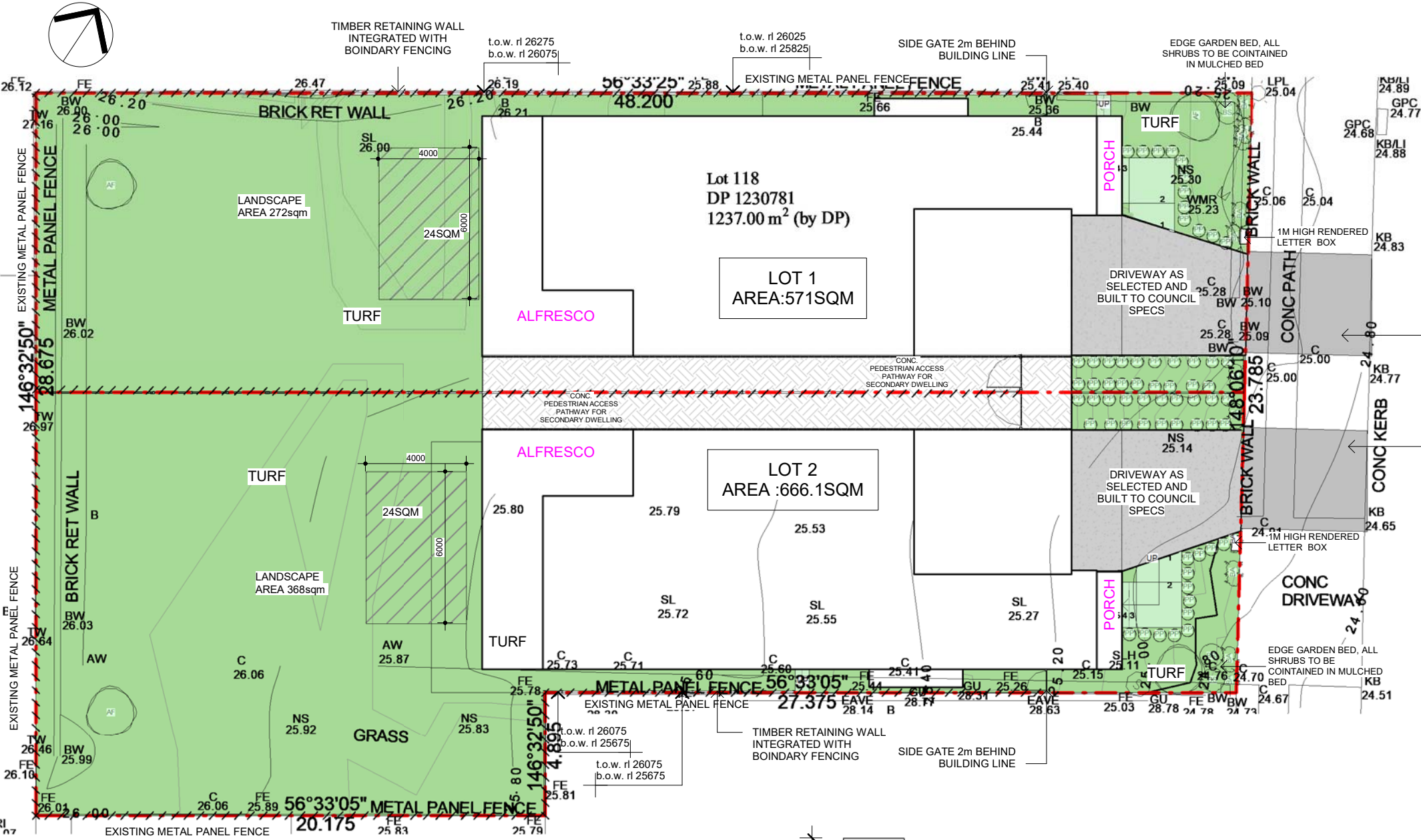
Scale

D

1 : 100

ISSUE FOR DA APPROVAL

Page 25 of 64



3 Landscape Plan 1 : 200

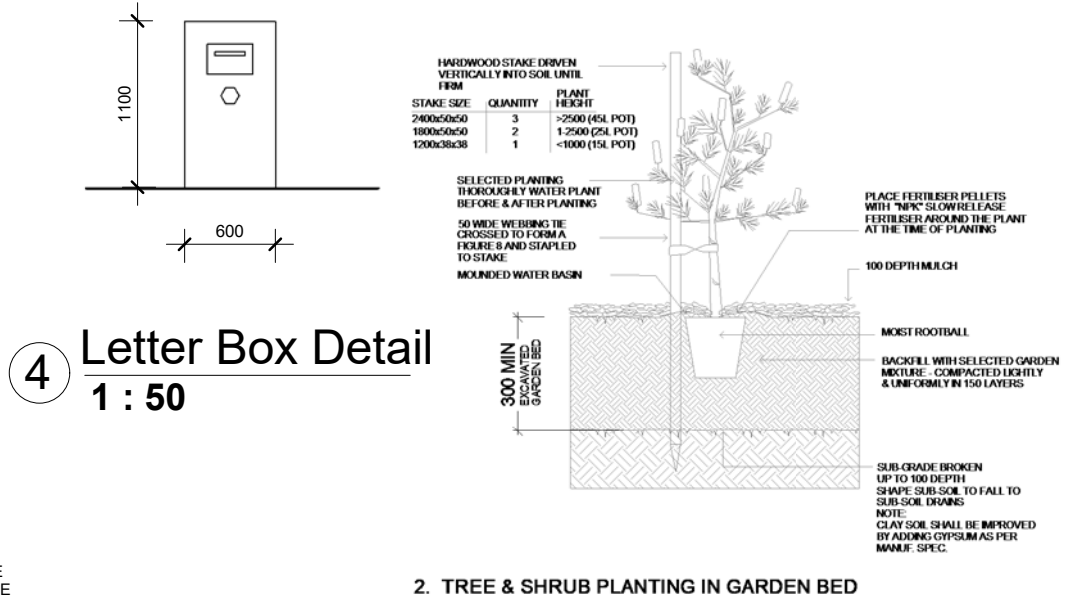
LAND SCAPE NOTES

TURF
EXCAVATE/ GRADE AREAS TO BE TURFED TO 120MM BELOW THE REQUIRED FINISHED LEVELS. DO NOT EXCAVATE WITH 1500MM OF ANY EXISTING TREE TO BE RETAINED. ENSURE THAT ALL OF THE SURFACE WATER RUNOFF IS TO BE DIRECTED TOWARDS THE INLET PITS, KERBS ETC. AD AWAY FROM BUILDINGS. ENSURE THAT NO POOLING OR PONDING WILL OCCUR. RIP SUBGRADE TO 150MM DEEP. INSTALL 100MM DEPTH OF IMPORTED TOPSOIL. JUST PRIOR TO SPREADING TURF, SPREAD 'SHIRLEYS NO. 17 LAWN FERTILISER' OVER THE TOPSOIL AT THE RECOMMENDED RATE. LAY SIR WALTER BUFFALO TURF ROLLS CLOSELY BUTTED. FILL ANY SMALL GAPS WITH TOPSOIL. WATER THOROUGHLY.

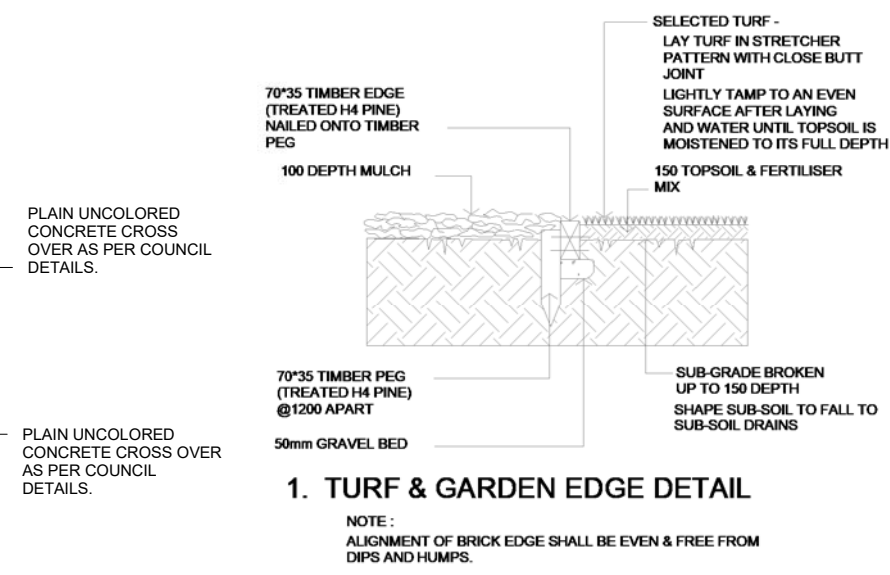
STABILISED CRUSHED SANDSTONE
PATH TO BE CRUSHED SANDSTONE OVER WEEDMAT TO DEPTH OF 50MM. STABILSED WITH 5% CEMENT.

