A meeting of the Cumberland Local Planning Panel will be held at 11:30am at the Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Wednesday, 10 April 2019.

Business as below:

Yours faithfully

Hamish McNulty
General Manager

ORDER OF BUSINESS

1. Receipt of Apologies
2. Confirmation of Minutes
3. Declarations of Interest
4. Address by invited speakers
5. Reports:
   - Development Applications
   - Planning Proposals
6. Closed Session Reports
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Minutes of the Cumberland Local Planning Panel Meeting held at Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Wednesday 13 March 2019.

PRESENT:
Julie Walsh (Chairperson), Brian Kirk, Michael Ryan and Irene Simms.

IN ATTENDANCE:

NOTICE OF LIVE STREAMING OF CUMBERLAND LOCAL PLANNING PANEL MEETING
The Chairperson advised that the Cumberland Local Planning meeting was being streamed live on Council’s website and members of the public must ensure their speech to the Panel is respectful and use appropriate language.

The meeting here opened at 11:43 a.m.

DECLARATIONS OF INTEREST:
The Chairperson, Julie Walsh declared a non-pecuniary, less than significant interest in Item LPP007/19 and LPP008/19 as she knows the planning consultant for the applications in a professional capacity however notes that no discussions have taken place nor does she have prior knowledge of either item.

ADDRESS BY INVITED SPEAKERS:
The following persons had made application to address the Cumberland Local Planning Panel meeting:

<table>
<thead>
<tr>
<th>Speakers</th>
<th>Item No.</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anthony Sukkar</td>
<td>DA for 116</td>
<td>Kingsland Road, Regents Park</td>
</tr>
<tr>
<td>Tony Oldfield</td>
<td>DA for 116</td>
<td>Kingsland Road, Regents Park</td>
</tr>
<tr>
<td>Dan Nijatovic</td>
<td>Section 4.55(2)</td>
<td>Modification for 601-605 Great Western Highway, Greystanes</td>
</tr>
<tr>
<td>Ben Isaac</td>
<td>Section 4.55(2)</td>
<td>Modification for 601-605 Great Western Highway, Greystanes</td>
</tr>
<tr>
<td>Joseph Scuder</td>
<td>S.4.56 Modification</td>
<td>to 1-7 &amp; 9-11 Neil Street, Merrylands</td>
</tr>
</tbody>
</table>
The Chairperson enquired to those present in the Gallery as to whether there were any further persons who would like to address the Panel.

<table>
<thead>
<tr>
<th>Speakers</th>
<th>Item No. Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Matthews</td>
<td>Planning Proposal 2 Bachell Avenue Lidcombe</td>
</tr>
</tbody>
</table>

The open session of the meeting here closed at 12:49Pm.

The closed session of the meeting here opened at 12:50Pm.

ITEM LPP005/19 - DEVELOPMENT APPLICATION FOR 116 KINGSLAND ROAD, REGENTS PARK

RESOLVED:

1. That Development Application No. DA-93/2018 for Demolition of an existing dwelling and structures and construction of five by two storey townhouses (including attic level) over basement car parking on land at 116 Kingsland Road, Regents Park be refused for the following reasons:

2. The proposed development fails to satisfy the following provisions of Auburn DCP 2010:

   a. Clause 2.6 - Head height of windows;
   b. Clause 2.7 - Width of front townhouse, depth of front town house, width of rear townhouse, setback from rear townhouses to side boundary;
   c. Clause 2.8 - Basement setback, and
   d. Clause 2.11 - Dwelling size

3. The cumulative impact of the above non-compliances are indicative of an overdevelopment of the site.

4. Having regard to the public submissions and the above non-compliances the development as proposed is not considered suitable for the site and is not in the public interest.

For: Julie Walsh (Chairperson), Brian Kirk, Michael Ryan and Irene Simms.

Against: Nil.

Reasons for Decision:

As stated above.
ITEM LPP006/19 - SECTION 4.55(2) MODIFICATION FOR 601-605 GREAT WESTERN HIGHWAY, GREYSTANES

RESOLVED:

1. That DA 2018/9/2 seeking to amend delivery hours for the service station tenancy to 24 hours a day, seven (7) days a week on land at 601-605 Great Western Highway Greystanes, be approved subject to the conditions in the draft determination as amended by the Panel:

2. Recommended Condition 162 (b) is amended to read as follows: (b) Deliveries of fresh produce and other small consumable items to the convenience store may be carried out 24 hours, 7 days a week, with a limit of 3 deliveries between 10:00 Pm and 7:00 Am each 24 hour period.

For: Julie Walsh (Chairperson), Brian Kirk, Michael Ryan and Irene Simms.

Against: Nil.

Reasons for Decision:

1. To preserve the amenity of nearby residents.

ITEM LPP007/19 - 4.56 MODIFICATION TO 1-7 & 9-11 NEIL STREET, MERRYLANDS

RESOLVED:

That Section 4.56 Application 2016/496/3 seeking internal and external alterations to Building 4 on land at 1-7 & 9-11 Neil Street, Merrylands, be Approved, subject to the conditions contained in Attachment 2 of the Council Officer’s report.

For: Julie Walsh (Chairperson), Brian Kirk, Michael Ryan and Irene Simms.

Against: Nil.

Reasons for Decision:

1. The Panel generally agrees with the Council Officer’s report and recommendation.
ITEM LPP008/19 - SECTION 4.56 MODIFICATION TO 1-7 AND 9-11 NEIL STREET, MERRYLANDS

RESOLVED:

That Section 4.56 Application 2016/496/4 seeking internal and external alterations to Buildings 3 and 4, and relocation of hydrant booster and substation kiosk on land at 1-7 & 9-11 Neil Street, Merrylands, be Approved, subject to the conditions contained in Attachment 2 of the Council Officer’s report.

For: Julie Walsh (Chairperson), Brian Kirk, Michael Ryan and Irene Simms.

Against: Nil.

Reasons for Decision:

1. The Panel generally agrees with the Council Officer’s report and recommendation.

ITEM LPP009/19 - PLANNING PROPOSAL FOR 100 WOODVILLE ROAD

RECOMMENDATION:

That this matter be reported to Council seeking a resolution to forward the Planning Proposal to the Department of Planning and Environment for a Gateway Determination.

For: Julie Walsh (Chairperson), Brian Kirk, Michael Ryan and Irene Simms.

Against: Nil.

ITEM LPP010/19 - PLANNING PROPOSAL REQUEST FOR 2 BACHELL AVENUE, LIDCOMBE - PRELIMINARY PUBLIC EXHIBITION AND TECHNICAL ASSESSMENT

RECOMMENDATION:

1. The Panel supports in principle the change in zoning to B5 Business Development.

2. The Panel is of the view that insufficient evidence has been provided by the applicant to justify a maximum FSR of 3:1 based on the proposed mix of land uses submitted with the proposal. Based on documentation provided, whilst the Panel does support an increase in FSR having regard to the particular constraints of the site, it is of the view that an FSR of 2:1
may be more appropriate in the context of the site and surrounding land uses.

3. Consideration should be given to including height controls over the subject site.

4. Having regard to 1, 2 and 3 the Planning Proposal Request proceed to the next stage of assessment and be reported to Council seeking a resolution to forward an amended planning proposal to the Department of Planning and Environment for a Gateway Determination.

For: Julie Walsh (Chairperson), Brian Kirk, Michael Ryan and Irene Simms.

Against: Nil.

The closed session of the meeting here closed at 2:30pm.
The open session of the meeting here opened at 2:31pm. The Chairperson delivered the Cumberland Local Planning Panel’s resolutions to the Public Gallery.

The meeting terminated at 2:35Pm.

Signed:

Julie Walsh
Chairperson
PRESENT:
David Ryan (Chairperson), Tony Tuxworth, Michael Ryan and Milorad Rosic.

IN ATTENDANCE:
Karl Okorn, Michael Lawani, Olivia Yana, Clare Burke, Rithy Ang, Bianca Chiu, Sohail Faridy, Sommer Ammar, Laith Jammal.

NOTICE OF LIVE STREAMING OF CUMBERLAND LOCAL PLANNING PANEL MEETING
The Chairperson advised that the Cumberland Local Planning meeting was being streamed live on Council’s website and members of the public must ensure their speech to the Panel is respectful and use appropriate language.

The meeting here opened at 11:35a.m.

DECLARATIONS OF INTEREST:
There were no declarations of interest.

ADDRESS BY INVITED SPEAKERS:
The following persons had made application to address the Cumberland Local Planning Panel meeting:

<table>
<thead>
<tr>
<th>Speakers</th>
<th>Item No. Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Byungog Choi</td>
<td>Development Application for 22 Austral Avenue, Westmead</td>
</tr>
<tr>
<td>Ziad Boumelhem</td>
<td>Development Application for 45-47 Hyde Park, Berala</td>
</tr>
<tr>
<td>Vithya Senthilrajan</td>
<td>Development Application for 22 Austral Avenue, Westmead</td>
</tr>
<tr>
<td>Edward Knust</td>
<td>Development Application for 22 Austral Avenue, Westmead</td>
</tr>
<tr>
<td>Naibu Tokieda</td>
<td>Development Application for 70 Cardigan Street, Guildford</td>
</tr>
<tr>
<td>Tanuja Sharma</td>
<td>Development Application for 22 Austral Avenue, Westmead</td>
</tr>
<tr>
<td>Vivek Angari</td>
<td>Development Application for 70 Cardigan Street, Guildford</td>
</tr>
<tr>
<td>Thamilpria Ravi</td>
<td>Development Application for Shop 27/22 Northumberland Road, Auburn</td>
</tr>
</tbody>
</table>
The Chairperson enquired to those present in the Gallery as to whether there were any further persons who would like to address the Panel and no further persons presented themselves.

The open session of the meeting here closed at 1:20p.m.

The closed session of the meeting here opened at 1:21p.m.
RESOLVED:

1. That Development Application No. DA-145/2018 for Demolition of the existing structures and construction of a two storey boarding house comprising 27 rooms (including a manager's room) over basement carparking on land at 45 - 47 Hyde Park Road, BERALA be deferred commencement approved subject to attached conditions.

2. Amendment to DC5 as follows:

   **DC5. Communal Living Room**

   The ground floor internal common area, to the north of boarding room G01, is to be deleted and retained as circulation area.

   The boarding room G03 together with part of the proposed communal room is to be converted into a communal living room that is available to all lodgers for recreational purposes. The communal living room is to be accessible.

   Boarding room G04 is to be utilised as a manager's room with appropriate open space being provided adjacent to this room.

3. The Amendment to Condition 3 as follows:

   **Auburn DCP 2007 - LGA Wide**

   A sum of $87,697.84 is to be paid to Council for the purpose of LGA Wide plans being the provision of open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework.

   The above sum is broken down to the following items:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Facilities</td>
<td>$21,625.09</td>
</tr>
<tr>
<td>Public Domain</td>
<td>$47,828.78</td>
</tr>
<tr>
<td>Accessibility and Traffic</td>
<td>$13,172.29</td>
</tr>
<tr>
<td>Administration</td>
<td>$5,071.68</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$87,697.84</strong></td>
</tr>
</tbody>
</table>

   **Reason:** to provide open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework.
4. Amendment to Condition 7 as follows:

7. Maximum occupancy

The boarding house is approved to accommodate a maximum of 48 lodgers (excluding the boarding house manager). Boarding rooms G01, G02, 101 and 102 are not permitted to be occupied by more than 1 adult lodger at any one time. All other boarding rooms are not permitted to be occupied by more than 2 adult lodgers at any one time.

A schedule showing the boarding room number and the number of lodgers permitted to be accommodated in each must be displayed near the entrance of the premises. The schedule shall include the name and a 24 hour contact telephone number of the owner and/or the boarding house manager. Each boarding room must be clearly numbered in accordance with the schedule.

Reason:- to confirm the terms of approvals and to comply with the requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009.

5. Amendment to condition 82 as follows:

82. Car parking to Comply with Approved Details

The area set aside for the parking of vehicles, and so delineated on the plans approved in condition 1, shall not be used for any other purpose. In this regard, a minimum of fourteen (14) parking spaces shall be provided within the basement for this development and shall not be used for any other purpose.

Reason:- to ensure the car parking area is not used for purposes other than the parking of cars associated with the use.

6. Amendment to condition 83 as follows:

83. Number of Car Parking Spaces

A minimum of 14 off-street car parking spaces are to be provided to the development. The spaces are to be suitably sealed, marked, drained and freely accessible at all times.

Car parking spaces are not to be enclosed by any device, such as a wire or mesh cage, walls or other similar fixtures.

Reason:- to ensure there is sufficient car parking for the development.

Persons whom have lodged a submission in respect to the application be notified of the determination of the application.
For: David Ryan (Chairperson), Tony Tuxworth, Michael Ryan and Milorad Rosic.

Against: Nil.

Reasons for Decision:

1. The Panel generally agrees with the Council Officer’s report and the recommendation however the amended conditions will satisfy the provisions of SEPP ARH and retain one (1) boarding house room.

ITEM EELPP012/19 - DEVELOPMENT APPLICATION FOR SHOP 27/22 NORTHUMBERLAND ROAD, AUBURN

RESOLVED:

1. That Development Application No. DA-249/2018 for the change of use and fitout of an existing commercial tenancy (Unit 27) for a tutoring centre and associated business identification signs on land at Shop 27/22 Northumberland Road, AUBURN NSW 2144 be approved subject to attached conditions.

2. Amendment to Condition 4 as follows:

   Signage

   The proposed under awning sign (Sign No. 2) shall be relocated to provide a minimum distance of 1.5 metres from the existing signage for Unit 26 and proposed Sign 1 shall be removed.

   Details demonstrating compliance shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

   Reason:- to ensure sufficient distance between existing and proposed signs are provided.

   Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

For: David Ryan (Chairperson), Tony Tuxworth, Michael Ryan and Milorad Rosic.

Against: Nil.
Reasons for Decision:

1. The Panel generally agrees with the Council Officer’s report and the recommendation. The Panel has considered the submissions from the objectors to the development and considers that the conditions will satisfactorily address those concerns.

ITEM EELPP013/19 - DEVELOPMENT APPLICATION - 70 CARDIGAN STREET, GUILDFORD

RESOLVED:

1. That Development Application No. 2018/293 for demolition of existing structures, consolidation of two lots into 1 lot and construction of a 4 storey boarding house accommodating 11 rooms and a manager’s room, over basement parking accommodating 6 parking spaces and 2 motorcycle spaces on land at 70 Cardigan Street Guildford be refused for the reasons listed in the draft determination.

2. That those persons who lodged a submission in respect of the application be notified of the determination of the application.

For: David Ryan (Chairperson), Tony Tuxworth, Michael Ryan and Milorad Rosic.

Against: Nil.

Reasons for Decision:

1. The Panel generally agrees with the Council Officer’s report and the recommendation.

ITEM EELPP014/19 - DEVELOPMENT APPLICATION FOR 22 AUSTRAL AVENUE, WESTMEAD

RESOLVED:

1. Development Application 2018/283/1 for demolition of existing structures and construction of a two storey, 38 place child care centre over basement parking accommodating 16 parking spaces on land at 22 Austral Avenue, Westmead, be Approved, subject to the attached conditions, provided at Attachment 1; and

2. The insertion of Condition 158 A as follows:

158 A. (Prior to Occupation) Operational Management Plan
An Operational Management Plan (OMP) shall be prepared and submitted to Council for approval. The plan shall detail how the Childcare Centre will be managed to minimise impacts on neighbouring properties (particularly on-street parking). The OMP should include but not limited to the below:

a) Drop off and pick up time is staged and occurs within the basement carpark area,
b) Encourage staff and parents to use public transport,
c) Advice parents to not park outside neighbouring properties and respect residents’ amenity,
d) Regular monitoring of off-street and on-street parking,
e) Tandem parking spaces shall be allocated to long term staff.
f) The noise management plan prepared by Rodney Stevens Acoustics, Reference R180121NMP2, Revision 1, dated 1 March 2019 – as amended to satisfy Condition 15;
g) Any other conditions of this consent relevant to operational management of the centre.

3. The amendment of Condition 168 as follows:

168. Operational Management Plan

Compliance with the Operational Management Plan (OMP) (refer to condition 158A) throughout the life of this consent.

4. The amendment of Condition 169 as follows:

The Operational Management Plan shall be reviewed on regular basis to ensure all road safety and amenity conditions are adequately addressed. Any proposed changes to the OMP are to be submitted to and approved by Council.

That the applicant and those persons who lodged a submission in respect of the application be notified of the determination of the application.

For: David Ryan (Chairperson), Tony Tuxworth, Michael Ryan and Milorad Rosic.

Against: Nil.

Reasons for Decision:

1. The Panel generally agrees with the Council Officer’s report and the recommendation. The Panel has considered the submissions from the objectors to the development and considers that the conditions, including a reduction in number of children, will satisfactorily address those concerns.

2. The Panel considers that the Operational Management Plan should incorporate all proposed conditions of consent that will address concerns relating to parking, noise and other amenity impacts and that the OMP should be approved by Council prior to the occupation of the centre.
ITEM EELPP015/19 - DEVELOPMENT APPLICATION 7 BIRMINGHAM STREET, MERRYLANDS

RESOLVED:

That Development Application 2017/226/1 for demolition of existing structures; construction of a 4 storey residential flat building comprising 6 units under Affordable Rental Housing SEPP 2009; at-grade parking accommodating 5 carparking spaces be refused as per the reasons within the draft notice of determination provided at Attachment 1.

For: David Ryan (Chairperson), Tony Tuxworth, Michael Ryan and Milorad Rosic.

Against: Nil.

Reasons for Decision:

1. The Panel generally agrees with the Council Officer’s report and the recommendation.

The closed session of the meeting here closed at 2:52p.m

The open session of the meeting here opened at 2:53p.m. The Chairperson delivered the Cumberland Local Planning Panel’s resolutions to the Public Gallery.

The meeting terminated at 3:02p.m.

Signed:

David Ryan
Chairperson
Item No: LPP016/19

SECTION 4.55(2) MODIFICATION - 75 GRAHAM STREET, AUBURN

Application lodged: 27-Aug-2018
Applicant: Quality Building Maintenance & Constructions P/L
Owner: Est Late H Dariverenli and Mrs L Dariverenli
Application No.: DA-500/2016/A
Description of Land: 75 Graham Street, AUBURN, Lot D DP 339117

<table>
<thead>
<tr>
<th>Proposed Development</th>
<th>Section 4.55 (2) modification application for changes to the stormwater plans and changes to the design to address deferred commencement consent conditions DC1, DC2, DC3 and DC4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>524.80m²</td>
</tr>
<tr>
<td>Zoning</td>
<td>R2 Low Density Residential</td>
</tr>
<tr>
<td>Disclosure of political donations and gifts</td>
<td>Nil disclosure</td>
</tr>
<tr>
<td>Heritage</td>
<td>No</td>
</tr>
<tr>
<td>Issues</td>
<td>Submissions, stormwater drainage, driveway width, landscaping, BASIX and raising of building</td>
</tr>
</tbody>
</table>

SUMMARY:

1. Modification application No. DA-500/2016/A was received on 27-Aug-2018 for changes to the stormwater plans and changes to the design to address deferred commencement consent conditions DC1, DC2, DC3 and DC4.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 3 September 2018 and 17 September 2018. In response, 20 submissions were received.

3. The application is recommended for conditional approval subject to the deletion of the deferred commencement conditions and modification to the conditions as provided in the attached schedule.

4. The application is referred to the Panel as the proposal is considered to be contentious due to the number of objections being 10 or more objections.
REPORT:

Subject Site and Surrounding Area

The subject site is legally described as Lot D in DP 339117 and known as 75 Graham Street, Auburn. The site covers an area of approximately 525.5m² and is rectangular in shape. It has a street frontage of 11.495m along Graham Street (western boundary) and side boundary of 45.72m.

The site is generally flat with a minor fall from the southern side boundary to the northern side boundary of 290mm and slopes away from Graham street frontage (RL31.995) to RL31.55 at the rear.

The site is currently occupied by a single storey dwelling with a detached garage. The site is located approximately 790m from a Berala Train Station.

The subject site is adjoined by detached dwellings on either side. The locality is characterised by a variety of residential developments older single storey and newer two storey dwellings.

Figure 1 – Locality Plan of subject site

Figure 2 – Aerial view of subject site

Figure 3 – Street view of subject site
Description of The Proposed Development

Council has received a development application for Section 4.55 (2) modification application for changes to the stormwater plans and changes to the design to address the deferred commencement consent conditions DC1, DC2, DC3 and DC4 (reproduced below in the History section). Specifically, this application seeks to:

- Delete deferred commencement condition DC1 relating to Stormwater Disposal and DC2 relating to Amended Stormwater Plans as a new stormwater design has been proposed to enable the site to drain to the street drainage via a pipe extension to the pit at the corner of Graham and Norman Street. The system will still be drained via gravity thus eliminating the need for a downstream easement.

- Delete deferred commencement condition DC3 relating to Amended Architectural Plans as the plans have been updated to comply with the above condition by removing balconies and providing privacy screens.

- Delete deferred commencement condition DC4 relating to Accessible Car Parking as the application has been amended to provide accessible parking onsite with B85 turning circles.

- Amendments to the design include conversion of the garage into a carport, expansion of the internal width of the carport to accommodate a shared space adjoining the accessible parking space by reducing the width of the entry foyer and removing the wall between the parking area and the entry foyer and widening the carport door. Other changes include reducing side setbacks at the front, raising the building height by 450mm and removing first floor side and rear facing balconies.
History

A review of Council’s records indicates the most recent applications on the site are:

- DA-500/2016: Demolition of the dwelling house and ancillary structures and construction of a new two storey boarding house comprising eight (8) boarding rooms – approved via deferred commencement on 10 August 2017. The deferred commencement conditions relevant to this modification application are as follows:

DC1. Stormwater Disposal

Stormwater runoff from the development shall be discharged to Cambridge Street by gravity system through downstream easement. In this regard,

a) A minimum 1.2m wide drainage easement to drain the site by gravity to Cambridge Street through downstream/adjoining site(s) shall be registered with Land and Property Information.

b) Cumberland Council shall be nominated as authority to vary or modify the above easement.

c) Copy of the registered ‘transfer granting easement’ document shall be submitted to and approved by Cumberland Council.

Reason: - to ensure appropriate easement is created for stormwater disposal.

DC2. Amended Stormwater Plans

A detailed stormwater plan to comply with “Auburn Development Control Plans 2010 - Stormwater Drainage” and “Australian Rainfall & Runoff 1987” shall be submitted to Council for assessment and approval. Details shall be prepared by a suitably qualified practising Civil/Hydraulic Engineer. In this regard,

- All stormwater runoff generated from the subject property shall be collected within the site and directed towards Council's system via the proposed easement to Cambridge Street.

- An onsite detention facility shall be provided and all runoff generated within the subject development shall be directed towards the OSD prior to drain via the system within the obtained easement.

- Pipe within the easement shall be designed to 100 Year ARI event.

Reason: - to prevent localised flooding.

DC3. Amended Architectural Plans

The balconies attached to Boarding Room 5, 6, 7 and 8 shall be removed. In this regard, all associated sliding doors shall be amended to become standard windows
with privacy screen affixed to the outside of the windows. The privacy screen must face the affected side or rear boundaries and have a minimum density of 85%.

DC4. Accessible Car Parking

The architectural plans shall be amended to provide at least one (1) accessible parking space on site. The accessible parking space shall comply with AS 2890.06.

The applicant was provided with 730 days to satisfy the deferred commencement conditions.

This modification application (DA-500/2016/A) was subsequently lodged seeking to delete the deferred commencement conditions.

Applicants Supporting Statement

The applicant has provided a “Section 96 Modification Support Letter” dated 17 July 2018 and an additional letter prepared by Gillard Consulting Lawyers dated 22 August 2018 which was received by Council on 27-Aug-2018 in support of the application.

Contact with Relevant Parties

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process. Extensive correspondence has been undertaken between Council and the applicant during the assessment process and the latest changes to the stormwater design were submitted for assessment on 15 February 2019 which have been considered in the following assessment.

Internal Referrals

Development Engineer

The modification application was referred to Council’s Development Engineer for comment who has advised that deletion of DC1 and DC2 in relation to stormwater drainage and easements is supportable subject to amendments to conditions 57 and 59 relating to stormwater disposal as per the draft conditions and new conditions relating to surface runoff, on-street drainage requirements, design and construction and structural design details of the underground tank.

It should be noted that the changes to the stormwater design were sought in order to retain existing approved levels, however, a minor increase in floor levels is shown on the stormwater plans which also differ from the original architectural plans submitted for this modification application which have not been updated. In this regard, the proposed changes to the external and internal finished floor levels sought are not supported and it will be conditioned for amended plans to be submitted to the Principal Certifying Authority (PCA) prior to the issue of any Construction Certificate to ensure that the built form is returned to its original approved height and levels.
External Referrals

The application was not required to be referred to any external government authorities for comment.

Planning Comments

SECTION 4.55 MODIFICATION APPLICATION CONSIDERATIONS

Section 4.55(2) of the Environmental Planning and Assessment Act 1979 allows Council to modify a development consent if:-

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)

The modification application pertains to the deletion of the deferred commencement conditions in relation to changes to stormwater drainage, drainage easements, accessible parking and changes to the architectural plans to address privacy impacts. The modifications are not to such an extent that they could be construed as being a substantially different development to that which for consent was originally granted. Accordingly, the modifications are considered acceptable in respect of Section 4.55(2) of the Act.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent

The application did not require any consultation with a Minister, public authority or other approval body.

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be

In accordance with Council’s Development Control Plan, adjoining and nearby property owners and occupiers were advised of the proposed modification and were invited to comment. This is further discussed in the ‘Public Notification’ section of the report.
The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))

In determining an application for modification of consent, Council must also take into consideration relevant matters referred to in Section 4.15(1). Following is a discussion of matters arising in relation to section 4.15(1) relevant to the proposed modification.

State Environmental Planning Policies

The proposed development is affected by the following State Environmental Planning Policies:

(a) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Clause 7 of SEPP 55 requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 7 have been adequately considered in the original assessment for the demolition and construction of the boarding house. This modification application does not alter the original assessment against SEPP55.

(b) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

An amended BASIX certificate is required to be submitted reflecting the changes proposed in the architectural plans. This was requested from the applicant as part of additional information, however the applicant contends that the changes will not affect the BASIX certificate and has asked Council to rely on the original BASIX certificate. The assessment of the modification shows that there are amendments to the architectural plans which impact some of the items on the original BASIX certificate such as changes to openings that requires address. In this regard, should the application be supported, it is recommended that a condition be included to require an amended BASIX that is consistent with any plans (including any required changes as part of conditions) be submitted to the PCA prior to the issue of any Construction Certificate.

(b) State Environmental Planning Policy (Affordable Rental Housing) 2009

The relevant provisions are addressed below:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Y/N</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part 1 Preliminary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Aims of Policy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The aims of this Policy are as follows:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) to provide a consistent planning regime for the provision of affordable rental housing,</td>
<td>Y</td>
<td>The modification remains satisfactory with regards to the aims of the policy.</td>
</tr>
<tr>
<td>(b) to facilitate the effective</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requirement</td>
<td>Y/N</td>
<td>Comments</td>
</tr>
<tr>
<td>-------------</td>
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<td>----------</td>
</tr>
<tr>
<td>delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) to facilitate the retention and mitigate the loss of existing affordable rental housing,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,</td>
<td></td>
<td></td>
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<tr>
<td>(e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(f) to support local business centres by providing affordable rental housing for workers close to places of work,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.</td>
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<td></td>
</tr>
</tbody>
</table>
## Part 2 New affordable rental housing

### Division 3 Boarding houses

<table>
<thead>
<tr>
<th>26 Land to which Division applies</th>
<th>Y</th>
<th>Site is zoned R2 Low Density Residential.</th>
</tr>
</thead>
<tbody>
<tr>
<td>This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones: (a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential, (e) Zone B1 Neighbourhood Centre, (f) Zone B2 Local Centre, (g) Zone B4 Mixed Use.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>27 Development to which Division applies</th>
<th>Y</th>
<th>No change to the original assessment in DA-500/2016 and division 3 remains applicable to this modification.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses. (2) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area. (3) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 28 Development may be carried out with consent
Development to which this Division applies may be carried out with consent.

<table>
<thead>
<tr>
<th>Y</th>
<th>Noted.</th>
</tr>
</thead>
</table>

### 29 Standards that cannot be used to refuse consent
(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:

(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or

(b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or

(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:

(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or

(ii) 20% of the existing maximum floor space ratio, if the existing

| Y | There is no maximum FSR applicable to the site for permissible residential accommodation. |
| N/A | Residential flat buildings are not permissible on the subject site. |
maximum floor space ratio is greater than 2.5:1.

(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

(a) **building height** if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,

(b) **landscaped area** if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,

(c) **solar access** where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,

(d) **private open space** if at least the following private open space areas are provided (other than the front setback area):
   (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,
   (ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension

<table>
<thead>
<tr>
<th>Condition</th>
<th>Result</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building height</td>
<td>Y</td>
<td>Building height = 8.8m which is compliant with the maximum height limit of 9m. However, as discussed elsewhere in the report, the height increase is considered unnecessary as it was raised in relation to a stormwater drainage concept which has since been revised. Conditions have been imposed to ensure the development reverts to the previous approved height. See discussion after table.</td>
</tr>
<tr>
<td>Landscaped area</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Solar access</td>
<td>Y</td>
<td>No change to the communal living room as per the original assessment in DA-500/2016.</td>
</tr>
<tr>
<td>Private open space</td>
<td>N/A</td>
<td>No change to the private open space as per the original assessment in DA-500/2016.</td>
</tr>
<tr>
<td>Boarding house manager</td>
<td>N/A</td>
<td>No boarding house manager.</td>
</tr>
<tr>
<td>Social housing provider</td>
<td>N/A</td>
<td>Not carried out on behalf of a social housing provider.</td>
</tr>
</tbody>
</table>
of 2.5 metres is provided adjacent to that accommodation, (e) parking if:

(i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and

(ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and

(iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and

(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,

(f) accommodation size if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at

<table>
<thead>
<tr>
<th></th>
<th>N – existing</th>
<th>Y</th>
<th>Y</th>
<th>Y</th>
<th>N/A</th>
</tr>
</thead>
</table>

The parking rate requirements have increased since the determination of the original application. Two parking space are retained on site as per the original consent (which was compliant with the applicable SEPP provisions at the time) and one of those parking spaces has been converted into an accessible space. The modifications to the parking arrangement are acceptable as it does not reduce the number of approved spaces.

Due to the number of lodgers, a boarding house manager is not proposed or required.

All rooms meet the minimum accommodation size requirements.

All rooms have private bathroom and kitchen facilities.

Noted
least:

(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or
(ii) 16 square metres in any other case.

(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.

(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).

(5) In this clause:

**social housing provider** does not include a registered community housing provider unless the registered community housing provider is a registered entity within the meaning of the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth.

<table>
<thead>
<tr>
<th>30 Standards for boarding houses</th>
<th>Noted</th>
</tr>
</thead>
</table>
| (1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:  
  (a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,  
  (b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,  
  (c) no boarding room will be occupied by more than 2 adult lodgers, | Y     |
|                                 |       | A communal living room is provided as per the original assessment in DA-500/2016. |
|                                 | Y     | Each boarding room does not exceed 25sqm. |
|                                 | Y     | Room 4 is proposed for 2 adult lodgers and the rest are single occupancy rooms. |
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,
(f) (Repealed)
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,
(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.

(2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.

<table>
<thead>
<tr>
<th>30AA  Boarding houses in Zone R2 Low Density Residential</th>
<th>N/A</th>
<th>Under the savings provisions, this clause is not applicable to this application as this application was made before the commencement of these provisions which were introduced as part the 2019 amendments to the SEPP.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A consent authority must not grant development consent to a boarding house on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone unless it is satisfied that the boarding house has no more than 12 boarding rooms.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>30A Character of local area</th>
<th>Y – conditioned</th>
<th>See discussion below.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Private bathroom and kitchen facilities provided to each room.

Boarding house capacity is 9 adults and thus a boarding house manager is not required nor proposed.

Site is zoned R2 Low Density Residential.

Compliance with this provision is addressed via condition 10 of the original consent (DA-500/2016) which will remain as existing.
compatible with the character of the local area.

Cl 29(2)(b) Landscape Design

The landscape treatment to the front setback is not considered compatible with the streetscape in which the building is located as it lacks substantial deep soil landscaping within the front setback. The modifications show that the majority of the front setback is now paved for use as a driveway and pedestrian entry path and motorcycle parking. The location of the motorcycle parking within the front setback is considered inappropriate as it reduces the opportunities for soft landscaping. In this regard, the motorcycle parking shall be relocated and condition 10 relating to motorcycle and bicycle parking spaces should be amended to read as follows:

The development shall provide a minimum of two (2) motorcycle parking spaces and an area set aside for at least two (2) bicycle parking space. The area set aside as a Bicycle storage area behind the carport and to the north of the stairs is to be designated motorcycle parking with bicycle storage to be relocated to the eastern side of the carport, behind the proposed car spaces and must be clear of the parking envelope or be in the form of wall hung bicycle spaces.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.

Reason:- to ensure motorcycle and bicycle parking space is provided on site on accommodate the development.

It is also acknowledged that a wider driveway is required to facilitate a forward in forward out movement for vehicles accessing the site as required in condition 50 of the original consent and as shown in the swept paths submitted with this modification. This is further discussed in detail under the Parking and Loading part of the DCP. As a wider driveway is required for safe manoeuvring of vehicles, there is limited opportunity to provide soft landscaping consistent with that required for a dwelling, but landscaping should be maximised where possible. A condition is recommended to be imposed to ensure that soft landscaping opportunities are maximised within the front setback and that the landscape plan is amended to be consistent with the architectural plans submitted. It is recommended that a condition be imposed to require the pedestrian entry path between the street and the covered entry area to be reduced to 1.2m in width consistent with the original approved pedestrian path width and that all areas within the front setback not required for car turning circles or pedestrian entry paths be soft landscaped with a mix of plantings that soften the built form to the street.
CI 30A Character of Local area

The modifications do not significantly change the design of the development. The front façade remains similar to that approved in the original application and presents as a two storey residence to the street and landscape design non-compliances are discussed above. It is unclear as to whether there will be any front fencing as details have been removed from plans. As such, a standard condition relating to front fencing is recommended to be included in the consent. The modifications result in a minor reduction to the side setbacks to 900mm but remain consistent with the side setbacks for surrounding dwellings. Subject to the imposition of recommended conditions, the modifications will not substantially alter the design and streetscape presentation and thus remains compatible with the character of the local area as originally assessed in DA-500/2016.

Regional Environmental Plans

The proposed development is affected by the following Regional Environmental Plans:

(a) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is identified as being located within the area affected by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development raises no issues as no impact on the catchment is envisaged.

Local Environmental Plans

The provisions of Auburn LEP 2010 are applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the LEP and the objectives of the R2 - Low Density Residential zone.

(a) Permissibility:-

The proposed development is defined as a Boarding House and is permissible in the R2 - Low Density Residential zone with consent.

boarding house means a building that:

a) is wholly or partly let in lodgings, and

b) provides lodgers with a principal place of residence for 3 months or more, and

c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and

d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers’ accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.
The relevant matters to be considered under Auburn LEP 2010 and the applicable clauses for the proposed development are summarised below.

**Figure 4 – Auburn LEP 2010 Compliance Table**

<table>
<thead>
<tr>
<th>Provision</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part 1 Preliminary</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2 Aims of Plan</td>
<td>Yes</td>
<td>The proposal is not inconsistent with regards to clause 1.2 aims of plan.</td>
</tr>
<tr>
<td><strong>Part 2 Permitted or prohibited development</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 2.3 Zone objectives and Land Use Table | Yes | The proposal is consistent with regards to the zone objectives which seek:  
• To provide for the housing needs of the community within a low density residential environment.  
• To enable other land uses that provide facilities or services to meet the day to day needs of residents. |
| **Part 4 Principal development standards** | | |
| 4.3 Height of buildings  
• 9m | Yes | The proposed height is 8.8m and compliant. However, as discussed elsewhere in the report, the height increase is considered unnecessary as it was raised in relation to a stormwater drainage concept which has since been revised. Conditions are recommended to be imposed to ensure the development reverts to the previous approved height. |
| **Part 6 Additional local provisions** | | |
| 6.1 Acid sulfate soils  
• Class 5 | Yes | The modification does not alter the original assessment against this clause. |

The provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (EP&A Act s4.15 (1)(a)(ii))

The proposed modification is not affected by any relevant Draft Environmental Planning Instruments.

**The provisions of any Development Control Plans (EP&A Act s4.15 (1)(a)(iii))**

The provisions of Auburn DCP 2010 are of limited applicability to the boarding house development. The parts relevant to this modification are addressed below:
Access and Mobility

The original application was supported by a BCA Assessment Report and provided two adaptable rooms (rooms 1 and 2) on the ground floor but no accessible parking on site. As part of the deferred commencement, condition DC4 was imposed for the provision of at least one AS 2890.06 compliant accessible parking space on site. The amended plans for this application have accommodated an AS2890 compliant accessible parking space with a shared space and bollard adjoining the accessible space within the carport (previously an enclosed garage). This is acceptable and DC4 is considered to be satisfied and can be deleted as part of this modification.

In relation to other accessibility issues, insufficient information has been submitted detailing the impacts of the level increases on accessibility to and from and around the development. Whilst the overall height will still be compliant with the LEP, the building was originally being raised in an effort to address the stormwater drainage issues, however subsequent amendments to the stormwater drainage design were undertaken to enable the existing levels to be maintained. In this regard, the raising of the building is thus rendered unnecessary and is not supported. Conditions are recommended to be imposed to ensure that the built form is returned to its original approved height and levels and the retaining concrete block wall to retain the proposed fill be deleted.

Parking and Loading

Control D5 of section 3.2 of the Parking and Loading part of the DCP states that access driveways shall have a minimum width of 3m, whereas the proposed driveway width is 6.8m at the property boundary and is non-compliant. As mentioned previously in the AHSEPP, a wider driveway is required to support the forward in forward out movement for cars accessing the site as required by condition 50 of the original consent and demonstrated by the submitted swept paths. It should be noted that the B85 swept paths for two cars accessing the garage were submitted with the original application showing that a wider driveway was required to facilitate this access but the architectural plans were not updated accordingly and show a 3.5m wide driveway. The swept paths were reused for this modification even though there are minor changes to the parking arrangement but are still relevant as the parking spaces remain in a similar location to that approved. The wider driveway can be supported on merit as it satisfies the performance criteria P1 and P3 as the proposed driveway is to facilitate forward in and forward out movement of vehicles to reduce potential conflict with other vehicles and pedestrians when entering and exiting the site. This improves safety for both residents and does not impact on the safe operation of the surrounding road system and thus achieves objectives b and c of section 3.0 of the Parking and Loading part of the DCP relating to the general design of parking facilities.

Stormwater Drainage

As discussed previously under the referrals section, Council’s Engineers have considered the proposed modifications against the Stormwater Drainage part of the DCP and have advised that the amended stormwater design can be supported.
subject to the imposition of the recommended conditions of consent as discussed under the internal referrals section of this report.

The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (EP&A Act s4.15(1)(a)(iiia))

There is no draft planning agreement associated with the subject Application.

The provisions of the Regulations (EP&A Act s4.15 (1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the Environmental Planning and Assessment Regulations 2000 (EP&A Reg).

The Likely Environmental, Social or Economic Impacts (EP&A Act s4.15 (1)(b))

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

The suitability of the site for the development (EP&A Act s4.15 (1)(c))

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, it is considered that the development is suitable in the context of the site and surrounding locality.

Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))

Advertised (newspaper) □ Mail ☒ Sign □ Not Required □

In accordance with Council’s Notification requirements contained within the Auburn DCP 2010, the proposal was publicly notified for a period of 14 days between 3 September 2018 and 17 September 2018. The notification generated 20 submissions in respect of the proposal with no submissions disclosing a political donation or gift.

The following issues raised in the submissions relate to the original application and were addressed in the assessment of DA-500/2016:

- Use as a boarding house
- Traffic
- Safety and security
- Site coverage, bulk and size of building
- Submissions to original DA
Other issues raised in the public submissions which are relevant to this modification are summarised and commented on as follows:

1. **Issue: Privacy**

   Planner’s comment: Appropriate privacy screening has been provided to new first floor northern side windows as required by DC3 but it is noted that no screening has been proposed to the rear first floor window and this is proposed to be addressed via conditions for details to be provided to the PCA prior to the issue of any Construction Certificate to enable DC3 to be deleted.

2. **Issue: Solar amenity and overshadowing.**

   Planner’s comment: As discussed in the assessment, the increase in building height and levels are not supported and the conditions will be imposed to ensure that the proposal is lowered to the original approved levels.

3. **Issue: Noise**

   Planner’s comment: Noise amenity will be improved as part of this modification as the first floor side and rear balconies have been removed.

4. **Issue: Property prices**

   Planner’s comment: This is not a matter for consideration under the Act.

5. **Issue: Streetscape.**

   Planner’s comment: Addressed under the SEPP in the assessment.

6. **Issue: Insufficient offstreet parking.**

   Planner’s comment: Addressed under the SEPP in the assessment.

**The public interest (EP&A Act s4.15(1)(e))**

In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

**Section 7.11 (Formerly S94) Contribution Towards Provision or Improvement of Amenities or Services**

This part of the Act relates to the collection of monetary contributions from applicants for use in developing key local infrastructure.
Comments:

This modification does not impact the original assessment in relation to development contributions and no changes are required to associated conditions.

Disclosure of Political Donations and Gifts

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

CONCLUSION:

The modification application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, SEPP (Affordable Rental Housing) 2009, Auburn LEP and DCP 2010 and the changes sought are supportable subject to recommended amendments to conditions and deletion of the deferred commencement conditions. These modifications sought are largely acceptable having regard to the assessment of the proposal from a merit perspective, and subject to the recommended deletion of the deferred commencement conditions and modifications to the conditions of consent. Council may be satisfied that the modifications being supported provide for acceptable levels of amenity for future residents and minimises adverse impacts on the amenity of neighbouring properties. For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and the development may be approved subject to modifications to the conditions and deletion of the deferred commencement conditions.

CONSULTATION:

There are no further consultation processes for Council associated with this report.

FINANCIAL IMPLICATIONS:

There are no further financial implications for Council associated with this report.

POLICY IMPLICATIONS:

There are no policy implications for Council associated with this report.

COMMUNICATION / PUBLICATIONS:

The final outcome of this matter will be notified in the newspaper. The objectors will also be notified in writing of the outcome.

REPORT RECOMMENDATION:

1. That Modification Application No. DA-500/2016/A for Section 4.55 modification application for changes to the stormwater plans and changes to the design to address the deferred commencement consent
conditions DC1, DC2, DC3 and DC4 on land at 75 Graham Street, AUBURN NSW 2144 be approved subject to attached draft modifications to the conditions and deletion of the deferred commencement conditions.

2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

ATTACHMENTS

1. Draft Conditions of Consent
2. Architectural Plans
3. Stormwater Plans
4. Vehicle Swept Paths
5. Submissions Received
7. Original Architectural Plans
Attachment 1
Draft Conditions of Consent
CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-500/2016/A
Property: 75 Graham Street, BERALA (AUBURN)
Description: Section 4.55(2) modification application for changes to the stormwater plans and changes to the design to address the deferred commencement consent conditions DC1, DC2, DC3 and DC4.

A. Delete Deferred Commencement conditions as follows:

1. The following “Deferred Commencement” conditions are applied and must be satisfied before the consent can operate:

Consent is granted subject to the following “deferred commencement” conditions. In accordance with Section 80(3) of the Environmental Planning and Assessment Act 1979, this development consent will not operate until you satisfy the Council as to the matters set out in these “deferred commencement” conditions.

DC1 - Stormwater Disposal

Stormwater runoff from the development shall be discharged to Cambridge Street by gravity system through downstream easement. In this regard:

a) A minimum 1.2m wide drainage easement to drain the site by gravity to Cambridge Street through downstream/adjacent site(s) shall be registered with Land and Property Information.

b) Cumberland Council shall be nominated as authority to vary or modify the above easement.

Reason: to ensure appropriate easement is created for stormwater disposal.

[Deferred commencement condition DC1 deleted by Section 4.55 modification DA-500/2016/A]

DC2 - Amended Stormwater Plans

A detailed stormwater plan to comply with “Auburn Development Control Plans 2010 - Stormwater Drainage” and “Australian Rainfall & Runoff 1987” shall be submitted to Council for assessment and approval. Details shall be prepared by a suitably qualified practising Civil/Hydraulic Engineer. In this regard:

- All stormwater runoff generated from the subject property shall be collected within the site and directed towards Council’s system via the proposed easement to Cambridge Street.

- An onsite detention facility shall be provided and all runoff generated within the subject development shall be directed towards the OSD prior to drain via the system within the obtained easement.

- Pipe within the easement shall be designed to 100-Year ARI event.