TIMBER EDGING
TREATED HARDWOOD EDGING. THE EDGES ARE TO BE LAID IN EVEN CURVES AND STRAIGHT LINES AS INDICATED ON THE PLAN. WHERE TIGHT CURVES ARE SHOWN SCORE TIMBER TO ACHIEVE MORE EVEN CURVES. THE TOP OF THE EDGE IS TO FINISH FLUSH WITH THE ADJACENT TURF AND MULCH LEVELS.

PLANTING AREAS
ENSURE THAT THE MASS PLANTING AREAS HAVE BEEN EXCAVATED TO 300MM BELOW FINISHED LEVELS. RIP TO A FURTHER DEPTH OF 150MM. SUPPLY AND INSTALL 300MM SOIL MIX IF REQUIRED OR IMPROVE EXISTING MIX WITH COMPOST BLEND. SOIL MIX TO COMPRISE OF ONE PART APPROVED COMPOST TO THREE PARTS TOP SOIL. TOPSOIL SHALL BE EITHER IMPORTED TOPSOIL OR STOCKPILED SITE TOPSOIL (IF SUITABLE I.E. NO CLAY). INSTALL 75MM OF SELECTED MULCH. MULCH TO BE ANL 'FOREST BLEND'.



JUNCTION ROAD



Planting Schedule						
CODE	BOTANICAL NAME	COMMON NAME	M.Ht	POT SIZE	QTY	IMAGE
Angophora floribunda 8M	Rough Barked Apple	Angophora floribunda	8M	300mm	4	
Brunoniella australis 0.1M	Brunoniella australis	Brunoniella australis	0.3m	300mm	11	
Bursaria spinosa 2m	Bursaria spinosa	Bursaria spinosa	2m	200mm	4	
Pratia purpurascens 0.1M	Pratia purpurascens	Pratia purpurascens	0.10m	140mm	63	
Grand total: 82						

design & construction

Office: 46 Buller St, North Parramatta, NSW 2151
Tel: 02 96 30 1111
Fax: 02 8076 1576
M: 0423 211 914

www.arcsinnovationz.com.au
info@arcsinnovationz.com.au

GENERAL NOTES:

- Figured Dimensions shall be taken in preference to scaling.
- Check all Dimensions and Levels on site before commencing work or ordering materials.
- All Existing Ground Lines and tree locations are approximate, therefore to be verified on-site by the builder.
- Any discrepancies to be reported to arcsINNOVATIONZ before proceeding.
- All Workmanship and materials shall comply with all the relevant codes and standards.
- All Plans are copyright work of arcsINNOVATIONZ.

CLIENT:

PROJECT

LOT 118, DP - 1230781 NO. 91
JUNCTION ROAD, GRANTHAM FARM.

LANDSCAPE PLAN

Project number 20230000
Date 16.10.23
Drawn by VB
Stage TBC
Checked by JS

Updated as per council	14.01.25	D
Updated as per DRP	17.07.24	C
Updated as per council	18.12.23	B
Issue for DA Approval	16.10.23	A
DESCRIPTION	DATE	ISSUE

DW.12

Scale

As indicated

ISSUE FOR DA APPROVAL

Page 26 of 64

1 Roof Plan
1 : 200

NOTE:
Stormwater design to be in accordance with NCC Volume 2 Building Code of Australia 2022 & Housing Provisions Standard 2022 and AS3500.3-2021. Compliance confirmation/Certification to be provided by Stormwater Engineer

NOTES:

1. ALL WORK TO BE DONE TO SATISFACTION OF CITY COUNCIL.
2. PROPOSED CONCRETE DRIVEWAY TO BE CONSTRUCTED IN ACCORDANCE WITH PLANS, SPECIFICATION, AND LEVELS ISSUED SEPARATELY BY COUNCIL.
3. ALL PIPES TO BE MIN. 100MM DIA UNLESS NOTED OTHERWISE (UNO).
4. ALL PIPES TO BE GRADE UPVC AT MIN 1% UNO.
5. MINIMUM FALL OF 1:80 WITH 300mm COVER
6. DOWNPIPES TO HAVE A MAXIMUM SPACING OF 12 METRES

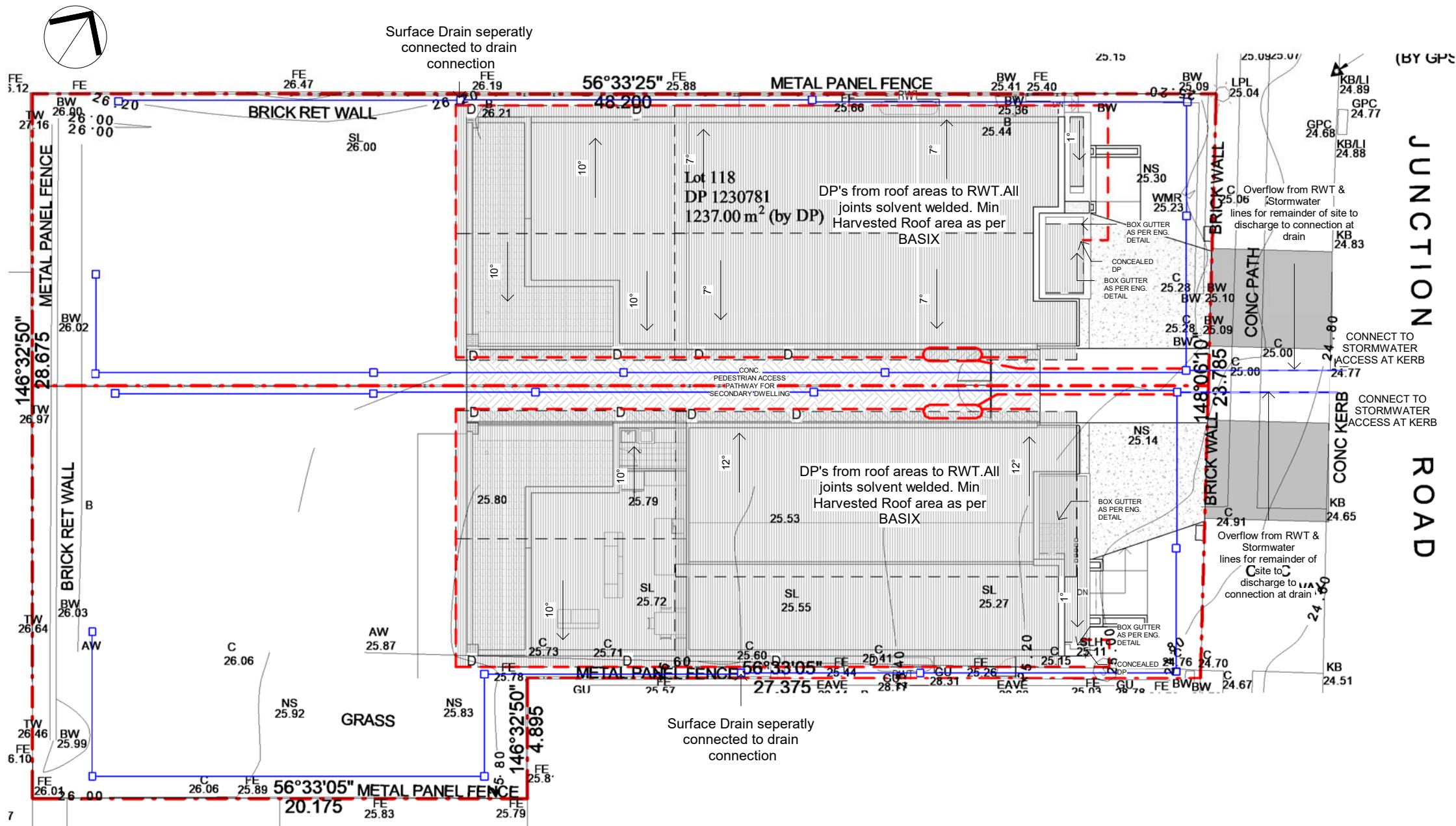
NOTE:
BUILDERS/PLUMBERS TO ENSURE THAT FLOOR OUTLETS OR FLOOR SPITTERS ARE INSTALLED ON ALL FIRST FLOOR BALCONIES AND ARE DIRECTED/CONNECTED TO THE SURFACE STORMWATER DRAINAGE SYSTEM

RAINWATER HARVESTING NOTES:

1. RAINWATER FOR ON SITE STORMWATER HARVEST IS ONLY TO BE SOURCED FROM THE ROOF.
2. AN APPROPRIATE BACK FLOW PREVENTION DEVICE IS TO BE INSTALLED IN ACCORDANCE WITH AS3500.
3. FIRST FLUSH SYSTEM TO BE INCORPORATED.
4. TANK TO BE CONNECTED FOR USE IN TOILET FLUSHING, IRRIGATION, LAUNDRY.
5. THE REQUIRED PUMP IS NOT TO EXCEED 5dB[a] ABOVE AMBIENT BACKGROUND NOISE MEASURED AT THE NEAREST LOT BOUNDARY.