Reason: to prevent localised flooding.
Deferred commencement condition DC2 deleted by Section 4.55 modification DA-500/2016/A]

DC3. Amended Architectural Plans

The balconies attached to Boarding Room 5, 6, 7 and 8 shall be removed. In this regard, all associated sliding doors shall be amended to become standard windows with privacy screen affixed to the outside of the windows. The privacy screen must face the affected side or rear boundaries and have a minimum density of 85%.

Deferred commencement condition DC3 deleted by Section 4.55 modification DA-500/2016/A]

DC4. Accessible Car Parking

The architectural plans shall be amended to provide at least one (1) accessible parking space on site. The accessible parking space shall comply with AS 2890.06.

Deferred commencement condition DC4 satisfied by Section 4.55 modification DA-500/2016/A]

in accordance with clause 95(3) of the Environmental Planning and Assessment Regulation 2000, you must produce evidence to the Council within a period of 730 days sufficient for Council to be able to be satisfied of the above matters:

if evidence is produced within the specified period, in accordance with Clause 95(5) of the Regulation, Council will notify you whether or not it is satisfied as to the above matters and whether or not the consent will operate.

B) Conditions to be satisfied throughout the term that the consent remains valid:—

B. Amend the following conditions:

2. Approved Plans — Deferred Commencement

The development is to be carried out generally in accordance with the following plans as numbered below, except as modified by the deferred commencement condition of approval:

The development is to be carried out in accordance with the approved stamped plans as numbered below:

<table>
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<th>Plan / Doc / Drawing No.</th>
<th>Description</th>
<th>Prepared By</th>
<th>Rev</th>
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G (as amended by the height and levels (including finished levels) in revision E above) 01.06.18

A (as amended by the levels (including finished levels) in revision E of the architectural plans above) 14.10.2016

except as otherwise provided by the conditions of this determination (Note: modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act).

The plans will not be “stamped” by Council until the modifications required by the deferred commencement condition have been incorporated into revised plans.

(Note: modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act.)
Act (1979).

**Reason:** to confirm and clarify the terms of Council’s approval.

[Condition 2 amended by Section 4.55 modification DA-500/2016/A]

10. **Motorcycle and bicycle parking spaces**

    The development shall provide a minimum of two (2) motorcycle parking spaces and an area set aside for at least two (2) bicycle parking spaces. The area set aside as a Bicycle storage area behind the carport and to the north of the stairs is to be designated motorcycle parking with bicycle storage to be relocated to the eastern side of the carport, behind the proposed car spaces and must be clear of the parking envelope or be in the form of wall hung bicycle spaces.

    Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.

    **Reason:** to ensure motorcycle and bicycle parking space is provided on site on accommodate the development.

    [Condition 10 amended by Section 4.55 modification DA-500/2016/A]

57. **Stormwater Disposal**

    Stormwater runoff generated from the Regent Street frontage development shall be directed to the On-Site Detention system prior to being discharged to Cambridge Street by gravity system in accordance with the approved plan as part of deferred commencement condition.

    Stormwater generated from the subject development shall be directed to the western boundary and discharged by gravity system to the existing Council’s underground system in Graham Street in accordance with the approved stormwater plan.

    **Reason:** to prevent localised flooding.

    [Condition 57 amended by Section 4.55 modification DA-500/2016/A]

59. **Submission of full stormwater disposal details**

    Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Council or the Accredited Certifier to ensure the approved stormwater plans are incorporated with the Construction Certificate.

    The details shall be prepared by a suitably qualified person and must be in accordance with "Auburn Development Control Plans 2010—Stormwater Drainage" and "Australian Rainfall & Runoff 1987." In this regard,

    The proposed stormwater system shall be generally in accordance with the stormwater concept plans approved plan as part of deferred commencement condition.

    **Note:** "Auburn Development Control Plans 2010—Stormwater Drainage" is available to purchase at Council or the document can be found at Auburn Council’s website www.auburn.nsw.gov.au.

    Full stormwater drainage details showing the proposed method of stormwater collection and disposal
are to be submitted to Council or the Accredited Certifier to ensure the approved stormwater plans are incorporated with the Construction Certificate.

The details shall be prepared by a suitably qualified person and must be in accordance with the Upper Parramatta River Catchment Trust “On-Site Detention Handbook” and Stormwater drainage Guidelines and “Australian Rainfall & Runoff 1987”. In this regard,

i. The proposed stormwater system shall be generally in accordance with the Stormwater Disposal concept plans Proj 356 – 2 Sheets Issue A dated 14.10.16 prepared by Consulting Design and Inspection Engineers Pty Ltd

ii. GSD tank access grate shall be minimum 900x900 in size with double (2/900x450) hinged grates.

iii. Grated access pit shall be provided behind the flap valve.

iv. Stormwater plan shall be updated to comply with approved architectural plans.

Reason: to ensure the stormwater is suitably discharged.

[Condition 59 amended by Section 4.55 modification DA-500/2016/A]

C. Insert the following conditions:

2A. General Modifications

The proposal shall be amended as follows:

- The building in the architectural plans in Condition 2 prepared by GS Archi, revision G, dated 01.06.18 is to be reduced to the original approved height and finished levels under DA-500/2016 as per the architectural plans in Condition 2 prepared by GS Archi, revision E, dated 01.11.16. This is also to be consistent and reflected in the stormwater plans.
- Concrete block retaining walls associated with raising of levels are to be deleted.
- A privacy screen with a minimum density of 85% must be provided to the first floor eastern rear facing window of room 8.
- An amended landscape plan is to be submitted and is to be consistent with the amended architectural plans submitted to satisfy the deferred commencement conditions. In addition the following is also to be included in the landscape plan and architectural plans:
  - The pedestrian entry path between the street frontage and the covered entry area is to have a maximum width of 1.2m.
  - All areas within the front setback not required for car turning circles or pedestrian entry paths are to be soft landscaped with a mix of plantings.
- An amended BASIX certificate is to be submitted to be consistent with any amended plans submitted to satisfy the deferred commencement conditions.

The amendments are to be submitted to and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate under the Environmental Planning and Assessment Act 1979.

Reason: to confirm and clarify the terms of Council’s approval.

[Condition 2A inserted by Section 4.55 modification DA-500/2016/A]
65A. **Surface Runoff**

Allowances shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. The runoff collected within the subject site shall be directed to Graham Street to the satisfaction Council without affecting any other properties.

*Reason: to prevent adverse impact on adjoining properties.*

[Condition 65A inserted by Section 4.55 modification DA-500/2016/A]

65B. **On Street drainage requirements**

A 375 mm diameter reinforced concrete pipe shall be constructed from the existing downstream pit on Graham Street adjacent to the Norman Street intersection.

- The proposed pipe line on the street shall be constructed prior to the commencement of any work related to stormwater drainage within the subject development site.
- The proposed pipe shall be placed under the kerb.
- A written request shall be made to council to obtain approval for the proposed pipe construction. The above request shall be made at least 30 days prior to commencement.
- A 1800 mm extended kerb inlet pit (EKIP) shall be constructed at the proposed connection from the property.
- All construction shall be in accordance with Council’s standards and specifications.
- All Construction supervision shall be carried out by Council.
- All associated cost shall be borne by the applicant

*Reason: to ensure the development site can be drained during and after construction without flooding neighbouring properties and public areas.*

[Condition 65B inserted by Section 4.55 modification DA-500/2016/A]

65C. **On street drainage design**

Prior to issue of any **Construction Certificate**, a detail design for the proposed connection to existing Council’s stormwater pipe shall be submitted and approved by Cumberland Council’s Manager Engineering and Traffic. In this regard,

- a) Longitudinal section of the proposed stormwater outlet and on street stormwater pipe within the Council controlled land, showing the depth and location of all the services within the area of the proposed works shall be submitted.

*Reason: to ensure Council’s assets are designed to Council’s requirements.*

[Condition 65C inserted by Section 4.55 modification DA-500/2016/A]

65D. **On street drainage construction**

Prior to issue of any **Occupancy Certificate**, the street drainage works shall be completed to Council’s satisfaction at no cost to Council. In this regard,

- a) Separate construction approval shall be obtained from Council’s Engineering Section.
- a) Inspections will be required for the works related to the proposed connection to Council’s stormwater drainage system at following stages:
i) After the excavation of pipeline trenches.
ii) After the laying of all pipes prior to backfilling.

b) A minimum of 48 hours’ notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council’s Works and Services Section during office hours.

c) Work is not to proceed until the works are inspected and approved by Council.

Reason: to ensure Council’s assets are constructed to Council’s requirements.

[Condition 65D inserted by Section 4.55 modification DA-500/2016/A]

65E. Structural detailed design of the underground tank

A detailed structural design of the proposed underground detention tank shall be submitted to the Council with the Construction Certificate.

Reason: to ensure the structural stability

[Condition 65E inserted by Section 4.55 modification DA-500/2016/A]

80A. Front Fencing

The front and side dividing fences (where located within the front yard area) shall not exceed a height of 1.2 metres as measured above existing ground level and shall be a minimum of 50% transparent. Front and side dividing fences (where located within the front yard area) shall not be constructed of solid pre-coated metal type materials (ie Colourbond or similar).

Reason: to maintain reasonable levels of amenity to adjoining residential development and the streetscape and to comply with Council’s Development Control Plan provisions.

[Condition 80A inserted by Section 4.55 modification DA-500/2016/A]
DOCUMENTS ASSOCIATED WITH REPORT LPP016/19

Attachment 2
Architectural Plans
Proposed for Boarding house (8 rooms)

Address: Lot DP 339117, 75 Graham Street, BERELA NSW 2141

Proposed Photomontage
Site Information

A. SITE: 75 Graham St, Silverwater, New South Wales 2141
   LOT 8 DP 691197
B. ZONING: R2 - Low Density Residential
   - Refer to Clause 4.4(2A)
   - Autumn Local Environment Plan 2018
C. SITE AREA: 533.5 m² approx.

- Site coverage: 210 m² / 533.5 = 0.39
- Proposed floor area:
  - Ground Floor: 54.4 m²
  - First Floor: 41.6 m²
  - Total: 96.0 m²
- Flat Floor: 38.7 m²
- Total: 38.7 m²

Note:
- Construction must be set out by a certified surveyor before commencing any building work & provided certification to PCA by contractor.
New D/brick wall
New masonry wall
New External timber framed wall
New masonry internal wall

Legend

Minimum Room Furnishings
- Bed
- Wardrobe
- Sink
- Settee & Chair
- A night light or other approved illumination device for each bed
- Waste container
- A dead bolt on the door
- Curtains, blinds or similar privacy device
- Phone line

Natural Light
- Min. floor area of the room of 10% of ceiling height
- be at least to 2700mm from exits

New Safety in Class 3 buildings

Note: occupancy unit for the purposes of Part C, D1, D2 and F5 of the BCA so as to ensure adequate fire safety in the building, and adequate sound insulation.

New external D/brick wall
with insulation
refer to Basin Certificate.

First Floor Plan

[Diagram of a building layout with annotations and measurements, including room sizes and notes on construction details such as new external D/brick wall with insulation, and notes to refer to Basin Certificate for compliance with the BCA.]
DOCUMENTS ASSOCIATED WITH REPORT LPP016/19

Attachment 3
Stormwater Plans
DOCUMENTS ASSOCIATED WITH REPORT LPP016/19

Attachment 5
Submissions Received
Submissions

Building is out of character for the street:
A boarding house is a hostel business. It is not a residential house and therefore does not belong in a quiet residential area. There are no such boarding houses in the street. It has a higher site coverage than adjoining properties. It is considerably larger than normal 4 bedroom 2 storey 3-4 bedroom family homes.

Security, safety, privacy and noise:
Having potentially 9 unknown individuals living near me is of a serious concern for my family and the neighbourhood. The tenants will be many and short term/high turnover – they will not be families, but individuals of unknown character. It will generate constant activity and noise from tenants, visitors and car traffic coming and going all day and night which will greatly affect me and the neighbourhoods peace and security. The boarding house is also in close proximity to Jack and Jill pre-school kindergarten on Cambridge Street, Berala Public School on Auburn Road and a local park.

Traffic/Noise and Parking:
The proposed boarding house does not provide off street parking for 9 tenants plus staff. The property is too small and can only accommodate 3 cars,

Graham Street has for many years been well known to council for frequent serious car accidents. With more cars parking on Graham street due to a battle axe property recently built across the road - this house alone has generated 8 more vehicles mostly large four wheel drive utes. The proposed boarding house will create even more congestion with potentially nine extra cars plus additional cars from people visiting, coming and going at all hours of the day and night. This would make street parking even more congested, noisy, and lead to dangerous visibility problems when exiting ones driveway as is the case now.

Loss of sunlight/solar access to all living and private open space areas of adjacent dwelling 77 Graham St Auburn:
As per council shadow diagram - almost all of the adjacent property at 77 Graham St, Auburn will be in the shadow of the proposed boarding house most of the day. This also means they will never be able to use solar panels.

Petition by Auburn residents strongly opposing the building of this boarding house:
On 1-Dec-2016 a petition was submitted to Cumberland council consisting of 172 signatures opposing the building of this boarding house DA-500/2016.

172 residents which are your constituents in Graham Street and nearby streets do not want a boarding house in their street or vicinity for obvious reasons. Safety, Security, Traffic and Noise. Why is it that one man(a developer) can over rule the will of the majority? This does not stand well with me or the 172 people who signed the petition against this development.

I ask you sincerely to please consider all my objections for the good of my family and neighbourhood.
Building is out of character for the street:
A boarding house is a hostel business. It is not a residential house and therefore does not belong in a quiet residential area. There are no such boarding houses in the street. It has a higher traffic coverage than adjoining properties. It is considerably larger than normal 4 bedroom 2 storey homes and invades the privacy of adjoining houses due to its sheer bulk and its proximity to the perimeter of adjoining houses. Graham Street is a relatively quiet street with mostly single storey 3-4 bedroom family homes.

Security, safety, privacy and noise:
Having potentially 9 unknown individuals living near me is of a serious concern for my family and the neighbourhood. The tenants will be many and short term high turnover – they will not be families, but individuals of unknown character. It will generate constant activity and noise from tenants, visitors and car traffic coming and going all day and night which will greatly affect me and the neighbourhoods peace and security. The boarding house is also in close proximity to Jack and Jill pre-school Kindergarten on Cambridge Street, Berata Public School on Auburn Road and a local park.

Traffic/Noise and Parking:
The proposed boarding house does not provide off street parking for 9 tenants plus staff. The property is too small and can only accommodate 3 cars.

Graham Street has for many years been well known to council for frequent serious car accidents. With more cars parking on Graham street due to a battle axe property recently built across the road - this house alone has generated 8 more vehicles mostly large four wheel drive utes. The proposed boarding house will create even more congestion with potentially nine extra cars plus additional cars from people visiting, coming and going at all hours of the day and night. This would make street parking even more congested, noisy and lead to dangerous visibility problems when existing one driveway is the case now.

Loss of sunlight/solar access to all living and private open space areas of adjacent dwellings 77 Graham st Auburn:
As per council shadow diagram - almost all of the adjacent property at 77 Graham St. Auburn will be in the shadow of the proposed boarding house most of the day. This also means they will never be able to use solar panels.

Petition by Auburn residents strongly opposing the building of this boarding house:
On 1 Dec 2016 a petition was submitted to Cumberland council consisting of 172 signatures opposing the building of this boarding house DA-500/2016.

172 residents who are your constituents in Graham Street and nearby streets do not want a boarding house in their street or vicinity for obvious reasons. Safety, Security, Traffic and Noise. Why is it that one man (a developer) can over rule the will of the majority? This does not stand well with me or the 172 people who signed the petition against this development.

I ask you sincerely to please consider all my objections for the good of my family and neighbourhood.
A boarding house is not a normal family house and therefore is not appropriate in a quiet residential area. There are no such boarding houses in the street. It is considerably larger than normal 4 bedroom 2 storey home and invades the privacy of adjoining homes due to its sheer bulk/depth. A boarding house is a threat to the children’s and neighbourhood safety as we do not know the people who will come and go from the boarding house. The boarding house is also in close proximity to Jack and Jill pre-school kindergarten and Berala Primary School on Cambridge street and Auburn road.

A 9 room two storey boarding house means 9 tenants at the very least and most possibly more in the future. Having potentially 9 individuals of unknown character living near me is of serious concern for me and the neighbourhood. It will generate constant activity and noise from tenants, visitors and car traffic coming and going all day and night which will greatly affect me and the neighbourhoods peace and safety.

Graham Street has for many years been well known for frequent serious car accidents. The proposed boarding house does not provide off street parking for 9 tenants plus staff. With more cars parking on Graham street due to a battle axe property recently built across the road - this house alone has generated 8 more vehicles mostly large four wheel drive utes. The proposed boarding house will create even more congestion with potentially nine extra cars plus additional cars from people visiting, coming and going all hours of the day and night. This would make the street more noisy and lead to dangerous visibility problems when exiting ones driveway as is the case now.

If the proposed boarding house was to go ahead, it is without any doubt that my property and neighbouring property values will diminish considerably. If it’s allowed to go ahead – it will create a precedent, therefore more of such boarding houses are likely to be built in the near future to the neighbourhoods detriment.

Petition by Auburn residents strongly opposing the building of this boarding house: On 1-Dec-2016 a petition was submitted to Cumberland council consisting of 172 signatures opposing the building of this boarding house DA-560/2016. Also 11 objection letters were submitted from individual residents.

172 residents which are your constituents in Graham Street and nearby streets do not want a boarding house in their street or vicinity for obvious reasons, Safety, Security, Traffic and Noise. Why is it that one man (Developer -Mr H Darivereni - Quality Building Maintenance & Constructions P/L) can over rule the will of the majority? This does not stand well with me or the 172 people who signed the petition against this development.

I sincerely ask you to please consider my objections for the peace and security of the neighbourhood and stop this boarding house development.
building is out of character for the street:
A boarding house is a hostel business. It is not a residential house and therefore does not belong
in a quiet residential area. There are no such boarding houses in the street. It has a higher site
coverage than adjoining properties. It is considerably larger than normal 4 bedroom 2 storey
home and invades the privacy of adjoining homes due to its sheer bulk and its proximity to the

perimeter of adjoining houses. Graham Street is a relatively quiet street with mainly single storey
3-4 bedroom family homes.

Security, safety, privacy and noise:
Having potentially 9 unknown individuals living near me is of a serious concern for my family
and the neighbourhood. The tenants will be many and short term/ high turnover—they will not
be families, but individuals of unknown character. It will generate constant activity and noise
from tenants, visitors and car traffic coming and going all day and night which will greatly affect
me and the neighbourhoods peace and security. The boarding house is also in close proximity to
Jack and Jill pre-school kindergarten on Cambridge Street, Bereala Public School on Auburn
Road and a local park.

Traffic/Noise and Parking:
The proposed boarding house does not provide off-street parking for 9 tenants plus staff. The
property is too small and can only accommodate 3 cars.

Graham Street has for many years been well known to council for frequent serious car accidents.
With more cars parking on Graham Street due to a battleaxe property recently built across the
road - this house alone has generated 8 more vehicles mostly large four wheel drive utes. The
proposed boarding house will create even more congestion with potentially nine extra cars plus
additional cars from people visiting, coming and going at all hours of the day and night. This
would make street parking even more congested, noisy, and lead to dangerous visibility
problems when exiting onto driveway as is the case now.

Loss of sunlight/solar access to all living and private open space areas of adjacent dwelling
77 Graham St Auburn:
As per council shadow diagram – almost all of the adjacent property at 77 Graham St Auburn
will be in the shadow of the proposed boarding house most of the day. This also means they will
never be able to use solar panels.

Petition by Auburn residents strongly opposing the building of this boarding house:
On 1 Dec 2016: a petition was submitted to Cumberland council consisting of 172 signatures
opposing the building of this boarding house DA-500/2016.

172 residents who are your constituents in Graham Street and nearby streets do not want a
boarding house in their street or vicinity for obvious reasons. Safety, Security, Traffic and Noise.
Why is it that one man (a developer) can overpower the will of the majority? This does not stand
well with me or the 172 people who signed the petition against this development.

I ask you sincerely to please consider all my objections for the good of my family and
neighbourhood.
Building is out of character for the street:
A boarding house is a hotel business. It is not a residential house and therefore does not belong in a quiet residential area. There are no such boarding houses in the street. It has a higher site coverage than adjoining properties. It is considerably larger than normal 4 bedrooms 2 storey homes and invades the privacy of adjoining homes due to its sheer bulk and its proximity to the parameter of adjoining houses. Graham Street is a relatively quiet street with mainly single storey 3-4 bedroom family homes.

Security, safety, privacy and noise:
Having potentially 9 unknown individuals living near me is of a serious concern for my family and the neighbourhood. The tenants will be many and short term; high turnover—they will not be families, but individuals of unknown character. It will generate constant activity and noise from tenants, visitors and car traffic coming and going all day and night which will greatly affect me and the neighborhoods peace and security. The boarding house is also in close proximity to Jack and Jill pre-school kindergarten on Cambridge Street, Beraha Public School on Auburn Road and a local park.

Traffic/Noise and Parking:
The proposed boarding house does not provide off street parking for 9 tenants plus staff. The property is too small and can only accommodate 3 cars.

Graham Street has for many years been well known to council for frequent serious car accidents. With more cars parking on Graham street due to a battle axe property recently built across the road - this house alone has generated 8 more vehicles mostly four wheel drive utes. The proposed boardinghouse will create even more congestion with potentially nine extra cars plus additional cars from people visiting, coming and going at all hours of the day and night. This would make street parking even more congested, noisy, and lead to dangerous visibility problems when exiting ones driveway as is the case now.

Loss of sunlight/solar access to all living and private open space areas of adjacent dwelling
77 Graham St Auburn:
As per council shadow diagram - almost all of the adjacent property at 77 Graham St Auburn will be in the shadow of the proposed boarding house most of the day. This also means they will never be able to use solar panels.

Petition by Auburn residents strongly opposing the building of this boarding house:
On 1 Dec 2016 a petition was submitted to Cumberland council consisting of 172 signatures opposing the building of this boarding house DA-5602/2016.

172 residents which are your constituents in Graham Street and nearby streets do not want a boarding house in their street or vicinity for obvious reasons. Safety, Security, Traffic and Noise. Why is it that one man (developer) can over ride the will of the majority? This does not stand well with me or the 172 people who signed the petition against this development.

I ask you sincerely to please consider all my objections for the good of my family and neighbourhood.
Building is out of character for the street:
A boarding house is a hostel business. It is not a residential house and therefore does not belong in a quiet residential area. There are no such boarding houses in the street. It has a higher site coverage than adjoining properties. It is considerably larger than normal 4 bedroom 2 storey home and invades the privacy of adjoining homes due to its sheer bulk and its proximity to the perimeter of adjoining houses. Graham Street is a relatively quiet street with mainly single storey 3-4 bedroom family homes.

Security, safety, privacy and noise:
Having potentially 9 unknown individuals living near me is of a serious concern for my family and the neighbourhood. The tenants will be many and short term/ high turnover— they will not be families, but individuals of unknown character. It will generate constant activity and noise from tenants, visitors and car traffic coming and going all day and night which will greatly affect me and the neighbourhoods peace and security. The boarding house is also in close proximity to Jack and Jill pre-school kindergarten on Cambridge Street, Beralu Public School on Auburn Road and a local park.

Traffic/Noise and Parking:
The proposed boarding house does not provide off street parking for 9 tenants plus staff. The property is too small and can only accommodate 3 cars.

Graham Street has for many years been well known to council for frequent serious car accidents. With more cars parking on Graham Street due to a bottle axe property recently built across the road – this house alone has generated 8 more vehicles mostly large four wheeled drive utes. The proposed boarding house will create even more congestion with potentially nine extra cars plus additional cars from people visiting, coming and going at all hours of the day and night. This would make street parking even more congested, noisy, and lead to dangerous visibility problems where exiting ones driveway as is the case now.

Loss of sunlight/solar access to all living and private open space areas of adjacent dwelling?? Graham St Auburn:
As per council shadow diagram— almost all of the adjacent property at 77 Graham St Auburn will be in the shadow of the proposed boarding house most of the day. This also means they will never be able to use solar panels.

Petition by Auburn residents strongly opposing the building of this boarding house:
On 1-Dec-2016 a petition was submitted to Cumberland council consisting of 172 signatures opposing the building of this boarding house DA-500/2016.

172 residents who are your constituents in Graham Street and nearby streets do not want a boarding house in their street or vicinity for obvious reasons, Safety, Security, Traffic and Noise, Why is it that one man (developer) can over rule the will of the majority? This does not stand well with me or the 172 people who signed the petition against this development.

I ask you sincerely to please consider all my objections for the good of my family and neighbourhood.
Building is out of character for the street:
A boarding house is a hostel business. It is not a residential house and therefore does not belong in a quiet residential area. There are no such boarding houses in the street. It has a higher size coverage than adjoining properties. It is considerably larger than normal 4 bedroom 2 storey homes and invades the privacy of adjoining homes due to its stier bulk and its proximity to the perimeter of adjoining houses. Graham Street is relatively quiet street with mainly single storey 3-4 bedroom family homes.

Security, safety, privacy and noise;
Having potentially 9 unknown individuals living near me is of a serious concern for my family and the neighbourhood. The tenants will be many and short term/ high turnover – they will not be families, but individuals of unknown character. It will generate constant activity and noise from tenants, visitors and car traffic coming and going all day and night which will greatly affect me and the neighbourhoods peace and security. The boarding house is also in close proximity to Jack and Jill pre-school kindergarten on Cambridge Street, Beralna Public School on Auburn Road and a local park.

Traffic/Noise and Parking:
The proposed boarding house does not provide off street parking for 9 tenants plus staff. The property is too small and can only accommodate 3 cars.

Graham Street has for many years been well known to council for frequent serious car accidents. With more cars parking on Graham street due to a house property recently built across the road - this house alone has generated 8 more vehicles mostly large four wheel drive utes. The proposed boarding house will create even more congestion with potentially nine extra cars plus additional cars from people visiting, coming and going at all hours of the day and night. This would make street parking even more congested, noisy, and lead to dangerous visibility problems when exiting ones driveway as is the case now.

Loss of sunlight/solar access to all living and private open space areas of adjacent dwelling 77 Graham St Auburn:
As per council shadow diagram – almost all of the adjacent property at 77 Graham St Auburn will be in the shadow of the proposed boarding house most of the day. This also means they will never be able to use solar panels.

Petition by Auburn residents strongly opposing the building of this boarding house:
On 1-Dec-2016 a petition was submitted to Cumberland council consisting of 172 signatures opposing the building of this boarding house DA-300/2016.

172 residents who are your constituents in Graham Street and nearby streets do not want a boarding house in their street or vicinity for obvious reasons, Safety, Security, Traffic and Noise. Why is it that one man (developer) can over rule the will of the majority? This does not stand well with me or the 172 people who signed the petition against this development.

I ask you sincerely to please consider all my objections for the good of my family and neighbourhood.

Building is out of character for the street:
A boarding house is a hostel business. It is not a residential house and therefore does not belong in a quiet residential area. There are no such boarding houses in the street. It has a higher site coverage than adjoining properties. It is considerably larger than normal 4 bedroom 2 storey home and invades the privacy of adjoining homes due to its sheer bulk and its proximity to the perimeter of adjoining houses. Graham Street is a relatively quiet street with mainly single storey 3-4 bedroom family homes.

Security, safety, privacy and noise:
Having potentially 9 unknown individuals living near me is of a serious concern for my family and the neighbourhood. The tenants will be many and short term/ high turnover – they will not be families, but individuals of unknown character. It will generate constant activity and noise from tenants, visitors and car traffic coming and going all day and night which will greatly affect me and the neighbourhoods peace and security. The boarding house is also in close proximity to Jack and Hill pre-school kindergarten on Cambridge Street, Berala Public School on Auburn Road and a local park.

Traffic/Noise and Parking:
The proposed boarding house does not provide off street parking for 9 tenants plus staff. The property is too small and can only accommodate 3 cars.

Graham Street has for many years been well known to council for frequent serious car accidents. With more cars parking on Graham street due to a battle axe property recently built across the road – this house alone has generated 8 more vehicles mostly large four wheel drive utes. The proposed boarding house will create even more congestion with potentially nine extra cars plus additional cars from people visiting, coming and going at all hours of the day and night. This would make street parking even more congested, noisy, and lead to dangerous visibility problems when exiting ones driveway as is the case now.

Loss of sunlight /solar access to all living and private open space areas of adjacent dwelling 77 Graham St Auburn:
As per council shadow diagram – almost all of the adjacent property at 77 Graham St. Auburn will be in the shadow of the proposed boarding house most of the day. This also means they will never be able to use solar panels,

Petition by Auburn residents strongly opposing the building of this boarding house:
On 1-Dec-2016 a petition was submitted to Cumberland council consisting of 172 signatures opposing the building of this boarding house DA-500/2016.

172 residents which are your constituents in Graham Street and nearby streets do not want a boarding house in their street or vicinity for obvious reasons, Safety, Security, Traffic and Noise. Why is it that one man(a developer) can over rule the will of the majority? This does not stand well with me or the 172 people who signed the petition against this development.

I ask you sincerely to please consider all my objections for the good of my family and neighbourhood.
Building is out of character for the street:
A boarding house is a hostel business. It is not a residential house and therefore does not belong in a quiet residential area. There are no such boarding houses in the street. It has a higher site coverage than adjoining properties. It is considerably larger than normal 4 bedroom 2 storey home and invades the privacy of adjoining homes due to its sheer bulk and its proximity to the perimeter of adjoining houses. Graham Street is a relatively quiet street with mainly single storey 3-4 bedroom family homes.

Security, safety, privacy and noise:
Having potentially 9 unknown individuals living near me is of a serious concern for my family and the neighbourhood. The tenants will be many and short term/ high turnover - they will not be families, but individuals of unknown character. It will generate constant activity and noise from tenants, visitors and car traffic coming and going all day and night which will greatly affect me and the neighbourhoods peace and security. The boarding house is also in close proximity to Jack and Jill pre-school kindergarten on Cambridge Street, Beralu Public School on Auburn Road and a local park.

Traffic/Noise and Parking:
The proposed boarding house does not provide off street parking for 9 tenants plus staff. The property is too small and can only accommodate 3 cars.

Graham Street has for many years been well known to council for frequent serious car accidents. With more cars parking on Graham street due to a battle axe property recently built across the road - this house alone has generated 8 more vehicles mostly large four wheel drive utes. The proposed boarding house will create even more congestion with potentially nine extra cars plus additional cars from people visiting, coming and going at all hours of the day and night. This would make street parking even more congested, noisy, and lead to dangerous visibility problems when exiting ones driveway as is the case now.

Loss of sunlight/solar access to all living and private open space areas of adjacent dwelling 77 Graham St Auburn:
As per council shadow diagram - almost all of the adjacent property at 77 Graham St Auburn will be in the shadow of the proposed boarding house most of the day. This also means they will never be able to use solar panels.

Petition by Auburn residents strongly opposing the building of this boarding house:
On 1-Dec-2016 a petition was submitted to Cumberland council consisting of 172 signatures opposing the building of this boarding house DA-500/2016.

172 residents which are your constituents in Graham Street and nearby streets do not want a boarding house in their street or vicinity for obvious reasons. Safety, Security, Traffic and Noise. Why is it that one man (a developer) can over rule the will of the majority? This does not stand well with me or the 172 people who signed the petition against this development.

I ask you sincerely to please consider all my objections for the good of my family and neighbourhood.
Note: I implore you to consider the weight of your decision in this matter, and the dangerous precedent actions such as these set for future applications. These decisions impact people’s lives. I ask you to put yourself in our shoes. Put the safety of your children, grandchildren and loved ones in our place and understand the gravity and distress this decision can have upon a community. Please do the right thing, I beg you.
Building is out of character for the street:
A boarding house is a hostel business. It is not a residential house and therefore does not belong in a quiet residential area. There are no such boarding houses in the street. It has a higher site coverage than adjoining properties. It is considerably larger than normal 4 bedroom 2 storey home and invades the privacy of adjoining homes due to its sheer bulk and its proximity to the perimeter of adjoining homes. Graham Street is a relatively quiet street with mainly single storey 3-4 bedroom family homes.

Security, safety, privacy and noise:
Having potentially 9 unknown individuals living near me is of a serious concern for my family and the neighbourhood. The tenants will be many and short term/ high turnover – they will not be families, but individuals of unknown character. It will generate constant activity and noise from tenants, visitors and car traffic coming and going all day and night which will greatly affect me and the neighbourhood’s peace and security. The boarding house is also in close proximity to Jack and Jill pre-school kindergarten on Cambridge Street, Bera Public School on Auburn Road and a local park.

Traffic/Noise and Parking:
The proposed boarding house does not provide off street parking for 9 tenants plus staff. The property is too small and can only accommodate 3 cars.

Graham Street has for many years been well known to council for frequent serious car accidents. With more cars parking on Graham street due to a battle axe property recently built across the road – this house alone has generated 8 more vehicles mostly large four wheel drive utes. The proposed boarding house will create even more congestion with potentially nine extra cars plus additional cars from people visiting, coming and going at all hours of the day and night. This would make street parking even more congested, noisy, and lead to dangerous visibility problems when exiting ones driveway as is the case now.

Loss of sunlight / solar access to all living and private open space areas of adjacent dwelling
77 Graham st Auburn:
As per council shadow diagram – almost all of the adjacent property at 77 Graham St. Auburn will be in the shadow of the proposed boarding house most of the day. This also means they will never be able to use solar panels.

Petition by Auburn residents strongly opposing the building of this boarding house:
On 3 Dec 2016 a petition was submitted to Cumberland council consisting of 172 signatures opposing the building of this boarding house DA-568/2016.

172 residents which are your constituents in Graham Street and nearby streets do not want a boarding house in their street or vicinity for obvious reasons. Safety, Security, Traffic and Noise. Why is it that one man (a developer) can overrule the will of the majority? This does not stand well with me or the 172 people who signed the petition against this development.

I ask you sincerely to please consider all my objections for the good of my family and neighbourhood.
Building is out of character for the street:
A boarding house is a hostel business. It is not a residential house and therefore does not belong in a quiet residential area. There are no such boarding houses in the street. It has a higher site coverage than adjoining properties. It is considerably larger than normal 4-bedroom 2-storey homes and invades the privacy of adjoining homes due to its sheer bulk and its proximity to the perimeter of adjoining houses. Graham Street is a relatively quiet street with mainly single-storey 3-4-bedroom family homes.

Security, safety, privacy and noise:
Having potentially 9 unknown individuals living near me is of a serious concern for my family and the neighbourhood. The tenants will be many and short term/ high turnover—they will not be families, but individuals of unknown character. It will generate constant activity and noise from tenants, visitors and car traffic coming and going all day and night which will greatly affect me and the neighbourhood's peace and security. The boarding house is also in close proximity to Jack and Jill preschool kindergarten on Cambridge Street, Berella Public School on Auburn Road and a local park.

Traffic/Noise and Parking:
The proposed boarding house does not provide off street parking for 9 tenants plus staff. The property is too small and can only accommodate 3 cars.

Graham Street has for many years been well known to council for frequent serious car accidents. With more cars parking on Graham Street due to aattle axe property recently built across the road—this house alone has generated 8 more vehicles mostly large four wheel drive utes. The proposed boarding house will create even more congestion with potentially nine extra cars plus additional cars from people visiting, coming and going at all hours of the day and night. This would make street parking even more congested, noisy, and lead to dangerous visibility problems when exiting ones driveway as is the case now.

Loss of sunlight/solar access to all living and private open space areas of adjacent dwelling 77 Graham St Auburn:
As per council shadow diagram—almost all of the adjacent property at 77 Graham St Auburn will be in the shadow of the proposed boarding house most of the day. This also means they will never be able to use solar panels.

Petition by Auburn residents strongly opposing the building of this boarding house:
On 1-Dec-2016 a petition was submitted to Cumberland council consisting of 172 signatures opposing the building of this boarding house DA-509/2016.

172 residents which are your constituents in Graham Street and nearby streets do not want a boarding house in their street or vicinity for obvious reasons, Safety, Security, Traffic and Noise. Why is it that one man (a developer) can over rule the will of the majority? This does not stand well with me or the 172 people who signed the petition against this development.

I ask you sincerely to please consider all my objections for the good of my family and neighbourhood.
strongly oppose the proposed development of a 2 storey, 9 bedroom boarding house on Lot D DP 339117, 75 Graham Street, Auburn.

We do not want a boarding house within the vicinity of our residence. The boarding house is a threat to children and neighborhood safety and security. If this is approved it will set a precedent and more boarding houses are likely to be built in future.

We strongly oppose this development and do not want the proposal approved.
I am a resident of Graham St and I have been made aware that an application has been submitted to council for a proposed 8-9 bedroom boarding house.

I am an elderly woman who has been residing in my home for over 40 years. I have young grandchildren who come and stay with me during school holidays.

A boarding house in my street will increase the traffic and noise in the street.

Are you aware that there is a pre-school and two primary schools in the nearby streets? This will pose a great risk to young children’s safety and security to both the children and schools.

There are parks in the nearby streets. This again poses a risk to safety and security in the neighbourhood.

We will not feel safe in our homes.

I am greatly concerned as an elderly woman on my own. Yan Hwang Yeh is in the same situation as his elderly mother who has also resided with him for over 30 years is elderly. He will be concerned for his mother’s safety whilst at work and trying to go about his everyday life.

I am sure you are aware that a boarding house and a hostel are very similar.

These are short term stays for individuals. There will not be any facilities for individuals of unknown characters.

A boarding house will create more noise and activity which will affect the peace in the street. It will create more pedestrian and car traffic in the streets and affect street parking. It will affect property prices in the area.

If this is approved it will set a precedent for more boarding homes to be built in the area.

We would appreciate you taking consideration of the neighbourhood and the hundreds of people it would affect if the proposal is approved.

We as long term residents (our whole lives) hoped things would change with a new council.
I am writing to you regarding Cumberland council development applications:

Reference:
PLANNING APPLICATION NO. DA-500/2018/A
Section 4.55 modification application for changes to the stormwater plans and changes to the design to address the deferred commencement consent conditions DC1, DC2, DC3 and DC4. (changed from 8 to 9 room boarding house)
LOT D DP 339117, 75 Graham St Auburn, NSW, 2144

Reference:
PLANNING APPLICATION NO. DA-500/2016
LOT D DP 339117, 75 Graham St Auburn, NSW, 2144 Demolition of the dwelling house and ancillary structures and construction of a new two storey boarding house comprising eight(8) boarding rooms.

Please see attached letters addressed to Hanish McNulty and objection letter to Council re DA-500/2016.

Building is out of character for the street:
This type of development is inconsistent with the dynamics and virtues of our family oriented neighborhood. There are no such boarding houses in the street. It has a higher site coverage than adjoining properties as acknowledged by the council and this is not consistent with other developments in the street as there are no other 2 story 9 room boarding houses in the street. It is considerably larger than a 4 bedroom 2 storey home and invades the privacy of adjoining homes due to its sheer bulk and depth. Graham Street is a relatively quiet street with mainly elderly, young families and mainly single storey 3-4 bedroom homes. A boarding house is not a residential family house but a hostel business and therefore not appropriate in a quiet residential street. It will generate constant noise from tenants, visitors and maintenance personnel day and night which will affect the sleep, health, security and quality of life for my family and my neighbours.
Security, safety, privacy and noise:
This boarding house is a threat to children's and neighbourhood safety as we do not know the people who will come and go from the boarding house. The tenants will be many and short term - they will not be familiar, but individuals of unknown character. The boarding house is also in close proximity to Jack and Jill pre-school kindergarten on Cambridge Street, Dundas Public School on Auburn Road and a local park.

Having 9 tenants living next door and verandah/balconies facing my property means tenants and visitor activity will constantly be heard from my bedrooms and they will be able view my bedroom windows, backyard, and shed all day and every day.

Rear external balcony will give tenants full view of my backyard:
The rear external deck/balcony will give tenants full view of my back yard and shed. I won't be able work in my garden or hang my clothes on the clothes line without tenants peering down at me. This is a serious privacy and security concern for my family which I will not tolerate.

Ground floor rooms 1 and 2 verandah / sliding glass doors privacy:
The occupants will be able to see over my fence directly into my bedroom windows opposite. This is not acceptable.

Noise from motorcycles parked located at the side of boarding house near my bedroom windows:
2 motorcycle spaces are placed near my bedroom windows. I will not tolerate motor cycle engine starting up morning, day and night. Do you not realize how loud a motorcycle engine is when it starts up especially when located in a confined space between the boarding house brick walls and my fence? This is intolerable.

Natural light will be greatly reduced to all my windows on south side:
Due to its height and size/depth the proposed boarding house will greatly reduce natural light entering all my windows on the south side. I will not have any view of the sky at all. Reduced light will also mean cooler temperatures, dampness and more energy usage for lighting.

The second storey will have to be set back at least 1.5 metres from external wall to allow me more natural light and sky access. This is paramount.

Loss of solar light / solar access to all living and private open space areas of adjacent dwelling 77 Graham St Auburn:
As per council shadow diagram - almost all of the adjacent property at 77 Graham St Auburn will be in shadow of the boarding house most of the day. This also means they will never be able to effectively use solar panels. This is unacceptable.

Air conditioning unit location and noise:
The proposed development will require a commercial air conditioning system which is facing very near to my bedrooms and this will further contribute to unbearable low frequency hum noise especially at night. I built my house 12 years ago and made sure that my air conditioning system was located at the back of my house as not to disturb my neighbours. I expect the same courtesy from the new boarding house development — this is paramount.
Traffic/Noise and Parking:
The proposed boarding house does not provide off-street parking for 9 tenants plus staff. With
more cars parking on Graham Street due to a house previously built across the road
which I suspect is an illegal two-storey boarding house for overseas workers (this house
has generated 8 more vehicles mostly large 4 wheel drive used). The proposed boarding
house will create even more congestion with potentially nine extra cars coming and going at all
hours of the day and night. This would make the street even more noisy, and lead to
dangerous visibility problems when exiting using driveway as is the case now.

Property value - Extremely important: If the proposed boarding house was to go ahead, it is
without any doubt that my property and neighboring property values will diminish considerably.
I ask the reader if your house was for sale and you knew it was worth 1 million dollars -
but suddenly your neighbour wants to build a 9 room boarding house – Once your
prospective buyer finds out – Do you honestly think your house is still worth 1 million
dollars? Very few people would like to buy a house located next door to a two storey 9 room
boarding house for exactly the reasons before mentioned.

If this development is allowed to go ahead – it will create a precedent, therefore some of
such boarding houses are likely to be built in the near future to the neighborhoods detriment.

Petition by Auburn residents strongly opposing the building of this boarding house:
On 1-Dec-2016 a petition was submitted to Cumberland council consisting of 172 signatures
opposing the building of this boarding house DA-500/2016. Also 11 objection letters were
submitted from individual residents. 172 residents which are your constituents in Graham Street
and nearby streets do not want a boarding house in their street or vicinity for obvious reasons,

Why is it that one man (Developer - Mr H Darvizezadeh - Quality Building Maintenance &
Constructions P/L) can over rule the will of the majority? This does not stand well with me or the
172 people who signed the petition against this development. We the long time residents of
Auburn thought that things would change with a new council.

I ask you sincerely to please consider all my objections for the good of my family and
neighbourhood and stop this unwanted development. I also ask you to put yourself in my shoes –
Would you like a 9 room boarding house next door to your family home?
and objected strongly to the development of the proposed boarding house. If it’s allowed to go ahead – it will create a precedent, therefore more of such boarding houses are likely to be built in the near future. This type of development is inconsistent with the dynamics and virtues of our family orientated neighbourhood.

I have previously written to the Cumberland Council on the 1st-Dec-2016 stating my objections to his development. My son also submitted a petition to council of 172 signatures from residents in Graham and nearby streets against the development. Unfortunately the Council has not listened to their constituents and will be going ahead with the development pending approval. I have also written another objection letter to council for DA-500/216/A. Please find attached.

It appears that a signed petition of 172 residents and 11 others who wrote letters to Cumberland council opposing the DA meant nothing. Why is it that one man (Developer - Mr H Darvirelli - Quality Building Maintenance & Constructions Pt) can overrule the objections of the majority of residents living in the street? This does not stand well with me or the 172 people who signed the petition against this development. We the long time residents of Auburn thought hoped things would change with a new council.

This is extremely disappointing and has caused great stress for me, my family and the residents of Graham Street Auburn. I also ask you to put yourself in my shoes—Would you like a 9 room boarding house next door to your family home?

I am asking you if you could please intervene and help stop this development as the residents and I feel helpless that our voices have been totally ignored.
Please see above 2 attachments (one addressed to you and the other, a copy of letter addressed to Senior Development Planner) which are self-explanatory.

Please look into this matter urgently before the Development Proposal is finalised. We, and the other residents in the vicinity are treating this matter as VERY IMPORTANT and hope for a positive response.

Looking forward to a favorable reply.