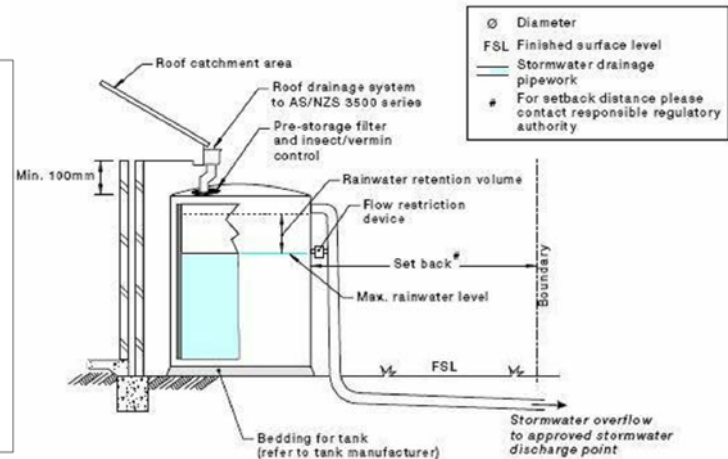
NOTE:
BUILDERS/PLUMBERS TO ENSURE THAT BOX GUTTERS ARE INSTALLED AS PER STORMWATER ENGINEER'S CALCULATIONS/SPECIFICATIONS AND ARE DIRECTED/CONNECTED TO THE SURFACE STORMWATER DRAINAGE SYSTEM

ALL OTHER SURFACE WATERS TO BE STRICTLY CONNECTED TO A SEPARATE SYSTEM IN ACCORDANCE WITH AS 3500.3:2003 AND BCA PART 3.1.2.3. RAINWATER TANKS WITH PUMPS TO SUPPLY GARDEN TAPS AND INTERNAL RE-USE AS PER BASIX ASSESSMENT



LEGEND:

- SURFACE DRAIN
- FLOW WATER DIRECTION IN PIPES Ø100 PVC
- STORMWATER ACCESS
- GUTTER
- AREA DRAIN TO RAINWATER TANK
- RWP RAIN WATER PIPE
- RWT RAIN WATER TANK
- 22.5° ROOF PITCH TO DIRECTION



Office: 46 Buller St, North Parramatta, NSW 2151
Tel: 02 96 30 1111
Fax: 02 8076 1576
M: 0423 211 914
www.arcinnovationz.com.au
info@arcinnovationz.com.au

GENERAL NOTES:

1. Figured Dimensions shall be taken in preference to scaling.
2. Check all Dimensions and Levels on site before commencing work or ordering materials.
3. All Existing Ground Lines and tree locations are approximate, therefore to be verified on-site by the builder.
4. Any discrepancies to be reported to arcINNOVATIONZ before proceeding.
5. All Workmanship and materials shall comply with all the relevant codes and standards.
6. All Plans are copyright work of arcINNOVATIONZ.

CLIENT:

PROJECT

LOT 118, DP - 1230781 NO. 91
JUNCTION ROAD, GRANTHAM FARM.

STORMWATER CONCEPT

Project number	20230000
Date	16.10.23
Drawn by	VB
Stage	TBC
Checked by	JS

DESCRIPTION	DATE	ISSUE
Updated as per council	14.01.25	D
Updated as per DRP	17.07.24	C
Updated as per council	18.12.23	B
Issue for DA Approval	16.10.23	A

DW.13

Scale

D

1 : 200

ISSUE FOR DA APPROVAL

Page 27 of 64



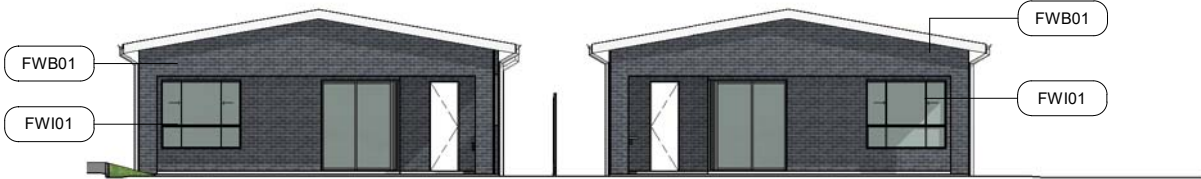
MATERAIL AND FINISHES SCHEDULE		
Material: Keynote	Material: Rendering Image	Material: Comments
FR01		COLORBOND ROOF SHALE GREY
FSD01		COLORTHROUGH CONCRETE DRIVEWAY
FWB01		AUSTRAL BRICK EXPRESION GUNMETAL BLUE
FWC01		CLADDING AS SELECTED BY CLIENT

MATERAIL AND FINISHES SCHEDULE		
Material: Keynote	Material: Rendering Image	Material: Comments
FWI01		WINDOW FRAME COLORBOND SURFMIST
FWP01		DULUX GREY PAIL
FWP02		DULUX LEXICON
FWS01		STONE AUSTRAL LITE VALLEY COAL

NOTE: The colour, Driveway finishes, Roofing material , Render colours , landscape, plants and any other material and finishes are for illustration purposes only and depending on their availability can be changed at any time without prior notice.



1 F_NORTH-EAST
1 : 200



2 F_SOUTH-WEST
1 : 200



5 F_U2_NORTH- WEST
1 : 200



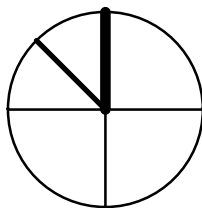
3 F_U1_SOUTH-EAST
1 : 200



4 F_U1_NORTH-WEST
1 : 200



6 F_U2_SOUTH-EAST
1 : 200



FINISHES SCHEDULE

Project number	20230000	DW.14
Date	16.10.23	
Drawn by	VB	Scale 1 : 200
Checked by	JS	

DESCRIPTION	DATE	ISSUE
UPDATED AS PER COUNCIL	14.01.25	D
Updated as per DRP	17.07.24	C
UPDATED AS PER COUNCIL	18.12.23	B
ISSUE FOR DA APPROVAL	16.10.23	A

Attachment 6

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

1 Environmental Planning and Assessment Act 1979

1.1 Section 4.15 'Heads of Consideration'

Heads of Consideration	Comment	Complies
a. The provisions of:		Yes
i. Any environmental planning instrument	<p>State Environmental Planning Policy (Precincts – Central River City) 2021 (Appendix 7 Alex Avenue and Riverstone Precinct Plan 2010)</p> <p>Demolition, subdivision and dwelling houses are permissible within the R2 Low Density Residential zone.</p> <p>A variation to Clause 6.8(2) (maximum permitted lot depth) is proposed. The application was accompanied by a Clause 4.6 request to vary this control, which has been assessed and is considered satisfactory. See attachment 8 for a more detailed discussion.</p>	Yes
	<p>State Environmental Planning Policy (Resilience and Hazards) 2021</p> <p>The SEPP requires a consent authority to consider whether the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to the granting of development consent. A Preliminary Site Investigation report has been provided for review and concludes that the site is suitable for the proposed development. Further detail is included in Section 3 of this attachment.</p>	Yes
	<p>State Environmental Planning Policy (Sustainable Buildings) 2022</p> <p>BASIX certificates have been provided to show compliance with the Sustainability SEPP.</p>	Yes
ii. Any proposed instrument that is or has been the subject of public consultation under this Act	Not applicable	Not applicable.
iii. Any development control plan	<p>Blacktown City Council Growth Centre Precincts Development Control Plan 2010</p> <p>Schedule Two – Riverstone Precinct.</p>	Yes
iv. any planning agreement	Not applicable	Not applicable.
v. the regulations	<p>Refer to Part 4, Division 1 of the Regs 2021</p> <p>Clause 61</p> <ul style="list-style-type: none"> Demolition of a building - the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures. 	Yes

Heads of Consideration	Comment	Complies
	<ul style="list-style-type: none"> Standard conditions of consent are recommended to address this requirement. 	
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	The likely impacts of the development have been satisfactorily addressed throughout the report and its attachments, and it is concluded that the development will not result in unfavourable social, economic or environmental impacts.	Yes
c. The suitability of the site for the development	The subject site is zoned R2 Low Density Residential with a 9m building height limit under the SEPP (Precincts-Central River City) 2021. The proposed demolition, Torrens title subdivision, dwellings are permissible with consent. The proposed dwellings are below the 9 m building height limit. The site is considered suitable for the proposed development.	Yes
d. Any submissions made in accordance with this Act, or the regulations	The development was notified to neighbouring property owners in accordance with the Blacktown Community Participation Plan 2022-2024 for 14 days between 4 and 21 October 2024. No submissions were received.	Yes
e. The public interest	The development will provide a positive outcome in the form of increasing housing opportunities that is compatible with the existing and desired future character of the immediate locality and is therefore considered to be in the public interest.	Yes

2 State Environmental Planning Policy (Precincts - Central River City) 2021

2.1 General development standards (Appendix 7 Alex Avenue and Riverstone Precinct Plan 2010)

Development standard	Complies	
We have assessed the development application against the relevant objectives and clauses. It is compliant with all matters/with the exception of those listed below.		
4.6 Exceptions to development standards	<p>(1) The objectives of this section are as follows—</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p> <p>(2) Consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by Chapter 3 or any other environmental planning instrument. However, this section does not apply to a development standard that is expressly excluded from the operation of this section.</p> <p>(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant for development consent has demonstrated that—</p>	Yes, based on merit.