Thank you

Regards
Building is out of character for the street:
A boarding house is a hostel business. It is not a residential house and therefore does not belong in a quiet residential area. There are no such boarding houses in the street. It has higher site coverage than adjoining properties. It is considerably larger than normal 4 bedroom 2 storey homes and invades the privacy of adjoining homes due to its sheer bulk and its proximity to the perimeter of adjoining houses. Graham Street is a relatively quiet street with mainly single storey 3-4 bedroom family homes.

Security, safety, privacy and noise:
Having potentially 9 unknown individuals living near me is of a serious concern for my family and the neighbourhood. The tenants will be young and short term high turnover - they will not be families, but individuals of unknown character. It will generate constant activity and noise from tenants, visitors and car traffic coming and going all day and night which will greatly affect me and the neighbourhoods peace and security. The boarding house is also in close proximity to Jack and Jill pre-school kindergarten on Cambridge Street, Benalla Public School on Auburn Road and a local park.

Traffic/Noise and Parking:
The proposed boarding house does not provide off street parking for 9 tenants plus staff. The property is too small and can only accommodate 3 cars.

Graham Street has for many years been visited by council at frequent serious car accidents. With more cars parked on Graham street due to a house property recently built across the road - this house alone has generated 8 more vehicles mostly large four wheel drive sites. The proposed boarding house will create even more congestion with potentially nine extra cars plus additional cars from people visiting, coming and going at all hours of the day and night. This would make street parking even more congested, noisy, and lead to dangerous blind visibility problems when entering/leaving as is the case now.

Loss of sunlight/ Solar access to all living and private open space areas of adjacent dwelling
27 Graham St Auburn:
As per council shadow diagram - almost all of the adjacent property at 27 Graham St Auburn will be in the shadow of the proposed boarding house most of the day. This also means they will never be able to use solar panels.

Petition by Auburn residents strongly opposing the building of this boarding house:
On 1 Dec 2016 a petition was submitted to Cumberland Council consisting of 172 signatures opposing the building of this boarding house DA-3007/2016.

172 residents which are your constituents in Graham Street and nearby streets do not want a boarding house in their street or vicinity for obvious reasons. Safety, Security, Traffic and Noise. Why is it that one minds developer can over rule the will of the majority? This does not stand well with me or the 172 people who signed the petition against this development. I ask you sincerely to please consider all my objections for the good of my family and neighborhood.
Building is out of character for the street:
This type of development is inconsistent with the dynamics and virtues of our family orientated
neighbourhood. There are no such boarding houses in the street. It has a higher site coverage
than adjoining properties as acknowledged by the council and this is not consistent with other
developments in the street as there are no other 3 storey boarding houses in the street. It is
considerably larger than a 4 bedroom 3 story house and invades the privacy of adjoining houses.
Due to its sheer bulk and depth. Graham Street is a relatively quiet street with mainly elderly,
young families and mainly single storey 3-4 bedroom homes. A boarding house is not a
residential family house but a hostel business and therefore not appropriate in a quiet residential
street. It will generate constant noise from tenants, visitors and maintenance personnel day and
night which will affect the sleep, health, security and quality of life for my family and my
neighbours.

Security, safety, privacy and noise:
This boarding house has a threat to children’s and neighborhood safety as we do not know the
people who will come and go from the boarding house. The tenants will be many and short term/
high turnover— they will not be families but individuals of unknown character. The boarding
house is also in close proximity to lack and fill preschool kindergarten on Cambridge Street,
Nurin Public School on Auburn Road and a local park.

Having 9 tenants living next door and verandas/balconies facing my property means tenants and
visitor activity will constantly be heard from my bedrooms and they will be able view my
bedroom windows, backyard, and shed all day and every day.

Rear external balcony will give tenants full view of my backyard. The rear external deck/external
balcony will give tenants full view of my backyard and shed. I won’t be able work in my garden or hang
my clothes on the clothes line without tenants peering down on me. This is a serious privacy and security concern for my family which I will not tolerate.

Ground floor rooms 1 and 2 veranahad/ sliding glass doors privacy:
The occupants will be able to see over our fence directly into my bedroom windows opposite.
This is unacceptable.

Noise from motorcycles parked/located at the side of boarding house near my bedroom.
windows:
2 motorcycle spaces and 2 bicycle spaces are placed near my bedroom windows. I will not
tolerate motor cycle engine starting up running, day and night. Do you not realize how loud a
motorcycle engine is when it starts up especially when located in a confined space between the
boarding house brick walls and my fence? This is intolerable.

Natural light will be greatly reduced to all my windows on south side:
Due to its height and size/depth the proposed boarding house will greatly reduce natural light
entering all my windows on the south side. I will not have any view of the sky at all. Reduced
light will also mean cooler temperatures, dampness and more energy usage for lighting.
The second storey will have to be set back at least 1.5 meters from external wall to allow me
more natural light and sky access. This is paramount.

Loss of sunlight solar access to all living and private open space areas of adjacent dwelling
77 Graham St Auburn:
As per council shadow diagram—almost all of the adjacent property at 77 Graham St Auburn
will be in shadow of the boarding house most of the day. This also means they will never be able
to effectively use solar panels. This is unacceptable.

Air conditioning unit location and noise.
The proposed development will require a commercial air conditioning system which is facing
very near to my bedrooms and this will further contribute to unbearable low frequency轰
noise especially at night. I built my house 12 years ago and made sure that my air conditioning
system was located at the back of my house as not to disturb my neighbours. I suggest the same
courtesy from the new boarding house development — this is paramount.
Traffic/Noise and Parking:
The proposed boarding house does not provide off street parking for 9 tenants plus staff. With more cars parking on Graham Street due to a house property recently built across the road, which I suspect is an illegal two storey boarding house for overseas workers (this house alone has generated 5 more vehicles mostly large 4 wheel drive vehicles). The proposed boarding house will create even more congestion with potentially nine extra cars coming and going at all hours of the day and night. This would make the street even more noisy, and lead to dangerous visibility problems when exiting ones driveway as is the case now.

Property value: Extremely important. If the proposed boarding house was to go ahead, it is without any doubt that my property and neighboring property values will diminish considerably. I ask the reader if your house was for sale and you knew it was worth $1 million dollars - but suddenly your neighbour wants to build a 9 room boarding house - Once your prospective buyer finds this out - Do you honestly think your house is still worth $1 million dollars? Very few people would like to buy a house located next door to a two storey 9 room boarding house for exactly the reasons before mentioned.

If this development is allowed to go ahead - it will create a precedent, therefore more of such boarding houses are likely to be built in the near future to the neighbourhood's detriment.

Petition by Auburn residents strongly opposing the building of this boarding house:
On 1-Dec-2016 a petition was submitted to Cumberland council consisting of 172 signatures opposing the building of this boarding house DA-580/2016. Also 11 objection letters were submitted from individual residents. 172 residents which are your constituents in Graham Street and nearby streets do not want a boarding house in their street or vicinity for obvious reasons, Safety, Security, Traffic and Noise.

Why is it that one man (Developer: Mr H Darvirentz - Quality Building Maintenance & Constructions Pty) can overpower the will of the majority? This does not stand well with me or the 172 people who signed the petition against this development. We the long time residents of Auburn thought things would change with a new council.

I ask you sincerely to please consider all my objections for the good of my family and neighbourhood and stop this unwanted development. I also ask you to put yourself in my shoes – Would you like a 9 room boarding house next door to your family home?
We vehemently object to the amended planning application for the abovementioned Lot. The original application and the new amended application is of commercial/business nature that is incompatible for our local area.

We maintain our original position that Graham Street is already a busy street with thousands of cars travelling up and down on a daily basis. The building of a boarding house with such a large number of rooms on a small block of land will set an ugly precedent. A boarding house will not only increase congestion and noise levels, but also lessen the privacy of adjoining properties and reduce the number of street parking spaces.

Of paramount importance is the safety of the young families and elderly population of Graham Street and surrounding streets. We are not afraid of change but believe that such types of housing diversity do threaten established neighborhood character and social values. Whilst there are rules for boarding house tenancy there are no guarantees - the owner/developer may choose to lease the rooms but then the tenant may then sublease an additional bed in a room to reduce their weekly rent and overall expenses.

We are not convinced that this development will not be a traditional boarding house that offers short-term lodging with shared bedrooms and informal agreements. Furthermore, there are adequate accommodation options such as units and granny flats in the local area for lower income earners and individuals/small families.
A boarding house is not a normal family house and therefore is not appropriate in a quiet residential area. There are no such boarding houses in the street. It is considerably larger than normal 4 bedroom 2 storey house and invades the privacy of adjoining homes due to its sheer bulk depth. A boarding house is a threat to the children's and neighborhood safety as we do not know the people who will come and go from the boarding house. The boarding house is also in close proximity to Jack and Jill pre-school kindergarten and Berapa Primary School on Cambridge street and Auburn road.

A 9 room two storey boarding house means 9 tenants at the very least and most possibly more in the future. Having potentially 9 individuals of unknown character living near me is of serious concern for me and the neighbourhood. it will generate constant activity and noise from tenants, visitors and car traffic coming and going all day and night which will greatly affect me and the neighbourhood peace and safety.

Graham Street has for many years been well known for frequent serious car accidents. The proposed boarding house does not provide off-street parking for 9 tenants plus staff. With more cars parking on Graham street due to a battle axe property recently built across the road - this house alone has generated 8 more vehicles mostly large four wheel drive utes. The proposed boarding house will create even more congestion with potentially nine extra cars plus additional cars from people visiting, coming and going all hours of the day and night. This would make the street more noisy and lead to dangerous visibility problems when exiting ones driveway as is the ease now.

If the proposed boarding house was to go ahead, it is without any doubt that my property and neighbouring property values will diminish considerably. If it's allowed to go ahead – it will create a precedent, therefore more of such boarding houses are likely to be built in the near future to the neighbourhood detriment.

Petition by Auburn residents strongly opposing the building of this boarding house:
On 1-Dec-2016 a petition was submitted to Cumberland council consisting of 172 signatures opposing the building of this boarding house DA-5903/2016. Also 11 objection letters were submitted from individual residents,

172 residents which are your constituents in Graham Street and nearby streets do not want a boarding house in their street or vicinity for obvious reasons. Safety, Security, Traffic and Noise. Why is it that one man (Developer - Mr H Darvazest - Quality Building Maintenance & Constructions P/L) can over rule the will of the majority? This does not stand well with me or the 172 people who signed the petition against this development.

I sincerely ask you to please consider my objections for the peace and security of the neighbourhood and stop this boarding house development.
Building is out of character for the streets:
A boarding house is a hostel business. It is not a residential house and therefore does not belong in a quiet residential area. There are no such boarding houses in the street. It has a higher site coverage than adjoining properties. It is considerably larger than normal 4 bedroom 2 storey home and invades the privacy of adjoining homes due to its sheer bulk and its proximity to the perimeter of adjoining houses. Graham Street is a relatively quiet street with mainly single storey 3-4 bedroom family homes.

Security and safety: I have 3 young daughters who live with me and I fear for their safety if this boarding house is built. Having potentially 9 unknown individuals living next door to me is of serious concern for my family and the neighbourhood. The tenants will be young and short term. They will not be families, but individuals of unknown character. It will generate constant activity and noise from tenants and visitors which will greatly affect me and the neighbourhoods peace. The boarding house is also in close proximity to Jack and Jill pre-school kindergarten on Cambridge Street, Berata Public School on Auburn Road and a local park.

Loss of privacy - 6 windows will give tenants full view of my backyard: My daughters will not be able to play in the backyard or hang clothes on the clothes line without tenants being able to look down at us. This is a serious privacy and security concern.

Traffic/Noise and Parking: The proposed boarding house does not provide off-street parking for 9 tenants plus staff. With more cars parking on Graham street due to a multi-use property recently built across the road - this house alone has generated 8 more vehicles mostly large four wheel drive utes. The proposed boarding house will create even more congestion with potentially nine extra cars coming and going all hours of the day and night. This would make the street more noisy and lead to dangerous visibility problems when exiting ones driveway as is the case now.

Loss of sunlight/solar access to all my living and private open space areas - Natural sunlight will be greatly reduced to all my windows on north side due to the sheer bulk and height of the proposed building. As per council shadow diagram - My house will be in the shadow of the proposed boarding house most of the day. This will make the house and backyard cold and dark due to overshadowing from the North. Reduced sunlight also means dampness and more energy usage for heating and lighting. This also means solar panels can never be effectively installed in the future.

If the boarding house was to go ahead, it will create a precedent - therefore more of such boarding houses are likely to be built in the near future and my property value will diminish considerably.

Petition by Auburn residents strongly opposing the building of this boarding house:
On 1-Dec-2016 a petition was submitted to Cumberland council consisting of 172 signatures opposing the building of this boarding house DA-500/2016. Also 11 objection letters were submitted from individual residents. 172 residents which are your constituents in Graham Street and nearby streets do not want a boarding house in their street or vicinity for obvious reasons, Safety, Security, Traffic and Noise. Why is it that one man (Developer - Mr H Darvarelli - Quality Building Maintenance & Constructions P/L) can over rule the will of the majority? This does not stand well with me or the 172 people who signed the petition against this development.

I ask you sincerely to please consider all my objections for the good of my family and neighbourhood and stop the development of this unwanted boarding house.
Attachment 6
Original Notice of Determination for DA-500/2016
Notice of determination of development application (Form 4)
Deferred Commencement
(Section 80(3) - the Environmental Planning and Assessment Act 1979)

<table>
<thead>
<tr>
<th>Development Application</th>
<th>DA-500/2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land to be developed</td>
<td>Lot D DP 339117, 75 Graham Street, BERELA NSW 2141</td>
</tr>
<tr>
<td>Proposed development</td>
<td>Demolition of the dwelling house and ancillary structures and construction of a new two storey boarding house comprising eight (8) boarding rooms.</td>
</tr>
<tr>
<td>Determination</td>
<td>Deferred Commencement Approved</td>
</tr>
</tbody>
</table>

A) The following “Deferred Commencement” conditions are applied and must be satisfied before the consent can operate:-

Consent is granted subject to the following “deferred commencement” conditions. In accordance with Section 80(3) of the Environmental Planning and Assessment Act, this development consent will not operate until you satisfy the Council as to the matters set out in these “deferred commencement” conditions.

DC1. Stormwater Disposal

Stormwater runoff from the development shall be discharged to Cambridge Street by gravity system through downstream easement. In this regard,

a) A minimum 1.2m wide drainage easement to drain the site by gravity to Cambridge Street through downstream/adjoining site(s) shall be registered with Land and Property Information.

b) Cumberland Council shall be nominated as authority to vary or modify the above easement.

b) Copy of the registered ‘transfer granting easement’ document shall be submitted to and approved by Cumberland Council.

Reason: to ensure appropriate easement is created for stormwater disposal.
DC2. Amended Stormwater Plans

A detailed stormwater plan to comply with “Auburn Development Control Plans 2010 - Stormwater Drainage” and “Australian Rainfall & Runoff 1987” shall be submitted to Council for assessment and approval. Details shall be prepared by a suitably qualified practising Civil/Hydraulic Engineer. In this regard,

- All stormwater runoff generated from the subject property shall be collected within the site and directed towards Council’s system via the proposed easement to Cambridge Street.
- An onsite detention facility shall be provided and all runoff generated within the subject development shall be directed towards the OSD prior to drain via the system within the obtained easement.
- Pipe within the easement shall be designed to 100 Year ARI event.

Reason:- to prevent localised flooding.

DC3. Amended Architectural Plans

The balconies attached to Boarding Room 5, 6, 7 and 8 shall be removed. In this regard, all associated sliding doors shall be amended to become standard windows with privacy screen affixed to the outside of the windows. The privacy screen must face the affected side or rear boundaries and have a minimum density of 85%.

DC4. Accessible Car Parking

The architectural plans shall be amended to provide at least one (1) accessible parking space on site. The accessible parking space shall comply with AS 2890.06.

In accordance with clause 95(3) of the Environmental Planning and Assessment Regulation 2000, you must produce evidence to the Council within a period of 730 days, sufficient enough for Council to be able to be satisfied of the above matters.

If evidence is produced within the specified period, in accordance with Clause 95(5) of the Regulation, Council will notify you whether or not it is satisfied as to the above matters and whether or not the consent will operate.

B) Conditions to be satisfied throughout the term that the consent remains valid:-

2. Approved Plans – Deferred Commencement

The development is to be carried out generally in accordance with the following plans as numbered below, except as modified by the deferred commencement condition of approval:

<table>
<thead>
<tr>
<th>Plan / Doc No.</th>
<th>Description</th>
<th>Prepared By</th>
<th>Rev</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>BG_75 - A,0502</td>
<td>Site Analysis Plan</td>
<td>CIS Archi</td>
<td>E</td>
<td>01/11/16</td>
</tr>
<tr>
<td>BG_75 - A,1001</td>
<td>Site Plan</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The plans will not be "stamped" by Council until the modifications required by the deferred commencement condition have been incorporated into revised plans.

(Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act 1979).

Reason:- to confirm and clarify the terms of Council’s approval.

3. **Auburn DCP 2007: Section 94 Development Contributions**

A sum of $16,888.78 is to be paid payable to Cumberland Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Auburn Council Development Contributions Plan 2007 (Amendment 1 2016) for the purpose of LGA Wide plans being the provision of open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework. Payment must be by EFTPOS, bank cheque or credit card only.

The above sum is broken down to the following items

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Facilities</td>
<td>$4,164.56</td>
</tr>
<tr>
<td>Public Domain</td>
<td>$9,210.92</td>
</tr>
<tr>
<td>Accessibility and Traffic</td>
<td>$2,535.77</td>
</tr>
<tr>
<td>Administration</td>
<td>$977.53</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$16,888.78</strong></td>
</tr>
</tbody>
</table>

The contribution is to be paid to Council prior to the issue of a Construction Certificate.
The amounts payable will be adjusted in accordance with the section titled Review of Contribution rates and are generally indexed on a quarterly basis by the Consumer Price Index CPI (all Groups Sydney) unless otherwise stated in the plan.


**Reason:** To ensure that the development complies with the Auburn DCP 2007: Section 94 Development Contributions.

4. **Maximum occupancy**

The boarding house is approved to accommodate a maximum of nine (9) lodgers. Boarding Rooms 1, 2, 3, 5, 6, 7 and 8 are not permitted to be occupied by more than one (1) lodger at any one time. Boarding room 4 may be occupied by two (2) lodgers at any one time.

A schedule showing the boarding room number and the number of lodgers permitted to be accommodated in each must be displayed near the entrance of the premises. The schedule shall include the name and a 24 hour contact telephone number of the owner and/or the boarding house manager. Each boarding room must be clearly numbered in accordance with the schedule.

**Reason:** to confirm the terms of approvals and to comply with the requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009.

5. **Boarding Houses Act 2012**

The use and operation of the premises shall comply with the requirements of the Boarding Houses Act 2012 and all associated regulations and guideline. Prior to the operation of the premises as a boarding house the premises must be registered with the NSW Department of Fair Trading.

**Reason:** to ensure the use and operation complies with the Boarding Houses Act 2012.

6. **Compliance with Acts and Regulations for shared accommodation**

The use and operation of the premises shall comply with the requirements of Part 1 Standards for places of shared accommodation in Schedule 2 Standards enforceable by Orders of the Local Government (General) Regulation 2005 for the construction, maintenance, and operation of places of shared accommodation.

The use of the premises as a boarding house shall comply with the requirements of clause 46 regarding Sleeping Accommodation of the Public Health Regulation 2012.

**Reason:** To ensure compliance with Acts and Regulations for shared accommodation.
7. Occupancy Agreements

No occupation of the premises is to occur without each boarder having a current agreement for a period of at least 3 months.

Reason: to ensure that the premises operates within the boarding house use definition of Auburn Local Environmental Plan 2010.

8. Compliance with Submitted Acoustic Report

The recommended acoustic treatments and noise controls specified in the Acoustic Assessment prepared by Noise and Sound Services dated April 2016 (Report No. nss 22406-Final) shall be submitted with the Construction Certificate application and implemented prior to the release of the Occupation Certificate. All noise reduction measures specified in the acoustic report shall be complied with at all times during the operation of the premises.

Reason: to ensure reasonable level of amenity is achieved for the development.

9. Operational Plan of Management

The premises shall be operated in accordance with the Draft Plan of Management prepared by Quality Building Maintenance and Constructions Pty Ltd dated 3 October 2016. Where there is any conflict between the provisions of the operational plan of management and specific conditions of this consent, the specific conditions of this consent shall prevail.

Reason: to ensure on-going management of the boarding house is in accordance with the operational plan of management.

10. Motorcycle and bicycle parking spaces

The development shall provide a minimum of two (2) motorcycle parking spaces and an area set aside for at least two (2) bicycle parking space.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.

Reason: to ensure motorcycle and bicycle parking space is provided on site on accommodate the development.

11. Time period of consent

This consent shall lapse five (5) years from the date of determination unless the approved building, engineering or construction work has been physically commenced in accordance with this consent.

Development consent for the use of land does not lapse if the approved use of any land, building or work is actually commenced prior to the date on which the consent would otherwise lapse.
Reason: to satisfy the requirements of Section 95 of the Environmental Planning and Assessment Act 1979.

12. Submission of Construction Certificate

Construction works are not to commence until such time that a construction certificate for the proposed works has been issued by Council or an Accredited Certifier.

Where an Accredited Certifier issues a construction certificate, a copy of the following documents must be forwarded to Council within 2 days of issue, together with payment of the Council’s adopted registration fee: determination; application to which it relates; construction certificate issued; plans and specifications; any fire safety schedule; and any other documents lodged with the certificate.

Any modification involving building works to the approved development made under Section 96 of the Environmental Planning and Assessment Act 1979 requires the submission of an amended construction certificate.

Reason: to comply with the requirements of Section 81A of the Environmental Planning and Assessment Act 1979 and clause 142 of the Environmental Planning and Assessment Regulation 2000.

13. No alteration without prior Council approval

The completed building is not to be altered externally in character or colour without the prior consent of Council.

Reason: to ensure the external appearance of the development is not obtrusive or offensive and does not degrade the visual quality of the surrounding area.

14. Appointment of Principal Certifying Authority/Notice of Commencement of Work

Site works are not to commence until:-

a) a construction certificate for the building work has been issued by the consent authority, and

b) the person having the benefit of the development consent has:-
   i) appointed a principal certifying authority for the building work, and
   ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

b1) the principal certifying authority has, no later than 2 days before the building work commences:-
   i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
   ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:-

i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and

ii) notified the principal certifying authority of any such appointment, and

iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

Reason:- to comply with the requirements of Section 81A of the Environmental Planning and Assessment Act 1979.

15. Principal Certifying Authority

a) The person having the benefit of a development consent or complying development certificate for development involving building work or subdivision work may appoint the consent authority, the council or an accredited certifier as the principal certifying authority for the development.

a1) Despite subsection (a), such an appointment may not be made by any contractor or other person who will carry out the building work or subdivision work unless the contractor or other person is the owner of the land on which the work is to be carried out.

b) Despite subsection (a), an accredited certifier must not be appointed as the principal certifying authority for development involving subdivision work unless the subdivision to which the work relates is of a kind identified by an environmental planning instrument as one in respect of which an accredited certifier may be a certifying authority.

c) A principal certifying authority for building work or subdivision work to be carried out on a site is required to be satisfied:-

i) that a construction certificate or complying development certificate has been issued for such of the building work or subdivision work as requires development consent and over which the principal certifying authority has control, before the work commences on the site, and

ii) that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989, before any residential building work over which the principal certifying authority has control commences on the site, unless the work is to be carried out by an owner-builder, and

iii) that the owner-builder is the holder of any owner-builder permit required under the Home Building Act 1989, before an owner-builder commences on the site any residential building work over which the principal certifying authority has control, and
iv) that building work or subdivision work on the site has been inspected by the principal certifying authority or another certifying authority on such occasions (if any) as are prescribed by the regulations and on such other occasions as may be required by the principal certifying authority, before the principal certifying authority issues an occupation certificate or subdivision certificate for the building or work, and

v) that any preconditions required by a development consent or complying development certificate to be met for the work before the issue of an occupation certificate or subdivision certificate have been met, before the principal certifying authority issues the occupation certificate or subdivision certificate.

d) A principal certifying authority must also comply with such other requirements of a like or different nature as may be imposed on principal certifying authorities by the regulations.

Note. Section 81A prohibits the commencement of building work or subdivision work unless the consent authority has been notified of the appointment of a principal certifying authority for the work. Section 109D (2) prohibits the issue of an occupation certificate authorising the occupation and use of a new building except by the principal certifying authority appointed for the erection of the building. Section 109D (3) prohibits the issue of a subdivision certificate for a subdivision involving subdivision work except by the principal certifying authority appointed for the carrying out of the subdivision.

Reason: to comply with the requirements of Section 109E of the Environmental Planning and Assessment Act 1979.

16. Provision of Street Numbers

A street number is to be displayed in a prominent position at the entrance to the premises. Numbers are to be of a colour contrasting with the wall to which they are affixed.

Reason: to clearly identify the street number of the property.

17. Compliance with the Building Code of Australia

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Reason: to ensure compliance with the requirements of the Building Code of Australia and to comply with Clause 98 of the Environmental Planning and Assessment Regulation 2000.

18. Insurance requirements under the Home Building Act 1989

A contract of insurance for residential building work must be in force before any building works commence, where the works are being undertaken by a builder and tradesperson and the works have a market value of greater than $20,000 (or as varied from time to time by the Home Building Act 1989).
Where the contract price or the reasonable market cost of the labour and materials involved does not exceed $20,000, there is no legal requirement for home warranty insurance to be obtained.

Contractors who carry out residential building work must still hold an appropriate licence with Fair Trading where the labour and materials involved are valued at over $1,000.

Home owners should be wary of any builder or tradesperson who says they do not need insurance if the value of work exceeds $20,000, or who suggests you obtain an owner-builder permit while they carry out the work for you.

Note: Evidence of the contract of insurance or owner builder permit, if required, must be submitted with the application for construction certificate. The construction certificate will not be released by Council unless this evidence is provided.

Reason: to comply with Clause 98 of the Environmental Planning and Assessment Regulation 2000.

19. Disabled Access & Facilities

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia (for all new building work) and in addition, with the relevant requirements of the ‘Disability (Access to Premises – Building) Standards 2010’ (including for existing buildings, whether or not any works are proposed). Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications for the Construction Certificate.

Reason: to ensure compliance with the requirements of the Building Code of Australia.


The Commonwealth Disability Discrimination Act 1992 commenced the ‘Disability (Access for Premises – Buildings) Standards 2010’ on 1 May 2011 and now applies to all new buildings and affected parts of existing buildings. Submission and/or approval of this application does not imply or confer compliance with either the Act or the new Access Standard. Applicants should satisfy themselves and make their own inquiries to the Human Rights and Equal Opportunity Commission.

Reason: to provide advice on the requirements of the Commonwealth Disability Discrimination Act 1992.

21. Replacement of Principal Certifying Authorities

Unless the relevant authority so approves in writing, a person may not be appointed to replace another person as the Principal Certifying Authority for development.

A Principal Certifying Authority appointed to replace another principal certifying authority must ensure that notice of the appointment and of the approval of that appointment is given to the consent authority (and, if the consent authority is not the council, to the council) within 2 days of the appointment.
Reason: to comply with the requirements of Section 109EA of the Environmental Planning and Assessment Act 1979 and clause 162 of the Environmental Planning and Assessment Regulation 2000.

22. Notice to Allow Inspections

To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections or any other inspections required by the Principal Certifying Authority, the principal contractor for a building site, or the owner-builder, must notify the Principal Certifying Authority at least 48 hours before building work is commenced at the site if a critical stage inspection is required before the commencement of the work.

Reason: to comply with the requirements of Clause 163 of the Environmental Planning and Assessment Regulation 2000.

23. Erection of Signs

A rigid and durable sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:-

a) showing the name, address and telephone number of the principal certifying authority for the work, and

b) showing the name of the principal contractor (if any) for any 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.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of $1,100.

Reason: to comply with the requirements of Clause 98A and 136B of the Environmental Planning and Assessment Regulations 2000.

24. BASIX Requirements

Under Clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. In this condition:-

a) Relevant BASIX Certification means:-

i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified) or;

ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

**Reason:** To comply with the Environmental Planning and Assessment Regulations 2000.

25. **Demolition of buildings**

The building/s shall only be demolished in accordance with the requirements of AS 2801-2001 “The Demolition of Structures”.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:-

a) Protection of site workers and the general public.
b) Erection of hoardings where appropriate.
c) Asbestos handling and disposal where applicable.
d) Any disused service connections shall be capped off to Council’s requirements.
e) The disposal of refuse is to be to an approved waste disposal depot.

**Reason:** to ensure protection of the public, environment and to uphold public health standards. This also complies with the requirements of clause 92 of the Environmental Planning and Assessment Regulation 2000.

26. **Demolition – Lead Paint Disposal**

The demolition and disposal of materials incorporating lead such as lead paint and dust paint shall be conducted in accordance with AS2801-2001 Demolition of Structures. Removal, cleaning and disposal of lead-based paint shall conform with relevant EPA guidelines including the Lead Safe A renovator’s guide to the dangers of lead, NSW EPA, 1998. Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (eg; ceiling voids and wall cavities) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work shall be suppressed by a fine water spray. Water shall not be allowed to enter the street and stormwater systems. Demolition shall not be performed during high winds, which may cause dust to spread beyond the site boundaries. Please note that Council may require testing to verify that the soil lead levels are below acceptable health criteria.

**Reason:** to ensure the disposal and demolition of materials incorporating lead is carried out in a safe manner in accordance with relevant regulations.

27. **Demolisher Details**

The demolisher/owner/applicant shall:-

a) Lodge with Council, and at least forty-eight (48) hours prior to the commencement of work (due to the potential impact on Council’s infrastructure):-

i) Written notice, indicating the date when demolition of the building is to commence.

ii) The demolisher’s full name and address.

iii) Details of Public Liability Insurance.
b) Comply with Australian Standard 2801 – 2001 "Demolition of Structures"; and,

c) Have a current public liability/risk insurance, and policy details of such shall be submitted to Council for its records.

d) Ensure that all possible/practicable steps are taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like arising from the demolition works

This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.

Reason:- to ensure details of the demolisher are provided to Council and relevant safety requirements are met.


The following shall be complied with:-

a) Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.

b) Vibration levels induced by the demolition activities shall not exceed 3mm/sec peak particle velocity (ppv) when measured at the footing of any unoccupied building.

c) The upper noise level from the demolition operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).

Reason:- to ensure noise and vibration arising from the demolition works does not impact on the amenity of the surrounding area.

29. Asbestos

a) In the event that asbestos is on a site or building under demolition or construction, WorkCover NSW is to be contacted to ascertain the appropriate response, to ensure the safety and protection of existing and future workers and residents. An Asbestos Removal Contractor licensed by WorkCover NSW is to handle/remove/transport and dispose of any products containing asbestos in a manner approved of by the Department of Environment and Conservation (DEC). Copies of tipping dockets are to be retained and able for viewing by Council officers on request.

b) Asbestos material can only be disposed of at a landfill site nominated by Waste Services NSW for that purpose. An appointment must be made with Waste Services NSW to dispose of asbestos materials at the nominated landfill.

c) Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with:-

i) Work Health and Safety Act 2011;

ii) The Work Health and Safety Regulation 2011;

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259.

Under the Work Health and Safety Regulation 2011, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work.

Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting http://www.workcover.nsw.gov.au or one of Workcover NSW’s offices for further advice.

d) In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.

*Reason:* to ensure the safe handling, treatment and disposal of asbestos materials arising from the demolition/construction works.

30. **Services to be capped**

Prior to the commencement of demolition works, the applicant must ensure that utility services to the land upon which the building to be demolished stands, as well as the building itself, are terminated and capped in accordance with the requirements of supply authority, e.g. Electricity-Supplier of Electricity to the subject premises, Gas-Supplier of Gas to the subject premises.

*Reason:* to ensure all services are capped adequately.

31. **Site to be kept in a clean condition**

Upon completion of demolition works and if no new building works are commenced on site, the site shall be kept in a clean manner with landscaping and fencing to the satisfaction of Council.

*Reason:* to control soil erosion, and not have any unsightly views.
32. Neighbour 24 notification of commencement of demolition

Prior to the commencement of work the applicant shall provide 24 hours notice in writing to the neighbours adjoining and opposite the site of the intended time and date of the start of the demolition work.

*Reason:* to ensure details of the demolisher are provided to neighbours.

33. Construction/Demolition Hours

Site works, building works and demolition works, including the delivery of materials or equipment to and from the property are to be carried out between the hours of 7.00 am and 6.00 p.m. only from Mondays to Fridays and between 8.00 am and 4.00 p.m. only on Saturdays. No construction works or deliveries for the construction are to take place on Sundays or public holidays.

Prior to commencement of any demolition or construction work the applicant is to erect signs on the site, which are clearly visible from the footpaths adjoining the site boundaries, which state the permitted construction/demolition hours. These signs must also state “Any instances of site works, building works, demolition works or deliveries outside the permitted hours can be reported to Cumberland Council on 8757-2000 during office hours or 0417-287-113 outside office hours”.

*Reason:* to reduce nuisance to the surrounding properties during the construction period.

34. Information required prior to the issue of Construction Certificate

The following documentation (where applicable) is to be submitted to Council or the accredited certifier, prior to the granting of the Construction Certificate:

- a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the *Building Code of Australia*.
- b) A list of any existing fire safety measures provided in relation to the land or any existing building on the land *(not applicable to dwellings or outbuildings)*
- c) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land *(not applicable to dwellings or outbuildings)*
- d) A report prepared by a professional engineer detailing the proposed methods of excavation, shoring or pile construction, and what measures are to be implemented to prevent damage from occurring to adjoining or nearby premises as a result of the proposed excavation works. (Note: Any practices or procedures specified to avoid damage to adjoining or nearby premises are to be incorporated into the plans and specifications for the construction certificate).
- f) Method of ventilating the basement car park. (Note: If mechanical ventilation is required, mechanical ventilation plans shall be submitted that also confirm the minimum height clearances specified by AS 2890.1 – Car parking, will be achieved).

*Reason:* to ensure that adequate information is submitted to enable assessment or that the development can proceed with the concurrence of others.
35. **Prior to the issue of the Construction Certificate**

The following structural engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifying Authority (Council or accredited certifier) prior to the issue of the Construction Certificate:

a) Reinforced concrete strip footings.
b) Reinforced concrete raft slab.
c) Suspended reinforced concrete slabs.
d) Structural steelwork.
e) Structural timber work exceeding the design parameters of AS1684-1999 "Residential timber-framed construction".
f) Upper floor joist layout
g) Retaining walls.
h) Roof trusses.
i) Wall/roof bracing
j) The existing structure is to be certified as being structurally adequate to carry out the proposed additional loadings.
k) Other.

*Reason:* to ensure the building or structure and its materials and components are capable of sustaining at an acceptable level of safety and serviceability.

36. **Infrastructure Fee**

The infrastructure inspection fee in accordance with Council's Fees and Charges Schedule shall be paid prior to the issue of the Construction Certificate.

*Reason:* to contribute to the cost of inspection and identification of any damage to Council's infrastructure as a result of the development.

37. **Maintain plans on-site**

A copy of the Construction Certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.

*Reason:* to ensure a record of the approved plans are readily available.

38. **PCA – Inspection of works – general & site management**

The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person on behalf of the applicant if permitted by the PCA) to monitor compliance with Council's approval and the relevant standards of construction.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be maintained by the PCA.

Upon inspection of each stage of construction, the PCA (or other suitably qualified person on behalf of the applicant) is also required to ensure that adequate provisions are made for the following measures *(as applicable)*, to ensure compliance with the terms of Council's approval:
• Sediment control measures
• Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
• Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

Advisory Note

If Council is appointed as the PCA, the following critical inspections (as applicable to the development), must be arranged:

a) Prior to the commencement of Building Works, ensure erosion controls PCA and the Builders signs are displayed and a temporary toilet is located on site.
b) Subdivision works (including drainage lines and the construction of roadways)
c) The pier holes before they are filled with concrete.
d) The foundation material prior to covering.
e) The steelwork when in position and before concrete is poured (footings, lintels, beams, columns, floors, walls, retaining walls or the like).
f) The damp course level, ant capping and floor timbers before the floor materials are laid.
g) The framework including roof members when completed and prior to the fixing of any internal sheets.
h) Prior to covering waterproofing in any wet area.
i) Fire resisting construction before concealment.
j) Upper floor beams and joists before the fixing of any flooring material.
k) The rainwater drainage lines within the property boundaries when completed and before covering.
l) The swimming pool safety fence prior to filling the pool with water.
m) Foundation material before installation of the swimming pool or laying of any bedding material.
n) Pool shell reinforcement including pool coping.
o) Final inspection

A minimum of 48 hours notice must be provided to Council to enable the following inspections to be carried out during the course of construction.

**Reason:** to ensure the development is adequately monitored during the construction phase.

39. **Items not to be placed on roadway**

The following items must not be placed on the footpath, roadway or nature strip at any time:-

a) Building materials, sand, waste materials or construction equipment;
b) Bulk bins/waste skips/containers; or
c) Other items that may cause a hazard to pedestrians.

**Reason:** to ensure the public is not inconvenienced, placed in danger and to prevent harm to the environment occurring.
40. **Sign to be erected concerning unauthorised entry to the site**

A sign must be erected in a prominent position stating that unauthorised entry to the site is not permitted. The sign must also name the builder or other person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours. Where Council is not the Principal Certifying Authority, the sign shall also display the name and contact details of the nominated Principal Certifying Authority. The sign is to be removed when the building works have been completed.

*Reason:* to restrict public access to the site and to provide suitable contact details in a clear and conspicuous position.

41. **Toilet accommodation for people working at the site**

Suitable toilet accommodation is to be provided at the work site at all times. If temporary toilet accommodation is proposed, it must:

- Have a hinged door capable of being fastened from both inside and outside,
- Be constructed of weatherproof material,
- Have a rigid and impervious floor; and
- Have a receptacle for, and supply of, deodorising fluid.

*Reason:* to ensure suitable toilet accommodation is provided for workers.

42. **Survey Report**

A Registered Surveyors check survey certificate is to be forwarded to the Principal Certifying Authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stage/s of construction:

*(Setbacks and levels at commencement – new dwellings)*

a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.

*(Setbacks and levels at completion – new dwellings)*

b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.

*Reason:* to ensure each stage of the development complies with the approved plans.

43. **Fencing of Construction Sites – Rental details to be provided to the PCA**

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Hoardings or fences are
to have a minimum height of 1.8m and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

Hoardings or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

Note: Should any part of the fence or hoarding encroach beyond the boundaries of the site, it will be necessary to:-

- Make payment to Council for the rental of the road reserve area in accordance with Council’s adopted charges (per metre per month – minimum 3 months) before the fence/hoarding is erected.
- Supply evidence that the road reserve rental fee has been paid to the PCA and to any authorised Council officer.
- Comply with Council’s specifications for the erection of Class A Hoardings.

Reason:- to provide protection to public places and to prevent unauthorised access to the site.

44. Sediment control

Temporary measures shall be provided in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated March 2004 and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from the site.

Reason:- to ensure sediment and erosion controls are maintained during the construction process to prevent water pollution from occurring.

45. Display of a warning sign for soil and water management

Throughout the construction/remediation/demolition period, a warning sign for soil and water management must be displayed on the most prominent point of the building site, visible to both the street and site works.

Reason:- to ensure all building workers are aware of the need to maintain the sediment and erosion control devices.

46. Excavations extending below the base of footings of adjoining development

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner. The person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of its intention to excavate below
the level of the base of the footing. The person must also furnish the adjoining property owner with particulars of the proposed work.

Reason: to ensure the support for neighbouring buildings.

47. Noise from construction activities

Noise from construction activities associated with the development shall comply with the NSW interim Construction Noise Guidelines (DECCW) 2009.

Reason: to ensure noise arising from construction activities is in accordance with relevant legislation and Environment Protection Authority requirements.

48. Dial before you dig (advisory)

Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communications and water.

Before you dig call “Dial before you dig” on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and the distance to the nearest cross street) or register on line at www.dialbeforeyoudig.com.au for underground utility services information for any excavation areas.

The Dial Before You Dig service is also designed to protect Australia’s excavators. Whether you are a back yard renovator, an individual tradesman or a professional excavator the potential for injury, personal liability and even death exists every day. Obtaining accurate information about your work site significantly minimises these risks.

Reason: To ensure that essential services such as electricity, gas, communications and water are not affected by excavation or construction.

49. Car parking to Comply with Approved Details

The area set aside for the parking of vehicles, and so delineated on the plan prepared by CI/S Archi and endorsed plan Project No. BG_75 Drawing No. A.2001 issue E dated 1 November 2016, shall not be used for any other purpose.

Reason: to ensure the car parking area is not used for purposes other than the parking of cars associated with the use.

50. Vehicles Driven in Forward Direction

All vehicles must be driven in a forward direction at all times when entering or leaving the premises.

Reason: to preserve and enhance the safe operation of the car parking area.

51. Reinstatement of footpath and footpath crossing

The footpath and footpath crossing's adjacent to the property shall be reinstated by Council at the completion of works with all costs being borne by the developer.
Alternatives to the pre-payment for this work will be considered if written request is made to Council.

Reason: to ensure the footpath and the footpath crossings are repaired from any damage caused during the construction phase.

52. Vehicle Driveway Crossings and Gutter Laybacks

Arrangements shall be made with Council for the prepaid construction of vehicular crossings and gutter laybacks at all property entrances and exits, and for the removal of all disused driveway crossings and gutter laybacks. Alternatives to the pre-payment for this work will be considered if written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council’s specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any Occupation Certificate.

Removal of obstructions, such as power poles, trees, drainage pits and the like shall be carried out at the applicant’s expense.

Reason: to ensure that works are carried out in accordance with Council’s standard.

53. Carrying capacity of driveways – Heavy duty

Suitable heavy-duty driveway crossings are to be installed at all ingress/egress points to the property at the applicant’s cost by Council. Alternatives to the pre-payment for this work will be considered if written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council’s specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any Occupation Certificate.

Reason: to ensure the driveways can support the expected weight of heavy vehicles likely to frequent the site.

54. Street boundary levels

Street boundary levels for vehicle access and drainage purposes are to be obtained at the applicant’s cost from Council’s Service Planning Department prior to commencement of any works. These levels are to be incorporated in all drainage submissions required under this determination.

Reason: to ensure the correct levels are obtained and used for the development.

55. Road opening permit

Prior to commencement of any work on Council roads and footpaths, a road-opening permit shall be obtained from Council’s Service Planning Department.

Reason: to safeguard Council property against damage.
56. **Restoration works**

Prior to commencement of any excavation work on Council roads or footpaths, the applicant shall pay for all restoration costs. The area of restoration shall be determined on site between the applicant or its contractor and Council’s Contracts & Maintenance Engineer.

*Reason:* to ensure that Council’s infrastructure is maintained in a safe and trafficable manner.

57. **Stormwater disposal**

Stormwater runoff generated from the Regent Street frontage development shall be directed to the On Site Detention system prior to being discharged to Cambridge Street by gravity system in accordance with the approved plan as part of deferred commencement condition.

*Reason:* to prevent localised flooding.

58. **Structural Engineering Certificate**

The applicant shall submit a structural engineer’s certificate of adequacy verifying that the works as detailed on the approved plans for the storage tank have been completed under his/her supervision and that the design is adequate to support the anticipated design loads. The certificate shall be submitted to Council with the works-as-executed plan.

*Reason:* to ensure the construction is structurally adequate.

59. **Submission of full stormwater disposal details**

Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Council or the Accredited Certifier to ensure the approved stormwater plans are incorporated with the Construction Certificate.

The details shall be prepared by a suitably qualified person and must be in accordance "Auburn Development Control Plans 2010 - Stormwater Drainage" and "Australian Rainfall & Runoff 1987". In this regard,

The proposed stormwater system shall be generally in accordance with the stormwater concept plans approved plan as part of deferred commencement condition.

Note: "Auburn Development Control Plans 2010 - Stormwater Drainage" is available to purchase at Council or the document can be found at Auburn Council’s web page www.auburn.nsw.gov.au

*Reason:* to ensure the stormwater is suitably discharged.
60. **Stormwater disposal – on-site detention**

On-site stormwater detention storage is to be provided in conjunction with the stormwater disposal. The storage is to comply with “Auburn Development Control Plans 2000 - Stormwater Drainage”. Where multiple detention basins with differing top water levels are used, the basins must be routed to the outlet pit independent of each other.

A positive covenant under Section 88E of the *Conveyancing Act 1919* is to be created on the title of the property detailing the on-site stormwater detention system incorporated in the development. The wording of the instrument is to be submitted and approved by Council prior to lodgement at the Land Titles Office. Evidence confirming the positive covenant has been registered shall be submitted to Council prior to occupation of the building or issue of the occupation certificate.

**Note:**
1. Positive covenant wording shall be obtained from Council prior to lodgement.
2. Work as executed plan shall be accompanied by relevant checklists.

**Reason:** to prevent localised flooding by ensuring the detention system is maintained as designed.

61. **Maintenance schedule – OSD**

Prior to the issue of the Occupation Certificate, a maintenance schedule of the proposed on-site detention facility shall be submitted to Council for approval with the stormwater work as executed plan. This maintenance schedule shall be registered as part of the positive covenant.

**Reason:** to ensure the onsite detention facility is in good working order.

62. **Annual maintenance inspection of OSD**

Annual maintenance inspection summary of the onsite detention with associated certificates shall be sent to Council within the first month of every calendar year. In this regard:

- All critical inspections shall be carried out by a qualified person.
- A maintenance log book shall be maintained as per the approved maintenance schedule on site and readily available for inspection by a Council officer.
- All associated cost shall be borne by the owner

**Reason:** to ensure the onsite detention facility is in good working order.

63. **Footpath Construction – Graham Street**

The footpath adjoining Graham Street frontage shall be reconstructed in accordance with the Council’s Standard footpath construction requirements. Site boundary line levels shall be raised to the boundary line levels, with satisfactory end-transitions provided.

- Detail footpath design shall be submitted and approved by Council’s Works and Services section prior to the issue of a Construction Certificate.
Street boundary levels obtained from Council shall be incorporated in the design.

The details of construction requirements shall be requested from the Council prior to commencement of construction.

Formwork inspection and footpath inspection shall be carried out by Council.

All associated cost shall be borne by the applicant.

The footpath shall be constructed at the completion of works and finished to the satisfaction of Council prior to the issue of an Occupation Certificate.

All associated cost shall be borne by the applicant.

**Reason:** to provide a safe footpath for increased pedestrian use and one that will complement the Auburn Council requirements.

### 84. Works-as-Executed Plan – Drainage Plans

Prior to occupation of the building or issue of the occupation certificate, two (2) copies of the Works-as-Executed (W.A.E.) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to Council. The W.A.E. plan shall show (where applicable):

a) Whether all works have been completed generally with the approved drainage plans.

b) Any departure from the approved plan and conditions.

c) Any additional work that has been undertaken.

d) Location, levels and sizes of pipes and pits.

e) Finished floor and finished surface levels. The location of finished levels should in general correspond with those shown on Council’s approved drainage plan.

f) Basement pump out volumes.

**Note:** The W.A.E. surface level shall be taken after all landscaping has been completed.

In this regard:

- The above information is to be superimposed on a full sized copy of Council approved drainage plan and is to be submitted to Council.

- Checklists A3, A4 & A5 in the appendix of the "Auburn Development Control Plans 2000 stormwater drainage" shall be completed and shall be certified by the practicing hydraulic engineer and the registered surveyor.

**Reason:** to account for minor variations and to ensure Council has the final details.

### 65. Works within Council controlled lands

a) For drainage works:

i) Within Council controlled lands.

ii) Connecting to Council’s stormwater drainage system.

Inspections will be required:

i) After the excavation of pipeline trenches.

ii) After the laying of all pipes prior to backfilling.

iii) After the completion of all pits and connection points.
b) A minimum of 48 hours’ notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council’s Works and Services Section during office hours.

c) Work is not to proceed until the works are inspected and approved by Council.

Reason: to ensure works on public/Council controlled lands are carried out as per Council’s requirements.

66. Footpath /Nature strip maintenance during and after construction

The footpath and nature strip within the street frontages shall be maintained during the period of construction to Council’s satisfaction.

Reason: to ensure pedestrian safety during the construction period.

67. Submission of Design to Council - Footpath works in Graham Street

The footpath shall be reconstructed for the full frontage on Graham Street to comply with Council’s new boundary line level requirements. Design for footpath construction shall be carried out in consultation with Council’s engineering section. In this regard:

- Detail design for footpath, shall be prepared in consultation with Council’s engineering section and approved by Council prior to the issue of any Construction Certificate;
- Street boundary levels shall be obtained from Council and shall be incorporated in the design;
- Where required necessary end transitions shall be included beyond the street frontage on either side of the property or adjacent to the other property driveways;
- The existing nature strip area shall be re-graded as required by Council and shall be turfed;
- Details of the proposed new driveway locations shall be shown on the plans;
- Access driveways shall have a minimum 1200mm clearance to the street trees; and
- All associated cost shall be borne by the applicant.

Reason: to provide a safe footpath for pedestrians and to prevent damage to council assets.

68. Construction of footpath, kerb and gutter reinstatement – Graham Street

Prior to issue Occupation Certificate, the new footpath for the full street frontage shall be constructed and reinstatement works shall be completed as approved by the Council. In this regard:

- Footpath construction, kerb & gutter reinstatement works shall be carried out to Council’s standards and specifications and as per the footpath plan to be approved by Council’s engineering section;
- All works shall be carried out in consultation with Council’s engineering section and specifications;
- The existing nature strip area shall be re-graded as required by the construction requirements and shall be turfed;
- Any redundant driveways and laybacks shall be removed;
Formwork inspection and footpath inspection shall be carried out by Council; and
All associated cost shall be borne by the applicant.

Reason: to provide a safe footpath for pedestrians and to prevent localized flooding.

69. **Service relocation/adjustments**

The applicant shall locate any utility services affected by the proposal and shall be responsible for any damage to, or relocation of services required by the proposal including adjustment to the levels of pit lids etc. All works shall be carried out to the satisfaction of the relevant Authority and Council. In this regard,

- Prior to commence works approvals from the relevant authorities shall be obtained by the applicant;
- All service pits and lids within the footpath and access driveways shall be adjusted to match new surface levels;
- And service lids/covers shall be changed to meet the changed traffic conditions as directed by the relevant service providers and their specifications; and
- All costs shall be borne by the applicant.

Reason: to prevent damages to services and to ensure adjustments/changes are carried out to comply with specifications and directions provided by the service authorities.

70. **Traffic Management**

A traffic management plan shall be submitted to and approved by Council for all demolition, excavation and construction activities associated with the development prior to commencement of work.

Reason: to minimise the impact on street traffic.

71. **Arrangements for Electricity and Telephone Services**

Satisfactory arrangements are to be made with Energy Australia, Telstra and/or Optus for the provision of services to and within the subject land. Written evidence of such arrangements shall be submitted to the Principal Certifying Authority (Council or accredited certifier) prior to the issue of the construction certificate.

Note: Prior to works commencing, the applicant is advised to contact each provider to determine the location of various services to avoid damage occurring.

Reason: to ensure these services are available to the site.

72. **Arrangements for Water and Sewer Services**

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained.

Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au
then the "e-developer" icon or telephone 132 092.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built or 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 landscaping design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority (Council or accredited certifier) prior to the occupation of the development.

_Reason:_ to ensure that adequate water and sewer services can be provided to the site.

73. **Sydney Water Approval**

The approved development application plans must be accompanied by a valid Building Plan Assessment Approval Receipt. This receipt can be acquired through the "Sydney Water Tap In" system by the Sydney Water Authority.

Please refer to the web site www.sydneywater.com.au for:

- Information on the "Sydney Water Tap in" system and
- Registering and applying for the approval receipt for the Proposed Building Plan.

or telephone 13 20 92.

_Note:_
The consent authority or accredited certifier must either:

- ensure that a valid approval receipt has been obtained from Sydney Water before the issue of any Construction Certificate (receipt valid usually 1 year from the date of issue); or
- if there is a combined Development/Construction Certificate application, ensure that a valid approval receipt has been obtained prior to works commencing on site.

_Reason:_ to ensure the development does not damage or interfere with Sydney Water assets.

74. **Television Aerial/Satellite Dish**

A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.

_Reason:_ to ensure the provision of these services does not impact on the finished appearance of the development.

75. **Amenity**

The operation of the premises shall be conducted in such a manner as to not interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.
Reason: to protect the amenity of the locality.

76. Water Pollution

The operation of the premises shall be conducted in a manner which does not pollute waters as defined by the Protection of the Environment Operations Act 1997.

Reason: to protect waterways and stormwater systems from pollution.

77. Removal of Litter

In addition to Council's street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.

Reason: to maintain a satisfactory level of amenity in the locality.

78. Use of building not to commence until conditions of consent satisfied

The use of the premises is not to commence until all terms of this consent have been satisfied.

Reason: to ensure compliance with the terms of the development consent.

79. Building not to be adapted for another use

The building is to be used for the purposes of a boarding house only and is not to be altered or adapted for another use without the prior consent of Council.

Reason: the building has only been approved for this use and other uses require a separate approval of Council.

80. Side/Rear Boundary Fencing

Fences located on the side or rear boundaries of the premises, behind the main building setback (not within the front yard), shall not exceed a maximum height of 1.8m.

Reason: to maintain reasonable levels of amenity to the adjoining premises.

81. Fencing/gates and adjoining land

There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.

Reason: to ensure the fence/gates do not restrict access and that encroachments do not occur.
82. **Surveillance tapes**

The surveillance tapes captured by the CCTV cameras shall be kept for a period of 14 days for viewing by the police upon request with the recording device located in a secure area to maintain the integrity of the recorded footage.

*Reason*: to improve public safety late at night and to maintain the integrity of the recorded footage.

83. **CCTV Camera System**

The Management/Licensee shall install CCTV surveillance cameras in and around the premises, placed in strategic places such as the external entrance and exit doors. The surveillance tapes shall be kept for a period of 14 days for viewing by the police upon request.

*Reason*: to ensure that the use provides adequate visual surveillance and adequate records for the NSW Police to peruse is required.

84. **Target hardening strategies to reduce crime**

The following target hardening strategies shall be undertaken on site to assist in the reduction of crime in the locality:

a) CCTV digital cameras shall be installed in and around the premises, particularly at the entry and exit points to assist police to identify offenders of crime.

b) Warning signs strategically posted in and around the premises to warn intruders of the security measures.

c) Additional lightning be installed in and around the premises to act as a deterrent for crime. The lighting shall be installed in accordance with the Australian Standards 1158.3 1999.

The details shall be shown in the construction plans for approval by Council or the Accredited Certifier prior to the issue of a Construction Certificate.

*Reason*: to reduce the incidence of late night crime in the locality and to improve public safety late at night.

85. **Suitable arrangements to be made for garbage and recycling services**

Suitable arrangements for garbage and recycling services are to be made with Council prior to occupation of the building.

*Reason*: to ensure adequate garbage and recycling services are provided for the development.

86. **Waste and recyclables storage area**

The waste and recyclable storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within
the room. Details shall be provided with the Construction Certificate and endorsed on the construction drawings, and works completed prior to the issue of an Occupation Certificate.

Reason: to ensure the waste and recyclables storage area is appropriately constructed and able to be readily cleaned and maintained.

87. Ongoing Waste Management

Ongoing waste management within the development shall be carried out in accordance with the approved Waste Management Plan and the following requirements:

a) Appropriate waste management practices are to be adopted within the development at all times.

b) The waste storage room shall be kept in a clean, tidy and hygienic condition at all times.

c) The waste and recyclable storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room. Details shall be provided with the Construction Certificate and endorsed on the construction drawings, and works completed prior to the issue of an Occupation Certificate.

d) A person shall be employed/nominated to manage the collection of waste material by Council, including, but not limited to bin placement at the road edge and retrieval of bins soon after collection of contents, cleansing of bins, storage of bins in the compound and the like.

e) The nature strip is to be kept in a clean and tidy condition upon garbage collection.

Reason: to ensure appropriate ongoing waste management practices within the development in accordance with Council’s Development Control Plan requirements.

88. Final Fire Safety Certificate

Prior to the occupation of the building, the owner of the building shall submit to the Principal Certifying Authority (Council or Accredited Certifier), a final fire safety certificate in relation to each essential fire safety measure specified in the fire safety schedule, attached to the development consent or Construction Certificate.

Such certificate shall state that each essential fire safety measure specified:

a) Has been assessed by a properly qualified person, and

b) Was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.

Notes:

a) As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:

i) Must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
ii) Must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.

b) A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason: to ensure compliance with Regulations 149 & 171 of the Environmental Planning and Assessment Regulation 2000.

89. Annual Fire Safety Statement

The owner of any building in which fire safety measures are installed, must cause the Council to be given an annual fire safety statement, within 12 months after the last such statement or final fire safety certificate was issued.

The certificate shall certify:-

a) That each essential fire safety measure has been assessed by a properly qualified person and was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule.

b) That a properly qualified person has inspected the building and has certified that, as at the date of inspection, the condition of the building did not disclose any grounds for a prosecution under Division C.

Notes:

a) As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates:-

   i) must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and

   ii) must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.

b) A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason: to ensure compliance with Regulation 171 of the Environmental Planning and Assessment Regulation 2000.

90. Noise and Vibration

The use of the premises shall not give rise to any of the following when measured or assessed at “sensitive” positions within any other property. These “sensitive” positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

b)  transmission of vibration to any place of different occupancy above the requirements of AS2670.

c)  a sound pressure LAeq,period at any noise sensitive position of any other premises or occupancy greater than the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy.

d)  a sound pressure LAeq,15min at any noise sensitive position greater than the intrusiveness criteria determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1.

For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

Reason:- to ensure adequate acoustic amenity in the locality.

91. Air conditioning units – location and acoustics

a)  Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building.

b)  The operation of air conditioning units shall be so:
    i)  as not to cause "offensive noise" as defined under the Protection of the Environment Operations Act 1997;
    ii) as to be inaudible at the nearest affected residence between the hours of 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays;
    iii) as not to discharge a condensate or moisture onto the ground surface of the premises or into a stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act 1997.

c)  Should Council receive noise complaints from neighbouring residents in relation to the air conditioning units, Council may issue a Noise Notice. Such notice may require you to engage the services of a competent and appropriately qualified Acoustic Consultant to undertake a noise level assessment of the air conditioning unit. If the unit is assessed as exceeding the permitted noise criteria, you may be directed to provide noise attenuation measures such as an acoustic enclosure and/or relocation of the unit.

Reason:- to ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings and to ensure the operation of air conditioning units does not adversely impact on the acoustic amenity of the locality.

92. Submission of Works-as-Executed Fire Services Plan

A works-as-executed fire services plan is to be submitted to the Council prior to occupation of the development, detailing the location of the essential fire safety measures installed within the building premises.
Reason:- to ensure a record of the location and type of fire safety services is documented.

93. Occupation Certificate

A person must not commence occupation or use of the whole or part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

The application for an Occupation Certificate must be made to the Principal Certifying Authority (Council or an accredited certifier) using the approved form.

Reason:- to comply with the requirements of Section 109M/N of the Environmental Planning and Assessment Act 1979.

94. Smoke Alarms – Class 1 Buildings

Smoke alarms are required to be installed in each Class 1 building or dwelling in accordance with the relevant provisions of Part 3.7.2 of the Building Code of Australia - Housing Provisions.

Smoke alarms must comply with AS 3786 - Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up.

The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority.

Smoke alarms are not be located in “dead-air spaces”, in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the Building Code of Australia - Housing Provisions.

Details of compliance with the provisions of the Building Code of Australia must be included in the plans/specification for the construction certificate.

Reason:- to ensure that reasonable levels of fire safety are provided in the building.

95. Sanitary Compartment doors – All Buildings

The door to a fully enclosed sanitary compartment must open outwards OR slide OR be readily removable from the outside of the compartment, unless there is a clear space of at least 1.2m between the closet pan within the sanitary compartment and the nearest part of the doorway.

Reason:- to comply with Building Code of Australia F2.5 and Part 3.8.3.3.
96. Termite Protection

Where a primary building element in a building may be subject to attack by termites, those members will need to be protected in accordance with Clause 3.1.3.0 of the Building Code of Australia. Satisfactory compliance with this requirement is achieved by applying a preventative treatment in accordance with AS 3660.1-2000.

Where a patented method of physical protection or chemical treatment is carried out, a certificate shall be submitted to The Principal Certifying Authority from the installer/pest control firm indicating that the protection used complies with AS 3660.1-2000 and the Building Code of Australia. This certificate shall be forwarded to The Principal Certifying Authority prior to the pouring of any slab on ground or prior to a bearers and joist inspection.

Where an alternative method of treatment is proposed, it is to be provided in accordance with the requirements of Clause 3.1.3 and Clause P2.1 in Section 2 of the Building Code of Australia. Details of any proposed performance based compliance system must be submitted to The Principal Certifying Authority for approval.

A durable notice must be permanently fixed to the building in a prominent location regarding the installation of termite barriers, such as in a meter box or the like indicating:-

a) The method of protection; and  
b) The date of installation of the system; and  
c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and  
d) The installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.


97. Household Type Hot Water System

The household type hot water system is to be supported on construction sufficient to carry the total mass at full capacity and is positioned to enable adequate access for operation, maintenance and removal. Roof space or otherwise concealed units are to have a safety tray and waste for the overflow. (Note: Installation in accordance with AS 1529 is considered satisfactory).

*Reason:* to comply with AS 1529.
<table>
<thead>
<tr>
<th>Consent to operate from:</th>
<th>Refer to Clause 100(4) of the Environmental Planning and Assessment Regulation, 2000 – Date to be advised by Council following compliance with the “Deferred Commencement” conditions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent to lapse on:</td>
<td>Five (5) years from the date of determination.</td>
</tr>
<tr>
<td>Other approvals</td>
<td></td>
</tr>
<tr>
<td>List Local Government Act 1993 Approvals granted under s 78A(5)</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
| Right of appeal (also see note 3) | If you are dissatisfied with this decision section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within:  
  • 12 months - consents lodged before 27 February 2011  
  • 6 months – consents lodged after 28 February 2011  
* section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State Significant Development or local designated development that has been the subject of a Commission of Inquiry. |
| Signed                 | on behalf of the consent authority                                                                                                                                                                 |
| Signature               | Malcolm Ryan  
Interim General Manager                                                                                                           |

**Note 1**
Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.

**Note 2**
Clause 101 of the Regulation contains additional particulars to be included in a notice of determination where a condition under section 94 of the Environmental Planning and Assessment Act 1979 has been imposed.

**Note 3**
Section 82A of the Environmental Planning and Assessment Act permits a review of the determination
Deferred Commencement Application Form

OFFICE USE ONLY

Fee: $122.30 unless otherwise advised
Receipt No: 

Receipt Date:

Application No: DA-500/2016

THIS FORM SHALL ONLY BE USED FOR APPLICATIONS THAT HAVE RECEIVED A DEFERRED COMMENCEMENT CONSENT BY COUNCIL.

DESCRIPTION OF PROPOSAL

- List the deferred commencement conditions and the information provided to satisfy the consent requirements.

LOCATION & PROPERTY DESCRIPTION

This will help us to correctly identify the land. You must indicate the correct Lot and DP or SP – get these from rates notices, property deeds or if unsure, ask us for assistance.

Address: 75 Graham Street, BERELA NSW 2141

Lot & DP/SP: Lot D DP 339117

APPLICANTS DETAILS

All correspondence relating to this application will be sent to this address.

Name(s): Quality Building Maintenance & Constructions P/L

Address: PO BOX 2201

BERELA NSW 2141

Suburb: 

Postcode: 

Phone: 

Fax: 

Mobile: 

Contact Person: 

Email: 

Applicant’s Signature(s): X
### SUPPORTING INFORMATION

- Please refer to the deferred commencement conditions of consent for submission requirements.
- You can support your application with additional material, such as photographs, aerial photographs, slides, models and plans to illustrate your proposal.
- Please list what you have attached in a separate covering letter or plan cover sheet.
- ALL plans submitted are to be folded, not rolled.

### YOUR DECLARATION (applicant to complete)

()'I/we hereby apply for approval to obtain operational consent described above in the plans, specifications and documents accompanying the application.'

()'I/we undertake to carry out that development/activity in accordance with any approval granted by the Council and to conform with the provisions of the relevant Act(s), Regulations, Codes and planning instruments.'

I also understand that:

- If incomplete, the application may be delayed or rejected.
- More information may be requested.
- A fee is applicable for the assessment of a deferred commencement approval or additional information provided.

I also give consent for authorised Council officers to enter the land to carry out inspections, take photographs, videos, surveys and measurements.

Name(s):

Signature(s):

Date:

### PRIVACY POLICY

Some of the information that Council is collecting from you in this form is ‘personal information’ for the purposes of the Privacy & Personal Information Protection Act 1998 (‘PPIP Act’). The supply of this information by you is voluntary. If you do not provide the information, Council will be unable to process your application. Council is collecting this personal information from you in order to process your application in accordance with the Environmental Planning & Assessment Act 1979. You may make an application for access or amendment to your personal information. The information will be retained by Council and stored in a register that can be viewed by the public at any time in accordance with the Local Government Act 1993. Your application may be advertised to the public for comment, in accordance with Council policies and relevant legislation. You may make a request that Council suppress your personal information from a public register in accordance with the PPIP Act. For more information about your privacy please contact Cumberland Council.

### HOW TO LODGE THIS APPLICATION

<table>
<thead>
<tr>
<th>Address the application to</th>
<th>The Interim General Manager, Cumberland Council, PO Box 118, Auburn, NSW 1835</th>
</tr>
</thead>
<tbody>
<tr>
<td>Courier.</td>
<td>Civic Place, 1 Susan Street, Auburn, 2141</td>
</tr>
<tr>
<td>Contact us by Phone &amp; Fax</td>
<td>Ph: (02) 973 1222  Fax: (02) 9643 1120</td>
</tr>
<tr>
<td>Email/Web:</td>
<td>Email: <a href="mailto:auburncouncil@auburn.nsw.gov.au">auburncouncil@auburn.nsw.gov.au</a>  Web: <a href="http://www.cumberland.nsw.gov.au">www.cumberland.nsw.gov.au</a></td>
</tr>
<tr>
<td>Office Hours:</td>
<td>8.30am-4.00pm Monday to Friday  Cash payments accepted between these hours.</td>
</tr>
<tr>
<td>Fees</td>
<td>Fees are calculated on a scale based on Part 15 of the Environmental Planning and Assessment Regulations. Please ask us for the fee charged.</td>
</tr>
<tr>
<td>Payment Method</td>
<td>Payment is by cash or cheque.  Make cheques payable to Cumberland Council. Do not send cash in the mail. Payments may also be made through BankCard, Visa, EFTPOS or MasterCard.</td>
</tr>
<tr>
<td>Acknowledgements</td>
<td>We will acknowledge that we have received your application and some fees may attract GST. These will be shown on your receipt.</td>
</tr>
<tr>
<td>Making a personal visit?</td>
<td>Civic Place, Customer Services Counter, 1 Susan Street, Auburn, 2141</td>
</tr>
</tbody>
</table>

PLEASE NOTE: APPLICATIONS RECEIVED BY EMAIL OR FAX CANNOT BE ACCEPTED.
DOCUMENTS
ASSOCIATED WITH
REPORT LPP016/19

Attachment 7
Original Architectural Plans
Proposed for Boarding house (8 rooms)
Address: 75 Graham St, Berata, NSW 2141

<table>
<thead>
<tr>
<th>Layout No.</th>
<th>Layout Name</th>
<th>Rev</th>
<th>Date</th>
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<tbody>
<tr>
<td>A.0001</td>
<td>Cover Sheet</td>
<td>E</td>
<td>07.11.18</td>
</tr>
<tr>
<td>A.0501</td>
<td>Site Information</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>A.0502</td>
<td>Site Analysis Plan</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>A.0503</td>
<td>Shadow Diagrams</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>A.1001</td>
<td>Site Plan</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>A.1201</td>
<td>Surveyor Drawing</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>A.2001</td>
<td>Ground Floor Plan</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>A.2002</td>
<td>First Floor Plan</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>A.3001</td>
<td>Elevations</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>A.3002</td>
<td>Elevations</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>A.3101</td>
<td>Section, Window &amp; Basis</td>
<td>E</td>
<td>*</td>
</tr>
</tbody>
</table>

Proposed Photomontage
Site information

A. SITE: 75 Graham St, Berdoona, New South Wales 2144
   Lot 1 DP 339117

B. ZONING: R2 - Low Density Residential
   (Refer to Clause 4.42A)
   [Auburn Local Environmental Plan 2019]

C. SITE AREA: 623.5 m² approx.

D. Site coverage:
   310.2 m² / 623.5 m² = 0.49

E. Proposed floor area:
   Ground Floor:
   - Garage: 47 m²
   - Rooms & toilet: 153 m²
   Total: 240 m²

   First Floor:
   - roof void: 323.5 m²

   Total floor area:
   - 297 m² (without garage)
   - 342 m² (with garage)

F. PS1
   442 / 323.5 ≈ 0.84

Note:
- Construction Pecker Point must be set out by certified survey
- before commencing any building work & provided certification to
- PCA by contractor
Item No: LPP017/19

SECTION 4.56 MODIFICATION APPLICATION 78-80 & 84 BURSILL STREET, GUILDFORD

Responsible Division: Environment & Planning
Officer: Manager Development Assessment
File Number: DA-494/2016/A

Application lodged | 05-Sep-2018
Applicant | Dugald Mackenzie
Owner | Jarad (Nsw) Pty Ltd and Mr H Jideh
Application No. | DA-494/2016/A
Description of Land | 78-84 Bursill Street, GUILDFORD NSW 2161, Lot A DP 370293, Lot 2 DP 541749 & Lot 1 DP 541749
Proposed Development | Section 4.56 application for various modifications to approved residential flat building including altering the bin room, finished floor level and configuration of basement and alterations to unit windows and squaring off corners
Site Area | 2443.4m²
Zoning | R4 High Density Residential
Disclosure of political donations and gifts | Nil disclosure
Heritage | No
Issues | FSR, parking allocation

SUMMARY:

1. Development Application No. DA-494/2016/A was received on 05 September 2018 for various modifications to approved residential flat building including altering the bin room, finished floor level and configuration of basement and alterations to unit windows and squaring off corners

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 21 days between 18 September 2018 and 9 October 2018. In response, no submissions were received.

3. The variations are as follows:

<table>
<thead>
<tr>
<th>Control</th>
<th>Required</th>
<th>Provided</th>
<th>% variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>FSR</td>
<td>1.1</td>
<td>1.15</td>
<td>4.3%</td>
</tr>
</tbody>
</table>

4. The modification application is recommended for conditional approval subject to amendments to the conditions as provided in the attached schedule.

5. The application is referred to the Panel as the proposal relates to a court approved development where there are variations to a development standard.
REPORT:

Subject Site and Surrounding Area

The site for the proposed development is comprised of 3 allotments, which are legally described as Lot A DP 370298, Lot 2 DP 541749 & Lot 1 DP 541749, and is known as 78-80 & 84 Bursill Street, Guildford (“the site”). The site is on the south side of Bursill Street on the south-eastern corner of the intersection between Bursill Street and Talbot Road. The site is largely regular in configuration with a combined area of 2,443.4m² and frontages of 59m to Bursill Street and 39.3 m to Talbot Road. The site has a fall in natural ground level from the southern boundary towards the north boundary of the site, i.e. from rear to front, of approximately 2m.

The locality is characterised by a varied mix of land uses including low density, medium density, high density residential land uses and business zones including local centre, mixed use and enterprise corridor, as well as public recreation and general industrial uses.

Adjacent to the site on the east is medium density residential zoned dwellings and to the northern boundary, separated by Bursill Street, is low density residential dwellings and Guildford Bowling Club, which is directly opposite the Bursill Street frontage. The eastern boundary is land zoned medium density residential. Land to the south is zoned low density residential, business local centre (B2) and mixed use business (B4). The site is in relatively close proximity to public services and facilities (Guildford Town Centre) and public transport (Guildford train station).

Figure 1 – Locality Plan of subject site
Description of The Proposed Development

Council is in receipt of a section 4.56 (modification of consent granted by the Court) modification application on 05-Sep-2018 which includes the following modifications to the approved development:

- Alterations to the finished floor level of the basement carpark to provide a single level basement carpark, rather than the approved split level basement;
- Refinement of the basement carparking including removal of the fire stairs along the southern edge of the basement and provision of a pump room along the western boundary of the basement.
- Relocation of the bin compound fronting Talbot Road to improve accessibility and provide additional landscaping adjacent to the southern boundary;
- Deletion of second window to bedrooms 2 of units 6 and 7;
Changes to the internal layouts of units 1 and 4, primarily through the refinement of storage areas and relocation of the laundry;

Deletion of a balcony facing window on units 14, 15, 23 and 24 and insertion of a screened south facing bedroom window to each of the units; and

Consolidation of two windows into one larger balcony facing window to units 17 and 21.

History

A review of Council’s records indicates the most recent applications on the site are:

- Parramatta City Council, under delegated authority, refused Development Application No. 494/2016 for demolition and construction of a 4 storey residential flat building containing 33 residential apartments above basement car parking.

- 28 September 2016, appeal 2016/290622 was lodged with the Land and Environment Court for demolition of 3 dwellings and garages and construction of a 4 storey residential flat building containing 33 units and associated basement parking for 50 cars – orders were given 23 March 2017 for approval of the development with conditions.

Application history:

- 26 November 2018: Application deferred to address parking design in relation to the shared zone and small car space, stormwater and OSD details as well as a Music Model and report.

- 10 December 2018: Additional information was submitted.

- 23 February 2019: Additional clarification was sought as to how the basement was redesigned and the music model report was requested.

- 27 February and 4 March 2019: Remaining addition information was submitted.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Think Planners dated 14 August 2018 and was received by Council on 6 September 2018 in support of the application.

Contact with Relevant Parties

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.
**Internal Referrals**

Development Engineer

The modification application was referred to Council’s Development Engineer for comment who has advised that the development proposal is satisfactory subject to recommended conditions addressing stormwater and OSD design prior to the issue of a Construction Certificate which is recommended to be imposed on the consent.

It is noted that the central-western shared zone is acceptable as a vehicular aisle can be used as shared area as per Australian Standards AS2890.6.

**External Referrals**

The application was not required to be referred to any external government authorities for comment.

**Planning Comments**

**Section 4.56 Modification by consent authorities of consents granted by the Court**

Section 4.56(1) of the Environmental Planning and Assessment Act 1979 allows Council to modify a development consent if:-

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

The development as proposed to be modified is substantially the same as the original consent. That is, the changes are minor in nature and relate to windows, squaring off unit corners, internal changes to the layout, relocation of bin storage and modifications to the basement layout. The building will remain similar to that approved and there will be no changes to the overall height and setbacks.

(b) it has notified the application in accordance with:

   (i) the regulations, if the regulations so require, and

   (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

See discussion on “Public Notification” in this report.

(c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and
The notification area for this application includes those who previously made a submission.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

See discussion under “Public Notification” in this report.

(1A) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Proposed modification is not contrary to the public interest and the likely environmental impacts of the development as modified are considered acceptable. An assessment under the heads of consideration in section 4.15 is provided in the following sections of this report.

The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))

Regional Environmental Plans

The proposed development is affected by the following Regional Environmental Plans:

(a) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the area to which the SREP (Sydney Harbour Catchment) 2005 is applicable to the application. The modification application raises no issues or inconsistencies with the requirements and objectives of the SREP and any associated controls.

State Environmental Planning Policies

(a) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

No change to the assessment in the original application (DA-494/2016).

(a) State Environmental Planning Policy (Coastal Management) 2018

The subject site is not identified as a coastal wetland or land identified as “proximity area for coastal wetlands” or land identified as such by the Coastal Wetlands and Littoral Rainforest Area Map.
(b) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The changes do not require an amended BASIX certificate. Existing conditions pertaining to BASIX remain unchanged.

(c) Statement Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65)

No change to the original SEPP65 assessment including the design quality principles which were considered as part of the court approval.

Apartment Design Guide

In regards to compliance with the ADG, the proposed modifications do not significantly vary the built form and thus remains similar to that approved by the Court. The approved setbacks, communal and private open space, circulation areas, ceiling heights, basement parking provision and arrangement of units remain generally as approved. Whilst there are changes to the internal arrangements, windows, squaring of units, the internal amenity of the units will remain satisfactory.

In the rearrangement of the basement, sufficient storage for all units have been provided and there are no changes to the number of parking spaces as previously approved. It is noted however, that the updated plans have not delineated visitor and residential parking. A condition will be included to ensure that 8 spaces are allocated to visitor parking and the remainder 42 spaces are provided for residents as per the original court approval.

Local Environmental Plans

Parramatta Local Environmental Plan (PLEP) 2011

The provisions of Parramatta LEP 2011 are applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the R4 High Density Residential zone which seek to:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.
- To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.
The proposal is well located within walking distance of Guildford railway station, services and employment in the Guildford Town Centre. The development also provides for an additional apartments within a high density residential flat building.

Permissibility:

The proposal is defined as a residential flat building, which is permitted with consent in the zone.

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

---

**Figure 4 – Parramatta LEP 2011 Compliance Table**

<table>
<thead>
<tr>
<th>Provision</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part 4 Principal development standards</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.3 Height of buildings</td>
<td>N/A</td>
<td>No change to the approved height.</td>
</tr>
<tr>
<td>- 14m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.4 Floor space ratio</td>
<td>No</td>
<td>The proposed FSR is 1.15:1 (2802sqm) and is non-compliant and is discussed in detail below.</td>
</tr>
<tr>
<td>- 1.1:1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Site area = 2443.4sqm</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Part 6 Additional local provisions</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.1 Acid sulfate soils</td>
<td>Yes</td>
<td>No change to original assessment.</td>
</tr>
<tr>
<td>- Class 5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.2 Earthworks</td>
<td>Yes</td>
<td>Existing conditions of consent remain relevant to the alterations and additions to the basement.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The following is a detailed discussion of the issues identified in the compliance table above in relation to the Parramatta LEP 2011.

**Clause 4.4 Floor space ratio**

The court approved development included an FSR of 1.13:1 (2776sqm GFA). Whilst it is noted that the applicant states that there is no change to the FSR, an assessment of the modifications show that there are minor increases to the overall GFA arising from the squaring of unit corners and the at grade bin room. The original GFA diagram and figure did not account for the at-grade rear bin store room. The modifications result in an increase of 26sqm inclusive of the bin room and squaring of unit splay, bringing the new GFA to 2802 sqm or 1.15:1. This represents a non-compliance of 4.3% which is an increase from the approved 2.7% variation to the 1.1:1 FSR development standard. The non-compliance can be supported as it does not significantly alter the building as approved. There are no changes to the building height and the setbacks remain relatively the same as approved and hence there are negligible additional amenity impacts to adjoining development. The bin room location remains single storey at the rear away from the street frontage and thus does not impact the streetscape presentation or result in adverse shadow impacts. The squaring off on unit corners do not significantly change the building design and provides more usable internal spaces to the units. The bulk and scale will not be dissimilar to that of the court approval and the modification can be supportable in this instance.
The provisions of any proposed instrument that is or has been the subject (EP&A Act s4.15 (1)(a)(ii))

The proposed development is not affected by any relevant Draft Environmental Planning Instruments.

The provisions of any Development Control Plans (EP&A Act s4.15 (1)(a)(iii))

The majority of the controls in Parramatta DCP 2011 are not relevant to the proposed modifications as the majority of issues are covered by the Apartment Design Guide (ADG).

The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (EP&A Act s4.15(1)(a)(iiia))

There is no draft planning agreement associated with the subject modification application.

The provisions of the Regulations (EP&A Act s4.15 (1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the Environmental Planning and Assessment Regulations 2000 (EP&A Reg).

The Likely Environmental, Social or Economic Impacts (EP&A Act s4.15 (1)(b))

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

The suitability of the site for the development (EP&A Act s4.15 (1)(c))

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, it is considered that the development is suitable in the context of the site and surrounding locality.

Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))

Advertised (newspaper) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council’s Notification requirements contained within the Parramatta DCP 2011, the proposal was publicly notified for a period of 21 days between 18 September 2018 and 9 October 2018. The notification generated no submissions in respect of the proposal.

The public interest (EP&A Act s4.15(1)(e))

In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.
Section 7.12 (Formerly S94a) Fixed Development Consent Levies

This part of the Act relates to the collection of monetary contributions from applicants for use in developing key local infrastructure.

Comments:

Existing conditions relating to S94A (S7.12) remain applicable to the development.

Disclosure of Political Donations and Gifts

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

CONCLUSION:

The modification application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, relevant SEPPs, Parramatta LEP and DCP 2011 and is considered to be satisfactory for approval subject to conditions.

The proposed development is appropriately located within the R4 High Density Residential zone under the relevant provisions of the Parramatta LEP 2011. Minor variations to the FSR development standards have been discussed in the body of this report. The impacts of the proposed modification is not considered to result in an adverse relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.56 and 4.15 of the Environmental Planning and Assessment Act 1979, and the development may be approved subject to conditions.

CONSULTATION:

There are no further consultation processes for Council associated with this report.

FINANCIAL IMPLICATIONS:

There are no further financial implications for Council associated with this report.

POLICY IMPLICATIONS:

There are no policy implications for Council associated with this report.

COMMUNICATION / PUBLICATIONS:

The final outcome of this matter will be notified in the newspaper. The objectors will also be notified in writing of the outcome.
REPORT RECOMMENDATION:

1. That Modification Application No. DA-494/2016/A for various modifications to approved residential flat building including altering the bin room, finished floor level and configuration of basement and alterations to unit windows and squaring off corners on land at 78-84 Bursill Street, GUILDFORD be approved subject to attached conditions listed in the attached schedule.

ATTACHMENTS

1. Draft Notice of Determination
2. Architectural and Stormwater/Engineering Plans
4. Architectural Plans
DOCUMENTS
ASSOCIATED WITH
REPORT LPP017/19

Attachment 1
Draft Notice of Determination
A. Amending conditions 1 to read as follows:-

1. **Approved Plans**

The development is to be carried out in accordance with the approved stamped plans as numbered below:

<table>
<thead>
<tr>
<th>Plan Number/document</th>
<th>Prepared By</th>
<th>Revision No.</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site analysis 1 of 3</td>
<td>Design Cubicle Pty Ltd</td>
<td>F</td>
<td>25/01/2017</td>
</tr>
<tr>
<td>Job no. 140597 UA100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site analysis 2 of 3</td>
<td>Design Cubicle Pty Ltd</td>
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<td>25/01/2017</td>
</tr>
<tr>
<td>Job no. 140597 UA101</td>
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</tr>
<tr>
<td>Site analysis 3 of 3</td>
<td>Design Cubicle Pty Ltd</td>
<td>F</td>
<td>25/01/2017</td>
</tr>
<tr>
<td>Job no. 140597 UA102</td>
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<td></td>
</tr>
<tr>
<td>Site Plan Drawing no. A2.1</td>
<td>MAI Mackenzie Architects International</td>
<td>A</td>
<td>15/08/2018</td>
</tr>
<tr>
<td>Basement Floor Plan Drawing no. A2.2</td>
<td>MAI Mackenzie Architects International</td>
<td>B</td>
<td>12/12/2018</td>
</tr>
<tr>
<td>Ground, first, second and third floor plan and roof plan Drawing no. A2.3 to A2.7</td>
<td>MAI Mackenzie Architects International</td>
<td>A</td>
<td>15/08/2018</td>
</tr>
<tr>
<td>Adaptable units Job no. 140597 DA209</td>
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<td>F</td>
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<td>F</td>
<td>25/01/2017</td>
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<tr>
<td>North and South Elevations Drawing no. A3.1</td>
<td>MAI Mackenzie Architects International</td>
<td>A</td>
<td>15/08/2018</td>
</tr>
<tr>
<td>East and West Elevations Drawing no. A3.2</td>
<td>MAI Mackenzie Architects International</td>
<td>A</td>
<td>15/08/2018</td>
</tr>
<tr>
<td>Section A Drawing no. A4.1</td>
<td>MAI Mackenzie Architects International</td>
<td>A</td>
<td>15/08/2018</td>
</tr>
<tr>
<td>Cross ventilation Job no. 140597 DA700 (layout as amended by the modified plans in DA-464/2016/A)</td>
<td>Design Cubicle Pty Ltd</td>
<td>F</td>
<td>25/01/2017</td>
</tr>
</tbody>
</table>
except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

Reason:- to confirm and clarify the terms of Council’s approval.

[Condition 1 amended by Section 4.56 modification DA-494/2016/A]

73. Car parking to Comply with Approved Details

The area set aside for the parking of vehicles, and so delineated on the basement floor plan prepared by Mackenzie Architect International (drawing no. A2.2, issue B, dated 12/12/2018) plan prepared by Design Cubicle Pty Ltd (basement plan job no. 140597 DA201, dated 25/01/2017), shall not be used for any other purpose.

Reason:- to ensure the car parking area is not used for purposes other than the parking of cars associated with the use.

[Condition 73 amended by Section 4.56 modification DA-494/2016/A]

B. Adding condition 3A and 73A to read as follows:-

3A. Amended drainage plans

Prior to issue of a Construction Certificate, amended plans addressing following shall be submitted to and approved by Cumberland Council’s Manager Engineering and Traffic:

a) Stormwater runoff from the subject site shall be discharged by gravity system. The details shall be prepared by a suitably qualified person and must be in accordance with the Upper Parramatta River Catchment Trust “On-Site Detention Handbook” and Parramatta City Council’s Stormwater Disposal Policy and “Australian Rainfall & Runoff 1987”.

b) On Site Stormwater (OSD) tank shall be clear of the proposed splay area to be dedicated to Council in accordance with condition 48.

b) Updated OSD calculations shall be submitted.
c) WSUD Treatment Proposal dated 01. 03. 2019 prepared by Storm360 Australia shall be incorporated in the design.

Reason: to ensure stormwater complies with Council’s DCP and condition 48 of the approved consent.

[Condition 3A inserted by Section 4.56 modification DA-494/2016/A]

73A. Car Parking Allocation within Development

A plan shall be provided as part of the Construction Certificate documentation indicating the location of car parking spaces and their allocation to individual units within the development. In this regard, 8 spaces are to be allocated to visitors and the remainder are to be for residents.

Reason: to ensure sufficient car parking spaces are provided for the intended use of units.

[Condition 73A inserted by Section 4.56 modification DA-494/2016/A]
DOCUMENTS ASSOCIATED WITH REPORT LPP017/19

Attachment 2
Architectural and Stormwater/Engineering Plans
WSUD Treatment Proposal

78-84 Bursill St, Guildford, Australia

1st March 2019

Stormwater360 Australia
WATER SENSITIVE URBAN DESIGN TREATMENT PROPOSAL

WWW.STORMWATER360.COM.AU

This document was created by Stormwater360 Australia and outlines the methodology used to produce the accompanying MUSIC model which specifies the proposed treatment devices.

Job Reference: 05349 - 78-84 Bursill St, Guildford

Prepared For: Osman Chowdhury (Australian Consulting Engineers Pty Ltd)

1st March 2019
Contents

1 Site Overview & Requirements .......................... 4
  1.1 Site Location  .................................. 4
  1.2 Design Considerations ......................... 4
  1.3 Water Quality Objectives ....................... 5
  1.4 Location Based MUSIC Parameters .............. 5
      1.4.1 Rainfall Station .......................... 5
      1.4.2 Source Nodes .............................. 6

2 Design Methodology ................................. 7
  2.1 Catchment Breakup .............................. 7
  2.2 MUSIC Model Results ........................... 7

3 Proposed WSUD Treatment .......................... 9
  3.1 Summary of Proposed Systems .................. 9
1. Site Overview & Requirements

1.1 Site Location

Figure 1.1: locality of site for the proposed WSUD treatment

1.2 Design Considerations

The following information has been assumed and adopted based on the information provided:

- Assumed sufficient physical and hydraulic depth for Standard (460) PSorb cartridges to be placed within the OSD tank.
- Pit-baskets are able to pre-treat the run-off from the driveway and some of the landscape.
1.3 Water Quality Objectives

The proposed system has been sized to meet the current NSW Best Management Practice water quality objectives. The water quality objectives require the following removal targets to be met:

- 85% of Total Suspended Solids
- 65% of Total Phosphorus
- 45% of Total Nitrogen
- 90% of Gross Pollutants

1.4 Location Based MUSIC Parameters

The site falls within the Local Government Authority of Cumberland. As a result, the following MUSIC Parameters have been selected to adhere to any council and state requirements and recommendations.

1.4.1 Rainfall Station

Rainfall Station 67035 Liverpool(Whitlam), 6 Minute Time Step From 1967 To 1976 Modified Specifically For Blacktown City Council

1.4.2 Source Nodes

Rainfall Runoff Parameters

In accordance with the recommendations of ‘Sydney Catchment Management Authority (CMA)’ the rainfall runoff parameters shown in Table 1.1 have been used.