	<p>(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and</p> <p>(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.</p> <p>Note—</p> <p>The Environmental Planning and Assessment Regulation 2021 requires the development application to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).</p> <p>(4) The consent authority must keep a record of its assessment carried out under subsection (3).</p> <p>Response</p> <p>The proposed development includes a variation to Clause 6.8(2) of the SEPP. See Attachment 8 for a more detailed discussion.</p>	
6.8 Development on Riverstone Scheduled Lands	<p>(1) The objectives of this section are as follows—</p> <p>(a) to provide co-ordinated subdivision of Riverstone Scheduled Lands so that lots created have adequate infrastructure and access,</p> <p>(b) to facilitate residential development on Riverstone Scheduled Lands.</p> <p>(2) Consent must not be granted for the subdivision of any Riverstone Scheduled Lands unless every lot created by the subdivision has a frontage directly onto a public road and a maximum depth of 35 metres.</p> <p>(3) Subsection (2) does not apply to the subdivision of land that has a frontage directly onto Loftus Street, Bandon Road or Windsor Road.</p> <p>Response</p> <p>The proposed development seeks to vary clause 6.8(2) of the SEPP. See Attachment 8 for a more detailed discussion.</p>	No but variation to maximum depth of lot control is acceptable in the circumstances. See Attachment 8 for more details.

3 State Environmental Planning Policy (Resilience and Hazards) 2021

Summary comment	Complies
<p>The State Environmental Planning Policy (Resilience and Hazards) 2021 requires a consent authority to consider whether the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to the granting of development consent. The site is an existing residential lot with a dwelling, metal shed, timber cubby house and hardstand space. The lot was subdivided under SPP-17-00001 approved 28 November 2017.</p> <p>A Preliminary Site Investigation Report (PSI) was prepared by K2 Consulting Group dated 31/01/2024 to identify any potential sources of contamination onsite. Based on the findings, it was concluded that the site is of low risk for contamination purposes and therefore the site is considered appropriate for the proposed development subject to implementing the report recommendations during the demolition and construction phases of the development.</p>	Yes

4 State Environmental Planning Policy (Sustainable Buildings) 2022

Summary comment	Complies
<p>The proposed development includes BASIX affected buildings and therefore requires assessment against the provisions of this SEPP, including BASIX certification.</p> <p>BASIX Certificates have been submitted with the development application in line with the provisions of this SEPP. The BASIX Certificate demonstrates that the proposal complies with the relevant sustainability targets and will implement those measures required by the certificate. This will be conditioned in any consent granted.</p> <p>Dwelling 1 and secondary dwelling 1 BASIX Certificate No. 1797122S dated 27 May 2025</p> <p>Dwelling 2 and secondary dwelling 2 BASIX Certificate No. 1797109S_02 dated 27 May 2025</p>	Yes

5 Central City District Plan 2018

Summary comment	Complies
<p>While the Act does not require consideration of District Plans in the assessment of development applications, the development application is consistent with the following overarching planning priorities of the Central City District Plan:</p> <p>Liveability</p> <ul style="list-style-type: none"> Improving housing choice 	Yes

6 Blacktown Local Strategic Planning Statement

Summary comment	Complies
<p>The Blacktown Local Strategic Planning Statement outlines a planning vision for the City over the next 20 years to 2041. It contains 18 Local Planning Priorities based on themes of Infrastructure and collaboration, Liveability, Productivity, Sustainability and Implementation.</p> <p>The development application is consistent with the following priority:</p> <ul style="list-style-type: none"> Local Planning Priority 5 - Providing housing supply, choice and affordability with access to jobs, services and public transport 	Yes

7 Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (Growth Centre DCP)

Summary comment			
<p>We have assessed the Development Application against the relevant provisions and the table below only identifies where compliance is not fully achieved.</p> <p>It is compliant with all other matters under the Blacktown City Council Growth Centres Precinct Development Control Plan 2010 (Growth Centre DCP).</p>			
Garages and car parking	Where front accessed, single width garages only	A variation to this control is proposed. The subdivision results in two driveways (one per lot) which is the minimum feasible number of access points for two dwellings. This is no increase in driveway crossings	Variation to permitted garage width is considered acceptable in the circumstances.
	Carport and garage minimum internal dimensions: 3m x 5.5m		

Summary comment

	<p>1-2 bedroom dwellings will provide at least 1 car space</p> <p>3 bedroom or more dwellings will provide at least 2 car spaces</p> <p>Max. carport and garage door width not to exceed 3 m (single) or 6 m (double)</p>	<p>compared to a compliant single-garage scenario.</p> <p>Each proposed garage will includes a double-width door (4.8m within a 11.89m frontage). This door width is under 50% of the lot frontage, keeping the garage proportionally scaled. The dwellings are architecturally designed with features such as varied materials, articulation, and front porches/balconies to ensure the garages are visually recessive and do not dominate the façade.</p> <p>The visual character of the streetscape will remain harmonious – notably, several existing new homes in the immediate vicinity also have double garages.</p> <p>Therefore, it is concluded that a double car</p>	
--	---	---	--

Attachment 7

Applicant Clause 4.6 Variation

91 JUNCTION ROAD GRATHAM FARM

2 0 . 8 . 2 0 2 4



CLAUSE 4.6 VARIATION REQUEST CLAUSE 4.1C DWELLINGS ON RIVERSTONE SCHEDULED LANDS CLAUSE 6.8 DEVELOPMENT ON RIVERSTONE SCHEDULE LANDS

THE DEMOLITION OF EXISTING STRUCTURES AND TORRENS TITLE
SUBDIVISION OF ONE LOT INTO TWO AND CONSTRUCTION OF TWO
STOREY DWELLING AND SECONDARY DWELLING ON EACH LOT WITH
LANDSCAPING AND ASSOCIATED WORKS.

Phone : 0433 946 019

Email : steven@developable.com.au

Web : www.developable.com.au

ABN : 51 628 117 751



Contents

Introduction	3
Proposed Variation	3
Clause 4.6 Assessment	3
Clause 4.6(1) - Objectives	3
Clause 4.6(2) - Development Consent May be Granted.	3
3.1.3 Clause 4.6(3) - Consent Authority to Consider Written Submission	4
Clause 4.6(4) - Consent Authority is to be Satisfied	4
Clause 4.6(4)(a)(i) Written Request to Address Matters Required by 4.6(3)	4
Clause 4.6(4)(a)(ii) Written Request to Address Matters Required by 4.6(3)	5
Clause 4.6(b) Concurrence of the Secretary.	6
Clause 4.6(5) - Concurrence Considerations	6
Clause 4.6(6) - Subdivision of Certain Land.	7
Clause 4.6(7) - Keeping of Records	7
Clause 4.6(8) - Exclusions from use of Clause 4.6.	7
Conclusion	7



1. Introduction

This variation request is prepared pursuant to Clause 4.6 of State Environmental Planning Policy (Precincts Central River City) 2021: Appendix 7 Alex Avenue and Riverstone Precinct Plan 2010 (SEPP Central Precincts 2021) and considers several New South Wales Land and Environment Court (NSW LEC) planning principles and judgements that have refined the manner in which variations to development standards are to be approached. The development in question relates to the development application for the demolition of existing structures and Torrens title subdivision of one lot into two and construction of two storey dwelling and secondary dwelling on each lot with landscaping and associated works at 91 Junction Road, Gratham Farm.

2. Proposed Variation

Clause 4.1C & 6.8 of the SEPP Central Precincts 2021: Appendix 7 refers to the restrictions that apply to dwellings and development on Riverstone Scheduled Lands.

Clause	Development Standard	Variation to Development Standard
4.1C	A dwelling must not be erected on land to which this section applies on any lot with a depth that exceeds 35 metres.	48.199m = 37.48%
6.8	Consent must not be granted for the subdivision of any Riverstone Scheduled Lands unless every lot created by the subdivision has a frontage directly onto a public road and a maximum depth of 35 metres.	