Pollutant Export Parameters

Table 1.2 shows the pollutant export parameters used for each surface.
### Table 1.1: Rainfall Run-off Parameters for ‘Sydney CMA’ Source Nodes

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Surface Type</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Roof</td>
</tr>
<tr>
<td>Rainfall Threshold (mm)</td>
<td>0.3</td>
</tr>
<tr>
<td>Soil Storage Capacity (mm)</td>
<td>120</td>
</tr>
<tr>
<td>Initial Storage (% Capacity)</td>
<td>30</td>
</tr>
<tr>
<td>Field Capacity (mm)</td>
<td>80</td>
</tr>
<tr>
<td>Infiltration Capacity co-efficient a</td>
<td>200</td>
</tr>
<tr>
<td>Infiltration Capacity co-efficient b</td>
<td>1</td>
</tr>
<tr>
<td>Initial depth (mm)</td>
<td>10</td>
</tr>
<tr>
<td>Daily recharge rate (%)</td>
<td>25</td>
</tr>
<tr>
<td>Daily base flow rate (%)</td>
<td>5</td>
</tr>
<tr>
<td>Daily deep seepage rate (%)</td>
<td>0</td>
</tr>
</tbody>
</table>

### Table 1.2: Pollutant Export Parameters for ‘Sydney CMA’ Source Nodes

<table>
<thead>
<tr>
<th>Flow Type</th>
<th>Surface Type</th>
<th>TSS $\log_{10}$ Values</th>
<th>TP $\log_{10}$ Values</th>
<th>TN $\log_{10}$ Values</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Mean</td>
<td>St. Dev</td>
<td>Mean</td>
</tr>
<tr>
<td>Baseflow</td>
<td>Roof</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td></td>
<td>Road</td>
<td>1.200</td>
<td>0.170</td>
<td>-0.850</td>
</tr>
<tr>
<td></td>
<td>Ground</td>
<td>1.200</td>
<td>0.170</td>
<td>-0.850</td>
</tr>
<tr>
<td>Stormflow</td>
<td>Roof</td>
<td>1.300</td>
<td>0.320</td>
<td>-0.890</td>
</tr>
<tr>
<td></td>
<td>Road</td>
<td>2.430</td>
<td>0.320</td>
<td>-0.300</td>
</tr>
<tr>
<td></td>
<td>Ground</td>
<td>2.150</td>
<td>0.320</td>
<td>-0.600</td>
</tr>
</tbody>
</table>
2. Design Methodology

2.1 Catchment Breakup

In order to model a site correctly within the MUSIC software, a catchment breakup is required. The ‘catchment breakup’ separates catchment areas into groups based on the treatment devices they will drain to. These catchments are further split into sub-catchments based on the pollutant loading concentrations relative to that surface type. Typically Roof, Road, and Ground (Impervious & Pervious) areas are separated based on the pollutants they produce.

Table 2.1 summarises the site area breakup used by Stormwater360 for the design of the proposed treatment devices within MUSIC.

<table>
<thead>
<tr>
<th>Description</th>
<th>Pollutant Type</th>
<th>Impervious %</th>
<th>Area (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roof</td>
<td>Roof</td>
<td>100</td>
<td>1070</td>
</tr>
<tr>
<td>Driveway</td>
<td>Road</td>
<td>100</td>
<td>78</td>
</tr>
<tr>
<td>Footpath</td>
<td>Ground</td>
<td>100</td>
<td>110</td>
</tr>
<tr>
<td>Landscape</td>
<td>Ground</td>
<td>0</td>
<td>403</td>
</tr>
<tr>
<td>Paved</td>
<td>Ground</td>
<td>100</td>
<td>238</td>
</tr>
<tr>
<td>Paved</td>
<td>Ground</td>
<td>100</td>
<td>6</td>
</tr>
<tr>
<td>Landscape to C</td>
<td>Ground</td>
<td>0</td>
<td>28</td>
</tr>
<tr>
<td>Landscape</td>
<td>Ground</td>
<td>0</td>
<td>20</td>
</tr>
<tr>
<td>Landscape</td>
<td>Ground</td>
<td>0</td>
<td>137</td>
</tr>
<tr>
<td>Landscape Bypass</td>
<td>Ground</td>
<td>0</td>
<td>104</td>
</tr>
<tr>
<td>Landscape Bypass</td>
<td>Ground</td>
<td>0</td>
<td>124</td>
</tr>
</tbody>
</table>

Table 2.1: MUSIC Model Site Area Breakup

2.2 MUSIC Model Results

<table>
<thead>
<tr>
<th>Description</th>
<th>Pollutant Removals (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TSS</td>
</tr>
<tr>
<td>Required Targets</td>
<td>85.0</td>
</tr>
<tr>
<td>Proposed System</td>
<td>85.0</td>
</tr>
</tbody>
</table>

Table 2.2: MUSIC Model Receiving Node Results
Figure 2.1: Screenshot of MUSIC Model Results
3. Proposed WSUD Treatment

3.1 Summary of Proposed Systems

As per the MUSIC design the following Stormwater360 products are required for the project. These are;

- A 11x Standard (460) PSorb cartridge StormFilter system within a 7m² StormFilter chamber, inside the OSD tank
- 3 EnviroPod Series 200 Filter Baskets or Equivalent by Stormwater360
DOCUMENTS
ASSOCIATED WITH
REPORT LPP017/19

Attachment 3
Judgement Order for DA-494/2016
ahudson@wilshirewebb.com.au
ahudson@wilshirewebb.com.au

Our Ref: AH/AL/bo:552068

29 March 2017

The General Manager:
Cumberland Council
PO Box 42
MERRYLANDS NSW 2160

Attention: Karl Okorn

CUMBERLAND COUNCIL ats BURSILL STREET PTY LTD ATF THE
BURSILL STREET TRUST
78-84 BURSILL STREET, GUILDFORD
LAND & ENVIRONMENT COURT PROCEEDINGS NO 290622 OF 2016

We refer to the above matter and enclose sealed orders made 23 March
2017 for Council's records and information

Yours faithfully
WILSHIRE WEBB STAUNTON BEATTIE

ANTHONY HUDSON
Partner
Accredited Specialist
Local Government & Planning Law
JUDGMENT/ORDER

COURT DETAILS
Court: Land and Environment Court of NSW
Division: Class 1
Registry: Land and Environment Court Sydney
Case number: 2016/00290622

TITLE OF PROCEEDINGS
First/ Applicant: Bursill Street Pty Limited (ATF the Bursill Street Unit Trust)
First Respondent: Cumberland Council
ABN 22798563329

DATE OF JUDGMENT/ORDER
Date made or given: 23 March 2017
Date entered: 24 March 2017

TERMS OF JUDGMENT/ORDER
The final orders to give effect to the parties' agreement under s.34(3) of the Land and Environment Court Act 1979 are:
(1) The Applicant is granted leave to rely on the amended plan as listed below:
(2) The Appeal is upheld.
(3) Development Application No. DA/109/2015 dated 5 March 2015 for the demolition of existing structures and construction of a new 4-storey residential flat building comprising 33 units and basement car parking at 78-84 Bursill Street, Guildford is approved subject to the conditions contained in Annexure 'A' attached.
(4) The Court notes that the parties have agreed that the amendments contained in the plans in 2(a) are minor and that there should be no order as to costs pursuant to s.97B of the Environmental Planning and Assessment Act 1979.

SEAL AND SIGNATURE

Signature: J Gray

Page 1 of 2

LPP017/19 – Attachment 3 Page 202
FURTHER DETAILS ABOUT Applicant(s)

First Applicant
Name: Bursill Street Pty Limited (ATF the Bursill Street Unit Trust)
Address: 16 Baillie Road
GROSE VALE NSW 2753

Telephone
Fax
E-mail
Client reference

Legal representative for plaintiffs
Name: TOUFIC THOMAS SAADELDINE ZREIKA
Practicing certificate number: 35144
Address: Australia Square Level 33
264 - 278 George Street
SYDNEY NSW 2000

DX address
Telephone: 92237334
Fax: 02 9549 7008
Email: tom.z@sterlinglegal.com.au
Electronic service address: tom.z@sterlinglegal.com.au

FURTHER DETAILS ABOUT Respondent(s)

First Respondent
Name: Cumberland Council
Address: ABN 22798563329
16 Memorial Avenue
MERRYLANDS NSW 2160

Frequent User Identifier: CUCC

ATTACHMENTS TO ORDERS

(290822.16 Fakes (C).pdf)

[attach]
ANNEXURE “A”

BURSILL STREET PTY LIMITED ATF THE BURSILL STREET TRUST

CUMBERLAND COUNCIL

LAND & ENVIRONMENT COURT PROCEEDINGS NO. 290622 OF 2016

DA No: DA-494/2016
Property: 78-84 Bursill Street, Guildford
Description: Demolition of 3 dwellings and garages. Construct 4 storey Residential Flat Building containing 33 Units and associated basement parking for 50 cars. Refer to PCC DA/109/2015

1. Approved Plans

The development is to be carried out in accordance with the approved stamped plans as numbered below:

<table>
<thead>
<tr>
<th>Plan Number/document</th>
<th>Prepared By</th>
<th>Revision No.</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site analysis 1 of 3 Job no. 140597 UA100</td>
<td>Design Cubicle Pty Ltd</td>
<td>F</td>
<td>24/01/2011</td>
</tr>
<tr>
<td>Site analysis 2 of 3 Job no. 140597 UA101</td>
<td>Design Cubicle Pty Ltd</td>
<td>F</td>
<td>25/01/2011</td>
</tr>
<tr>
<td>Site analysis 3 of 3 Job no. 140597 UA102</td>
<td>Design Cubicle Pty Ltd</td>
<td>F</td>
<td>25/01/2011</td>
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<tr>
<td>Site plan Job no. 140597 DA208</td>
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<td>24/01/2011</td>
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<td>25/01/2011</td>
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<td>F</td>
<td>25/01/2011</td>
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<td>First floor plan Job no. 140597 DA203</td>
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<td>F</td>
<td>25/01/2011</td>
</tr>
<tr>
<td>Second floor plan Job no. 140597 DA204</td>
<td>Design Cubicle Pty Ltd</td>
<td>F</td>
<td>25/01/2011</td>
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<td>Third floor plan Job no. 140597 DA205</td>
<td>Design Cubicle Pty Ltd</td>
<td>F</td>
<td>25/01/2011</td>
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<td>Roof plan Job no. 140597 DA206</td>
<td>Design Cubicle Pty Ltd</td>
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<tr>
<td>FSR calculation Job no. 140597 DA207</td>
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except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

**Reason**: to confirm and clarify the terms of Council's approval.

2. **Time period of consent**

   This consent shall lapse five (5) years from the date of determination unless the approved building, engineering or construction work has been physically commenced in accordance with this consent.

   Development consent for the use of land does not lapse if the approved use of any land, building or work is actually commenced prior to the date on which the consent would otherwise lapse.

   **Reason**: to satisfy the requirements of Section 95 of the Environmental Planning and Assessment Act.

3. **Submission of Construction Certificate**

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Construction works are not to commence until such time that a construction certificate for the proposed works has been issued by Council or an Accredited Certifier.

Where an Accredited Certifier issues a construction certificate, a copy of the following documents must be forwarded to Council within 2 days of issue, together with payment of the Council’s adopted registration fee; determination; application to which it relates; construction certificate issued; plans and specifications; any fire safety schedule; and any other documents lodged with the certificate.

Any modification involving building works to the approved development made under Section 96 of the Environmental Planning and Assessment Act 1979 requires the submission of an amended construction certificate.

Reason: to comply with the requirements of Section 81A of the Environmental Planning and Assessment Act and clause 142 of the Environmental Planning and Assessment Regulation 2000.

4. Consolidation of lots

The individual lots are to be consolidated into a single parcel. Written evidence of registration of consolidation by the Land and Property Information Office is to be submitted to Council prior to the granting of the occupation certificate.

Reason: to ensure the whole of the land essential to the proper operation of the development is preserved.

5. No alteration without prior Council approval

The completed building is not to be altered externally in character or colour without the prior consent of Council.

Reason: to ensure the external appearance of the development is not obtrusive or offensive and does not degrade the visual quality of the surrounding area.

6. Appointment of Principal Certifying Authority/Notice of Commencement of Work

Site works are not to commence until:

a) a construction certificate for the building work has been issued by the consent authority, and

b) the person having the benefit of the development consent has:

i) appointed a principal certifying authority for the building work, and

ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case; and

b1) the principal certifying authority has, no later than 2 days before the building work commences:

i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and

ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in
b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:

   i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and

   ii) notified the principal certifying authority of any such appointment, and

   iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

   c) the person having the benefit of the development consent has given at least 2 days’ notice to the council of the person’s intention to commence the erection of the building.

**Reason:** to comply with the requirements of Section 81A of the Environmental Planning and Assessment Act

7. Principal Certifying Authority

1) The person having the benefit of a development consent or complying development certificate for development involving building work or subdivision work may appoint the consent authority, the council or an accredited certifier as the principal certifying authority for the development.

1A) Despite subsection (1), such an appointment may not be made by any contractor or other person who will carry out the building work or subdivision work unless the contractor or other person is the owner of the land on which the work is to be carried out.

2) Despite subsection (1), an accredited certifier must not be appointed as the principal certifying authority for development involving subdivision work unless the subdivision to which the work relates is of a kind identified by an environmental planning instrument as one in respect of which an accredited certifier may be a certifying authority.

3) A principal certifying authority for building work or subdivision work to be carried out on a site is required to be satisfied:-

   a) that a construction certificate or complying development certificate has been issued for such of the building work or subdivision work as requires development consent and over which the principal certifying authority has control, before the work commences on the site, and

   b) that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the *Home Building Act 1989*, before any residential building work over which the principal certifying authority has control commences on the site, unless the work is to be carried out by an owner-builder, and

   c) that the owner-builder is the holder of any owner-builder permit required under the *Home Building Act 1989*, before an owner-builder commences on the site any residential building work over which the principal certifying authority has control, and

   d) that building work or subdivision work on the site has been inspected by
the principal certifying authority or another certifying authority on such occasions (if any) as are prescribed by the regulations; and on such other occasions as may be required by the principal certifying authority, before the principal certifying authority issues an occupation certificate or subdivision certificate for the building or work; and

\[e\] that any preconditions required by a development consent or complying development certificate to be met for the work before the issue of an occupation certificate or subdivision certificate have been met, before the principal certifying authority issues the occupation certificate or subdivision certificate.

4. A principal certifying authority must also comply with such other requirements of a like or different nature as may be imposed on principal certifying authorities by the regulations.

**Note.** Section 81A prohibits the commencement of building work or subdivision work unless the consent authority has been notified of the appointment of a principal certifying authority for the work. Section 109D (2) prohibits the issue of an occupation certificate authorising the occupation and use of a new building except by the principal certifying authority appointed for the erection of the building. Section 109D (3) prohibits the issue of a subdivision certificate for a subdivision involving subdivision work except by the principal certifying authority appointed for the carrying out of the subdivision.

**Reason:** to comply with the requirements of Section 109E of the Environmental Planning and Assessment Act.

8. **Provision of Street Numbers**

A street number is to be displayed in a prominent position at the entrance to the premises. Numbers are to be of a colour contrasting with the wall to which they are affixed.

**Reason:** to clearly identify the street number of the property.

9. **Compliance with the Building Code of Australia**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

**Reason:** to ensure compliance with the requirements of the Building Code of Australia and to comply with Clause 98 of the Environmental Planning and Assessment Regulation 2000.

10. **Insurance requirements under the Home Building Act 1989**

A contract of insurance for residential building work must be in force before any building works commence, where the works are being undertaken by a builder and tradesperson; and the works have a market value of greater than $20,000 (or as varied from time to time by the Home Building Act 1989).

Where the contract price or the reasonable market cost of the labour and materials involved does not exceed $20,000, there is no legal requirement for home warranty insurance to be obtained.
Contractors who carry out residential building work must still hold an appropriate licence with Fair Trading where the labour and materials involved are valued at over $1,000.

Home owners should be wary of any builder or tradesperson who says they do not need insurance if the value of work exceeds $20,000, or who suggests you obtain an owner-builder permit while they carry out the work for you.

NOTE: Evidence of the contract of insurance or owner builder permit, if required, must be submitted with the application for construction certificate. The construction certificate will not be released by Council unless this evidence is provided.

Reason: to comply with Clause 98 of the Environmental Planning and Assessment Regulation 2000.

11. Disabled Access & Facilities

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia (for all new building work) and in addition, with the relevant requirements of the ‘Disability (Access to Premises – Building) Standards 2010’ (including for existing buildings, whether or not any works are proposed). Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications for the construction certificate.

Reason: to ensure compliance with the requirements of the Building Code of Australia.

12. Commonwealth Disability Discrimination Act

The Commonwealth Disability Discrimination Act 1992 commenced the ‘Disability (Access for Premises – Buildings) Standards 2010’ on 1 May 2011 and now applies to all new buildings and affected parts of existing buildings. Submission and/or approval of this application does not imply or confer compliance with either the Act or the new Access Standard. Applicants should satisfy themselves and make their own inquiries to the Human Rights and Equal Opportunity Commission.

Reason: to provide advice on the requirements of the Commonwealth Disability Discrimination Act 1992.

13. Replacement of Principal Certifying Authorities

Unless the relevant authority so approves in writing, a person may not be appointed to replace another person as the principal certifying authority for development.

A principal certifying authority appointed to replace another principal certifying authority must ensure that notice of the appointment and of the approval of that appointment is given to the consent authority (and, if the consent authority is not the council, to the council) within 2 days of the appointment.

Reason: to comply with the requirements of Section 109EA of the Environmental Planning and Assessment Act and clause 162 of the Environmental Planning and Assessment Regulation.

14. Notice to Allow Inspections
To allow a principal certifying authority or another certifying authority time to carry out critical stage inspections or any other inspections required by the principal certifying authority, the principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before building work is commenced at the site if a critical stage inspection is required before the commencement of the work.

**Reason:** to comply with the requirements of Clause 163 of the Environmental Planning and Assessment Regulation.

15. **Erection of Signs**

A rigid and durable sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

a) showing the name, address and telephone number of the principal certifying authority for the work, and

b) showing the name of the principal contractor (if any) for any 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.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

**Note:** Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of $1,100.

**Reason:** to comply with the requirements of Clause 98A and 136B of the Environmental Planning and Assessment Regulations.

16. **BASIX Requirements**

Under Clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. In this condition:

a) Relevant BASIX Certificate means:

i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified) or;

ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and

b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

**Reason:** To comply with the Environmental Planning and Assessment Regulations.
17. Demolition of buildings

The building/s shall only be demolished in accordance with the requirements of AS: 2601-2001 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

- Protection of site workers and the general public.
- Erection of hoardings where appropriate.
- Asbestos handling and disposal where applicable.
- Any disused service connections shall be capped off to Council's requirements.
- The disposal of refuse is to be to an approved waste disposal depot.

Reason: to ensure protection of the public, environment and to uphold public health standards. This also complies with the requirements of clause 92 of the Environmental Planning and Assessment Regulation 2000.

18. Demolition – Lead Paint Disposal

The demolition and disposal of materials incorporating lead such as lead paint and dustpaint shall be conducted in accordance with AS2601-2001 Demolition of Structures. Removal, cleaning and disposal of lead-based paint shall conform with relevant EPA guidelines including the Lead Safe A renovator's guide to the dangers of lead. NSW EPA, 1996. Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (eg: ceiling voids and wall cavities) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work shall be suppressed by a fine water spray. Water shall not be allowed to enter the street and stormwater systems. Demolition shall not be performed during high winds, which may cause dust to spread beyond the site boundaries. Please note that Council may require testing to verify that the soil lead levels are below acceptable health criteria.

Reason: to ensure the disposal and demolition of materials incorporating lead is carried out in a safe manner in accordance with relevant regulations.

19. Demolition – common sewerage system

If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.

Reason: to ensure demolition activities do not disrupt the operation of the sewerage system for other users of the system.

20. Demolisher Details

The demolisher/owner/applicant shall:

- Lodge with Council and at least forty-eight (48) hours prior to the
commenced or is due to commence (due to the potential impact on Council's infrastructure):

i) Written notice indicating the date when demolition of the building is to commence;

ii) The demolisher's full name and address;

iii) Details of Public Liability Insurance.

b) Comply with Australian Standard 2601 - 2001 "Demolition of Structures"; and,

c) Have a current public liability/insurance, and policy details of such shall be submitted to Council for its records;

d) Ensure all possible/practicable steps are taken to prevent nuisance to the inhabitants of the surrounding neighbourhood, from wind-blown dust, debris, noise and the like arising from the demolition works.

This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation; WorkCover; etc.

Reason: to ensure details of the demolisher are provided to Council and relevant safety requirements are met.

21. Demolition Works – noise and vibration

The following shall be complied with:

a) Vibration levels induced by the demolition activities shall not exceed 1 mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.

b) Vibration levels induced by the demolition activities shall not exceed 3 mm/sec peak particle velocity (ppv) when measured at the footing of any unoccupied building.

c) The upper noise level from the demolition operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).

Reason: to ensure noise and vibration arising from the demolition works does not impact on the amenity of the surrounding area.

22. Asbestos

a) In the event that asbestos is on a site or building under demolition or construction, WorkCover NSW is to be contacted to ascertain the appropriate response, to ensure the safety and protection of existing and future workers and residents. An Asbestos Removal Contractor licensed by WorkCover NSW is to handle/remove/transport and dispose of any products containing asbestos in a manner approved by the Department of Environment and Conservation (DEC). Copies of tipping docket are to be retained and able for viewing by Council officers on request.

b) Asbestos material can only be disposed of at a landfill site nominated by Waste Services NSW for that purpose. An appointment must be made with Waste Services NSW to dispose of asbestos materials at the nominated landfill.

c) Anyone who removes, repairs or disturbs bonded or friable asbestos material...
must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with:

i) Work Health and Safety Act 2011;

ii) The Work Health and Safety Regulation 2011;


Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259.

Under the Work Health and Safety Regulation 2011, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work.

Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting <http://www.workcover.nsw.gov.au> or one of Workcover NSW’s offices for further advice.

d) In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.

Reason: to ensure the safe handling, treatment and disposal of asbestos materials arising from the demolition/construction works.

23. Services to be capped

Prior to the commencement of demolition works, the applicant must ensure that utility services to the land upon which the building to be demolished stands, as well as the building itself, are terminated and capped in accordance with the requirements of supply authority, eg. Electricity-Supplier of Electricity to the subject premises, Gas-Supplier of Gas to the subject premises.

Reason: to ensure all services are capped adequately.

24. Site to be kept in a clean condition

Upon completion of demolition works and if no new building works are commenced on site, the site shall be kept in a clean manner with landscaping and fencing to the satisfaction of Council.
Reason: to control soil erosion, and not have any unsightly views.

25. **Neighbour 24 notification of commencement of demolition.**

Prior to the commencement of work the applicant shall provide 24 hours notice in writing to the neighbours adjoining and opposite the site of the intended time and date of the start of the demolition work.

**Reason:** to ensure details of the demolisher are provided to neighbours.

26. **Tree Retention.**

All reasonable measures shall be undertaken to ensure that the existing trees on the site, and including street trees adjacent to the site, (other than any tree approved for removal by Council) are not damaged during the approved demolition works.

**Reason:** to protect trees in accordance with Council's Development Control Plan.

27. **Construction/Demolition Hours.**

Site works; building works and demolition works, including the delivery of materials or equipment to and from the property are to be carried out between the hours of 7:00 am and 6:00 pm. Only from Mondays to Fridays and between 8:00 am and 4:00 pm only on Saturdays. No construction works or deliveries for the construction are to take place on Sundays or public holidays.

Prior to commencement of any demolition or construction work the applicant is to erect signs on the site, which are clearly visible from the footpaths adjoining the site boundaries, which state the permitted construction/demolition hours. These signs must also state: "Any instances of site works, building works, demolition works or deliveries outside the permitted hours can be reported to Auburn Council on 9735-1222 during office hours or 0417-267-113 outside office hours."

**Reason:** to reduce nuisance to the surrounding properties during the construction period.

28. **Information required prior to the issue of Construction Certificate.**

The following documentation (where applicable) is to be submitted to Council or the accredited certifier, prior to the granting of the construction certificate:

a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia;

b) A list of any existing fire safety measures provided in relation to the land or any existing building on the land (not applicable to dwellings or outbuildings);

c) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land (not applicable to dwellings or outbuildings);

d) A report prepared by a professional engineer detailing the proposed methods of excavation, shoring or pile construction, and what measures are to be implemented to prevent damage from occurring to adjoining or nearby premises as a result of the proposed excavation works. (NOTE: Any practices or procedures specified to avoid damage to adjoining or nearby premises are to be incorporated into the plans and specifications for the construction certificate.)
Prior to the issue of the construction certificate

The following structural engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifying Authority (Council or accredited certifier) prior to the issue of the construction certificate:

a) Reinforced concrete strip footings.

b) Reinforced concrete raft slab.

c) Suspended reinforced concrete slabs.

d) Structural steelwork.

e) Structural timber work exceeding the design parameters of AS1684-1999 "Residential timber-framed construction".

f) Upper floor joist layout.

ɡ) Retaining walls.

h) Roof trusses.

i) Wall/roof bracing.

j) The existing structure is to be certified as being structurally adequate to carry out the proposed additional loadings.

k) Other.

Reason: to ensure the building or structure and its materials and components are capable of sustaining at an acceptable level of safety and serviceability.

Infrastructure Fee

The infrastructure inspection fee in accordance with Councils Fees and Charges Schedule shall be paid prior to the issue of the Construction Certificate.

Reason: to contribute to the cost of inspection and identification of any damage to Council's infrastructure as a result of the development.

Maintain plans on-site

A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.

Reason: to ensure a record of the approved plans are readily available.

Items not to be placed on roadway

The following items must not be placed on the footpath, roadway or nature strip at any time:

a) Building materials, sand, waste materials or construction equipment.
b) Bulk bins/waste skips/containers

c) Other items that may cause a hazard to pedestrians.

Reason: to ensure the public is not inconvenienced, placed in danger and to prevent harm to the environment occurring.

33. **Sign to be erected concerning unauthorised entry to the site**

A sign must be erected in a prominent position stating that unauthorised entry to the site is not permitted. The sign must also name the builder or other person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours. Where Council is not the Principal Certifying Authority, the sign shall also display the name and contact details of the nominated Principal Certifying Authority. The sign is to be removed when the building works have been completed.

Reason: to restrict public access to the site and to provide suitable contact details in a clear and conspicuous position.

34. **Toilet accommodation for people working at the site**

Suitable toilet accommodation is to be provided at the work site at all times. If temporary toilet accommodation is proposed, it must:

- Have a hinged door capable of being fastened from both inside and outside,
- Be constructed of weatherproof material,
- Have a rigid and impervious floor; and
- Have a receptacle for, and supply of, deodorising fluid.

Reason: to ensure suitable toilet accommodation is provided for workers.

35. **Survey Report**

A Registered Surveyors check survey certificate is to be forwarded to the Principal Certifying Authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council’s approval at the following stages of construction:

**(Setbacks and levels at commencement – new dwellings)**

a) Prior to construction of the first completed floor, floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.

**(Setbacks and levels at completion – new dwellings)**

b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.

Reason: to ensure each stage of the development complies with the approved plans.

36. **Fencing of Construction Sites – Rental details to be provided to the PCA**

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.
A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

Hoardings or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

NOTE: Should ANY part of the fence or hoarding encroach beyond the boundaries of the site, it will be necessary to:

- Make payment to Council for the rental of the road reserve area in accordance with Council's adopted charges (per metre per month, minimum 3 months) BEFORE the fence/hoarding is erected.
- Supply evidence that the road reserve rental fee has been paid to the PCA and to any authorised Council officer.
- Comply with Council's specifications for the erection of Class A or B Hoardings.

Reason: To provide protection to public places and to prevent unauthorised access to the site.

37. Sedimentation Control

Prior to the commencement of site works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:

a) A dish shaped diversion drain or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.

b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed below the construction area.

c) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.

d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.

e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.

f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater.
g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

Such measures are to be maintained at all times to the satisfaction of Council and the Principal Certifying Authority. Failure to do so may result in the issue of penalty infringement notices.

**Reason:** to minimise soil erosion and control sediment leaving the site during construction and to prevent water pollution from occurring.

38. **Display of a warning sign for soil and water management.**

Throughout the construction/remediation/demolition period, a warning sign for soil and water management must be displayed on the most prominent point of the building site, visible to both the street and site works.

**Reason:** to ensure all building workers are aware of the need to maintain the sediment and erosion control devices.

39. **Engineering Design – Basement Excavation:**

The following engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifying Authority (Council or accredited certifier) prior to the issuing of a construction certificate:

a) Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.

b) A report shall be prepared by a professional engineer and submitted to the certifying authority prior to the issuing of a construction certificate, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building and excavation works.

Any practices or procedures specified in the engineer’s report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the construction certificate.

A copy of the engineer's report is to be submitted to the Council, if the Council is not the certifying authority.

c) Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, prior to the issuing of a construction certificate, which states that damage should not occur to any adjoining premises and public place as a result of the works.
40. **Excavations extending below the base of footings of adjoining development**

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner. The person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of its intention to excavate below the level of the base of the footing. The person must also furnish the adjoining property owner with particulars of the proposed work.

**Reason:** to ensure the support for neighbouring buildings.

41. **Dilapidation Report - Prior to Excavation of Basement**

(a) A dilapidation report prepared by a professional engineer or suitably qualified building professional shall be submitted to the Principal Certifying Authority prior to the commencement of demolition, excavation or building works.

The report shall detail the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.) located upon all of the premises adjoining the subject site.

The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the above-stated premises, prior to the commencement of any works. The applicant shall bear the full cost of this report.

(b) Notwithstanding (a) above, certification by a practicing professional engineer in lieu of a dilapidation report may be provided prior to the commencement of demolition, excavation or building works certifying that the demolition, excavation and or building works will not have an impact on any adjoining structure including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.).

The applicant shall bear the full cost of this certification and the Council or Principal Certifier reserves the right to request a full report as described in (a) above should the certification provided by the engineer be considered unacceptable or insufficient.

**Reason:** to enable the monitoring of any potential damage that may be caused to adjoining premises as a result of excavating and building in close proximity to the...
adjoining premises.

42. **Footpath area to be illuminated**

Where any hoarding or awning is constructed over the public place, the footpath area shall be kept illuminated between sunset and sunrise.

Reason: to ensure the safety of pedestrians when passing the site.

43. **Fencing of construction sites – Rental details to be provided to the PCA (A & B Type Hoardings)**

A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect any hoarding or scaffolding in a public place and such application is to include:

- A payment to Council for the following fees in accordance with Council’s adopted charges:
  - Hoarding/Structure Application Fee
  - Rental of Footpath Area (per metre per month – minimum 3 months rental)
  - Foolpath Bond
- Submit the following documents to Council with your application:
  - Certificate of Currency for Public Liability Insurance
  - Certificate of Currency for Worker’s Compensation Insurance
  - Letter indemnifying Council against claims and expenses made in relation to the existence of the structure and/or traffic provisions
  - Traffic/Pedestrian Control Plan
  - In respect to any required Type B Hoarding: structural certification prepared and sign by an appropriately qualified practising Structural Engineer
- Comply with Council’s specifications for the erection of Class A Hoardings.
- Supply evidence to the PCA and to any authorised Council officer that the road reserve rental fee has been paid.

Note: Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid (plywood sheeting painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

Note: A “B Class” overhead type hoarding is required, to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:

- Any works or hoising of materials over a public footway or adjoining premises, or
- Any building or demolition works on buildings which are over 7.5 metres in height and located within 3.6 metres of the street alignment.

Hoardings or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh.
as fencing is not permissible:

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. Details of the proposed hoardings or fences located upon the site are to be submitted to the PCA and the public safety provision and temporary fences must be in place prior to the commencement of any site works, demolition, excavation or building works and maintained throughout construction.

**Reason:** to provide protection to public places, prevent unauthorised access to the site and a safe working environment.

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**Noise from construction activities**

Noise from construction activities associated with the development shall comply with the NSW Interim Construction Noise Guidelines (DECCW) 2009.

**Reason:** to ensure noise arising from construction activities is in accordance with relevant legislation and Environment Protection Authority requirements.

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**Dial before you dig (advisory)**

Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provide Australia with the essential services we use everyday — electricity, gas, communications and water.

Before you dig call “Dial before you dig” on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no, name, side of street and the distance to the nearest cross street) or register on line at www.dialbeforeyoudig.com.au for underground utility services information for any excavation areas.

The Dial Before You Dig service is also designed to protect Australia's excavators. Whether you are a back yard renovator, an individual tradesman or a professional excavator the potential for injury, personal liability and even death exists every day. Obtaining accurate information about your work site significantly minimises these risks.

**Reason:** To ensure that essential services such as electricity, gas, communications and water are not affected by excavation or construction.

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**Construction of footpath in Talbot Road**

Prior to the issue of any Occupation Certificate, footpath of 1.2 metres in length within the Talbot Road shall be completed to Council's satisfaction at no cost to Council.

**Reason:** to ensure Council’s assets are constructed to Council’s requirements.

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**Waste collection**

Waste collection shall be carried out by private contractors. In this regard details of the service provider and waste management plan shall be submitted to and approved by Cumberland Council’s Manager Development Assessment.

**Reason:** to ensure appropriate waste management plan is provided as part of the
48. **Dedication of splay corner and laneway**

Splay at Talbot Road and Burns Street corner and 2.0m laneway along Talbot Road shall be provided as per approved architectural plans and shall be dedicated to Council at no cost to Council. In this regard, prior to the issue of any Occupation Certificate, the dedication plans submitted and registered with Land and Property Information (LPI) to the satisfaction of Council.

**Reason:** to ensure splay area dedicated to Council.

49. **Connection to Council’s drainage system**

Prior to the issue of any Construction Certificate, a detail design for the proposed connection to existing Council’s stormwater pipe shall be submitted and approved by Cumberland Council’s Manager Development Assessment. In this regard:

a) A standard kerb inlet pit shall be constructed at the kerb.

b) A longitudinal section of the proposed pipes, showing the depth and location of all the services within the area of the proposed works shall be submitted.

Prior to the commencement of any works: the above drainage works shall be completed to Council’s satisfaction. In this regard,

a) Inspections will be required for the works related to the proposed connection to Council’s stormwater drainage system at following stages:

i) After the excavation of pipeline trenches,

ii) After the laying of all pipes prior to backfilling,

iii) After the completion of all pits and connection points.

b) A minimum of 48 hours’ notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council’s Works and Services Section during office hours.

c) Work is not to proceed until the works are inspected and approved by Council.

**Reason:** to ensure Council’s assets are constructed to Council’s requirements.

50. **Sight distance**

Prior to issue of any Construction Certificate, the following documents shall be submitted and approved by Principal Certifying Authority:

a) Written verification shall be obtained from a suitably qualified person stating that adequate sight distance for pedestrians have been provided at the driveway as per section 3.2.4 of the Australian standard AS2890.1.

**Reason:** to ensure sight distance is provided for pedestrians.

51. **Sydney Water Approval**
The approved development application plans must be accompanied by a valid Building Plan Assessment Approval Receipt. This receipt can be acquired through the "Sydney Water Tap in" system by the Sydney Water Authority.

Please refer to the website www.sydneywater.com.au for:
- Information on the "Sydney Water Tap in" system and
- Registering and applying for the approval receipt for the Proposed Building Plan.

or telephone 13 20 92.

Note: The consent authority or accredited certifier must either:
- ensure that a valid approval receipt has been obtained from Sydney Water before the issue of any Construction Certificate (receipt valid usually 1 year from the date of issue), or
- if there is a combined Development/Construction Certificate application, ensure that a valid approval receipt has been obtained prior to works commencing on site.

Reason: To ensure the development does not damage or interfere with Sydney Water assets.

52. Stormwater disposal

All stormwater runoff generated from the proposed development shall be directed to the On Site Detention system prior to being discharged to Council's drainage system in Bursill Street.

Reason: To prevent localised flooding

53. Submission of full stormwater disposal details

Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Council or the Accredited Certifier to ensure the approved stormwater plans are incorporated with the Construction Certificate.

The details shall be prepared by a suitably qualified person and must be in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Stormwater drainage Guidelines and "Australian Rainfall & Runoff 1987".

In this regard:

i. The proposed stormwater system shall be generally in accordance with the stormwater concept plans SW518-1 to SW518-5 issue C dated 05/02/2016 prepared by Wehrle Consulting.

ii. Stormwater plan shall be updated to comply with architectural plans.

iii. All access grates to the OSD basin shall be double (2/900x450) hinged grates.

iv. Maximum spacing between the grated access pits in the OSD shall not exceed 5.0m.

v. Stormwater runoff from access ways will have to undergo some form of...
industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment devices capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.

Reason: to ensure the stormwater is suitably discharged.

54. **Structural Engineering Certificate**

The applicant shall submit a structural engineer’s certificate of adequacy verifying that the works as-detailed on the approved plans for the storage tank have been completed under his/her supervision and that the design is adequate to support the anticipated design loads. The certificate shall be submitted to Council with the works-as-executed plan.

Reason: to ensure the construction is structurally adequate.

55. **Water Reuse**

The stormwater generated from the roof area shall be reused for the irrigation of the landscape area within the subject development site.

Full details of the Water reuse facilities shall be submitted to Council or the Accredited Certifier with the Construction Certificate.

On completion, a certificate from a registered plumber shall be submitted for the pipe network. The certification shall indicate the water reuse system has been installed in accordance with the approved water reuse design plans.

Reason: to ensure the water reuse facilities within the development are constructed and maintained in good working order.

56. **Stormwater disposal – on-site detention**

On-site stormwater detention storage is to be provided in conjunction with the stormwater disposal. The storage is to comply with Council’s on-site stormwater detention parameters. Where multiple detention basins with differing top water levels are used, the basins must be routed to the outlet pit independent of each other.

A positive covenant under Section 88E of the Conveyancing Act is to be created on the title of the property detailing the on-site stormwater detention system incorporated in the development. The wording of the instrument is to be submitted and approved by Council prior to lodgement at the Land Property Information. Evidence confirming the positive covenant has been registered shall be submitted to Council prior to occupation of the building or issue of any occupation certificate.

Reason: to prevent localised flooding by ensuring the detention system is maintained as designed.

57. **Maintenance schedule – OSD**

Prior to the issue of the occupation certificate, a maintenance schedule of the proposed on-site detention facility shall be submitted to Council for approval with the stormwater work-as-executed plan. This maintenance schedule shall be registered as part of the positive covenant.

Reason: to ensure the onsite detention facility is in good working order.
Annual maintenance inspection of OSD

Annual maintenance inspection summary of the onsite detention with associated certificates shall be sent to Council within the first month of every calendar year. In this regard:

- All critical inspections shall be carried out by a qualified person.
- A maintenance log book shall be maintained as per the approved maintenance schedule on site and readily available for inspection by a Council officer.
- All associated cost shall be borne by the owner

Reason: to ensure the onsite detention facility is in good working order

Engineer Certificate for pump

A certificate from a practising hydraulic engineer verifying that the stormwater pump installation and the design with the executed levels shall be submitted to the Council with the work as executed plan prior to the release of Occupation Certificate.

Reason: to ensure the system has been constructed Council’s standards and specifications.

Basement drainage system

Basement drainage is to comply with “Auburn development control plans 2010 stormwater drainage”. In this regard:

a) Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of 5 (five) minutes, one pump acting in reserve capacity.

b) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.

c) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this, an above ground storage shall be provided up to a hundred year storm recurrence intensity and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the “off” position or if there is a break in electrical supply

d) A storm of two hours’ duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within this period.

e) The pump out system is to be independent of any gravity drainage line, except at the property boundary where a grated surface pit is to be constructed, from which a connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit is to be such that the outlet from the pump out system is above the inlet of the gravity system.
Storage areas and areas used for purposes other than car parking access aisles are to be constructed a minimum of 100mm above the water level.

The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

**Reason:** to prevent localised flooding

### 61. Works-as-Executed Plan - Drainage Plans

Prior to occupation of the building or issue of the occupation certificate, two (2) copies of the Works-as-Executed (WAE) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to Council. The WAE Plan shall show (where applicable):

- Whether all works have been completed generally with the approved drainage plans.
- Any departure from the approved plan and conditions.
- Any additional work that has been undertaken.
- Location, levels and sizes of pipes and pits.
- Finished floor and finished surface levels. The location of finished levels should in general correspond with those shown on Council's approved drainage plan.
- Basement pump out volumes.

**NOTE:** The WAE surface level shall be taken after all landscaping has been completed.

In this regard:

- The above information is to be superimposed on a full sized copy of Council approved drainage plans and is to be submitted to Council.

**Reason:** to account for minor variations

### 62. Reinstatement of any damaged footpath and footpath crossing

Any damaged footpath and footpath crossing/s adjacent to the property shall be reinstated by the developer to Council’s standards all the completion of works with all costs being borne by the developer. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

**Reason:** to ensure the footpath and the footpath crossings are repaired from any damage caused during the construction phase to Council’s requirements

### 63. Vehicle Driveway Crossings and Gutter Laybacks

The applicant shall be responsible for the construction of vehicular crossings and...
gutter laybacks at all property entrances and exits, and for the removal of all disused driveway crossings and gutter laybacks. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council. In this regard, separate application shall be submitted to Council for approval prior to the commencement of works.

Removal of obstructions, such as power poles, trees, drainage pits and the like shall be carried out at the applicant’s expense.

**Reason:** to ensure that works are carried out in accordance with Council’s standard.

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64. **Carrying capacity of driveways – Heavy duty**

Suitable heavy-duty driveway crossings are to be installed at all ingress/egress points to the property by the applicant. The gutter crossing and/or the removal of any redundant crossings must be constructed by the applicant to the satisfaction of Council.

**Reason:** to ensure the driveways can support the expected weight of heavy vehicles likely to frequent the site.

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65. **Street boundary levels**

Street boundary levels for vehicle access and drainage purposes are to be obtained at the applicant’s cost from Council’s Service Planning Department prior to commencement of any works. These levels are to be incorporated in all drainage submissions required under this determination.

**Reason:** to ensure the correct levels are obtained and used for the development.

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66. **Road opening permit**

Prior to commencement of any work on Council roads and footpaths, a road opening permit shall be obtained from Council’s Service Planning Department.

**Reason:** to safeguard Council property against damage.

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67. **Restoration works**

Prior to commencement of any excavation work on Council roads or footpaths, the applicant shall pay for all restoration costs. The area of restoration shall be determined on site between the applicant or its contractor and Council’s Contracts & Maintenance Engineer.

**Reason:** to ensure that Council’s infrastructure is maintained in a safe and trafficable manner.

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68. **Convex safety mirror**

Convex safety mirrors shall be provided in basement at the entry ramp to improve the sight distance. In this regard:

a) **Detail plans showing the compliance of above requirements shall be submitted**

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and approved by the Principle Certifying Authority prior to issue of a Construction Certificate.

b) Convex safety mirrors shall be maintained in good condition.

Reason: to improve the sight distance.

69. Headroom clearance - within the Basement

The headroom clearance within the basement shall comply with AS 2890.1 and 2890.6 requirements.

Detail plans showing the compliance of above requirements shall be submitted and approved by the Principle Certifying Authority prior to issue of a Construction Certificate.

Reason: to ensure headroom clearance complies with Australian Standards AS 2890.1: AS2890.6 and Council's DCP.

70. Ramp gradients

Circulation ramp grades shall comply with section 2.5.3 of the Australian Standard AS2890.1:2004. In this regard detail longitudinal section along ramps to a scale of 1:20 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Copy of the approved plan shall be submitted to Council.

Reason: to ensure the access ramps comply with Australian Standard AS2890.1:2004.

71. Headroom clearance along the ramp

Headroom clearance shall comply with section 5.3 of the Australian Standard AS2890.1:2004. In accordance with minimum 2.2m headroom clearance shall be provided. In this regard detail longitudinal section of ramps to a scale of 1:20 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Copy of the approved plan shall be submitted to Council.

Reason: to ensure the access ramps comply with Australian Standard AS2890.1:2004.

72. Works within Council controlled lands:

(1) For drainage works:

a) Within Council controlled lands.

b) Connecting to Council's stormwater drainage system.

Inspections will be required:

i) After the excavation of pipeline trenches.

ii) After the laying of all pipes prior to backfilling.

iii) After the completion of all pits and connection points.

(2) A minimum of 48 hours' notice shall be given to Council to inspect works.

Inspections may be arranged by telephoning Council's Works and Services Section during office hours.
Work is not to proceed until the works are inspected and approved by Council.

**Reason:** to ensure works on public/Council controlled lands are carried out as per Council's requirements.

### Car parking to Comply with Approved Details

The area set aside for the parking of vehicles, and so delineated on the plan prepared by Design Cubicle Pty Ltd (‘basement plan’ job no. 140597 DA201, dated 25/01/2017) shall not be used for any other purpose.

**Reason:** to ensure the car parking area is not used for purposes other than the parking of cars associated with the use.

### Vehicles Driven in Forward Direction

All vehicles must be driven in a forward direction at all times when entering or leaving the premises.

**Reason:** to preserve and enhance the safe operation of the car parking area.

### Footpath / Nature strip maintenance during and after construction

The footpath and nature strip within the street frontages shall be maintained during the period of construction to Council’s satisfaction.

**Reason:** to ensure pedestrian safety during the construction period.

### Traffic Management

A traffic management plan prepared by a suitably qualified person shall be submitted to and approved by Council for all demolition, excavation and construction activities associated with the development prior to commencement of any work within the subject development site.

**Reason:** to minimise the impact on local road network.

### Sediment control

Temporary measures shall be provided in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated March 2004 and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from the site.

**Reason:** to ensure sediment and erosion controls are maintained during the construction process to prevent water pollution from occurring.

### Surface runoff

Allowances shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.
Reason: to prevent adverse impact on adjoining properties.

79. **Service relocation/Adjustment**

The applicant shall locate any utility services affected by the proposal and shall be responsible for any damage to, or relocation of services required by the proposal, including adjustment to the levels of pits lids etc. All works shall be carried out to the satisfaction of the relevant Authority or Council.

All the costs shall be borne by the applicant.

Reason: to protect utility services.

80. **Arrangements for Water and Sewer Services**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at www.sydneywater.com.au then the “e-developer” icon or telephone 132 092.

Following application a “Notice of Requirements” will detail water and sewer extensions to be built or 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 landscaping design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority (Council or accredited certifier) prior to release of the final plan of subdivision or occupation of the development.

Reason: to ensure that adequate water and sewer services can be provided to the site.

81. **Aboveground Power Lines**

Where practicable, all existing overhead power lines adjacent to the development site shall be relocated underground to Energy Australia standards and specifications. If not practicable to relocate the power lines underground, arrangements shall be made with Energy Australia to place the conduit to carry those power lines underground so that they can be utilized at a later date by Energy Australia. In this regard all associated costs shall be borne by the applicant.

Reason: to improve the aesthetic quality of the area.

82. **Discovery of additional information during remediation, demolition or construction**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the PCA immediately.

Reason: to ensure Council is informed of any new information relevant to site.
conditions and site contamination associated with the development.

83. **Off-site soil disposal**

Any soil disposed of off-site shall be classified in accordance with the procedures in the NSW EPA Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (1999).

*Reason*: to ensure soil disposed off-site is classified in accordance with relevant EPA requirements.

84. **Signs for Visitor Parking**

Suitable signs shall be erected at the front of the property indicating the availability of visitor parking within the property. All visitor parking spaces shall be clearly signmarked.

*Reason*: to ensure the visitor parking spaces are clearly identified.

85. **Adequate Signs and Pavement Markings Required to Assist Traffic Flow on Site**

Adequate signs and pavement markings are to be provided to direct the flow of traffic within the site. Details are to be provided prior to the issue of the construction certificate.

*Reason*: to assist with traffic flow within the development.

86. **Loading and Unloading of Vehicles**

All deliveries to and from the site are to be conducted from vehicles standing within designated loading areas and not on access driveways, car parking spaces or landscaped areas.

*Reason*: to ensure delivery vehicles do not obstruct these designated areas of the site.

87. **Minimum height clearance for carparking spaces and entry to basement carpark**

The minimum height clearance between any structure or fixtures and the driveway/carpark floor level shall be 2.2 metres.

*Reason*: to ensure vehicles and pedestrians can safely use the carparking facility.

88. **Protective bar to vehicular entry**

A protective bar shall be installed at the vehicular entry to the development to prevent damage from vehicles that are too high or those that fail to wait for the opening of any roller shutter etc. Details and installation of the proposed protective bar shall be noted on the Construction Certificate drawings and installed prior to the issue of Occupation Certificate.

*Reason*: to prevent damage from oversized vehicles when entering the premises.
89. **Roller doors and shutters – silent operation**

   The roller doors or other shutters to the car park shall operate silently and be appropriately maintained.

   **Reason:** to ensure quiet operation and ongoing maintenance to car park doors.

90. **Intercom/remote access to basement**

   An intercom and remote access system shall be provided at all vehicular access points to the basement car park and connected to all residential units. Details of the proposed intercom and remote access system to the basement car park are to be submitted with the Construction Certificate plans/specifications and the locations detailed on the construction drawings.

   **Reason:** to ensure that visitor car parking spaces are easily and conveniently accessible for visitors to the premises.

91. **Car Parking Spaces – Restrictive Covenant**

   The following shall be complied with:

   a) The on site car parking spaces, exclusive of service and visitor spaces, are not to be used by those other than the occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

   b) Prior to Occupation Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

   c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking lots in the strata scheme.

   **Reason:** to ensure the car parking spaces are used in accordance with the details of the development approval.

92. **Materials and Finishes**

   Materials and finishes to the development shall be in accordance with the details of the approved plans and the following requirements:

   a) Quality and durable materials are to be used throughout the development.

   b) The applied external paint finishes to the building shall have a minimum aggregate thickness of 200 microns.

   **Reason:** to ensure a high quality appearance to all materials within the development.
93. **SEPP 65 – Design Verification**

The following requirements arising from State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Buildings must be complied with:

a. A certifying authority must not issue a Construction Certificate in respect of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specification achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

b. A certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

**Reason:** To ensure that the requirements of SEPP No. 65 and the EP&A Regulations are complied with in the carrying out of the development.

94. **Architect – Notify Council if Changed**

The architect of the project, as approved, should not be changed without prior notice to Council.

**Reason:** To ensure Council is aware and kept informed of the current project architect.

95. **Underside of balconies**

The underside of the balconies within the development must be designed to prevent exposed pipes and utilities being visible.

**Reason:** To ensure an attractive appearance to the development in accordance with Council's Development Control Plan requirements.

96. **Reflectivity Index of Glazing**

The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20 %. Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.

**Note:** The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.
Reason: to ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development.

97. Side/Rear Boundary Fencing:

Fences located on the side or rear boundaries of the premises, behind the main building setback (not within the front yard), shall not exceed a maximum height of 1.8 metres.

Reason: to maintain reasonable levels of amenity to the adjoining premises.

98. Fencing/gates and adjoining land

There must be no encroachment of any part of the structure's onto the adjoining premises or onto Council's road reserve, footway or public place. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.

Reason: to ensure the fence/gates do not restrict access and that encroachments do not occur.

99. Telecommunications Facilities - Residential

The following requirements apply to telecommunication facilities in the building:

a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.

b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.

c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.

d) A separate Development Application must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

Reason: to ensure adequate provision for telecommunication facilities within the development.

100. Lighting to publicly accessible areas

The following lighting requirements shall be complied with:

a) The public areas shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.

b) Details of the lighting is to be submitted for the approval of the Principal Certifying Authority prior to issue of the Construction Certificate and location of the lighting endorsed on the construction drawings.

Reason: to ensure publicly accessible areas of the development are provided with
Mail Box Structure

An Australia Post approved lockable mail box structure(s) shall be centrally located to the primary street entry of the site.

Reason: to ensure compliance with Council's Development Control Plan requirements.

Suitable arrangements to be made for garbage and recycling services

Suitable arrangements for garbage and recycling services are to be made with Council prior to occupation of the building.

Reason: to ensure adequate garbage and recycling services are provided for the development.

Display of Waste Management Plan – Ongoing use

The occupant/body corporate shall be provided with at least one copy of the waste management plan. An additional copy of the plan shall be displayed in a secure visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at times during occupation.

Reason: to ensure waste is properly managed by occupants of the building.

Ongoing Waste Management

Ongoing waste management within the development shall be carried out in accordance with the approved Waste Management Plan and the following requirements:

a) Appropriate waste management practices are to be adopted within the development at all times.
b) The waste storage room shall be kept in a clean, tidy and hygienic condition at all times.
c) The waste and recyclable storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room. Details shall be provided with the Construction Certificate and endorsed on the construction drawings and works completed prior to the issue of an Occupation Certificate.
d) A person shall be employed/nominated to manage the collection of waste material by Council, including, but not limited to bin placement at the road edge and retrieval of bins soon after collection of contents, cleansing of bins, storage of bins in the compound and the like.
e) The nature strip is to be kept in a clean and tidy condition upon garbage collection.

Reason: to ensure appropriate ongoing waste management practices within the development in accordance with Council’s Development Control Plan requirements.
105. Waste and recyclables storage area

The waste and recyclables storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room. Details shall be provided with the Construction Certificate and endorsed on the construction drawings, and works completed prior to the issue of an Occupation Certificate.

Reason: to ensure the waste and recyclables storage area is appropriately constructed and able to be readily cleaned and maintained.

106. Final Fire Safety Certificate

Prior to the occupation of the building, the owner of the building shall submit to the Principal Certifying Authority (Council or Accredited Certifier), a final fire safety certificate in relation to each essential fire safety measure specified in the fire safety schedule, attached to the development consent or construction certificate.

Such certificate shall state that each essential fire safety measure specified:-

a) Has been assessed by a properly qualified person, and
b) Was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.

NOTES:

1. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-

   i) Must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and

   ii) Must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.

2. A "fire safety measure" is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason: to ensure compliance with Regulations 149 & 171 of the Environmental Planning and Assessment Regulation 2000.

107. Annual Fire Safety Statement

The owner of any building in which fire safety measures are installed must cause the Council to be given an annual fire safety statement within 12 months after the last such statement or final fire safety certificate was issued.

The certificate shall certify:-
a) That each essential fire safety measure has been assessed by a properly qualified person and was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule.

b) That a properly qualified person has inspected the building and has certified that, as at the date of inspection, the condition of the building did not disclose any grounds for a prosecution under Division C.

NOTES:

1. As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates -
   i) must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
   ii) must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.

2. A "fire safety measure" is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

   Reason: to ensure compliance with Regulation 171 of the Environmental Planning and Assessment Regulation 2000.

108. Fire Safety Notices

   The fire-isolated stairway, fire-isolated passageway or fire-isolated ramp must contain a notice advising of "Offences relating to fire exits". The notice shall contain the wording prescribed by Clause 183 of the Environmental Planning and Assessment Regulation, 2000 and the Building Code of Australia.

   Reason: to comply with Clause 183 of the Environmental Planning and Assessment Regulation 2000 and the BCA.

109. Submission of Works-as-Executed Fire Services Plan

   A works-as-executed fire services plan is to be submitted to the Council prior to occupation of the development, detailing the location of the essential fire safety measures installed within the building premises.

   Reason: to ensure a record of the location and type of fire safety services is documented.

110. Occupation Certificate

   A person must not commence occupation or use of the whole or part of a new building unless an occupation certificate has been issued in relation to the building or part.

   The application for an Occupation Certificate must be made to the Principal Certifying Authority (Council or an accredited certifier) using the approved form.

   Reason: to comply with the requirements of Section 108W/N of the Environmental Planning and Assessment Regulation 2000.
Planning and Assessment Act.

111. **S94A Contribution – Outside the City Centre**

A monetary contribution comprising $73,814.62 is payable to Cumberland Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta Section 94A Development Contributions Plan (Amendment No. 4). Payment must be by EFTPOS, bank cheque or credit card only.

The contribution is to be paid to Council prior to the issue of a construction certificate.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

Parramatta Section 94A Development Contributions Plan (Amendment No. 4) can be viewed on Council's website at:


Reason: To comply with legislative requirements.
Adaptable Units - Unit 18,27
1 BR unit 59m²

Adaptable Units - Unit 20 & 28
Living / Dining 4070x4450
Bedroom 1 3530x4030
Section B-B
Scale 1:350 (on A3)
Item No: LPP018/19

DEVELOPMENT APPLICATION - 61 RINGROSE AVENUE, GREYSTANES

Responsible Division: Environment & Planning
Officer: Manager Development Assessment
File Number: DA 2018/491

<table>
<thead>
<tr>
<th>Application lodged</th>
<th>20 December 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Designcorp Architects</td>
</tr>
<tr>
<td>Owner</td>
<td>Aida Dib</td>
</tr>
<tr>
<td>Application No.</td>
<td>DA-2018/491/1</td>
</tr>
<tr>
<td>Description of Land</td>
<td>61 Ringrose Avenue, Greystanes (Lot 4, DP 31284)</td>
</tr>
<tr>
<td>Proposed Development</td>
<td>Demolition of existing structures and construction of an attached two storey dual occupancy with Torrens title subdivision into 2 lots</td>
</tr>
<tr>
<td>Site Area</td>
<td>579.5m² by calculation</td>
</tr>
<tr>
<td>Zoning</td>
<td>R2 Low Density Residential Zone</td>
</tr>
<tr>
<td>Disclosure of political donations and gifts</td>
<td>Nil disclosure</td>
</tr>
<tr>
<td>Heritage</td>
<td>No</td>
</tr>
<tr>
<td>Issues</td>
<td>Nil</td>
</tr>
</tbody>
</table>

SUMMARY:

1. Development Application No. DA-2018/491/1 was received on 20 December 2018 for the demolition of existing structures and construction of an attached two storey dual occupancy with Torrens title subdivision into 2 lots.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days from 25 January 2019 to 8 February 2019. In response, the application received 2 submissions.

3. There variations sought for the proposal includes:

<table>
<thead>
<tr>
<th>Control</th>
<th>Required</th>
<th>Provided</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.8 Building appearance (bulk and scale)</td>
<td>Maximum length of walls along the first floor side boundaries shall be 10 metres without any indentations, offsets or other articulation features</td>
<td>The maximum length of the first floor side wall along the northern and southern elevations without any indentations, offsets or other articulation features is 11.1m</td>
<td>11% variation. The first floor side wall on the northern and southern elevations exceed 10 metres in length without articulation, being 11.1m. Notwithstanding the variation, the length is deemed acceptable as the overall bulk and...</td>
</tr>
</tbody>
</table>
4. The application is recommended for conditional approval subject to the conditions as provided in the attached schedule.

5. The application is referred to the Panel as the owner of the subject site is a Council staff member who at the time of lodgement of the application was principally involved in Council’s strategic planning functions.

REPORT:

Subject Site and Surrounding Area

The subject site is known as 61 Ringrose Avenue, Greystanes, and is legally described as Lot 4 in Deposited Plan 31284. The site is located on the western side of Ringrose Avenue within the R2 Low Density Residential zone. The site is an irregularly shaped allotment with a frontage of 15.09 metres to Ringrose Avenue. The subject site has a depth of 36.575 metres along the northern boundary and 40.235 metres along the southern side boundary and a 15.525 metre rear western boundary equating to a total site area of 579.5m².
The site currently contains a single storey dwelling house with an attached metal awning and rendered garage to the rear of the site. The site has a cross fall of approximately 1.5 metres from the south-eastern corner to the north-western corner of the site (from the front to the rear of the site).

Adjoining developments to the subject site include a 2 storey dwelling house of contemporary architectural style to the south at No. 63 Ringrose Avenue and a split level dwelling house of brick finish to the north at No. 59 Ringrose Avenue. A single storey dwelling house and a secondary dwelling also adjoins the site to the west at No. 38 Gerald Street, Greystanes.

Figure 1 – Locality Plan of subject site
Figure 2 – Aerial view of subject site

Figure 3 – Street view of subject site
Description of The Proposed Development

Council has received a development application for the demolition of existing structures and construction of an attached two storey dual occupancy with Torrens title subdivision into 2 lots.

Key features of the development proposal are as follows:-

Demolition of existing structures on site including a single storey rendered dwelling house with an attached metal awning and rendered garage; and construction of a two storey attached dual occupancy incorporating for each unit:

Ground Floor
- Entry porch;
- A single garage;
- Bedroom
- Family/dining room/kitchen/living room;
- Laundry;
- Bath; and
- Alfresco terrace area.

First Floor
- A total of 4 bedrooms (including master with an ensuite) for each unit;
- Bathroom with toilet; and
- Front balconies facing Ringrose Avenue.

Torrens title subdivision of the site into 2 lots.

History

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 December 2018</td>
<td>The Development Application was lodged for the demolition of existing structures and construction of an attached two storey dual occupancy with Torrens title subdivision into 2 lots.</td>
</tr>
<tr>
<td>22 January 2019</td>
<td>The Development Application was referred to Council’s internal Development Engineering, Landscape and Rates departments for review.</td>
</tr>
<tr>
<td>25 January 2019 to 8 February 2019</td>
<td>Application was placed on public notification for 14 days. 2 submissions were received.</td>
</tr>
</tbody>
</table>
Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Designcorp Architects dated December 2018 and was received by Council on 20 December 2018 in support of the application.

Contact With Relevant Parties

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

Internal Referrals

Development Engineer

The development application was referred to Council’s Development Engineer for comment who has advised that the proposal is satisfactory subject to deferred commencement conditions.

Landscape Officer

The development application was referred to Council’s Landscape Officer for comment who has advised that the proposal is acceptable subject to standard conditions.

Rates – House Numbers

The Application was referred to Council’s Rates Officer for comment who has raised no objections to the proposed development, subject to conditions of consent.

External Referrals

There were no external referrals that were required to be undertaken as part of the assessment of the application.

Planning Comments

The provisions of any Environmental Planning Instruments (EP& A Act s4.15 (1)(a)(i))

State Environmental Planning Policies

The proposed development is affected by the following State Environmental Planning Policies:

(a) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
The site is not identified in Council’s records as being contaminated. A site inspection reveals the site does not have any obvious history of a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated. The subject site is currently used for residential purposes and contamination is not expected.

(b) State Environmental Planning Policy (Infrastructure) 2007

The provisions of the Infrastructure SEPP (ISEPP) 2007 have been considered in the assessment of the development application.

Clause 45 - Development likely to affect an electricity transmission or distribution network

The subject development does not incorporate basement excavation in proximity (within 2 metres) to an electricity distribution pole nor does the development occur within 5 metres of an overhead electricity power line. As such, the Consent Authority is not required to give written notice to an electricity supply authority.

Clause 85 – Development adjacent to railway corridors

The application is not subject to clause 85 of the ISEPP as the site is not in or adjacent to a rail corridor.

Clause 86 – Excavation in, above, below or adjacent to rail corridors

The application is not subject to clause 86 of the ISEPP as the proposed redevelopment of the site does not involve excavation to a depth of at least 2m below ground level (existing), on land within, below or above a rail corridor, or within 25m (measured horizontally) of a rail corridor.

Clause 87 – Impact of rail noise or vibration on non-rail development

The application is not subject to clause 87 of the ISEPP as the site is not in or adjacent to a rail corridor nor is likely to be adversely affected by rail noise or vibration:

Clause 101 – Frontage to classified road

The application is not subject to clause 101 of the ISEPP as the site does not have frontage to a classified road.

Clause 102 – Impact of road noise or vibration on non-road development

The application is not subject to clause 102 of the ISEPP as the average daily traffic volume is less than 40,000 vehicles on Ringrose Avenue.

Clause 104 – Traffic generating developments
The application is not subject to clause 104 of the ISEPP as the proposal does not trigger the requirements for traffic generating developments listed in Schedule 3 of the ISEPP.

(c) Statement Environmental Planning Policy No 19 - Bushland in Urban Areas

The subject site does not adjoin land zoned or reserved for public open space.

(d) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Yes – The proposal does not exceed the biodiversity offsets scheme threshold. The application which does not involve removal of any significant trees or vegetation was also referred to Council’s Landscape Officer who raised no objections to the application in that regard. Please refer to the DCP compliance table for further discussion.

(e) State Environmental Planning Policy (Coastal Management) 2018

The subject site is not identified as a coastal wetland or land identified as “proximity area for coastal wetlands” or land identified as such by the Coastal Vulnerability Area Map.

(f) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

BASIX Certificate No. 985767M_02 issued on 17 December 2018 has been submitted with Council. The BASIX Certificate has been reviewed and is considered to be satisfactory.

Local Environmental Plans

Holroyd Local Environmental Plan (HLEP) 2013

The provisions of the HLEP 2013 is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the HLEP 2013 and the objectives of the R2 Low Density Residential Zone.

- Permissibility:

The proposed development is defined as a “dual occupancy (attached)” and is permissible in the R2 zone with consent.

A dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

The relevant matters to be considered under the HLEP 2013 and the applicable clauses for the proposed development are summarised below.

Figure 4 – Holroyd LEP 2013 Compliance Table
<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARD</th>
<th>COMPLIANCE</th>
<th>DISCUSSION</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 Minimum subdivision lot size</td>
<td>No</td>
<td>However, complies with Clause 4.1A</td>
</tr>
<tr>
<td>Min. 450sqm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.1A Exceptions to minimum lot sizes for certain residential development</td>
<td>Yes</td>
<td>Proposal is for the purpose of a dual occupancy development</td>
</tr>
<tr>
<td>4.3 Height of Buildings</td>
<td>Yes</td>
<td>The maximum height is 7.2metres</td>
</tr>
<tr>
<td>Max. 9m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.4 Floor Space Ratio</td>
<td>Yes</td>
<td>With a site area of 579.5m², the maximum GFA allowable is 289.75m². The development proposes a GFA of 289.3m² which equates to FSR of 0.5:1.</td>
</tr>
<tr>
<td>Max. 0.5:1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.6 Exceptions to development standards</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>5.10 Heritage conservation</td>
<td>N/A</td>
<td>The site is not heritage listed, adjoin a heritage item nor is it located in the vicinity of a heritage conservation area</td>
</tr>
<tr>
<td>6.1 Acid sulfate soils</td>
<td>N/A</td>
<td>The site is not affected by Acid Sulfate Soils</td>
</tr>
<tr>
<td>6.2 Earthworks</td>
<td>Yes</td>
<td>Minor earthworks with no detrimental impacts</td>
</tr>
<tr>
<td>6.4 Flood planning</td>
<td>N/A</td>
<td>The site is not identified as being flood prone.</td>
</tr>
<tr>
<td>6.5 Terrestrial Biodiversity</td>
<td>N/A</td>
<td>There is no evidence of any terrestrial biodiversity on the site</td>
</tr>
<tr>
<td>6.6 Riparian land and watercourses</td>
<td>N/A</td>
<td>The site is not identified as riparian land or in vicinity of a watercourse.</td>
</tr>
<tr>
<td>6.7 Stormwater management</td>
<td>Yes</td>
<td>The Application was referred to Council’s Development Engineer for comment who has recommended deferred commencement conditions relating to easement creation. Accordingly, the draft conditions of consent received on 5 February 2019 have been incorporated in the draft conditions of consent provided at Attachment 1 of this report.</td>
</tr>
<tr>
<td>6.8 Salinity</td>
<td>Yes</td>
<td>The site is located on land identified as being affected by</td>
</tr>
</tbody>
</table>
The provisions of any proposed Environmental Planning Instruments (EP& A Act s4.15 (1)(a)(ii))

- Draft State Environmental Planning Policy (Environment)

The draft SEPP relates to the protection and management of our natural environment with the aim of simplifying the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. The changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The draft policy will repeal the above existing SEPPs and certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 9.1 Directions by the Minister where appropriate.

- Draft amendment to Holroyd Local Environmental Plan (HLEP)2013 - Amendments to minimum lot size provisions for dual occupancies

Council is proposing to increase the minimum lot size required for a dual occupancy development to 600m² in residential zones (R2 Low Density Residential and R3 Medium Density Residential). The proposed changes are under public consultation. The proposed changes are at present neither certain or imminent and the lot size of the subject site complies with the current controls for dual occupancy development and is deemed to be acceptable.
The lot size of the proposal which is 579.5m² has been considered in this regard. Notwithstanding the variance with the draft amendment, the site provides adequate opportunities for good design and ensures that sufficient area is available for adequate landscaping, setbacks and a built form that does not detract from the local residential character. Accordingly, the lot size is considered acceptable as it is compliant with the current provisions of the Holroyd DCP 2013.

**The provisions of any Development Control Plans (EP& A Act s4.15 (1)(a)(iii))**

**Holroyd Development Control Plan (HDCP) 2013**

The provisions of the HDCP 2013 is applicable to the development proposal. It is noted that the development achieves general compliance with the key controls of the HDCP 2013. The following Parts of the HDCP 2013 are applicable to the proposed development:

- Part A - General Controls
- Part B - Residential Controls

Figure 5 – Holroyd DCP 2013 Compliance Table

<table>
<thead>
<tr>
<th>Clause</th>
<th>Control</th>
<th>Proposed</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part A – General Controls</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Subdivision</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Torrens title subdivision is proposed as part of the application and is compliant with Clause 4.1A of the Holroyd Local Environmental Plan 2013.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Roads and Access</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Proposed vehicular crossings (VC) and driveways are along the eastern front boundary of the site. The driveway and vehicular crossing will provide access to the single garages.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>New VC and driveway are considered satisfactory.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Car Parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1</td>
<td>Minimum Parking Spaces</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>2 car parking spaces per dwelling (1 undercover)</td>
<td>The development proposes a single garage for each dwelling and a sufficient tandem parking on the driveway.</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Trees and Landscape Works</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>The proposal does not involve the removal of any significant trees. The application has also been reviewed by Council's Tree Management Officer and is considered satisfactory subject to conditions.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Biodiversity</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>There is no evidence of any terrestrial biodiversity on the site. Therefore, these provisions are not applicable.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
As shown on Council’s Biodiversity Map, the site is not affected by ‘biodiversity’.

<table>
<thead>
<tr>
<th>6</th>
<th>Soil Management</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6.2</strong></td>
<td>Site Contamination and Land Filling</td>
</tr>
<tr>
<td><strong>6.3</strong></td>
<td>Erosion and Sediment Control</td>
</tr>
<tr>
<td><strong>6.5</strong></td>
<td>Salinity Management</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>7</th>
<th>Stormwater Management</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The submitted stormwater plan has been reviewed by Council’s Development Engineering department and is satisfactory, subject to deferred commencement conditions.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8.</th>
<th>Flood Prone Land</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>As shown on Council’s Flood Map, the site is not identified as flood prone land.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9.</th>
<th>Managing external road noise and vibration</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The site is not located in or adjacent to a classified road or rail corridor.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10.</th>
<th>Safety and Security</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The front entry, windows to habitable rooms and balconies</td>
</tr>
</tbody>
</table>
address the street frontage to provide a high level of surveillance. Therefore, safety and security is considered to be satisfactory.

<table>
<thead>
<tr>
<th>11. Waste Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>The submitted Waste Management Plan is considered to be satisfactory.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>12. Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water, sewer, overhead electricity and telephone facilities will be available to the proposed units.</td>
</tr>
</tbody>
</table>

### Part B- Residential Controls

#### 1.1 Building Materials

| Building materials for new residential development and for additions to existing residential development must be compatible with the streetscape and character of its locality. | Facades are well articulated with appropriate materials and is compatible with the character of the streetscape. | Yes |

#### 1.2 Fences

| Maximum height of 1.5m, maximum 1m solid. | The proposal involves construction of a masonry fence with a maximum height of 1m which is considered acceptable. | Yes |

#### 1.3 Views

| Where significant and/or district views are currently enjoyed, or where views may be reasonably created, the design of development shall be designed to minimise the obstruction of such views. | There are no significant or district view corridors within the vicinity. Accordingly, the proposal does not obstruct the currently enjoyed views of adjoining properties. | Yes |

#### 1.4 Privacy

| The windows of dwellings are to be located so they do not provide direct and close views into the windows of habitable rooms and private open spaces of adjoining dwellings. | Southern Elevation: The highlight window provided for the family room has a sill height of 1.7m above finished floor level. Further, the 2.1m side fence which is subject of condition will alleviate any immediate visual privacy impacts on the southern adjoining property. Overlooking from the kitchen window and the alfresco area on the ground floor level will be obscured by the 2.1m | Yes |
side boundary fence, noting that the alfresco area is setback 1.85m from the southern boundary. The window for bedroom 5 is not expected to have any significant privacy impacts given it is considered a low activity room. The garage is also provided with a highlight window and is not considered a high activity room.

The first floor level windows belong to bedrooms which are considered as low use rooms and will not have any significant privacy impacts.

**Western Elevation**
Sufficient separation from the rear adjoining property is provided from the ground floor windows and alfresco areas.

The first floor level windows belong to bedrooms which are low use rooms and will not have any significant privacy impacts.

**Northern Elevation**

The highlight window provided for the family room has a sill height of 1.7m above finished floor level. Further, the 2.1m side fence which is subject to conditions will alleviate any immediate visual privacy impacts on the northern adjoining property. Overlooking from the kitchen window
and the alfresco area on the ground floor level will be obscured by the 2.1m side boundary fence, noting that the alfresco area is setback 1.85m from the northern boundary. The window for bedroom 5 is not expected to have any significant privacy impacts given it is considered a low activity room. The garage is also provided with a highlight window and is not considered a high activity room. The first floor level windows belong to bedrooms which are considered as low use rooms and will not have any significant privacy impacts.

| Window sills shall have a maximum height of 1500mm are required in ground floor living areas located higher than 1 metre above existing ground level and within 6 metres of the property boundary. Note:

- The placing of windows shall be based on the detailed site analysis prepared for the development proposal.
- The use of windows which are narrow, translucent or obscured for upper floors and bathrooms is recommended.
- Further design controls for screening residential flat buildings are contained in section 6 of this Part. |
| The ground floor living areas on the southern and northern elevations have finished floor heights of 402mm and 251mm respectively above the natural ground level. Noting that the living area windows are within 6m of the property boundary window sills of minimum 1.7m from the finished floor levels have been provided to protect, privacy to adjoining sites. |

<p>| Where a proposed deck overlooks outdoor living areas of adjacent dwellings, suitable screening is to be provided, at a |
| Given the minimal finished floor level heights of the alfresco areas along the side | Yes |</p>
<table>
<thead>
<tr>
<th>Minimum height of 1500mm.</th>
<th>Elevations and the 1.85m side setbacks provided, a 2.1m side fence is considered appropriate to protect the privacy and reduce overlooking impacts on adjoining properties.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landscaping shall be designed to provide screening and filtering for control of privacy and to reduce overlooking of dwellings.</td>
<td>Adequate landscaping is provided throughout the site, incorporating garden beds and hedges along the side and rear boundaries and within the courtyards to provide adequate screening.</td>
</tr>
<tr>
<td>Developments shall utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings.</td>
<td>Adequate building separation is proposed to maximise acoustic privacy. The side and rear setbacks are compliant to maximise acoustic privacy.</td>
</tr>
<tr>
<td>Air conditioners, swimming pool pumps and the like are not to exceed 5dba above background noise levels and should not be audible from habitable rooms of neighbouring dwellings. Note: Air conditioners, swimming pool pumps and the like shall comply with the protection of the environment operations act and noise regulation.</td>
<td>The development consent will include relevant conditions to ensure the air conditioners and rainwater tanks do not exceed 5dba above background noise levels.</td>
</tr>
<tr>
<td>Balconies shall not extend beyond the required setback.</td>
<td>All balconies proposed are within the required setbacks.</td>
</tr>
</tbody>
</table>
All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures to ensure that the privacy of surrounding residents is not unduly reduced, Note:
Privacy measure may include (but are not limited to:)
• screening in the form of walls, screens or lourves
• landscape planting
• lattice or similar on top of side and rear fencing

The proposed alfresco areas for the development are both less than 800mm above the natural ground level (200mm at the northern elevation and approximately 400mm at the southern elevation). Further, the alfresco areas are setback 1.85m from the northern and southern side boundaries. Given that side fences of 2.1m height are to be installed as a condition of consent, there are no immediate privacy impacts from these areas. Accordingly, the privacy impacts from the alfresco area are considered acceptable.

<table>
<thead>
<tr>
<th>1.5 Landscaping and open space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landscaped area shall be a minimum of 2 metres wide and is to be, where possible, at ground level.</td>
</tr>
<tr>
<td>The landscaped area for the proposed development has a minimum width of 2 metres and is at ground level.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1.5 Landscaping and open space</th>
</tr>
</thead>
<tbody>
<tr>
<td>No more than 50% of the provided landscaped area shall be forward of the front building line.</td>
</tr>
<tr>
<td>The landscaped area for the proposal is predominantly in the rear yard of the proposed development.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1.5 Landscaping and open space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Only hard paved areas for the purposes of driveways and pathways will be permitted within the front setback area, and shall be kept to a minimum. Hard paved areas shall not cover the entire front setback area.</td>
</tr>
<tr>
<td>The hard paved areas for the front setbacks of the proposed dwellings only constitute driveways and pathways as hard paved areas. All other areas in the front yard are covered with deep soil landscaping.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1.5 Landscaping and open space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where an access driveway is located on the side boundary or where an internal roadway is to be provided, a landscape strip of 1 metre shall be provided.</td>
</tr>
<tr>
<td>The access driveway for each dwelling has a landscape strip of more than 1 metre along the side boundaries.</td>
</tr>
<tr>
<td>The % of the total site area to be provided as landscape area for each residential development type shall be as follows: • 20% - Dwelling house, dual occupancy and attached housing development on lots less than 600m2.</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>• Only be located at the rear or side of the dwelling • Be located ground level. Structures such as decks proposed to be included as private open spaces, which are equal to or less than 500mm above ground level dwelling, and complies with all other criteria, may be considered by Council based upon their merits. • Minimise overlooking opportunities and shall not decrease the visual privacy of neighbouring development. • Accommodate both passive and active recreation uses. • Must be directly accessible from a main living area of the dwelling (i.e. lounge/dining/rumpus room). • Provided for the exclusive use of the occupant(s) of the dwelling house; • Include an area for external clothes drying with good solar access where possible, which is not visible from a public area. • Shall not be steeper than a 1:8 gradient. For steeply sloping sites, Council may consider terrace type stepping, which must have a length to width ratio no greater than 3:1.</td>
</tr>
<tr>
<td>Rear private open space areas are to have external access either through an associated garage or directly from a common area in order to facilitate maintenance of the area.</td>
</tr>
<tr>
<td><strong>private open space and storage of garbage bins.</strong></td>
</tr>
<tr>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td><strong>Private open space shall be provided at ground level in a single tract with a minimum dimension of not less than 3.0 metres.</strong></td>
</tr>
<tr>
<td><strong>Principal private open space shall have a minimum dimension of 4 metres, have direct access from a major living area of the dwelling and be clear of all structures, including posts.</strong></td>
</tr>
<tr>
<td><strong>15% of the total site area is to be provided as private open space for dwelling house, dual occupancy and attached housing developments and this shall include a principal area of 25m2.</strong></td>
</tr>
</tbody>
</table>

### 1.6 Safety and security

<p>| <strong>The front door of a development should either be visible from the street or internal roadway, or overlooked by a window, and should be clearly visible from the driveway.</strong> | <strong>The front door and living room windows are visible from the street for both the dwellings which maintains safety and security.</strong> | <strong>Yes</strong> |
| <strong>Blank walls along street frontages are prohibited.</strong> | <strong>No blank walls are proposed along the street frontage.</strong> | <strong>Yes</strong> |
| <strong>Landscaping that may allow would-be intruders to hide shall be avoided.</strong> | <strong>The landscaping within the front will not allow intruders the opportunity to hide.</strong> | <strong>Yes</strong> |</p>
<table>
<thead>
<tr>
<th>1.7</th>
<th>Building and site sustainability</th>
</tr>
</thead>
</table>
| Residential building designs should incorporate the following design principles for achieving a more sustainable home:  
• Effective building Orientation- attempt to take advantage of northerly aspects, where possible.  
• Energy efficient building materials should be used  
• Design to allow for cross ventilation- through window size, placement and ventilation.  
• Create sustainable landscaping - deciduous trees on north side of dwelling and the planting of vegetable gardens.  
• Window Protection- through external shading devices.  
• Draughtproofing and weathersealing- to prevent potential air leaks.  
• Effective use of natural light-dwellings should be designed so that artificial lighting is not needed during the day. | The subject development is designed to achieve a sustainable home through:  
- The placement of windows to improve natural lighting;  
- The window placements to maximise natural ventilation;  
- Adequate landscaping; and  
- The rainwater tanks to satisfy water sustainability.  
A BASIX Certificate for the development accompanies the application detailing the compliance with the sustainable building design requirements under the BASIX Scheme. | Yes |
| The design and location of stormwater drainage structures, such as detention and rainwater tanks, is to be integrated with the landscape design and fencing for the site. Above ground structures should not be visually intrusive. | The proposed above ground rainwater tanks are integrated with the landscape design and are not visually intrusive. | Yes |
| All roofing shall be provided with adequate gutter and downpipes connected to roof water drainage systems. | The proposed development is provided with adequate gutter and downpipes connected to drainage systems as assessed by Council’s Development Engineer. | Yes |
| Full details of proposed rainwater tanks shall be submitted with a Development Application for approval. Details are to include (as a minimum):  
• Rainwater tanks shown on all | The details outlined in this provision have been met and detailed on the plans accompanying the application. | Yes |
| Plans, including floor plans and elevations, • the configuration of inlet/outlet pipe and overflow pipe, • the storage capacity, dimensions, structural details and proposed materials, and • the purposes for which the tank is intended to be used, that is for washing machine use, toilet use and outdoor watering use. | Rainwater tanks that are to be connected to toilets and washing machines and for outdoor water use are required (minimum 1 per dwelling) and must be located to the side or rear of the dwelling for single dwelling houses. | The proposal incorporates 1 3,000L rainwater tank for each of the 2 dwellings which are situated along the side boundaries. | Yes |

| 1.8 Sunlight access | Residential development shall be designed to have as minimal impact as possible on the sunlight access and amenity obtained by existing adjacent properties and their dwellings. | The proposed development has been designed to have minimal impact on the sunlight access and amenity of the adjoining properties. | Yes |

| Applications for proposed dwellings shall demonstrate design mechanisms provided to ensure sunlight access to the proposed dwellings. | The proposed development ensure sunlight access to the main living areas of the dwellings are achieved through the placement of east, west and north facing openings. The private open space of each dwelling has a direct west facing aspect which will receive adequate solar access. | Yes |

<p>| New dwellings shall be designed to ensure direct sunlight access for a minimum of 3 hours between 9.00am and 4.00pm at the winter solstice (22 June) is provided to at least one main living area of the proposed | Unit 1 The west, east and north facing living area openings will receive a minimum 3 hours of solar access between 9am and 4pm. Skylights are also provided to improve solar | Yes |</p>
<table>
<thead>
<tr>
<th>dwelling/s.</th>
<th>access into the unit.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Unit 2</strong></td>
<td>The east and west facing living area opening will receive a minimum of 3 hours of solar access between 9am and 4pm. Skylights are also provided to improve solar access into the unit.</td>
</tr>
</tbody>
</table>

The shadow effect from a proposed development on existing adjacent dwellings must be such that a minimum of 3 hours of direct sunlight between 9.00am and 4.00pm at the winter solstice (22 June) is to be provided to at least one main living area of existing dwellings.

Yes

<table>
<thead>
<tr>
<th>The shadow effect from a proposed development on existing adjacent dwellings must be such that a minimum of 3 hours of direct sunlight between 9.00am and 4.00pm at the winter solstice (22 June) is to be provided to at least one main living area of existing dwellings.</th>
<th>One main living area of the southern adjoining property at No. 63 Ringrose Avenue will continue to receive the required solar access from 1pm to 4pm in mid-winter.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>One main living area of the northern adjoining property at No. 59 Ringrose Avenue will continue to receive the required solar access between 9am and 4pm in mid-winter.</td>
</tr>
</tbody>
</table>

A minimum of 50% of the required private open space areas of the proposed dwellings and any adjacent dwellings shall have access to 3 hours of direct sunlight between 9.00am and 4.00pm at the winter solstice (22 June).

Yes

<table>
<thead>
<tr>
<th>A minimum of 50% of the required private open space areas of the proposed dwellings and any adjacent dwellings shall have access to 3 hours of direct sunlight between 9.00am and 4.00pm at the winter solstice (22 June).</th>
<th>Unit 1 - 50% of required POS = 21m² receives at least 3 hours solar access from 1pm to 4pm.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unit 2 - 50% of required POS = 22m² receives 3 hours solar access from 1pm to 4pm.</td>
</tr>
</tbody>
</table>

The northern adjoining property at No. 59 Ringrose Avenue will continue to receive the required solar access to 50% of its required POS between 1pm and 4pm.

The southern adjoining property at No. 63 Ringrose Avenue will...
receive the required solar access to 50% of its required POS between 1pm and 4pm.

Where sunlight is achieved through east and west facing windows, shading devices should be provided on those elevations for protection from the summer sun.

Solar access is mainly achieved through the west, facing openings on each unit which will be shaded by the roof of the terrace area during the summer sun.

Proposed development should endeavour not to overshadow any existing solar panels on adjacent properties.

The southern adjoining property at No. 63 Ringrose Avenue does not have any solar panels installed.

### 1.9 Cut and fill

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
<th>Acceptance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development is designed and constructed to integrate with the natural topography of the site.</td>
<td>The proposed dual occupancy development is integrated with the natural topography of the site with moderate cut proposed.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Fill, up to 300mm, is permitted within 900mm of side or rear boundaries.

Fill depth of 200mm is proposed within 900mm of the side and rear boundaries of the site which is considered acceptable.

Fill, 600mm or greater is to be contained within the building envelope.

Fill is proposed generally within the building envelope which is considered acceptable.

Cut is permitted to a maximum

The maximum cut | Yes
<table>
<thead>
<tr>
<th>Proposed</th>
<th>Details</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>of 1 metre.</td>
<td>proposed is approximately 400 mm within the courtyard of Unit 1.</td>
<td></td>
</tr>
<tr>
<td>Cut is to be limited to 450mm where it is within 900mm of the rear or side boundaries.</td>
<td>The maximum depth of cut proposed within 900mm of the side or rear boundaries is 400mm.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

1.10 Demolition

<table>
<thead>
<tr>
<th>Proposed</th>
<th>Details</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval for the demolition of a dwelling, addition or outbuilding to a dwelling is required from Council.</td>
<td>Approval for the demolition of the existing structures is being sought under the subject application.</td>
<td>Yes</td>
</tr>
<tr>
<td>If the demolition involves removing asbestos, compliance with Council’s Asbestos Cement Policy for the safe removal and disposal is required.</td>
<td>The proposed demolition works will be managed and will be conditioned to be in compliance with Workcover’s Asbestos Cement Policy.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

1.11 Car parking and roads

<table>
<thead>
<tr>
<th>Proposed</th>
<th>Details</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garages are to be a maximum of 6 metres clear width or 50% of the width of the buildings street elevation whichever is the lesser.</td>
<td>The garage widths measure at a total of 5m metres which equates to 37.6% of the total width of the building.</td>
<td>Yes</td>
</tr>
<tr>
<td>Garages and carports at grade are to be located a minimum of 1000mm behind the front wall of the building or 5.5 metres from the street boundary, whichever is greater.</td>
<td>The proposed garages are setback 7.07 metres from the street boundary and 1.07 metre behind the front wall of the building.</td>
<td>Yes</td>
</tr>
<tr>
<td>Where the width of the proposed dwelling house or detached dual occupancy is greater than 12 metres, garages and carports may extend 1.5m from the building façade.</td>
<td>The proposed garages are proposed behind the building line of the dwellings.</td>
<td>Yes</td>
</tr>
<tr>
<td>The size of any garage shall be no more than a maximum of 40m2. If the proposed garage is to be greater than 40m2, any area in excess of this will be considered to be floor space.</td>
<td>The garages have an area less than 20m2 and therefore will not be considered as part of the floor space.</td>
<td>Yes</td>
</tr>
<tr>
<td>A lockable storage closet for each dwelling should be provided within the garage.</td>
<td>A storage area is provided underneath the stairs. This is considered acceptable.</td>
<td>Yes</td>
</tr>
<tr>
<td>For dwelling houses, dual occupancy and multi dwelling housing, parking in the case of each dwelling shall be separately accessible.</td>
<td>Separate access is provided to the garages of each dwelling.</td>
<td>Yes</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Vehicular access points are to be minimised and should not break the continuity of the streetscape.</td>
<td>The vehicular access point proposed as part of the application is along Ringrose Avenue which will not break the continuity of the streetscape.</td>
<td>Yes</td>
</tr>
<tr>
<td>Vehicle crossing/s shall be a minimum width of 3 metres (5 metres for single dwellings and dual occupancies that propose double or adjacent garages) and a maximum width of 5 metres at the boundary line. A width up to 6 metres can be considered for multi-unit complexes. Generally only one vehicular crossing will be permitted per site.</td>
<td>The proposal involves provision of 2x 3m vehicular crossings for each unit. Accordingly, the Council’s Development Engineer raised no objections. Noting that the proposed vehicular access will not break the continuity of the streetscape, it is considered acceptable.</td>
<td>Yes</td>
</tr>
<tr>
<td>All new driveways should be located at least 1 metre away from the side property boundaries, or 1.5 metres in the case of Residential Flat Buildings.</td>
<td>The driveways are both setback 1 metre from the northern and southern side boundaries.</td>
<td>Yes</td>
</tr>
<tr>
<td>The maximum gradient for a driveway should be 20%, or 1:5.</td>
<td>The proposed driveway gradients are less than 20% or 1:5.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**1.12 Universal Housing and Accessibility**

Each unit provides for facilities on ground floor for people with a disability. | Yes |

**1.13 Subdivision**

Allotment orientation should ensure that living and private open space areas of any dwelling can be orientated to the north and that dwellings can be positioned so that the possible overshadowing impact on existing or future adjoining buildings can be minimised. | The orientation of the living areas and private open space areas maximises the solar access achieved for the development. The proposed dwellings have minimal impact on the solar access of the adjoining properties. | Yes |

Council will allow the Torrens subdivision of dual occupancies | The subject application proposes the Torrens | Yes |
and the strata subdivision of multi dwelling development subject to compliance with all other related controls contained in this DCP.