The proposed maximum depth of 48.199m, which represents a 13.199m non-compliance or 37.487% variation to the control.

3. Clause 4.6 Assessment

3.1 Clause 4.6(1) - Objectives

Clause 4.6(1) outlines objectives that underly the clause as follows:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Reference is made to Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 in which Preston CJ ruled that there is no provision that requires compliance with the objectives of the clause and that cl 4.6 does not give substantive effect to the objectives of the clause in cl 4.6(1)(a) or (b). It was also noted that in particular, neither cl 4.6(3) nor (4) expressly or impliedly requires that development that contravenes a development standard “achieve better outcomes for and from development”.

Given the above the remaining considerations of clause 4.6 form the basis for which the consent authority is to be satisfied that the request for variation of the development standard is acceptable.

3.2 Clause 4.6(2) - Development Consent May be Granted

Clause 4.6(2) states that ...*‘development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause’.*

Dwellings and development on Riverstone Scheduled Lands is a development standard as defined in Section 1.4 of the Environmental Planning & Assessment Act 1979 to which variations can be granted under cl 4.6.



3.3 3.1.3 Clause 4.6(3) - Consent Authority to Consider Written Submission

Clause 4.6(3) provides that ... *'development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating -*

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard'.*

This submission and information contained within, constitutes a written request for the purposes of Clause 4.6(3) and the following subsections address the justifications required under that subclause.

3.4 Clause 4.6(4) - Consent Authority is to be Satisfied

Clause 4.6(4) provides that ... *'development consent must not be granted for development that contravenes a development standard unless' -*

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Secretary has been obtained'.*

Each of the above mentioned matters has been addressed individually under the following subheadings.

3.4.1 Clause 4.6(4)(a)(i) Written Request to Address Matters Required by 4.6(3)

Clause 4.6(3) requires the applicant to justify contravention of development standard by demonstrating -

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard'.*

With respect to clause 4.6(3)(a) the common ways in which an Applicant may demonstrate that compliance with a development standard is unreasonable or unnecessary are listed in the 'five-part test' outlined by Preston CJ in *Wehbe v Pittwater* [2007] NSWLEC 827. In this respect an Applicant does not need to establish all of the tests or 'ways', rather it may be sufficient to establish only one, although if more are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.

The five possible ways are as set out below:

First	<i>The objectives of the standard are achieved notwithstanding non-compliance;</i>
Second	<i>The underlying objective or purpose of the standard not relevant to the development and therefore compliance is unnecessary;</i>
Third	<i>The underlying object of purpose be defeated or thwarted if compliance was required and therefore compliance is unreasonable;</i>
Fourth	<i>The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;</i>
Fifth	<i>The zoning of the particular land unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary.</i>



With respect to the subject application, the first way is utilised with the sole objective underlying the dwellings and development on Riverstone Scheduled Lands development standard contained within clause 4.1C and 6.8 of SEPP Central Precincts 2021: Appendix 7 addressed as follows:

	Objective	Comment
Clause 4.1C	A dwelling must not be erected on land to which this section applies on any lot with a depth that exceeds 35 metres.	<ul style="list-style-type: none"> • The technical non-compliance is a result of the established subdivision pattern. • The road pattern set out by the indicative layout plan has been constructed and no further road construction is required. • Access is not obtainable from April Crescent due to the location of the stormwater pits located within the road reserve.
Clause 6.8	To provide co-ordinated subdivision of Riverstone Scheduled Lands so that lots created have adequate infrastructure and access,	<ul style="list-style-type: none"> • The subdivision pattern will follow the pattern established along Junction Road in terms of lot width. • The exception is that the two lots proposed are larger than the lots created nearby but will facilitate an integrated development that comprises of a dwelling house and secondary dwelling on each lot to meet the dwelling density requirements. • The subdivision pattern proposed ensures that the site meets the dwelling density requirements while maintaining a consistent streetscape character. • Access from April Crescent is not suitable due to the location of the entry on the curve of the road as well as the stormwater infrastructure located within the road reserve that obstructs access along this narrow frontage. • The recently subdivisions surrounding the site demonstrate that the site has access to essential infrastructure.
Clause 6.8	To facilitate residential development on Riverstone Scheduled Lands.	<ul style="list-style-type: none"> • The Statement of Environmental Effects demonstrates that the development can facilitate residential development in accordance with the remainder of the SEPP and DCP regarding built form, size, landscaped area and solar access. • The recently subdivisions surrounding the site demonstrate that the site has access to essential infrastructure.

With respect to clause 4.6(3)(b) the above demonstrates that the environmental impacts of the proposed development are acceptable notwithstanding non-compliance with the dwellings and development on Riverstone Scheduled Lands standard.

3.4.2 Clause 4.6(4)(a)(ii) Written Request to Address Matters Required by 4.6(3)

As discussed by Preston CJ in Initial Action, if the development is consistent with the objectives of the development standard and the objectives of the zone, the consent authority can be satisfied that the development will be in the public interest. Objectives of the dwellings and development on Riverstone Scheduled Lands development standard have been previously addressed with those of R2 Low Density Residential Zone outlined and addressed below.



Zone Objective	Comment
<i>To provide for the housing needs of the community within a low density residential environment.</i>	<p>The development provides for the construction of a dwelling and a secondary dwelling on each lot. This development provides different forms of residential accommodation that meets the housing needs of the community.</p> <p>The variation to the maximum depth allows for detached granny flats to be proposed to provide additional housing to the community.</p>
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	N/A
<i>To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.</i>	The development will allow for activities from their homes as there is ample private open space provided for each lot.
<i>To support the well being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.</i>	N/A.

As detailed the proposed dwellings and development on Riverstone Scheduled Lands variation does not contravene any of the zone objectives.

3.4.3 Clause 4.6(b) Concurrence of the Secretary.

Planning Circular (PS 18-003) dated 21 February 2018 provides that concurrence can be assumed when a Local Planning Panel (LPP) is the consent authority where a variation exceeds 10% or is to a non-numerical standard, because of the greater scrutiny that the LPP process and determinations are subject to.

Accordingly, concurrence of the LPP can therefore be assumed in this case.

3.5 Clause 4.6(5) - Concurrence Considerations

Clause 4.6(5) provides that ...'In deciding whether to grant concurrence, the Secretary must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by Secretary before granting concurrence'.*

N/A - As detailed above, concurrence of the secretary can be assumed in this instance.



3.6 Clause 4.6(6) - Subdivision of Certain Land

Clause 4.6(6) provides that ... *'Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if -*

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Development does not seek subdivision.

3.7 Clause 4.6(7) - Keeping of Records

Clause 4.6(7) provides that ... *'After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3)'.*

Northern Beaches Council are required to keep a register of Clause 4.6 variations publicly available. Should this application be supported it would be added to the register along with specific factors as required.

3.8 Clause 4.6(8) - Exclusions from use of Clause 4.6

Clause 4.6(8) provides that ... *'this clause does not allow development consent to be granted for development that would contravene any of the following -*

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated listed in the table to this clause,*
- (c) clause 5.4,*

The development seeks variation to Clause 4.4 of the Parramatta LEP 2021 and does not contravene any of the listed clauses, standards related to the BASIX SEPP or a development standard under complying development.

4. Conclusion

The proposed development seeks variation to the dwellings and development on Riverstone Scheduled Lands control prescribed by Clause 4.1C and 6.8 of the SEPP Central Precincts 2021: Appendix 7 and thus the subject clause 4.6 submission has been provided.

The application to vary the dwellings and development on Riverstone Scheduled Lands development standard is well founded and as addressed meets the objectives of the dwellings and development on Riverstone Scheduled Lands development standard. The proposal achieves an acceptable design outcome and one that does not result in unreasonable amenity impacts towards surrounding properties.

Consequently, strict compliance with the development standard is unreasonable and unnecessary in this instance and that the use of Clause 4.6 of the SEPP Central Precincts 2021 to vary the control is appropriate.