<table>
<thead>
<tr>
<th>3.1 Specific requirements for Attached Dual Occupancy Development</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No more than one attached dual occupancy may be erected on a single allotment of land.</strong></td>
</tr>
<tr>
<td>The proposal is for one attached dual occupancy.</td>
</tr>
<tr>
<td><strong>The minimum allotment size for an attached dual occupancy development is 500m² in Zone R2 Low Density Residential and 450m² in Zone R3 Medium Density Residential.</strong></td>
</tr>
<tr>
<td>The subject site has an area of 579.5m² and is within the R2 Low Density Residential zone.</td>
</tr>
<tr>
<td><strong>The minimum site frontage for an attached dual occupancy, as measured from the building line is 15 metres.</strong></td>
</tr>
<tr>
<td>The subject site has a frontage of 15.09 at the front building line.</td>
</tr>
<tr>
<td><strong>A minimum lot width of 26 metres (including 4 metre access handle) is required for attached dual occupancies on battleaxe lots.</strong></td>
</tr>
<tr>
<td>The proposal is not for an attached dual occupancy on a battleaxe lot.</td>
</tr>
<tr>
<td><strong>An attached dual occupancy is to be located at the front of the allotment.</strong></td>
</tr>
<tr>
<td>The proposed dual occupancy is located at the front of the allotment.</td>
</tr>
<tr>
<td><strong>The two dwellings must not be located one on top of the other.</strong></td>
</tr>
<tr>
<td>The proposal constitutes an attached dual occupancy development and are not located on top of each other.</td>
</tr>
<tr>
<td><strong>Mirror reverse designs for attached dual occupancies are not permitted.</strong></td>
</tr>
<tr>
<td>The proposed dual occupancy units are not mirror reversed design.</td>
</tr>
<tr>
<td><strong>Two storey attached dual occupancy development will only be permitted directly adjoining the street frontage where there are no adverse privacy and overshadowing impacts, and where it is compatible with the existing streetscape.</strong></td>
</tr>
<tr>
<td>The proposal is for a two storey dual occupancy which is directly adjoining the street frontage and has no significant privacy or overshadowing impacts on the adjoining properties subject to conditions.</td>
</tr>
<tr>
<td><strong>If an attached dual occupancy consists of one dwelling at the front of the site and one attached to the rear, the rear dwelling must be single storey.</strong></td>
</tr>
<tr>
<td>The proposal constitutes an attached dual occupancy development and are both street facing.</td>
</tr>
</tbody>
</table>
3.5 **Site coverage**

| Site coverage | The maximum site coverage for a dual occupancy is 50% of the site area. | The proposal achieves a site coverage of 37.7% (218.6 m²). | Yes |

3.6 **Setbacks**

| Setbacks | The minimum setback from the principal streetscape frontage is 6 metres (with the exception of dwellings to rear laneways or secondary streets). | The minimum proposed front setback is 6 metres. | Yes |
| Side setbacks are to be a minimum of 900mm. | The minimum side setbacks for the proposed dwellings are 900mm on the northern and southern side boundaries. | Yes |
| Rear setbacks shall be a minimum 30% of the length of the site. This is irrespective of the location of private open space. This does not apply to corner lots. | The proposed rear setback is 12.73 metres which is 31.6% of the length of the site. | Yes |
| For corner lots, rear setbacks shall be a minimum of 4 metres. Rear setback relate to the proposed rear setback of the dwellings, not the existing rear setback. | The subject site is not a corner allotment. | N/A |
| An articulation zone shall be permitted in the front setback to the primary street frontage. The articulation zone is limited in width to 25% of the building width and 1.5 metres in length. | The front porch for Unit 1 which projects into the articulation zone has a length of 1m and represents approximately 24.2% of the building width. | Yes |

3.7 **Building height**

| Building height | The maximum height of a dual occupancy dwelling is two (2) storeys. | The proposed dual occupancy is a maximum of 2 storeys in height. | Yes |
| The minimum floor to ceiling height for a dual occupancy is 2.4 metres (Figure 26). | Each dwelling achieves a minimum floor to ceiling height of 2.7 metres. | Yes |
3.8 **Building appearance**

| Maximum length of walls along the first floor side boundaries shall be 10 metres without any indentations, offsets or other articulation features. | The proposal achieves maximum first floor building lengths without articulation or offsets as below: |
| **Unit 1 (north elevation)** – 11.1m | **Unit 2 (south elevation)** – 11.1m | No – However considered acceptable on merit.  
(See Summary) |

| At a minimum, the front façade of each dwelling in a dual occupancy shall orientate the front door and a window of a habitable room on the ground floor to address the principal street frontage. | Each dwelling includes a front door entry and a window of a living room on the ground floor level which addresses the street frontage. The design also incorporates street facing balconies to enhance street surveillance from the proposed development. | Yes |

As indicated in the compliance table above, the proposed development complies with the provisions of Council’s DCP subject to conditions of consent with the exception of the maximum length of walls along the first floor side boundaries without any indentations, offsets or other articulation features which has been justified in the summary of this report as being acceptable.

i) **4.15(1)(a)(iiiia) - any planning agreement that has been entered into under part 7.4, or any draft planning agreement that a developer has offered to enter into under part 7.4, and**

There is no draft planning agreement associated with the subject Development Application.

ii) **The provisions of the Regulations (EP& A Act s4.15 (1)(a)(iv))**

The proposed development raises no concerns as to the relevant matters arising from the Environmental Planning & Assessment Regulation 2000.

iii) **The Likely Environmental, Social or Economic Impacts (EP& A Act s4.15 (1)(b))**

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts on the locality.
iv) The suitability of the site for the development (EP&A Act s4.15 (1)(c))

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, the site can be said to be suitable to accommodate the proposal. The proposed development has been assessed in regard to its environmental consequences and having regard to this assessment, it is considered that the development is suitable in the context of the site and surrounding locality.

v) Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))

Advertised (newspaper) ☐  Mail ☒  Sign ☐  Not Required ☒

In accordance with Council’s Notification requirements contained within the Holroyd DCP 2013, the proposal was publicly exhibited for a period of 14 days between 25 January 2019 and 8 February 2019. 2 submissions were received.

The issues raised in the submission have been considered as follows;

Submission 1

Concern: Adverse streetscape impact from the provided front setback

Comment: The proposal provides a minimum 6m front setback for the dual occupancy units between the front building line and the Ringrose Avenue front boundary. This complies with the minimum front setback required by the Holroyd Development Control Plan (HDCP 2013). Whilst it is noted that the existing developments on the immediate properties to the north and south have greater setbacks, the 6m front setback provided for the subject proposal is considered acceptable. Noting the east-west site orientation, the proposal complies with the HDCP 2013 in terms of sunlight access into the private open spaces and main living areas of adjoining developments, including the southern adjoining property. As required by the HDCP 2013, the shadow effect from the proposal is such that 3 hours of direct sunlight will be achieved to minimum 50% of required private open space areas of adjacent dwellings between 9am and 4pm at the winter solstice. Also, 1 main living area of the dwelling on the adjoining lots will continue to achieve 3 hours of solar access between 9am and 4pm during the winter solstice. Accordingly, the 6m front setback provided complies with development controls and is considered acceptable.

Concern: Loss of street view and visual impacts as a result of the 6m front setback provided

Comment: Noting that there are no significant view corridors in the vicinity, the 6m front setback provided for the proposal presents a minor obstruction on the first floor balcony outlook for the southern adjoining property. Also, considering
that the proposal complies with key built form controls, the impacts of the compliant 6m setback is considered acceptable. The southern adjoining dwelling will maintain uninterrupted street outlook from the first floor balcony for casual street surveillance given its design.

In terms of the visual impact, the proposal is appropriately articulated and provided with a good quality of finish. Accordingly, the visual impact of the proposal is considered minor and acceptable and compliant with provisions in the Holroyd DCP 2013.

**Concern:** Adverse impacts of the provided front setback on the streetscape.

Comment: The provided front setback complies with Council’s front setback requirements for dual occupancy development.Whilst it is noted that the adjoining properties to the north and south are further setback than the proposed development, the provided setback is not dissimilar to the prevailing front setback along the street. The design of the dual occupancy is of a contemporary nature and will not have a detrimental impact upon the streetscape or the prevailing character of the surrounding area which is a combination of 1 and 2 storey residential developments with similar bulk, scale and setbacks.

**Concern:** Privacy from west and south facing windows.

**Comment:**

Southern Elevation:

The highlight window provided for the rear family room has a sill height of 1.7m above finished floor level. Further, the 2.1m side boundary fence which is subject of condition (at full cost to the developer) will alleviate any immediate visual privacy impacts on the southern adjoining property. Overlooking from the kitchen window and the alfresco area on the ground floor level will be obscured by the 2.1m side boundary fence, noting that the alfresco area is setback 1.85m from the side boundary. The window for bedroom 5 is not expected to have any significant privacy impacts given it is considered a low activity room. The garage is also provided with a highlight window and is not considered a high activity room. The first floor level windows belong to bedrooms which are considered as low use rooms and will not have any significant privacy impacts upon the southern adjoining property.

Western Elevation:

The rear facing ground floor windows belong to family areas. The provision of 2.1m side boundary fencing which is subject of condition will alleviate any immediate privacy impacts upon the living areas and private open space areas of the adjoining southern dwelling. The first floor level windows belong to bedrooms which are low use rooms and will not have any significant privacy impacts.
Considering the above, the proposed development complies with the visual privacy provisions of the Holroyd DCP 2013 and is not expected to have any undue privacy impacts to the adjoining southern property.

Submission 2

**Concern:** Privacy from rear windows of the proposed dual occupancy to the rear adjoining property.

**Comment:** The ground floor windows and alfresco area are sufficiently setback from the rear property boundary and provides for adequate visual privacy to the rear adjoining properties. In addition, Council has imposed conditions of consent for a 2.1m high boundary fence to be installed at the rear to ensure visual privacy from the ground floor and private open space areas to be maintained.

The first floor windows of the proposed dual occupancy are associated with bedrooms which are considered as low use rooms. The Holroyd DCP 2013 does not require any form of privacy treatment to bedrooms. Therefore, visual privacy is adequately maintained and compliant with the provisions of the Holroyd DCP 2013.

**Concern:** Stormwater disposal.

**Comment:** The proposed stormwater disposal system has been reviewed by Council’s Development Engineers and has been deemed to be satisfactory and in compliance with Council’s Development Engineering standards. A drainage easement has been proposed through the rear downstream properties noting the slope of the site to the rear. The granting of an easement is a civil matter between property owners. Council has imposed a general condition in this regard and has not nominated a particular property from which an easement has to be obtained.

vi) **The public interest (EP& A Act s4.15(1)(e))**

The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

vii) **Section 7.11 (Formerly S94) Contribution Towards Provision or Improvement of Amenities or Services**

This part of the Act relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:
If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:

(a) the dedication of land free of cost, or
(b) the payment of a monetary contribution, or both.

A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.'

Comments: The development would require the payment of contributions in accordance with Council’s Section 94 Contributions Plans. It is recommended that conditions be imposed on any consent requiring the payment of these contributions prior to the issue of any construction certificate for the development.

The calculation is based on 2 x 5 bed dwellings. As of 10 April 2019, the fee payable is $12,180 with a credit for one existing dwelling. This figure is subject to indexation as per the relevant plan.

viii) Disclosure of Political Donations and Gifts

The NSW Government introduced The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 (NSW). This disclosure requirement is for all members of the public relating to political donations and gifts. The law introduces disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals and requests to initiate environmental planning instruments or development control plans.

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

CONCLUSION:

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, Holroyd LEP 2013 and Holroyd DCP 2013 and is considered to be satisfactory for deferred commencement approval subject to conditions.

The proposed development is appropriately located within the R2 low density residential zone under the relevant provisions of Holroyd LEP 2013. The proposal is consistent with all statutory and non-statutory controls applying to the development. A minor non-compliance with Council controls has been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.
For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, and the development may be approved by deferred commencement subject to conditions.

CONSULTATION:

There are no further consultation processes for Council associated with this report.

FINANCIAL IMPLICATIONS:

There are no further financial implications for Council associated with this report.

POLICY IMPLICATIONS:

There are no policy implications for Council associated with this report.

COMMUNICATION / PUBLICATIONS:

The final outcome of this matter will be notified in the newspaper. The objectors will also be notified in writing of the outcome.

REPORT RECOMMENDATION:

1. That Development Application No. 2018/491/1 for the demolition of existing structures and construction of an attached two storey dual occupancy with Torrens title subdivision into 2 lots on land at 61 Ringrose Avenue, Greystanes be granted deferred commencement approval subject to attached conditions in the attached schedule.

ATTACHMENTS

1. Draft Notice of Determination
2. Architectural Plans
3. Stormwater Plans
4. Landscape Plan
5. Submissions
6. Locality Map
DOCUMENTS ASSOCIATED WITH REPORT LPP018/19

Attachment 1
Draft Notice of Determination
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION

10 April 2019

Designcorp Architects Pty Ltd
16 Dunlop Street
NORTH PARRAMATTA NSW 2151

Dear Sir/Madam

Pursuant to Section 4.16(3) of the Act, Council has granted "deferred commencement" consent to your development application described as follows:

PROPERTY: 
Lot: 4 DP: 31284

STREET ADDRESS: 
61 RNGROSE AVENUE GREYSTANES

DEVELOPMENT CONSENT NO: 
2018/491/1

DECISION: 
Cumberland Local Planning Panel

DATE FROM WHICH CONSENT OPERATES: 
TO BE ADVISED UPON SATISFACTORY COMPLETION OF SCHEDULE 'A'

DATE OF EXPIRY OF CONSENT: 
TO BE ADVISED UPON SATISFACTORY COMPLETION OF SCHEDULE 'A'

PROPOSED DEVELOPMENT: 
DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF AN ATTACHED TWO STOREY DUAL OCCUPANCY WITH TORRENS TITLE SUBDIVISION INTO 2 LOTS

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Cumberland Council, the Building Code of Australia, the Local Government Act 1993, and the following conditions as set out hereunder and/or endorsed upon the attached plans.

THIS CONSENT DOES NOT OPERATE UNTIL COUNCIL IS SATISFIED THAT ALL SCHEDULE 'A' CONDITIONS HAVE BEEN SATISFIED.
SCHEDULE “A”

Consent to the Demolition of existing structures and construction of an attached two storey dual occupancy with Torrens title subdivision into 2 lots shall not operate until all of the following Schedule “A” conditions have been complied with to Council’s satisfaction.

Easement Creation

1. The stormwater outlet from OSD basin shall be directed to the west across the neighbour’s property to discharge into Council system at Gerald Street.

   Full detailed drawings prepared by a suitably qualified and practising Civil Engineer of the stormwater drainage to the connection point into Council’s drainage system shall be provided to Council. The following shall be addressed:

   i. Details of stormwater drainage lines within the drainage easement (proposed and existing)

   ii. A long-section of the drainage pipe within the easement, including details of any existing services.

   iii. The drainage easement location shall not disturb any structures or root zone of existing trees within the property/properties.

   iv. All trees within, overhanging or within 5m of the proposed easement shall be accurately indicated.

2. A drainage easement 1.25m wide (minimum), and corresponding with the stormwater drawing, being created in favor of the property to be developed over downstream properties, to permit the disposal of stormwater to Council’s drainage system in Gerald Street, Greystanes. Documents relative to the creation of the easement to be lodged with the NSW Land Registry Services with registration being effected prior to Schedule B conditions becoming operational. All costs associated with creation of easements shall be borne by the applicant.

On-site Stormwater Detention

3. Overland flows generated in a 1% AEP storm event passing through the site from the Southern boundary shall be collected and conveyed through the site to bypass the OSD systems. In this regard the stormwater drainage plan shall be amended while addressing all relevant items listed under clause 7.7 of the OSD policy, accordingly.


Proposed vehicular access and Telecom pit

5. The submitted site plan revealed the proposed vehicular crossing will be located less than 1.2m away from the existing phone pits. Telstra advised Council that a minimum of 1.2m clearance is required to double lid pits. In this regard, the applicant shall arrange this matter with Telstra for the relocation of the Telecom pit affected by the proposed vehicular access.
crossing. Alternatively written acceptance with regard to the proposed location of the vehicular crossing and the existing pit, and/or any alternative arrangements, shall be provided to Council.

Contact shall be made with Telstra Network Integrity on 1800 810 443.

In accordance with clause 95(3) of the Environmental Planning and Assessment Regulation 2000, you must produce evidence to the Council within a period of 2 years, sufficient enough for Council to be able to be satisfied of the above matters.

If evidence is produced within the specified period, in accordance with Clause 95(5) of the Regulation, Council will notify you whether or not it is satisfied as to the above matters and whether or not the consent will operate.

***************
SCHEDULE "B"

This consent cannot operate until such time as Council is satisfied with the evidence produced in response to Schedule "A" and has notified the applicant in writing of the date from which the consent operates.

PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced within 5 years of the date of operation.

2. The development is to be carried out in accordance with the following endorsed plans and documents:
   - Demolition / Survey Plan prepared by New South Wales Survey Pty Ltd. Drawing No. 116375, dated 29 November 2018 - as amended to satisfy Schedule A;
   - Landscape Plan prepared by Andrew Murphy Design, Reference No. 2018-086, Sheet No A01 dated December 2018 - as amended to satisfy Schedule A;
   - Stormwater Layout Plans prepared by Australian Consulting Engineers, Project Nos. 181658, Drawing Nos. 000, 101, 102 &103, all Issue A, all dated 19 December 2018 - as amended to satisfy Schedule A;
   - BASIX Certificate Number, 985767M_02 issued on 17 December 2018 - as amended to satisfy Schedule A;
   - Waste Management Plan dated 17 December 2018 - as amended to satisfy Schedule A;

except as otherwise provided by the conditions of this determination and/or marked in red.

3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

Appointent of Council or a Private Certifier as the Principal Certifying Authority (PCA)

4. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 6.6 of the Act.

Accordingly, wherever reference is made to the Principal Certifying Authority in this Consent, it refers to Council or the Private Certifier as chosen by you.

Note: Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of Department of Planning & Infrastructure.
5. The applicant shall consult with, as required:

(a) Sydney Water Corporation Limited
(b) Integral Energy
(c) Natural Gas Company
(d) A local telecommunications carrier

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).

6. Building materials, builder's sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.

Demolition

7. In the event that demolition is to occur prior to the issue/release of a Construction Certificate, all relevant fees and bonds such as the demolition inspection fee, kerb & gutter and tree protection bonds shall be paid in full to Council prior to demolition commencing (as per the relevant conditions elsewhere in this Development Consent). Furthermore, the applicant/developer is to ensure that all relevant conditions in this Development Consent relating to the protection of the site, adjoining lands and trees are adhered to in full prior to commencement of any demolition works.

8. Permission is granted for the demolition of the existing structures on the property, subject to strict compliance with the following:-

a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures. Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications. a) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. The demolition must not commence prior to the date stated in the notification.

b) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Cumberland Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.

c) On the first day of demolition, work is not to commence until Cumberland Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover's document "Your Guide to Working with Asbestos", a copy of which
ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council’s officers. Advice on the availability of these signs can be obtained by telephoning Council’s Customer Service Centre during business hours on 8757 9000. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
e) Demolition shall not commence until all trees required to be retained/transplanted are protected in accordance with those conditions stipulated under “Prior to Works Commencing” in this Consent.
f) 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.
g) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence”.
h) Demolition is to be completed within 5 days of commencement.
i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
j) Protective fencing is to be installed to prevent public access to the site.
k) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Office of Environment and Heritage (OEH).
l) Before demolition operations begin, the property shall be connected to the sewer of Sydney Water to which a pedestal pan shall be temporarily connected for the use as the employees’ toilet service during demolition operations.
m) After completion, the applicant shall notify Cumberland Council within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.

NOTE: The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9995 5000 or Council’s Waste Officer on (02) 8757 9000 to determine the location of a tip licensed to receive asbestos.
Within fourteen (14) days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

n) Within 14 days of completion of demolition, the applicant shall submit to Council:
i) An asbestos clearance certificate carried out by a licensed asbestos assessor (normally a NATA accredited occupational hygienist), or a person who has the knowledge and skills to be a licensed assessor, regardless of whether or not they are licensed; and
ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent under Holroyd DCP 2013 Part A, Section 11.0. In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials; and

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under ‘Facilities and Labs’ click on ‘Facilities List’
Field', then click on 'Chemical Testing', then click on 'Asbestos' and finally click on 'identification'. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

9. Payment of $470.00 fee for inspection by Council of the demolition site prior to commencement of any demolition works.

BASIX (Building Sustainability Index)

10. Under Clause 136D of the Environmental Planning & Assessment Regulation 2000, it is a condition of this Development Consent that all the commitments listed as per Condition 2 in relation to BASIX are fulfilled.

NOTE: FEES, BONDS & CONTRIBUTIONS INDICATED IN CONDITIONS OF THIS CONSENT MAY VARY IN ACCORDANCE WITH THOSE ADOPTED BY COUNCIL AT SUBSEQUENT ANNUAL REVIEWS OF ITS "FEES AND CHARGES" AND SUBSEQUENT CHANGES TO THE BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.
PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE/PRELIMINARY CONDITIONS FOR DEMOLITION

The following conditions must be complied with prior to the issue of a Construction Certificate, or where relevant prior to demolition occurring. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:

Payment of Bonds, Fees and Long Service Levy

11. The Principal Certifying Authority is to ensure and obtain written proof that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes all Long Service Levy payments to be made to the Long Service Payments Corporation.

Section 7.11 Contribution

12. Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.11 of the Environmental Planning and Assessment Act 1979 and Holroyd Section 94 Development Contributions Plan 2013, for one (1) additional dwelling is to be paid to Council. At the time of this development consent, the current rate of the contribution is $12,180. The amount of the contribution will be determined at the time of payment in accordance with the relevant Contributions Plan in force at that time. A copy of the Holroyd Section 94 Development Contributions Plan 2013 can be viewed on Council's website at www.cumberland.nsw.gov.au or inspected at Council’s Civic Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

Damage Deposit

13. A cash bond/bank guarantee of $2,780.00 must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for ‘six (6) months after the completion of works’ or six (6) months after the issue of ‘Final Occupation Certificate’ (whichever occurs last) to remedy any defects that may arise within this time.

Note:- The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council's property unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council's property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council’s property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

Consistency with Endorsed Development Consent Plans

14. The Principal Certifying Authority must ensure that any certified plans forming part of the Construction Certificate, are in accordance with the Development Consent plans.
Landscape Inspection Fee

15. Payment of a $334.00 fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.

Engineering Fees and Bonds

16. Payment of a $609 fee for the inspection by Council of the stormwater drainage and Stormwater Detention System at the key stages, where Council is the Principal Certifying Authority.

17. The applicant shall lodge with Council a $1,500 cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.

18. The applicant shall lodge with Council a $1,500 cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.

19. The applicant shall lodge with Council a $2,500 cash bond or bank guarantee for the satisfactory completion of the construction of the drainage system through a public area or adjoining private property. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.

20. The applicant shall lodge with Council a $6,135 cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.

Road Works

21. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council an initial fee of $196 for the assessment of the Traffic Management Plan by Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.

Sight Distance

22. To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of a driveway shall have a maximum height of 1.0 m and 50% transparent above a height of 0.5m. All solid posts higher than 0.5m (but lower than 1m) shall have a maximum width 350mm and a minimum spacing of 1.2m. Details shall be shown on the drawings.
On-site stormwater detention

23. The development has been identified as requiring an on-site storm water detention (OSD) system which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, OSD plan number 2019-013 and council’s on-site detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The system shall generally be in accordance with the stamped approved drawings however the following shall also be addressed:

   i. Amendment in RED on Council’s approved OSD drawing
   ii. The roof gutter and downpipe system along the southern boundary shall be designed to convey the 5 minute duration 1% AEP storm event into the OSD system with no gutter overflows.
   iii. All mulch to landscaped areas of the above ground basin shall be non-floatable (e.g. rock/gravel or similar).
   iv. A safety fence or an equivalent barrier shall be provided where there is a vertical drop of greater than 500mm from a walkway into an above ground basin area.

Required Submissions to Certifying Authority

24. Retaining walls greater than 1.0m above finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.

25. Structural engineer’s details prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.

26. If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

27. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

Salinity

28. The site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated for all dwellings/buildings.

Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA.

Note: Further information for building in a saline environment is available in the following documents:
"Building in Saline Environment" prepared by DIPNR 2003.
Water Sensitive Urban Design in the Sydney Regions “Practice Note 12: Urban Salinity”
Wagga Wagga City Council’s “Urban Salinity Action” October 1999
“Guide to Residential Slabs and Footings in Saline Environments” prepared by
Cement Concrete and Aggregates Australia, May 2005.

Sydney Water

29.3 A building plan approval must be obtained from Sydney Water Tap In™ to ensure the
development will not affect any sewer, water or stormwater mains or easements.

A copy of the building plan approval receipt from Sydney Water must be submitted to the
certifying authority, prior to the issue of a construction certificate.

Please go to sydneywater.com.au/tapin to apply.
PRIOR TO DEMOLITION / WORKS COMMENCING

The following conditions are to be complied with prior to demolition / any works commencing on the site:

Appointment of Principal Certifying Authority and Notification of Commencement of Work

30. The person having the benefit of the development consent, not the principal contractor (builder), must:

   a) Appoint a Principal Certifying Authority in accordance with Section 6.6 of the Act.

   b) Have the Principal Certifying Authority complete the ‘Accredited Certifier Details’ on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

   c) Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

If nominated, Council can provide this service for you and act as the Principal Certifying Authority.

N.B. The Principal Certifying Authority must also notify the person having the benefit of the Development Consent of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work such notification must comply with Clause 103A of the Regulations.

Notification of Principal Contractor (Builder)/Owner-Builders

31. The person having the benefit of the Development Consent must:

   (a) Notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;

   OR

   (b) Appoint a Principal Contractor for the building work (who must be the holder of a contractor licence if any residential building work is involved), and notify the Principal Contractor of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work.

   (c) Notify the Principal Certifying Authority of any such appointment. Where Council is the Principal Certifying Authority, such notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

Photographic Record of Council Property – Damage Deposit

32. The applicant shall submit to Council, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full and
satisfactory photographic record of the condition of Council’s property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site. The purpose of the photographic record is to establish any pre-existing damage to Council’s property to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage is caused during the course of construction, the Council may require either part or full re-instatement.

Note: Failure to provide a full and satisfactory photographic record described above, is likely to render the applicant liable to rectify all damages unless satisfactory proof can be provided that the damage was pre-existing.

Required Submissions to Council or the Principal Certifying Authority

33. To facilitate a complete assessment and enable the Certifying Authority to check compliance on site, truss validation and design, details certified by a qualified practicing structural engineer shall be submitted to Council or the Principal Certifying Authority for examination and approval. Details shall include:
   a) job address and builder’s name
   b) design wind velocity
   c) terrain category
   d) truss spacing
   e) roof pitch
   f) material of roof
   g) roof batten/purlin spacing
   h) material of ceiling
   i) job number

Notification to Relevant Public Authority

34. The applicant shall ensure that relevant public utility authorities are made aware of the salinity problems that have been identified within the subject site by the Department of Land and Water Conservation, such that their services are designed to take into consideration the effects the saline soils may have on their installations.

Fencing of Sites

35. Fencing of sites is required to prevent public access when the site is unoccupied and building works are not in progress. In this regard the MINIMUM acceptable standard of fencing to the site is properly constructed chain wire fencing 1.8m high, clad internally with Hessian or Geotextile fabric. All openings are to be provided with gates, such gates are not at any time to swing out from the site or obstruct the footpath or roadway.

Signs to be Erected on Sites

36. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

   (a) Showing the name, address and telephone number of the Principal Certifying Authority for the work, and

   (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours and at any time for business purposes, and
(c) Stating that unauthorised entry to the work site is prohibited.

The sign must be rigid and durable and be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Note: Principal Certifying Authorities and Principal Contractors must also ensure that signs required by this clause are erected and maintained (clause 227A of the Regulations currently imposes a maximum penalty of $1,100).

Prohibited Signage

37. Advertising, Real Estate Agents, Architects, Designers, site suppliers and any other signage not mentioned in the conditions, is not to be placed or displayed on the site, such that the signage is visible from any public place. Offenders may be prosecuted.

Protection of Public Places

38. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.

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

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Site Control Measures

39. Suitable erosion and sediment control measures shall be provided at all vehicular entry/exit points and all other measures required with and/or shown on plans accompanying the Construction Certificate, to control soil erosion and sedimentation, are to be in place prior to the commencement of construction works. Such controls are to be provided in accordance with Holroyd’s “Erosion & Sediment Control Policy.”

Note: On-the-spot fines may be issued by council where measures are absent or inadequate.

Footpaving, Kerbing and Guttering

40. Protection must be provided for Council footpaving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.

41. Finished street levels shall not be assumed. The owner or builder must make application to Council’s Engineering Services Department for street levels.
Support for Neighbouring Buildings

42. If an excavation associated with the erection of a building extends below the level of the base of the footings of a building on an adjoining allotment of land (including a public road and any other public place), the person causing the excavation to be made:-

a) Must preserve and protect the building from damage, and
b) If necessary, must underpin and support the building in an approved manner, and
c) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (In this clause, allotment of land includes a public road and any other public place).

Toilet Facilities

43. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided;

a) Must be a standard flushing toilet, and
b) Must be connected:
   i) To a public sewer,
   ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved 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 the Council.
   iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

Residential Building Work - Insurance

44. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Cumberland Council) has given Cumberland 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 name of the insurer by which the work is insured 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 that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Cumberland Council) has given Cumberland Council written notice of the updated information.

The notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

Roadworks

45. The applicant is to submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve. In this regard the applicant shall pay Council a relevant fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve.

46. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.

Works within Council's Reserve

47. All works within the Council reserve shall be completed within three (3) weeks of the date of commencement. Council’s Development Engineer shall be advised prior to the commencement of works.

48. Submission to Council of a Certificate of Currency of the contractor’s Workers’ Compensation Policy prior to the commencement of works.

49. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of $20,000,000 is to be submitted prior to commencement of works. Cumberland Council shall be named on the Certificate of Currency as an interested party.

Property/Street Number

50. Council is the authority responsible for the allocation of all official property addresses. For ease of identification of your new development it is important that the allocated property numbers are used and displayed prominently. It is requested that you contact Council as soon as possible before construction is commenced to discuss proposed addressing for your development.

Please email your site plan to council@cumberland.nsw.gov.au or contact Council’s Rates Section by phone on 8787 9000.
DURING DEMOLITION / CONSTRUCTION

The following conditions are applicable during demolition / construction:

Endorsed Plans & Specifications

51. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and approved Traffic Management Plan are to be retained on site at all times.

Hours of Work & Display of Council Supplied Sign

52. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited. Note: Demolition work is not permitted on weekends or Public Holidays - refer to specific demolition condition for approved hours.

The yellow “Hours of Building Work” sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

Site Control

53. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.

54. Builder’s refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.

55. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Asbestos Cement Sheeting

56. i) All asbestos cement sheeting must be removed by contractors with an appropriate licence issued by WorkCover and who are familiar with asbestos removal prior to the commencement of:-

(a) Recladding or brick veneering of any building where the existing walls to be covered are currently clad with asbestos cement;

OR

(b) Construction work where new work abuts existing asbestos cement sheeting and/or where parts of the existing building clad with asbestos cement sheeting are to be altered or demolished.
Removal must be carried out strictly in accordance with WorkCover's "Your Guide to Working with Asbestos" (copy attached).

ii) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Office of Environment and Heritage (OEH).

**Note:** The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9995 5000 or Council's Waste Officer on (02) 8757 9000 to determine the location of a tip licensed to received asbestos. Upon completion of tipping operations the applicant shall lodge with the Council, all receipts issued by the receiving tip as evidence of proper disposal.

iii) Within fourteen (14) days of completion of renovation or recladding or brick veneering works where asbestos cement sheeting was removed, the applicant shall submit to Council an asbestos clearance certificate prepared by a NATA accredited occupational hygienist.

**Note:** To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under 'Find a Facility or Lab' type in 'asbestos identification' in 'keywords' then click on 'chemical testing' in NSW then click on the search button. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

**Waste Management Plan**

57. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.

58. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Principal Certifying Authority verifying that demolition work and recycling of materials was undertaken in compliance with the Waste Management Plan. The Principal Certifying Authority shall submit a copy of the statement to Council.

**In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.**

**Compliance with Critical Stage Inspections and other Inspections nominated by the Principal Certifying Authority**

59. Section 6.5 of the Act requires certain specific inspections (prescribed by clause 162A of the Regulations) and known as 'Critical Stage Inspections' to be carried out for building work. Prior to permitting commencement of the work your Principal Certifying Authority is required to give notice of these inspections pursuant to clause 103A of the Regulations.

**N.B.** An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out. Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.
Construction

60. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has been supplied with a check survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels (FFLs) and setbacks to boundary/follows. The slab shall not be poured, nor works continue, until the Principal Certifying Authority has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the Principal Certifying Authority, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the Principal Certifying Authority has issued a Certificate stating that the Condition of approval has been complied with and that the slab has been poured at the approved levels.

Salinity

61. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has confirmed that all required construction measures addressing salinity, as required by this Consent and its accompanying Construction Certificate have been carried out.

Landscaping/Site Works

62. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.

63. New 2.1m high lapped and capped timber paling or colorbond fences (colour to be sympathetic with the development) determined in consultation with adjoining property owner(s), are to be erected along and within the side and rear boundaries and between courtyards at full cost to the developer, such fencing to be constructed on or within the property boundary. In situations where the boundary fence is proposed on top of a retaining wall, the height of the fence shall not exceed a maximum of 2.4m as measured from the lower adjacent ground level. A Statutory Declaration or other documentary evidence of such consultation is to be submitted to the Principal Certifying Authority.

Tree Protection

64. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council's Environmental and Planning Services Department is to be notified immediately upon such a problem being encountered.

65. Branches of trees to be retained/transplanted within 1m of the approved building, may be pruned by an Arborist qualified to at least Australian Qualification Framework (AQF) Certificate Level 3 in accordance with Australian Standard AS4373-1996 'Pruning of Amenity Trees' to enable demolition/construction works to occur.
Note: Any other pruning works not authorised by this Consent are subject to the approval of an application for General Tree Works activities.

**Inspection of Works**

66. The stormwater drainage works shall be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

i. Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the detention basin/tank.

ii. Prior to landscaping of the detention basin.

iii. Prior to backfilling of the trench and the laying of the pipe within the downstream easement.

iv. After completion of storage but prior to installation of fittings (e.g. Orifice plates, screens, flap valves etc.)

v. Final Inspection.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

**Road Works and Footpaving**

67. Pedestrian access, including disabled and pram access, is to be maintained as per Australian Standard AS1742.3 'Part 3 – Traffic Control Devices for Works on Roads'.

68. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

**Underground Cabling**

69. All communications cabling shall be installed underground as per relevant authority requirements (including broadband and Category 5).

**Underground Power Connection**

70. Power connection to the site is to be underground. No intermediate power pole is permitted even where electricity reticulation cannot be obtained directly from the street.

**Rainwater Tank**

71. The design of any aboveground rainwater tank(s) should allow a horizontal clearance of at least 450mm for pedestrian movement. The tank(s) must not exceed 2.4 metres in height above ground level, including any stand for the tank(s).

**Vehicle Cleansing**
Concrete trucks and trucks used for the transportation of building materials shall not traffic soil, cement or similar materials onto the road. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash water is prevented from entering the stormwater system or adjoining property.

**Importation of Fill**

All imported fill shall be validated in accordance with Council’s Contaminated Land Policy to ensure that it is suitable for the proposed land use from a contamination perspective.

**Additional Information during Demolition/ Construction**

Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to Council immediately.
PRIOR TO ISSUE OF A FINAL OCCUPATION CERTIFICATE

The following conditions are to be complied with prior to the issue of a final occupation certificate:

Certificates/Documentary Evidence

75. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.

Sydney Water

76. A Section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

Application can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to sydneywater.com.au/section73 or call 1300 082 748 to learn more about applying through an authorised Water Servicing Coordinator or Sydney Water.

Following application, Sydney Water may issue a Notice of Requirements letter detailing all requirements that must be met prior to the issue of the section 73 certificate.

The section 73 compliance certificate must be submitted to the Principal Certifying Authority prior to the issue of a final occupation certificate.

77. A Structural Engineer’s certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifying Authority and shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer’s requirements and the relevant SAA Codes.

Note: Any such certificate is to set forth the extent to which the engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction.

Landscaping/Tree Protection

76. Certification is to be provided to the Principal Certifying Authority (PCA), from the designer of the landscape proposal, that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council is the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council is not the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.

Fencing

79. Boundary and courtyard fences must be erected and finished in a professional manner.

Tree Planting footpath

80. As shown on the endorsed plan 1x Callistemon 'Kings Park Special' is to be planted in the footpath area of Ringrose Avenue, Greysianses. The trees is to come from a minimum 25L container and be planted, so as not to affect existing services, in accordance with the attached guidelines.
On-Site Stormwater Detention, Certification, Covenant and Maintenance Schedule

61. A copy of the as approved stormwater drainage and On Site Detention plan showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council’s standards and specifications for stormwater drainage and on-site stormwater detention.

82. A certificate of compliance in accordance with Council’s standards and specifications for stormwater and On Site Detention plan shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.

83. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On Site Detention shall be submitted to the authority benefited for approval prior to lodging with the Land and Property Information NSW. The wording of the terms of the Positive Covenant and Restriction On Use shall be in accordance with Council’s standards and specifications for stormwater drainage and on-site stormwater detention. The documents shall be approved by the benefiting authority for registration with Land and Property Information NSW.

Note: Prior to release of the documents creating the Restriction on Use and Positive Covenant, the benefiting authority shall be satisfied that the as-constructed On Site Detention is in accordance with the approved drawings and Council requirements.

The Positive Covenant and Restriction on Use documents shall be registered with the Land and Property Information NSW within six (6) months from the date of release by the benefiting authority.

84. A maintenance schedule for the stormwater and On-Site Detention system including a sketch plan of the components forming the sites stormwater and On-Site Detention system shall be submitted. The maintenance schedule shall be prepared by a qualified hydraulic engineer and shall be in accordance with the Upper Parramatta River Catchment Trust requirements.

On-site Stormwater Detention Plate

85. An On-site Stormwater Detention plate shall be installed within the detention basin or tank. The plate shall be located in or near the Discharge Control Unit to alert future owners of their obligations to maintain the facility and its restrictions. The wording and plate shall be in accordance with Council’s standard requirements.

Parking/Driveway

86. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.

Road Works

87. Any works requiring levels within the road reserve will require the submission of Council’s Vehicle Crossing application form.

88. A full width residential duty vehicular crossing shall be provided opposite the shared vehicular entrance for the development, with a maximum width of 3m and minimum width
of 3m at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.

89. The construction of concrete footpath paving and associated works along all areas of the site fronting Ringrose Avenue, Greystanes. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD-8100 and issued level sheets.

90. The reconstruction of cracked and/or damaged concrete kerb and gutter, and any associated works along all areas of the site frontage. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD-8100 and issued level sheets.

91. Removal of all redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing number SD-8100.

92. A certificate of compliance for the construction of the vehicular crossing/s, footpath paving, kerb and guttering, roadworks and stormwater drainage shall be obtained from Council and be submitted to the Principal Certifying Authority.

Letter from downstream properties

93. The applicant shall obtain a letter from the downstream property owner upon completion of the stormwater connection into Council's pipe system stating that the restoration of their property is satisfactory.

WAE OSD Calculation

94. The On-site Stormwater Detention design summary calculation sheet using the Works-as-Executed levels shall be provided to Council.

OSD Sign

95. The applicant shall provide a standard OSD sign within the aboveground basin area in accordance with Clause 7.1 (i) of the Council's OSD policy.

House/Street Number

96. A house/street number must be displayed on all newly developed properties

The unit/dwelling numbers are as follows:

- Proposed Lot 1: 61A Ringrose Avenue, Greystanes;
- Proposed Lot 2: 61B Ringrose Avenue, Greystanes.
General

97. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent and its accompanying Construction Certificate.
PRIOR TO RELEASE OF LINEN PLAN

The following conditions are to be complied with prior to the Release of the Linen Plan:

Linen Plan

98. The linen plans for the subdivision when lodged for final approval must be accompanied by four (4) copies and linen plan release fee of $200.90.

88B Instrument

99. As per condition 83 of this Development Consent a restriction on the use of the land and a positive Covenant are to be created for the protection and ongoing maintenance of the On Site Detention. The Section 88B Instrument required is to be created in association with the subdivision and is to be in accordance with Cumberland Council's standard wording. The instrument should also be used to create any Right of Carriageway and easement required. Provision is to be made for the General Manager of the Council or his/her designate to sign the document and it is to be appropriately noted on the linen plan of strata subdivision.

Public Utilities

100. The Principal Certifying Authority is to be provided with a current Section 73 Certificate for the property from Sydney Water.

101. Public utility services (including water, sewer, electricity and telephone) shall be provided and any easements necessary created to the satisfaction of the relevant servicing authorities.

Evidence of such is to be submitted prior to release of the linen plan of subdivision.

Easements

102. A drainage easement/services easement is to be created in favour of Unit/Lot 2 and burdening Unit/Lot 1 of the development. This must be indicated on the linen plan. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.

103. A reciprocal easement for support over proposed Unit/Lot 1 and proposed Unit/Lot 2 shall be created and submitted to the Principal Certifying Authority prior to the release of the subdivision certificate.

General

104. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent and its accompanying Construction Certificate.
CONDITIONS RELATING TO USE

The following conditions are applicable to the use of the development:

Safety and Amenity

105. Where an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

Noise

106. The operation of the pump from the rainwater tank shall not give rise to an equivalent continuous (L Aeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration). Council may require an Acoustic Report to be submitted, prepared by a suitably qualified person, to ensure this requirement is met in the event of Council receiving complaints.

107. The operation of all plant and equipment shall not give rise to an equivalent continuous (L Aeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).

108. Noise and vibration from the use of the air conditioning system (if any installed) shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

General

109. All privacy measures as required by this development consent shall be maintained for the lifetime of the development and shall not be altered without prior approval of Council.
ADVISORY NOTES

Other Necessary Approvals

A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
   (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
   (b) Any fencing located forward of the proposed building and exceeding the limitations specified in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
   (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
   (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.

B. If you carry out building work as an owner builder and sell your home within seven (7) years from the date of completion (date of final occupation certificate), then a Certificate of Insurance must be attached to your Contract of Sale.

C. Modifications to the approved plans will require the lodgement and consideration by Council of a modification application pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

D. Section 8.7 of the Act provides that an applicant who is dissatisfied with the Council's determination of the Development Application may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed.

E. Section 8.3 of the Act provides that an applicant may request, within six (6) months of the date of determination of the Development Application, that the Council review its determination (this does not apply to designated development). A fee is required for this review.

   It should also be noted that an application under Section 8.3 of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.3 Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

F. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property.
via contacting the Dial before you dig service in advance of any construction or planning activities.

G. A Construction Certificate shall be obtained in accordance with Section 6.7 of the Act, prior to the commencement of any work on site. Council can provide this service for you.

H. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.

I. DEMOLITION

(a) Demolition is to be carried out in such a way and with such control measures as are necessary to prevent the occurrence of any dust, noise, runoff or other nuisance.
(b) All sediment/soil is to be prevented from entering Council's stormwater drainage system.
(c) The public footpath and roadway is to be protected against damage as a result of demolition activities and is to be kept clean and free of all soil and other materials.
(d) On completion of demolition the site is to be left in a clean and tidy condition.
(e) Cumberland Council has a Tree Management Order which applies to the entire Cumberland Council. No ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees exceeding 3.5m in height and 3m in branch spread shall take place without the prior written consent of Cumberland Council.
(f) There shall be no burning of any waste, as this is prohibited within the Cumberland Council.
(g) Demolition material can be recycled saving the environment and also tipping costs. For more information, contact the Environment Protection Authority's Recycling hotline on 9325 5555.
(h) Public roads shall be kept clean and free of any materials which may fall from vehicles or plant to ensure safety and amenity of the area.

J. CONSTRUCTION/ OCCUPATION CERTIFICATE FEES

An administration fee per certificate (in accordance with Council’s adopted fees and charges) is payable to Council on lodgement of Construction and Occupation Certificates from Principal Certifying Authorities.

K. BANK GUARANTEES

Bank guarantees will be accepted from list of banks which have at least an "A" rating from Standard and Poors and at least an "A2" or "Prime-1" standard from Moodys Investor Services.

To enable the bank guarantee to be enforceable during an entire project with consideration for delays, the guarantee must not contain a facility expiry date.