Attachment 8

Council assessment of Clause 4.6 request

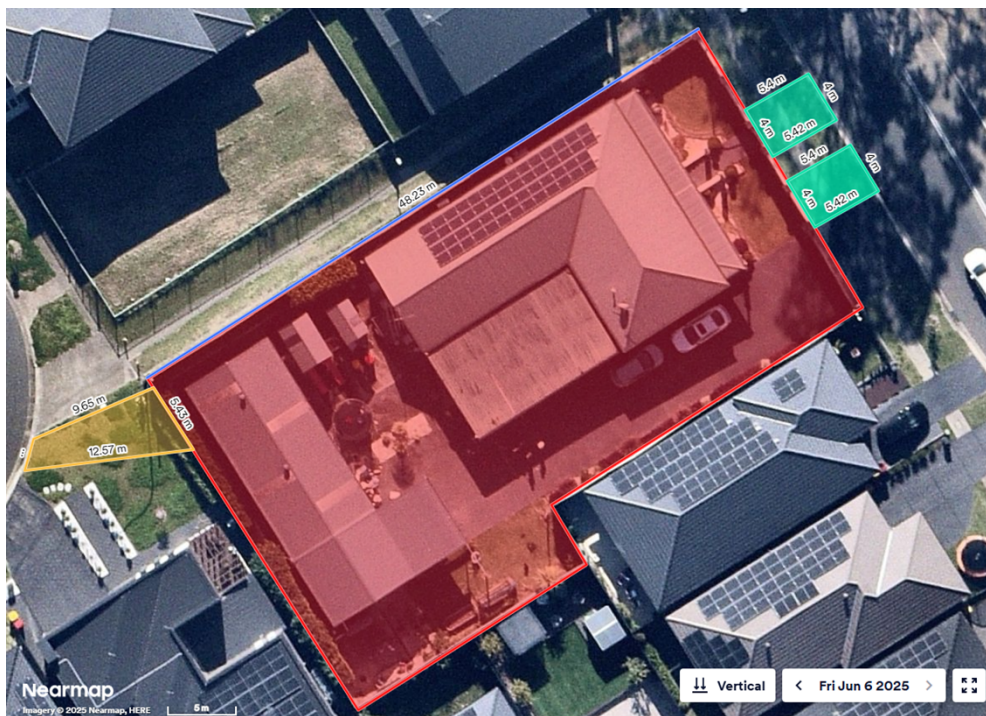
1 Overview

The applicant proposes to vary Clause 6.8(2) in Appendix 7 of State Environmental Planning Policy Central River City 2021 (SEPP Central Precincts 2021). A copy of the applicant's Clause 4.6 submission is at Attachment 7.

Clause 6.8(2) of the (SEPP Central Precincts 2021) states: *Consent must not be granted for the subdivision of any Riverstone Scheduled Lands unless every lot created by the subdivision has a frontage directly onto a public road and a maximum depth of 35 metres.* The application proposes maximum depth of 48.2m which is a variation of 37.48% (or 13.2m) from the development standard.

2 Visual representation

The figure below identifies the driveways proposed (shown in green) and the potential access driveway from April Crescent (shown in yellow) required to satisfy the maximum permitted lot depth clause of 35m.



Subject site –
outlined in red

Proposed
driveway locations
– outlined in green

Potential driveway
location from rear
of site – outlined
in yellow

Lot length –
shown blue



Subject site –
outlined in red

Potential driveway
location from rear
of site – outlined
in yellow

3 Clause 4.6 variation considerations

Clause 4.6 requires consideration of the matters below.

3.1 Consideration as to whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (Clause 4.6(3)(a))

The subject site is zoned R2 - Low Density Residential under the provisions of the SEPP Central Precincts 2021. Subdivision and dwelling houses are a permissible form of development in the zone with Council consent.

First - The objectives of the standard are achieved notwithstanding non-compliance; (Preston CJ in *Wehbe v Pittwater Council* [2007] NSWLEC 827 - Five-part test)

The objectives of Clause 6.8(2) are as listed below:

Objective	Comment
<p>6.8 Development on Riverstone Scheduled Lands</p> <p>(1) The objectives of this section are as follows—</p> <p>(a) to provide co-ordinated subdivision of Riverstone Scheduled Lands so that lots created have adequate infrastructure and access,</p> <p>(b) to facilitate residential development on Riverstone Scheduled Lands.</p>	<ul style="list-style-type: none"> • The subdivision pattern will follow the pattern established along Junction Road in terms of lot width. • The subdivision pattern proposed will meet the dwelling density requirement while maintaining a consistent streetscape character. • Driveway access from April Crescent is not suitable due to the location of the entry on the curve of the road as well as the road stormwater infrastructure located within the road reserve that obstructs access. This area is also the front setback of the adjoining dwelling. There are not existing access points to the property out to April Crescent either. On this basis an access denial restriction as to user under S88b of the Conveyancing Act 1919 has been included in the conditions of consent burdening proposed lot 1 to warn any occupier or owner of this limitation. • Recent subdivisions surrounding the subject site demonstrate that the site has access to essential infrastructure. • The subdivision can facilitate residential development in accordance with the remainder of

	<p>the SEPP and DCP requirements as outlined in Attachment 4.</p> <ul style="list-style-type: none"> • The proposal will permit an otherwise isolated allotment to provide a development that is permissible and consistent with the low density intent of the zone. Appropriate access is provided to both proposed lots.
--	---

The above demonstrates that the environmental impacts of the proposed development are acceptable and can achieve the objectives of the standard notwithstanding non-compliance with Clause 6.8(2).

Fourth - The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; (Preston CJ in *Wehbe v Pittwater Council* [2007] NSWLEC 827- Five-part test)

The lot depth restriction is intended to facilitate the creation of appropriately sized lots that support a balance between dwelling bulk and scale, while ensuring suitable site access is achieved.

The mother development application (SPP-17-00001) already approved the lot depth variation. A variation to the indicative layout plan was approved by Sydney Central City Planning Panel on 28 November 2017 to allow for the existing residence and associated buildings to remain on the subject lot and for April Crescent to be linked to Sydney Street.

Driveway access from April Crescent is not suitable due to the location of the entry on the curve of the road as well as the stormwater infrastructure located within the road reserve that obstructs access along the narrow opening.

Therefore, despite the numeric variation, the proposal continues to satisfy the underlying objectives of the standard by maintaining appropriate lot access, functionality, and amenity. This development standard was varied when SPP-17-00001 was approved and therefore the subdivision of the lots does not have any additional impact already caused when the mother development application was assessed.

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

The proposed lots are unique in size and shape and there are sufficient environmental planning grounds to justify contravening the maximum permitted lot depth including that the proposed lots will still be:

- consistent with the objectives of the R2 - Low Density Residential zoning
- consistent with the required setbacks and has provided adequate landscaping within these setbacks and throughout the proposed development.
- will not negatively impact on the adjoining properties in terms of visual privacy and solar access.
- in the public interest to create these lots as it is consistent with the objective of the development standard and the objectives for development in the zone.

The applicant's written request seeking to justify the variation to the development standard has adequately addressed the matters required to be demonstrated by Clause 4.6(3).

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

The proposal meets the objectives of the standard, as outlined above, to the extent relevant to the current proposal. Compliance with the maximum lot depth standard for this proposal given the circumstances, is considered both unreasonable and unnecessary.

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

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

3.4.1 Contravention of the development standard does not raise any matter of significance for State or regional environmental planning.

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

3.4.2 Is there any other matters required to be taken into consideration by the Planning Secretary before granting concurrence?

There are no other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

Based on the above assessment, the Clause 4.6 variation request is considered reasonable and is recommended for support.

Attachment 9

Conditions of consent (draft)

Proposed development	Demolition of existing structures with Torrens-title subdivision into 2 residential lots and construction of two storey dwelling on each lot.
Property description	Lot 118 DP1230781, 91 Junction Road Grantham Farm NSW 2765

1 ADVISORY NOTES

1.1 Terminology

- 1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the *Environmental Planning and Assessment Act 1979*.
- 1.1.2 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*.

1.2 Scope of Consent

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

1.3 Services

- 1.3.1 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 works, either on the land or on the adjacent public road(s).

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

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

1.4 Road Damage

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

1.5 Other Approvals

- 1.5.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.5.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 m from the building perimeter, and
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
 - (d) the installation of vehicular footway crossings servicing the development.
- 1.5.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.5.4 If any aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.

1.6 Engineering Notes

- 1.6.1 All works requiring approval under the *Roads Act 1993* (except standard vehicular crossings) or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate or Subdivision Works Certificate.

1.7 Payment of Engineering Fees

- 1.7.1 If the applicant wishes for Council to issue the Construction Certificate or Subdivision Works Certificate as nominated in the 'Prior to Construction Certificate/Subdivision Works Certificate please:
- Complete application form
 - Submit all relevant plans produced by a suitably qualified person and in accordance with Councils Standards.

2 GENERAL

2.1 Scope of Consent

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

Drawing No.	Prepared by	Dated	Council's Record No.
Site Plan - Revision D	Arc Innovations	14/01/2025	D25/398981
Demolition Plan - Revision D	Arc Innovations	14/01/2025	D25/398981
Subdivision Plan - Revision D	Arc Innovations	14/01/2025	D25/398981
Lot 1 Floor Plans - Revision D	Arc Innovations	14/01/2025	D25/398981
Lot 2 Floor Plans - Revision D	Arc Innovations	14/01/2025	D25/398981
Elevations DW.07 - Revision D	Arc Innovations	14/01/2025	D25/398981

Elevations DW.08 - Revision D	Arc Innovations	14/01/2025	D25/398981
Elevations DW.08.1 - Revision D	Arc Innovations	14/01/2025	D25/398981
Sections DW.09 - Revision D	Arc Innovations	14/01/2025	D25/398981
Sections DW.09.1 - Revision D	Arc Innovations	14/01/2025	D25/398981
Landscape Plan - Revision D	Arc Innovations	14/01/2025	D25/398981
Roof Plan / Stormwater Concept - Revision D	Arc Innovations	14/01/2025	D25/398981
Finishes Schedule - Revision D	Arc Innovations	14/01/2025	D25/398981

*Unless modified by any condition of this consent.

2.2 Suburb Name

- 2.2.1 The land the subject of this consent is known to be located in the following suburb. This suburb name shall be used for all correspondence and property transactions:

Suburb: Grantham Farm

2.3 Compliance with BASIX Certificate

- 2.3.1 All commitments listed in the BASIX Certificate numbers: 1797122S and 1797109S_02 both dated 27 May 2025 shall be complied with.

2.4 Services

- 2.4.1 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

2.5 Subdivision

- 2.5.1 Principal Certifying Authority - Blacktown City Council shall be the Principal Certifying Authority for the proposed subdivision and issue the Subdivision Certificate.

2.6 Other Matters

- 2.6.1 No construction preparatory work (such as, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued.
- 2.6.2 Any future substation, temporary drainage works or other utility installation required to service the approved subdivision/development shall not be sited on future or existing Council land, including road reservations and/or public reserves.

3 PRIOR TO DEMOLITION WORKS

3.1 Safety/Health/Amenity

- 3.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.
- 3.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

- 3.1.3 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

Each toilet provided shall be:

- (a) a standard flushing toilet, and
- (b) connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

- 3.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

3.2 Other Matters

- 3.2.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 2 days prior to the intended work and include the following information:

- date/s, hours and duration of the works.
- contact name and phone number of the applicant
- contact name and phone number of the licensed demolisher
- SafeWork NSW contact number 131050, and email address contact@safework.nsw.gov.au

4 DURING DEMOLITION WORKS

4.1 Safety/Health/Amenity

- 4.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 4.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 4.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 4.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 4.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 4.1.6 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable SafeWork NSW requirements including the Code of Practice for Demolition Work 2019 and Safe work Australia – Code of Practice for how to safely removal Asbestos 2019 and how to manage and control asbestos in the workplace 2019.

- 4.1.7 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- 4.1.8 Any excavation and/or backfilling associated with the demolition works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 4.1.9 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 4.2 **Nuisance Control**
 - 4.2.1 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7 am and 6 pm, Monday to Friday, and 8 am to 1 pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.

5 COMPLETION OF DEMOLITION WORKS

5.1 Final Inspection

- 5.1.1 A final inspection is required to ascertain compliance with the condition of approval and to ensure Council's assets are not damaged during demolition.

5.2 Hazardous Materials and Waste

- 5.2.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the SafeWork NSW under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2002 – Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be lodged with Council.
- 5.2.2 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling.

6 PRIOR TO SUBDIVISION CERTIFICATE

6.1 Section 7.11 Contributions under Section 7.17 Directions

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 8 July 2025. 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.

Contribution Item	Amount
Open Space	\$26,535.00
Community Facilities	\$358.00
E2 Conservation Zone	\$1,143.00
Total	\$28,036.00

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. 20 - Riverstone & Alex Avenue Precincts

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: 2.9 persons

6.2 Special Infrastructure Contribution

- 6.2.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Infrastructure before a Subdivision Certificate is issued in relation to any part of the development to which this consent relates.

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

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/abid/75/guage/en-US/Default.aspx>

6.3 Road Damage

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

6.4 Service Authority Approvals

- 6.4.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifier prior to the release of the Subdivision Certificate:

(a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal

Certifier prior to the release of the plan of subdivision. Note: Any Occupation and/or Subdivision Certificate will only be released once a Section 73 Compliance Certificate issued by Sydney Water which states that water and sewerage facilities are available is submitted to Council.

- (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.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

6.5 Additional Inspections

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

6.6 Fee Payment

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

6.7 Final Plans

- 6.7.1 The final plan of subdivision is to be submitted electronically in PDF format and the appropriate application fee paid. The subdivision certificate will not be released until all conditions of this determination have been complied with.

6.8 Easements/Restrictions/Positive Covenants

- 6.8.1 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).

- 6.8.2 A restriction on vehicular access to or from April Crescent, burdening proposed Lot 1 shall be created under Section 88B of the Conveyancing Act 1919 in the following terms:

- a) The registered proprietor of proposed Lot 1 (the "burdened lot") must not construct, establish or use any driveway or vehicular access to or from April Crescent. This restriction is imposed due to the location of the entry on the curve of the road alignment and the presence of stormwater infrastructure within the road reserve that obstructs safe access.
- b) The restriction instrument shall be prepared in accordance with Blacktown City Council's standard recitals for restrictions and the format required by NSW Land Registry Services.
- c) The registered proprietor of the burdened lot shall bear all costs associated with the preparation, execution and registration of the Section 88B restriction.

- 6.8.3 The easement and restriction shall not be extinguished, altered, or modified except with the prior written consent of Blacktown City Council.

NOTE: The final wording of the recital for the restriction shall all be to the satisfaction of the Council and NSW Land Registry Services.

6.9 Asset Protection Zones

- 6.9.1 A restriction as to user shall be created and registered under Section 88B of the Conveyancing Act 1919. The restriction shall be placed on the titles of all the lots for the provision and maintenance of an Asset Protection Zone on both lots and in accordance with Appendix 1 of this consent. The restriction cannot be extinguished or altered except with the consent of Blacktown City Council.

7 PRIOR TO BUILDING CONSTRUCTION CERTIFICATE (GENERAL)

7.1 Compliance with Conditions

- 7.1.1 A Construction Certificate shall not be issued until such time as all conditions of this consent have been satisfied.

7.2 Subdivision Prior to Building Construction Certificate

- 7.2.1 Prior to the issue of any Building Construction Certificate for development on the subject site, the subdivision of the existing lot into two separate lots must first be registered with NSW Land Registry Services and evidence of registration provided to the Certifying Authority. No construction work is to be approved until the subdivision certificate is released by Council and land title for each new lot has been registered.

7.3 DA Plan Consistency

- 7.3.1 A Construction Certificate or Subdivision Works Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

7.4 Footpath/Road Condition Assessment Fee

- 7.4.1 A footpath/road condition assessment fee is to be paid prior to the issue of any Construction Certificate. The applicable fee will be charged in accordance with Council's [Goods and Services Pricing Schedule](#).

Council will undertake an initial inspection of civil assets outside the development site. The applicant will be held liable for any damage arising from construction activities. Council will undertake reinstatement works and recover the costs from the applicant, which will be charged in accordance with Council's current Goods and Services Pricing Schedule in effect at the time of the work.

7.5 Bin Storage Area

- 7.5.1 Construction Certificate plans are to identify a paved bin storage area for each dwelling with the ability to accommodate 3 x 240 litre bins per dwelling. The area is to be clear of any driveways and parking areas and is to be screened or located so as not to be visible from Junction Road.

7.6 Engineering Matters

7.6.1 Design and Works Specification

- 7.6.1.1 All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:
- (a) Blacktown City Council's Work Specification – Civil (Current Version)
 - (b) Blacktown City Council's Engineering Guide for Development (Current Version)
 - (c) Blacktown City Council Development Control Plan (Current Version) including Part J

- Water Sensitive Urban Design and Integrated Water Cycle Management
(d) Blacktown City Council Growth Centre Precincts Development Control Plan 2010

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements **MUST** be submitted to Council with any application for Construction Certificate, *Road Act 1993* or *Local Government Act 1993* approval.

Any Construction Certificates issued by Private Certifiers must also be accompanied by the above documents.

NOTE: Any variations from these design requirements must be separately approved by Council.

7.6.2 Other Necessary Approvals

- 7.6.2.1 A separate application will be required for the following approvals, under the *Roads Act 1993*.

- Vehicular Crossing
- Stormwater Kerb Outlet

7.7 Subdivision

- 7.7.1 Principal Certifying Authority - Blacktown City Council shall be the Principal Certifying Authority for the proposed subdivision and issue the Subdivision Certificate.

7.8 Bush Fire Prone Land

- 7.8.1 The applicant shall comply with the requirements of the NSW Rural Fire Service under Section 100B of the *Rural Fires Act 1997* (*Appendix 1*).

7.9 Compliance with BASIX Certificate

- 7.9.1 All commitments listed in the BASIX Certificate numbers: 1797122S and 1797109S_02 both dated 27 May 2025 shall be complied with.

8 PRIOR TO BUILDING CONSTRUCTION CERTIFICATE (PLANNING)

8.1 Aesthetics/Landscaping

- 8.1.1 The reflectivity index of glass used in the external façade of the building is not to exceed 20% must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.
- 8.1.2 Any bathroom, W.C or laundry window in the external wall of the building shall be fitted with translucent glazing. ,
- 8.1.3 Both dwellings are to be provided with a mailbox installed of a type that meets the requirements of Australia Post.
- 8.1.4 Both dwellings are to be provided with a clothesline in the private courtyards.
- 8.1.5 All landscaping shall be of a high quality and as detailed on the approved landscaping design plans.
- 8.1.6 1 x native tree with a minimum size of 45L or more, and grows to a mature height of 9m is required to be planted in each rear yard.

8.2 Sydney Water conditions

Building Plan Approval (including Tree Planting Guidelines)

- 8.2.1 The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply. Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Tree Planting

- 8.2.2 Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees. For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal. For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.

8.3 Access/Parking

- 8.3.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 8.3.2 A minimum of 2 car parking spaces are required to be provided on site for each dwelling and are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Covered Double Garage: 5.5 m x 5.5 m
Uncovered Car Space: 2.5 m x 5.4 m

- 8.3.3 All internal driveways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

9 PRIOR TO BUILDING CONSTRUCTION CERTIFICATE (BUILDING)

9.1 Building Code of Australia Compliance

- 9.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) Complying with the deemed to satisfy provisions, or
 - (b) Formulating an alternative solution which:
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).

10 PRIOR TO DEVELOPMENT WORKS

10.1 Safety/Health/Amenity

- 10.1.1 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

Each toilet provided shall be:

- (a) a standard flushing toilet, or
- (b) a temporary on-site toilet which is regularly maintained and the waste disposed to an approved sewerage management facility.

- 10.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Environmental Planning and Assessment Regulation 2021 indicating:

- (a) the name, address and telephone number of the principal certifier for the work, and
- (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

- 10.1.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.

- 10.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

- 10.1.5 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.

- 10.1.6 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.

10.2 Notification to Council

- 10.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 indicating details of the appointed Principal Certifier and the date construction work is proposed to commence.

10.3 Home Building Act

10.3.1 The construction of *residential building work* within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifier for the development to which the work relates (not being the council) has given the council written notice of the following information:

(a) in the case of work for which a principal contractor is required to be appointed:

- (i) the name and licence number of the principal contractor, and
- (ii) the NSW Home Building Compensation Fund "Statement of Cover" under Part 6 of that Act,

(b) in the case of work to be done by an owner-builder:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under Part 3 of the Act, the number of the owner-builder permit.

10.4 Sydney Water Authorisation

10.4.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal Certifier to verify that the development meets the Corporation's requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

OR

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

11 DURING CONSTRUCTION

11.1 Safety/Health/Amenity

11.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

11.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Section 70 of the Environmental Planning and Assessment Regulation 2021 indicating:

- (a) the name, address and telephone number of the principal certifier for the work, and
- (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

11.1.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) involves the enclosure of a public place,

The required hoarding, awning or protective barrier shall be maintained between the land and the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.

- 11.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.
- 11.1.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 11.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 11.1.7 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

11.2 Building Code of Australia Compliance

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

11.3 Surveys

- 11.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifier to verify the approved position of each structure in relation to the property boundaries.

11.4 Nuisance Control

- 11.4.1 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

11.5 Waste Control

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

11.6 Construction Inspections

- 11.6.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):
 - (a) After excavation for, and prior to placement of, any footings; and
 - (b) Prior to pouring any in-situ reinforced concrete building element; and
 - (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and

- (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2, 3 or 4 building); and
- (e) Prior to covering any stormwater drainage connections; and
- (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection “(f)” must be carried out by the Principal Certifier.

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

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

12 PRIOR TO OCCUPATION CERTIFICATE

12.1 Compliance with Conditions

- 12.1.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent have been satisfied.
- 12.1.2 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than “Operational” conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than “Operational” conditions, may render the applicant/developer liable to legal proceedings.
- 12.1.3 Prior to commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate from the Principal Certifier in accordance with the provisions of Section 6.9 of the *Environmental Planning and Assessment Act 1979*.

12.2 Temporary Facilities Removal

- 12.2.1 Any temporary facilities provided during construction and/or development works shall be removed from the land prior to the issue of an Occupation Certificate.

12.3 Fee Payment

- 12.3.1 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.

12.4 Service Authority Approvals

- 12.4.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifier prior to the release of the Subdivision Certificate:
 - (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifier prior to the release of the plan of subdivision.

Note: Any Occupation and/or Subdivision Certificate will only be released once a Section 73 Compliance Certificate issued by Sydney Water which states that water and sewerage facilities are available is submitted to Council.

- (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.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

12.5 Landscaping/Car Parking

- 12.5.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 12.5.2 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 12.5.3 All car parking, provision of external and internal fencing, mail boxes, clotheslines and landscaping shall be completed in accordance with the approved plans to the satisfaction of Council.

12.6 Inspections

- 12.6.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

12.7 Final certification

- 12.7.1 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) required by this consent have been achieved. The certificate must acknowledge that works and the construction of the floors have been complete. All levels must be to Australian Height Datum (AHD).

12.8 Road Damage

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

12.9 Fencing

- 12.9.1 A 1.8 m high solid feature fence, at least in the form of decorative masonry piers spaced at regular intervals with lapped-and-capped infill timber panels or Colorbond infill panels shall be provided enclosing Lot 1 on the north-western side boundary facing the pedestrian laneway and rear boundary facing April Crescent.

All other side and rear property boundaries (behind the building line) are to be provided with a 1.8 m high Colorbond fence or 1.8 m high lapped and capped timber fencing.

Any proposed side boundary fences and landscape element on either side next to the proposed driveways must not exceed 900mm in height for a length of 2.5m back from the front property boundary (see Figure 3.3 AS2890.1) to ensure safety of pedestrians on footpath from cars reversing from the driveways.

All fencing is to be erected on top of any retaining work which is to be of masonry construction at full cost to the developer.

13 **OPERATIONAL**

13.1 **Access/Parking**

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

13.2 **General**

- 13.2.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 13.2.2 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 13.2.3 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

13.3 **Landscaping**

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

13.4 **Use of Premises**

- 13.4.1 The development shall not be used or converted for use for any purpose other than that:
- (a) Granted consent by Council's Notice of Determination, or
 - (b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

13.5 **Graffiti Removal**

- 13.5.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed no later than 48 hours after detection.

Appendix 1



Blacktown City Council
PO Box 63
BLACKTOWN NSW 2148

Your reference: (CNR-74428) DA-24-00956
Our reference: DA20241011004225-Original-1

ATTENTION: Ali Baburi

Date: Wednesday 22 January 2025

Dear Sir/Madam,

Integrated Development Application
s100B - Subdivision - Subdivision
91 Junction Road Grantham Farm 2765, 118//DP1230781

I refer to your correspondence dated 22/11/2024 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

1. From the commencement of building works and in perpetuity, both lots must be entirely managed as an inner protection area (IPA) in accordance with the following requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*:

- Tree canopy cover should be less than 15% at maturity;
- Trees at maturity should not touch or overhang the building;
- Lower limbs should be removed up to a height of 2 m above the ground;
- Tree canopies should be separated by 2 to 5 m;
- Preference should be given to smooth-barked and evergreen trees;
- Large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- Shrubs should not be located under trees;
- Shrubs should not form more than 10% ground cover;
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- Grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- Leaves and vegetation debris should be removed regularly.

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au





RFS



2. Landscaping for both lots must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not spread fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

Construction Standards

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

3. New construction must comply with Sections 3 and 5 (BAL 12.5) of the Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or the relevant BAL 12.5 requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas 2021*, and Section 7.5 of *Planning for Bush Fire Protection 2019*.

4. Any new fences, gates and retaining walls must be non-combustible or hardwood.

Water and Utility Services

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

5. The provision of water, electricity and gas must comply with Table 5.3c of *Planning for Bush Fire Protection 2019* and Section 9 of *Planning for Bush Fire Protection - Addendum 2022*.

General Advice - Consent Authority to Note

The proposed rezoning to part of the land across Junction Road to C2 Environmental Conservation under the precinct planning for Riverstone East Stage 3 (publically exhibited February-March 2024) have been assessed as a potential future hazard. In this regard, the proposed development have been conditioned to require BAL 12.5 construction.

For any queries regarding this correspondence, please contact Simon Derevnin on 1300 NSW RFS.

Yours sincerely,

Nika Fomin
Manager Planning & Environment Services





BUSH FIRE SAFETY AUTHORITY

Subdivision – Subdivision
91 Junction Road Grantham Farm 2765, 118//DP1230781
RFS Reference: DA20241011004225-Original-1
Your Reference: (CNR-74428) DA-24-00956

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under s100b of the Rural Fires Act 1997.

Nika Fomin

Manager Planning & Environment Services
Built & Natural Environment

Wednesday 22 January 2025