To get to Standard and Poors [www.standardpoors.com] then from Ratings Action choose Ratings Lists. Then click on Financial Institutions followed by clicking on Financial Institutions Counterparty Ratings List. Go to “Banks” and download to Australian Banks.

To get to Moodys [www.moodys.com] then look up Ratings and then Banking and then Bank Ratings list. It will take you to Bank Credit Research page. Look at the table of contents and choose Global Bank Ratings by Country. Look up Australian Banks.
L. SMOKE DETECTORS

A system of self-contained smoke alarms complying with the requirements of AS3786-1993, Smoke Alarms or listed in the Scientific Services Laboratory Register of Accredited Products being installed in the dwelling, connected to the mains power supply and provided with a standby power supply. Alarms are to be positioned on the ceiling and setback a minimum distance of 300mm from any wall. Alarms are to be placed in the vicinity of each area containing bedrooms with a minimum of one (1) alarm required for each storey of the dwelling.

M. TERMITE PROTECTION

Structural members are to be protected from attacked by subterranean termites in accordance with the requirements of AS6660.1-2000 Protection of building from subterranean termites and a durable notice must be affixed within the meter box indicating the type of protection, its date of installation, life expectancy of any chemical barrier used, and system maintenance and inspection requirements. A certificate of compliance of the approved system must be submitted to Council or the Principal Certifying Authority on completion of the system installation. With respect to chemical protection, a pipe system shall be installed beneath the slabs plastic membrane to allow re-application of the chemical border.

N. WET AREAS

Wet areas in the dwelling are to be waterproofed in accordance with AS3740 Waterproofing of wet areas within residential buildings.

Where Council is the Principal Certifying Authority for the works, the submission of evidence of suitability for the waterproofing product used will be required at the wet area inspection stage. The evidence of suitability is to be in the form of:

1. A current Certificate of Accreditation for the product.

AND

2. A certificate from the person responsible for the installation of the product advising that the product was applied in accordance with the relevant manufacturers specifications.

Note: Any copy of documentary evidence submitted, must be a complete copy of the original report or document.

O. LANDINGS

A landing having a minimum length of 750mm and a grade no steeper than 1.50, must be provided where the sill of a threshold of a doorway opens onto a stair that provides a change in floor level or floor to ground level greater than 3 risers or 570mm in accordance with Clause 3.9.1.3 (Stair Construction) of the Building Code of Australia.

P. SOUND TRANSMISSION AND INSULATION

To ensure the amenity of occupants in attached residential development (Class 1 buildings), separating walls must be constructed in accordance with Part 3.8.6 of the Building Code of Australia.
Q. GLAZING CERTIFICATION

A certificate shall be submitted to the Principal Certifying Authority stating that safety glazing has been used in the building in accordance with AS1288 - “Glass in Buildings - Selection and Installation”.

R. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra’s assets in any way, you are required to contact Telstra’s Network Integrity Team on Phone Number 1800810443.

S. DIVIDING FENCES

Please be advised that arrangements concerning existing or proposed fences between properties are a civil matter determined by the involved parties under the Dividing Fences Act. You are therefore required to consult with the owners of neighbouring properties if fences are to be removed or constructed.

The Dividing Fences Act is administered by the Department of Lands who can act as a mediator in disputes.

Yours faithfully

Jai Shankar
TEAM LEADER – DEVELOPMENT ADVISORY SERVICES
DOCUMENTS ASSOCIATED WITH REPORT LPP018/19

Attachment 2
Architectural Plans
PROPOSED DUAL OCCUPANCY
§ 61 RINGROSE AVENUE GREYSTANES
OR MR & MRS DIB, DEVELOPMENT APPLICATION

LOCATION MAP

ROOF SITE/ANALYSIS PLAN
SHADOW ANALYSIS
21ST JUNE
@ 61 RINGROSE AVE GREYSTANES

VIEW FROM THE SUN 9AM
SHADOW ANALYSIS
21ST JUNE
@ 61 RINGROSE AVE GREYSTANES

VIEW FROM THE SUN 10AM
SHADOW ANALYSIS
21ST JUNE
@ 61 RINGROSE AVE GREYSTANES

VIEW FROM THE SUN 11AM
SHADOW ANALYSIS
21ST JUNE
@ 61 RINGROSE AVE GREYSTANES

VIEW FROM THE SUN 12PM
SHADOW ANALYSIS
21ST JUNE
@ 61 RINGROSE AVE GREYSTANES

VIEW FROM THE SUN 1PM
SHADOW ANALYSIS
21ST JUNE
@ 61 RINGROSE AVE GREYSTANES

Windows receiving direct solar access on nominated floor

VIEW FROM THE SUN 2PM
SHADOW ANALYSIS
21ST JUNE
@ 61 RINGROSE AVE GREYSTANES
Windows receiving direct solar access on nominated hour.

VIEW FROM THE SUN 3PM
PROPOSED DUAL OCCUPANCY AT 61 RINGROSE AVENUE GREYSTANES, MATERIAL AND FINISHES
DOCUMENTS ASSOCIATED WITH REPORT LPP018/19

Attachment 3
Stormwater Plans
DOCUMENTS
ASSOCIATED WITH
REPORT LPP018/19

Attachment 4
Landscape Plan
DOCUMENTS
ASSOCIATED WITH
REPORT LPP018/19

Attachment 5
Submissions
Hi Bismark

I refer to the DA application DA-491/2018 and our phone conversation on Wednesday 6th February.

I'm the Neighbour located at [current address] and I have a few concerns over the current plans submitted for approval.

Front Set back is showing 6m from front boundary-

1. I have recently built and much effort has been made to ensure our home was designed to get as much natural lighting utilizing the eastern and northern sunlight throughout the morning and early afternoon. Our home is set back 8.5m from the front boundary, much like all the Neighbours that surround us including the neighbour a. Therefore this new building will sit 2.5 metres in front of my home and will be double story. The result will be that we will lose our natural light from mid morning onwards.

2. As we stand on our front porch or our upstairs balcony, we will lose much of the street view and will be staring at a full height 2 story brick wall.

3. The look of the streetscape will be comprised with one property sitting 2.5m in front of all others.

I have spoken to the neighbour at 61 whom I know well and they are more than happy to move the property back in line between 63 and 59 houses. They commented however that their architect was of the opinion that a duplex had to be set at 6m from the front boundary. As we discussed over the phone this is in fact not the case and their architect is mistaken.

I am not opposing the construction and wish our neighbours all the best with their new development, however having this property sitting so far in front of our property would directly impact my family and this is simply not necessary.

Finally I would like to outline the rear west facing windows and the upstairs larger south facing window directly impact our privacy. These windows are currently designed at 1.2m high of the floor level. The rear windows will look directly into our rear living room highlight windows. The south facing larger window will look into our front living room window. I have requested if the Neighbour minded making these higher windows at 1.6m high and he had no issue with this. I would kindly request this is looked at too.

I thank you for your time and hope the above is considered and changes made accordingly.

Kind regards
To Mr B Opoku-Ware

I've received a development application in the mail and I'm making my submission relating to DA 2018/491/1. My concern here is 1 are the rear windows of the duplex high enough for privacy? And 2 do they need to use my pit for storm water? Is their another pit or another way to go about this rather than using my pit? I reside behind the proposed duplex.

Kind regards
DOCUMENTS
ASSOCIATED WITH
REPORT LPP018/19

Attachment 6
Locality Map
SECTION 8.3 REVIEW FOR 77-85 STATION ROAD, AUBURN

Responsible Division: Environment & Planning
Officer: Manager Development Assessment
File Number: DA-544/2017/B

Application lodged: 15-Jan-2019
Applicant: Salex NSW Pty Ltd
Owner: Mr A C Doumit and Ms C T Doumit and Ms B M Doumit and Mr M A Doumit and Ms M M Doumit
Application No.: DA-544/2017/B
Description of Land: 77-85 Station Road, AUBURN NSW 2144, Lot 2 DP 399941, Lot 1 DP 399941, Lot 28 Sec 3 DP 995, Lot 1 DP 502468, Lot 2 DP 502468
Proposed Development: Section 8.3 Review application for the demolition of existing structures and construction of 5-6 storey residential flat building containing 54 apartments over 2-3 levels of basement car parking containing 76 car spaces.
Site Area: 2,775.33m²
Zoning: R4 – High Density Residential
Disclosure of political donations and gifts: Nil disclosure
Heritage: No
Principal Development Standards:
FSR
Permissible: 1.7:1
Proposed: 1.69:1
Height of Building
Permissible: 18m
Proposed: 18m
Issues: Balcony depth, courtyards and site cover

SUMMARY:

1. That Cumberland Local Planning Panel review the initial determination in respect of Development Application No. DA-544/2017 for demolition of existing structures and construction of 5-6 storey residential flat building containing 54 apartments over 2-3 levels of basement car parking containing 76 car spaces on land at 77-85 Station Road, AUBURN NSW 2144

2. That as a consequence of this review and pursuant to Section 8.3 of the Environmental Planning and Assessment Act 1979 (as amended) Cumberland Local Planning Pane change the initial determination of Development Application No. DA-544/2017 and grant approval subject to conditions as set out in the report and attached hereto.
3. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days from 29 January 2019 to 12 February 2019. In response, no submissions were received in respect of the proposal.

4. The variations are as follows:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum width of balconies depending on no. of bedrooms</td>
<td>Some of the units don’t provide the minimum width for balconies but meet overall size</td>
<td>8 out of 54 units do not provide the minimum width of balconies (14.81%)</td>
</tr>
<tr>
<td>Ground floor units to provide a 15m² courtyard</td>
<td>Not all ground floor units have the minimum courtyard size</td>
<td>3 out of 9 courtyards do not provide the minimum size (33.33%)</td>
</tr>
<tr>
<td>Maximum 50% site cover</td>
<td>Site cover proposed is 64%</td>
<td>19.99%</td>
</tr>
</tbody>
</table>

5. The Panel determined the original application which was refused on 29 October 2018. The application is referred to different panel members as required Pursuant to Schedule 1, Part 2 of the Local Planning Panel Operational Procedures. Furthermore SEPP 65 applies to the development and is 4 or more storeys in height.

**REPORT:**

**Subject Site and Surrounding Area**

The subject site is legally known as Lot 1 and 2 DP 399941, Lot 28 Sec 3 DP 995, Lot 1 and Lot 2 DP 502468 also known as 77-85 Station Road, Auburn. The site is rectangular in shape and has a frontage to Station Road of 45.72m. The site has a combined site area of 2,787m².

The site is zoned R4 High Density Residential and is predominantly surrounded by older style residential flat buildings.
Figure 1 – Locality Plan of subject site

Figure 2 – Aerial view of subject site
The sites are currently occupied by one single storey dwelling and two single storey dual occupancy on either side of the dwelling. The site has an approximate fall of 2.67m from the front (19.17) to the rear (16.50).

There is a two storey walk-up residential flat building to the south and north of the subject site.

**Description of The Proposed Development**

Council has received a Section 8.3 application for the demolition of existing structures on site, construction of 5-6 storey residential flat building containing 54 apartments over 2-3 levels of basement car parking containing 76 car spaces.

The development application has the following components:

**Basement:**

The plans indicate the basement having:

- Two/part three level basement car parking includes 76 parking spaces:
  - Basement B2:
    - 26 parking spaces (four of these accessible);
    - 2 staircases;
    - Lifts;
Storage areas at the end of parking spaces.

- Basement B1:
  - 38 parking spaces (three of those accessible);
  - 2 staircases;
  - Lifts;
  - Storage areas at the end of parking spaces.

- Lower ground floor:
  - 11 visitor parking spaces (one of which is accessible);
  - 3 motorbike parking spaces;
  - 16 bicycle spaces;
  - Direct access to RFB hallway.

**Residential Flat Building:**

The residential flat building is 5-6 storeys in height. The building will have a maximum height of 18m from the natural ground level to the topmost part of the building being the lift overrun.

The building complex will contain:
- A total of 54 units:
  - 6 x studio apartment
  - 7 x 1 bedroom units
  - 39 x 2 bedroom units
  - 2 x 3 bedroom unit
- Waste storage area on the ground floor;
- Communal open space on the lower ground floor and ground floor

**Changes made from original application**

The core changes made to the original plan include:
- A reduction in the GFA;
- Deletion of south facing units with no solar access;
- Increase in communal open space;
- Improved solar access to units and private open space; and
- Improved cross ventilation.

**HISTORY**

- Council received application No. DA455/2017 on 17 December 2017;
- The application was assessed and recommended for approval via a deferred commencement to the Cumberland Local Planning Panel;
- The issues identified were FSR, communal open space, solar access, courtyards and site cover;
- The Panel did not agree with the recommendation and subsequently refused the application on 29 October 2018 for the following reasons:

1. The proposed development fails to meet the objectives and design criteria of the Apartment Design Guide in the following manner;
   
   a) An excessive number of units receive no solar access
   b) Inadequate solar access to the private open space areas of the units
   c) Inadequate solar access to the living areas of the units
   d) Inadequate cross ventilation to the units
   e) The communal open space is not completely accessible and is of low amenity

2. The proposed development is not consistent with the objectives of the floor space ratio development standard of the Auburn Local Environmental Plan 2010 regardless of whether there is strict compliance or otherwise with that standard. This leads to greater intensity and density on the site. It causes effective double loaded corridors to the detriment of solar performance and cross ventilation.

- The applicant lodged a Section 8.3 Review Application DA544/2017/B on the 15 January 2019 and is the subject of this report.

**Applicants Supporting Statement**

The applicant has provided a Section 8.3 Review Statement dated 11 December 2018 prepared by Caladines Town Planning Pty Ltd and was received by Council on 15 January 2019 in support of the application.
Contact With Relevant Parties

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

Internal Referrals

Development Engineer

The development application was referred to Council’s Development Engineer for comment who has advised that the application could be supported with conditions.

Environment and Health

The original development application DA-544/2017 was referred to Council’s Environment and Health Officer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent. The plans have not changed such that it affects the conditions provided by the Environmental Health Officer. The conditions and comments provided are relevant to DA-544/2017/B.

Landscape Architect/Officer

The development application was referred to Council’s Landscape Architect for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent. The applicant has provided a tree report which outlines which trees are marked for removal and which trees will be retained and protected. The landscape architect has agreed with these findings except for one trees. Conditions will be imposed on the determination to ensure the right trees are being kept and protected.

The tree removal plan is attached as Appendix A. Trees marked for retention are marked in blue. All street trees are proposed to be retained.

External Referrals

The application was not required to be referred to any external government authorities for comment.

Planning Comments

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Satisfactory</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) (1) An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent applied has requested for the decision made by the</td>
<td></td>
</tr>
</tbody>
</table>
authority is to review the determination or decision if duly requested to do so under this Division.

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) A determination or decision cannot be reviewed under this Division:</td>
<td>The period has not expired and there was no appeal made through the court.</td>
</tr>
<tr>
<td>ii) (a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or</td>
<td></td>
</tr>
<tr>
<td>iii) (b) After the Court has disposed of an appeal against the determination or decision.</td>
<td></td>
</tr>
<tr>
<td>iv) The period has not expired and there was no appeal made through the court.</td>
<td></td>
</tr>
<tr>
<td>(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.</td>
<td>The proposed development, with the changes, is still considered to be substantially the same development.</td>
</tr>
<tr>
<td>(4) The review of a determination or decision made by a delegate of a council is to be conducted:</td>
<td>The original application was determined by Local Planning Panel. Council has made a recommendation on the Review and the Local Planning Panel will be the determining body.</td>
</tr>
<tr>
<td>(a) by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or</td>
<td></td>
</tr>
<tr>
<td>(b) By another delegate of the council who is not subordinate to the delegate who made the determination or decision.</td>
<td></td>
</tr>
<tr>
<td>(5) The review of a determination or decision made by a local planning panel is also to be conducted by the panel.</td>
<td>The decision on the review will be made by the Local Planning Panel.</td>
</tr>
<tr>
<td>(6) The review of a determination or decision made by a council is to be conducted by the council and not by a delegate of the council.</td>
<td>N/A</td>
</tr>
<tr>
<td>(7) The review of a determination or decision made by a Sydney district or regional planning panel is also to be conducted by the panel.</td>
<td>N/A</td>
</tr>
<tr>
<td>(8) The review of a determination or decision made by the Independent Planning Commission is also to be conducted by the Commission.</td>
<td>N/A</td>
</tr>
<tr>
<td>(9) The review of a determination or decision made by a delegate of the Minister (other than the Independent Planning Commission) is to be conducted by the Independent Planning Commission or by another</td>
<td>N/A</td>
</tr>
</tbody>
</table>
delegate of the Minister who is not subordinate to the delegate who made the determination or decision.

The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))

State Environmental Planning Policies

(a) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Clause 7 of SEPP 55 requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 7 have been considered in the assessment of the development application.

<table>
<thead>
<tr>
<th>Matter for Consideration</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the application involve re-development of the site or a change of land use?</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Does the application involve re-development of the site or a change of land use?</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>In the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Is the site listed on Council’s Contaminated Land database?</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Is the site subject to EPA clean-up order or other EPA restrictions?</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Has the site been the subject of known pollution incidents or illegal dumping?</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Does the site adjoin any contaminated land/Previously contaminated land?</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Details of contamination investigations carried out at the site:</td>
<td></td>
</tr>
<tr>
<td>A Detailed Site Investigation report prepared by STS GeoEnvironmental Pty Ltd</td>
<td></td>
</tr>
</tbody>
</table>
Matter for Consideration

<table>
<thead>
<tr>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

(Ref No. 17/3504) was submitted with the original application DA-544/2017. The report did not reveal any potential matters of concern with regard to contamination and concludes that the site is suitable for its intended use. These comments remain relevant for the 8.3 Review.

Council’s Environmental Health Officer has reviewed the reports and determined that the site is suitable to support such a development given that the report provides that the site is suitable for the proposed use.

(b) Statement Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65)

SEPP 65 applies to the development as the building is 3 storeys or more, and contains more than 4 dwellings. A design statement addressing the design quality principles prescribed by SEPP 65 was prepared by the project architect. Integral to SEPP 65 is the Apartment Design Guide (ADG), which sets benchmarks for the appearance, acceptable impacts and residential amenity of the development.

SEPP 65 sets 9 design quality principles. The development has adequately addressed all 9 design quality principles. A full assessment is contained in Appendix B.

Following a detailed assessment of the proposal against the provisions of SEPP 65 and the ADG, it is considered the proposal is generally compliant with the exception of balconies and ground floor courtyards.

- **Part 4E – Ground floor courtyards** - Under the ADG ground floor apartments are encouraged to have their own courtyards. The proposed development has nine apartments that are on ground level which all have courtyards. Under the ADG courtyards must have a minimum of 15m² with a minimum depth of 3m. Three out of nine ground floor and lower ground floor units do not meet this requirement. Two of those apartment have the minimum size but are not 3m in depth. The third apartment (two bedroom unit) also meets the minimum size but fails the minimum depth. However this apartment has a secondary balcony off the two bedrooms that is 29m² in size. In combination this apartment has two generous, useable spaces as private open space.

- **Part 4E – Private open space and balconies** - The ADG stipulates the required size of balcony for units with certain number of bedrooms. The ADG also stipulates the minimum depth that these balconies must be. Eight units fail to meet the minimum size of balconies (by half a square metre) if the area that meets the minimum depth is the only area taken into account. However, if the entire balcony (with a minimum width of 1m) is to be taken into account when
calculating the size then all of these apartment exceed the minimum requirement. Given that the balconies fall short by half a square metre but exceed the minimum with the remainder of the balcony it is considered that this minor departure can be accepted.
A comprehensive assessment against SEPP 65 and the ADG is contained in Appendix C.

(c) **State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)**

The provisions of the ISEPP 2007 have been considered in the assessment of the development application. The proposal does not result in any issues with regards to matters for consideration under the SEPP.

(d) **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The proposal does not exceed the biodiversity offsets scheme threshold. Therefore, the proposed vegetation removal is considered acceptable. Please refer to the DCP compliance table for further discussion.

(e) **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

BASIX Certificate 886893M_03 dated issued on 4 December 2018 prepared by Outsource Ideas P/l has been submitted with Council and is considered to be satisfactory.

Regional Environmental Plans

The proposed development is affected by the following Regional Environmental Plans:

(a) **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The subject site is identified as being located within the area affected by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development raises no issues as no impact on the catchment is envisaged.

(Note: - the subject site is not identified in the relevant map as 'land within the ‘Foreshores and Waterways Area’ or ‘Wetland Protection zone’, is not a ‘Strategic Foreshore Site’ and does not contain any heritage items. Hence the majority of the SREP is not directly relevant to the proposed development).

Local Environmental Plans

**Auburn Local Environmental Plan, 2010**

The provision of the Auburn Local Environmental Plan, 2010 is applicable to the development proposal. It is noted that the development achieves compliance
with the key statutory requirements of the Auburn Local Environmental Plan, 2010 and the objectives of the R4 – High Density Residential zone.

(a) Permissibility:

The proposed development is defined as a “residential flat building” and is permissible in the R4 – High Density Residential zone with consent.

Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

The relevant matters to be considered under Auburn Local Environmental Plan, 2010 and the applicable clauses for the proposed development are summarised below.

Figure 4 – Auburn LEP 2010 Compliance Table

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARD</th>
<th>COMPLIANCE</th>
<th>DISCUSSION</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.3 Height of Buildings Max. 18m</td>
<td>Y</td>
<td>The proposed development has a maximum height of 18m to the highest point being the lift overrun.</td>
</tr>
<tr>
<td>4.4 Floor Space Ratio Max. 1.7:1</td>
<td>Y</td>
<td>The development has a proposed FSR of 1.69:1</td>
</tr>
<tr>
<td>4.6 Exceptions to development standards</td>
<td>N/A</td>
<td>A Clause 4.6 variation was not necessary in this instance.</td>
</tr>
<tr>
<td>5.1 and 5.1A Development on land intended to be acquired for public purposes</td>
<td>Y</td>
<td>The site is not identified on this map.</td>
</tr>
<tr>
<td>5.6 Architectural roof features</td>
<td>N/A</td>
<td>An architectural roof feature is not proposed.</td>
</tr>
<tr>
<td>5.9 Preservation of trees</td>
<td>Y</td>
<td>Appendix A shows the trees to be retained (in blue) and all other trees proposed to be removed. A tree report was submitted with the application which was found to be satisfactory by Council’s landscape architect. All street trees are proposed to be retained.</td>
</tr>
<tr>
<td>6.1 Acid sulphate soils</td>
<td>Y</td>
<td>The site is identified as containing Class 5 Acid Sulfate Soil. In accordance with the ALEP table, an Acid Sulfate Soils Management plan is not required to be prepared.</td>
</tr>
<tr>
<td>6.2 Earthworks</td>
<td>Y</td>
<td>Council’s Development Engineer</td>
</tr>
</tbody>
</table>
has reviewed the application and considers that the proposed earthworks are satisfactory subject to conditions.

<table>
<thead>
<tr>
<th>6.3 Flood planning</th>
<th>Y</th>
<th>The site is not identified as being flood prone.</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.5 Essential services</td>
<td>Y</td>
<td>Appropriate conditions to be imposed to ensure compliance.</td>
</tr>
</tbody>
</table>

The provisions of any proposed instrument that is or has been the subject (EP&A Act s4.15 (1)(a)(ii))

**a) Draft State Environmental Planning Policy (Environment)**

The draft SEPP relates to the protection and management of our natural environment with the aim of simplifying the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. The changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The draft policy will repeal the above existing SEPPs and certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 117 Local Planning Directions where appropriate.

**i) The provisions of any Development Control Plans (EP&A Act s4.15 (1)(a)(iii))**

The Auburn DCP 2010 provides guidance for the design and operation of development to achieve the aims and objectives of the Auburn Local Environmental Plan, 2010.
A comprehensive assessment and compliance table is contained in Appendix D.

The proposed development complies with the provisions of Council’s Auburn DCP 2010 except for the maximum site coverage requirement and is considered acceptable from an environmental planning viewpoint.

Irrespective of this departure, it is considered that the proposal performs adequately from an environmental planning viewpoint and may be supported for the reasons discussed below:

2.2 Site Cover

The maximum site cover permitted is 50% while this proposal has a site cover of 64%. Site cover ensures that the site has adequate landscaping and deep soil areas. This proposal complies with deep soil requirements, setbacks and other landscaping requirements. It is for these reasons that a variation to this is considered acceptable.

The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (EP&A Act s4.15(1)(a)(iiiia))

There is no draft planning agreement associated with the subject Development Application.

The provisions of the Regulations (EP&A Act s4.15 (1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the Environmental Planning and Assessment Regulations 2000 (EP&A Reg).

The Likely Environmental, Social or Economic Impacts (EP&A Act s4.15 (1)(b))

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

The suitability of the site for the development (EP&A Act s4.15 (1)(c))

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, it is considered that the development is suitable in the context of the site and surrounding locality.
Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))

Advertised (newspaper) ☒ Mail ☒ Sign ☒ Not Required □

In accordance with Council’s Notification requirements contained within the Auburn DCP 2010, the proposal was publicly notified for a period of 14 days from 29 January 2019 to 12 February 2019. The notification generated no submissions in respect of the proposal.

The public interest (EP&A Act s4.15(1)(e))

In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

Section 7.11 (Formerly S94) Contribution Towards Provision or Improvement of Amenities or Services

This part of the Act relates to the collection of monetary contributions from applicants for use in developing key local infrastructure.

Comments:

The development requires the payment of contributions in accordance with Council’s Section 94 Contributions Plans.

As at 4 February 2019, the fee payable is $333,833.07. This figure is subject to indexation as per the relevant plan. The draft determination attached includes a condition requiring payment of the contribution prior to issue of a Construction Certificate.

Disclosure of Political Donations and Gifts

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

CONCLUSION:

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, Statement Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development, Auburn Local Environmental Plan 2010 and Auburn Development Control Plan 2010 and is considered to be satisfactory for approval subject to conditions.

The proposed development is appropriately located within the R4 zone under the relevant provisions of the Auburn Local Environmental Plan 2010. The proposal is
consistent with all statutory and non-statutory controls applying to the development. Minor non-compliances with the ADG and Council’s controls have been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and the development may be approved subject to conditions.

CONSULTATION:

There are no further consultation processes for Council associated with this report.

FINANCIAL IMPLICATIONS:

There are no further financial implications for Council associated with this report.

POLICY IMPLICATIONS:

There are no policy implications for Council associated with this report.

COMMUNICATION / PUBLICATIONS:

The final outcome of this matter will be notified in the newspaper. The objectors will also be notified in writing of the outcome.

REPORT RECOMMENDATION:

1. That Development Application No. DA-544/2017/B for Section 8.3 Review application for the demolition of existing structures and construction of 5-6 storey residential flat building containing 54 apartments over 2-3 levels of basement car parking containing 76 car spaces on land at 77-85 Station Road, AUBURN NSW 2144 be approved subject to attached conditions.

ATTACHMENTS

1. Draft Notice of Determination
2. Architectural Plans
3. Stormwater/Engineering Plans - Part A
4. Stormwater/Engineering Plans - Part B
5. Solar Access and Ventilation Summary
6. Appendix A - Tree Removal Plan
7. Appendix B - 9 Design Principles
8. Appendix C - ADG Assessment
9. Appendix D - DCP Compliance Table
DOCUMENTS ASSOCIATED WITH REPORT LPP019/19

Attachment 1
Draft Notice of Determination
CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-544/2017/B
Property: 77-85 Station Road, AUBURN NSW 2144
Description: Division 8.3 Review application for the demolition of existing structures and construction of 5-6 storey residential flat building containing 54 apartments over 2-3 levels of basement car parking containing 76 car spaces.

1. Approved Plans

The development is to be carried out in accordance with the approved stamped plans as numbered below:

<table>
<thead>
<tr>
<th>Plan Number</th>
<th>Prepared By</th>
<th>Revision No.</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Plan 200</td>
<td>Ross Howieson Architects</td>
<td>DA-F</td>
<td>26.11.18</td>
</tr>
<tr>
<td>B2 Plan 201</td>
<td>Ross Howieson Architects</td>
<td>DA-F</td>
<td>26.11.18</td>
</tr>
<tr>
<td>B1 Plan 202</td>
<td>Ross Howieson Architects</td>
<td>DA-F</td>
<td>26.11.18</td>
</tr>
<tr>
<td>LG Plan 203</td>
<td>Ross Howieson Architects</td>
<td>DA-F</td>
<td>26.11.18</td>
</tr>
<tr>
<td>G Plan 204</td>
<td>Ross Howieson Architects</td>
<td>DA-F</td>
<td>26.11.18</td>
</tr>
<tr>
<td>Level 1 Plan 205</td>
<td>Ross Howieson Architects</td>
<td>DA-F</td>
<td>26.11.18</td>
</tr>
<tr>
<td>Level 2 Plan 206</td>
<td>Ross Howieson Architects</td>
<td>DA-F</td>
<td>26.11.18</td>
</tr>
<tr>
<td>Level 3 Plan 207</td>
<td>Ross Howieson Architects</td>
<td>DA-F</td>
<td>26.11.18</td>
</tr>
<tr>
<td>Level 4 Plan 208</td>
<td>Ross Howieson Architects</td>
<td>DA-F</td>
<td>26.11.18</td>
</tr>
<tr>
<td>Roof Plan 209</td>
<td>Ross Howieson Architects</td>
<td>DA-F</td>
<td>26.11.18</td>
</tr>
<tr>
<td>West Elevation 301</td>
<td>Ross Howieson Architects</td>
<td>DA-F</td>
<td>26.11.18</td>
</tr>
<tr>
<td>North Elevation 302</td>
<td>Ross Howieson Architects</td>
<td>DA-F</td>
<td>26.11.18</td>
</tr>
<tr>
<td>East Elevation 303</td>
<td>Ross Howieson Architects</td>
<td>DA-F</td>
<td>26.11.18</td>
</tr>
<tr>
<td>South Elevation 304</td>
<td>Ross Howieson Architects</td>
<td>DA-F</td>
<td>26.11.18</td>
</tr>
<tr>
<td>Section AA 401</td>
<td>Ross Howieson Architects</td>
<td>DA-F</td>
<td>26.11.18</td>
</tr>
<tr>
<td>Landscape Plan</td>
<td>Indesco</td>
<td>D</td>
<td>10.12.18</td>
</tr>
<tr>
<td>BASIX Certificate Number 886883M_03</td>
<td>Outsource Ideas P/l</td>
<td>-</td>
<td>4.12.18</td>
</tr>
</tbody>
</table>

except as otherwise provided by the conditions of this determination (Note: modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act (as amended)).

Reason: to confirm and clarify the terms of Council's approval.

2. Time period of consent

This consent shall lapse five (5) years from the date of determination unless the approved building, engineering or construction work has been physically commenced in accordance with this consent.

Development consent for the use of land does not lapse if the approved use of any land,
building or work is actually commenced prior to the date on which the consent would otherwise lapse.

**Reason:** to satisfy the requirements of Section 4.53 of the Environmental Planning and Assessment Act (as amended).

3. **Section 7.11 Development Contributions**

Development Contributions are payable in accordance with Council's Section 7.11 Development Contributions Plans, which have been prepared under Section 7.11 of the Environmental Planning and Assessment Act 1979 (as amended). The appropriate details about the amounts to be paid are set out in the Section 7.11 Development Contributions Schedule, which is attached to and forms part of this consent.

The amounts payable will be adjusted in accordance with the index set out in the relevant Section 7.11 Development Contribution Plans. Payment **must** be made in accordance with Council resolution dated 19 May 2016 **prior to the issue of any Construction Certificate**.

Failure to pay prior to Construction Certificate will result in Council taking action but not limited to Penalty Infringement Notice, Land and Environment Court Action and/or reporting the certifier to the Building Professionals Board.

Council’s Development Contribution Plans are available for inspection at Council’s Customer Services Centre, 16 Memorial Avenue, Merrylands.

**Reason:** to assist in the provision of amenities and services in the area.

4. **Auburn DCP 2007 - LGA Wide**

A sum of $333,833.07 is to be paid to Council for the purpose of LGA Wide plans being the provision of open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council’s administration of the development contributions framework.

The above sum is broken down to the following items:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drainage</td>
<td>$73,463.24</td>
</tr>
<tr>
<td>Community Facilities</td>
<td>$64,208.70</td>
</tr>
<tr>
<td>Public Domain</td>
<td>$142,009.71</td>
</tr>
<tr>
<td>Accessibility and Traffic</td>
<td>$39,139.87</td>
</tr>
<tr>
<td>Administration</td>
<td>$15,011.55</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$333,833.07</strong></td>
</tr>
</tbody>
</table>

**Reason:** to provide open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council’s administration of the development contributions framework.

5. **Submission of Construction Certificate**

Construction works are not to commence until such time that a construction certificate for the proposed works has been issued by Council or an Accredited Certifier.
Where an Accredited Certifier issues a construction certificate, a copy of the following documents must be forwarded to Council within 2 days of issue, together with payment of the Council’s adopted registration fee: determination; application to which it relates; construction certificate issued; plans and specifications; any fire safety schedule; and any other documents lodged with the certificate.

Any modification involving building works to the approved development made under Section 4.55 of the Environmental Planning and Assessment Act 1979 (as amended) requires the submission of an amended construction certificate.

Reason:- to comply with the requirements of Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Environmental Planning and Assessment Act (as amended) and clause 142 of the Environmental Planning and Assessment Regulation 2000.

6. **Consolidation of lots**

The individual lots are to be consolidated into a single parcel. Written evidence of registration of consolidation by the Land and Property Information Office is to be submitted to Council prior to the granting of the occupation certificate.

Reason:- to ensure the whole of the land essential to the proper operation of the development is preserved.

7. **Prior Permission to Work within the Easement Located within downstream easements.**

Any construction, repair, maintenance, cleaning and all other associated works related to stormwater system within the easement located Lot 15 in DP 995 (72 Dartbrook Road, Auburn) and other Lots shall be carried out after obtaining a written confirmation from the downstream property owners. In this regard:

- **Prior to issue of any Construction Certificate**, following shall be submitted to and approved by Cumberland Council’s Manager Engineering and Traffic:
  
  - Written agreement between the owners of downstream easement/ strata body corporate and subject site shall be submitted for the proposed works within the downstream easements.
  
  - Existing and proposed stormwater pipe system within the downstream easements.

- A written request shall be provided to the downstream owners with adequate notice

- Written consent for any construction, maintenance or repair works shall be obtained prior to commence any work within the easement.

- Pre and post damage assessment report shall be carried out for major construction, maintenance or repair works within the easement.

- The land within the easement shall be reinstated to the original condition and any damages occurred shall be reinstated to the satisfaction of the downstream owners.

Reason:- to ensure the appropriate permission for entry and works are obtained from the downstream property owners at all times.
8. **Maintenance and Repairs of Stormwater System within the Easement by the Strata Body Corporate**

The existing and proposed stormwater system within the easements located within Lot 15 in DP 995 (72 Darbrook Road, Auburn), other Lots and up to the discharge point at the kerb inlet pit in Darbrook Road shall be maintained by the subject strata body corporate of 91 – 93 Station Road, Auburn.

A positive covenant under Section 88E of the Conveyancing Act 1919 is to be created on the title of the property detailing the future maintenance works, repairs, cleaning and all other associated works related to maintain the stormwater system in working condition at all times.

The wording of the instrument is to be submitted and approved by Council prior to lodgement at the Land Titles Office. Evidence confirming the positive covenant has been registered shall be submitted to Council prior to occupation of the building or issue of the occupation certificate.

Positive covenant wording shall be obtained from Council prior to lodgement.

Work as executed plan for the stormwater system within the easement and up to the discharge point shall be accompanied with the positive covenant.

*Reason:* to ensure the stormwater system in good working condition and well maintained at all times.

9. **No alteration without prior Council approval**

The completed building is not to be altered externally in character or colour without the prior consent of Council.

*Reason:* to ensure the external appearance of the development is not obtrusive or offensive and does not degrade the visual quality of the surrounding area.

10. **Appointment of Principal Certifying Authority/Notice of Commencement of Work**

Site works are not to commence until:-

a) a construction certificate for the building work has been issued by the consent authority, and

b) the person having the benefit of the development consent has:-

   i) appointed a principal certifying authority for the building work, and
   ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

b1) the principal certifying authority has, no later than 2 days before the building work commences:-

   i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:-

i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and

ii) notified the principal certifying authority of any such appointment, and

iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

Reason: to comply with the requirements of Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Environmental Planning and Assessment Act (as amended).

11. Principal Certifying Authority

1) The person having the benefit of a development consent or complying development certificate for development involving building work or subdivision work may appoint the consent authority, the council or an accredited certifier as the principal certifying authority for the development.

1A) Despite subsection (1), such an appointment may not be made by any contractor or other person who will carry out the building work or subdivision work unless the contractor or other person is the owner of the land on which the work is to be carried out.

2) Despite subsection (1), an accredited certifier must not be appointed as the principal certifying authority for development involving subdivision work unless the subdivision to which the work relates is of a kind identified by an environmental planning instrument as one in respect of which an accredited certifier may be a certifying authority.

3) A principal certifying authority for building work or subdivision work to be carried out on a site is required to be satisfied:-

a) that a construction certificate or complying development certificate has been issued for such of the building work or subdivision work as requires development consent and over which the principal certifying authority has control, before the work commences on the site, and

b) that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989, before any residential building work over which the principal certifying authority has control commences on the site, unless the work is to be carried out by an owner-builder, and

c) that the owner-builder is the holder of any owner-builder permit required under the Home Building Act 1989, before an owner-builder commences on the site any residential building work over which the principal certifying authority has control, and

d) that building work or subdivision work on the site has been inspected by the
principal certifying authority or another certifying authority on such occasions (if any) as are prescribed by the regulations and on such other occasions as may be required by the principal certifying authority, before the principal certifying authority issues an occupation certificate or subdivision certificate for the building or work, and

e) that any preconditions required by a development consent or complying development certificate to be met for the work before the issue of an occupation certificate or subdivision certificate have been met, before the principal certifying authority issues the occupation certificate or subdivision certificate.

4) A principal certifying authority must also comply with such other requirements of a like or different nature as may be imposed on principal certifying authorities by the regulations.

Reason:- to comply with the requirements of Section 6.5 of the Environmental Planning and Assessment Act (as amended).

12. Provision of Street Numbers

A street number is to be displayed in a prominent position at the entrance to the premises. Numbers are to be of a colour contrasting with the wall to which they are affixed.

Reason:- to clearly identify the street number of the property.

13. Compliance with the Building Code of Australia

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Reason:- to ensure compliance with the requirements of the Building Code of Australia and to comply with Clause 98 of the Environmental Planning and Assessment Regulation 2000.


A contract of insurance for residential building work must be in force before any building works commence, where the works are being undertaken by a builder and tradesperson and the works have a market value of greater than $20,000 (or as varied from time to time by the Home Building Act 1989).

Where the contract price or the reasonable market cost of the labour and materials involved does not exceed $20,000, there is no legal requirement for home warranty insurance to be obtained.

Contractors who carry out residential building work must still hold an appropriate licence with Fair Trading where the labour and materials involved are valued at over $1,000.

Home owners should be wary of any builder or tradesperson who says they do not need insurance if the value of work exceeds $20,000, or who suggests you obtain an owner-builder permit while they carry out the work for you.

NOTE: Evidence of the contract of insurance or owner builder permit, if required, must be submitted with the application for construction certificate. The construction certificate
will not be released by Council unless this evidence is provided.

Reason: to comply with Clause 98 of the Environmental Planning and Assessment Regulation 2000.

15. **Disabled Access & Facilities**

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises – Building) Standards 2010' (including for existing buildings, whether or not any works are proposed). Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications for the construction certificate.

Reason: to ensure compliance with the requirements of the Building Code of Australia

16. **Commonwealth Disability Discrimination Act**

The Commonwealth Disability Discrimination Act 1992 commenced the 'Disability (Access for Premises – Buildings) Standards 2010' on 1 May 2011 and now applies to all new buildings and affected parts of existing buildings. Submission and/or approval of this application does not imply or confer compliance with either the Act or the new Access Standard. Applicants should satisfy themselves and make their own inquiries to the Human Rights and Equal Opportunity Commission.

Reason: to provide advice on the requirements of the Commonwealth Disability Discrimination Act 1992

17. **Replacement of Principal Certifying Authorities**

Unless the relevant authority so approves in writing, a person may not be appointed to replace another person as the principal certifying authority for development.

A principal certifying authority appointed to replace another principal certifying authority must ensure that notice of the appointment and of the approval of that appointment is given to the consent authority (and, if the consent authority is not the council, to the council) within 2 days of the appointment.

Reason: to comply with the requirements of Section 6.5 of the Environmental Planning and Assessment Act (as amended) and clause 162 of the Environmental Planning and Assessment Regulation.

18. **Notice to Allow Inspections**

To allow a principal certifying authority or another certifying authority time to carry out critical stage inspections or any other inspections required by the principal certifying authority, the principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before building work is commenced at the site if a critical stage inspection is required before the commencement of the work.

Reason: to comply with the requirements of Clause 163 of the Environmental Planning and Assessment Regulation.

19. **Erection of Signs**
A rigid and durable sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

a) showing the name, address and telephone number of the principal certifying authority for the work, and
b) showing the name of the principal contractor (if any) for any 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.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of $1,100).

**Reason:** To comply with the requirements of Clause 98A and 136B of the Environmental Planning and Assessment Regulations.

20. **BASIX Requirements**

Under Clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. In this condition:-

a) Relevant BASIX Certification means:-
   i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 98 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified) or;
   ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and

b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

**Reason:** To comply with the Environmental Planning and Assessment Regulations.

21. **Trees on site**

A tree assessment report prepared by About Trees dated 8 March 2018 was prepared for the abovementioned properties.

Approval is given for the removal of Tree's no-1-22, 24-27 & 29.

All other trees, namely trees numbers 23, 28, & 30-35 shall be protected in accordance with AS 4970-2009 Protection of Trees on Development Sites. To note that tree no. 30 is now proposed to be removed in the revised landscape plans. Tree 31 has been identified for removal in both landscape plans – no approval is given for the removal of this tree.
<table>
<thead>
<tr>
<th>No.</th>
<th>Botanical name</th>
<th>Common name</th>
<th>Retain</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>Phoenix canariensis</td>
<td>Canary Palm</td>
<td>Yes</td>
<td>Feature tree – well established</td>
</tr>
<tr>
<td>28</td>
<td>Schinus arara</td>
<td>Peppercorn tree</td>
<td>Yes</td>
<td>Outside property boundary</td>
</tr>
<tr>
<td>30</td>
<td>Eucalyptus robusta</td>
<td>Swamp mahogany</td>
<td>Yes</td>
<td>Well established tree with medium and potential longer life expectancy with improved growing conditions</td>
</tr>
<tr>
<td>31</td>
<td>Corymbia citriodora</td>
<td>Lemon scented Gum</td>
<td>Yes</td>
<td>Well established tree with medium and potential longer life expectancy with improved growing conditions</td>
</tr>
<tr>
<td>32</td>
<td>Corymbia citriodora</td>
<td>Lemon scented Gum</td>
<td>Yes</td>
<td>Outside property boundary</td>
</tr>
<tr>
<td>33</td>
<td>Corymbia citriodora</td>
<td>Lemon scented Gum</td>
<td>Yes</td>
<td>Outside property boundary</td>
</tr>
<tr>
<td>34</td>
<td>Lophostemon confertus</td>
<td>Brush Box</td>
<td>Yes</td>
<td>In good health - Nature strip planting</td>
</tr>
<tr>
<td>35</td>
<td>Lophostemon confertus</td>
<td>Brush Box</td>
<td>Yes</td>
<td>In good health - Nature strip planting</td>
</tr>
<tr>
<td>36</td>
<td>Lophostemon confertus</td>
<td>Brush Box</td>
<td>Yes</td>
<td>In good health - Nature strip planting</td>
</tr>
</tbody>
</table>

The following tree protection measures shall be enforced during demolition and construction as per the submitted Arborist Report:

- A 10m x 8.5m Tree Protection Zone (TPZ) should be installed to protect the root systems of tree No’s 28 & 30 in accordance with Clause 3 of the Tree Management Plan (TMP) provided in Appendices 9.4 and the Site Plan provided on Page 49 of this report.
- A 12m x 6m TPZ should be installed to protect the root systems of tree No. 31 in accordance with Clause 3 of the TMP provided in Appendices 9.4 and the Site Plan provided on Page 49 of this report.
- A 25m x 5m TPZ should be installed to protect the root systems of tree No. 32 & 33 in accordance with Clause 3 of the TMP provided in Appendices 9.4 and the Site Plan provided on Page 49 of this report.
- Tree No. 36 may create a line-of-sight issue for vehicle leaving the driveway, and consideration should be given to the risks that this may pose to the public.
- The trunks of tree No’s 34 to 36 should be protected in accordance with Clause 4 of the TMP provided in Appendices 9.4.
- Excavations for the slab footings for the proposed substation within the TPZ’s of tree No’s 33 & 34 should be kept to a minimum to reduce impacts on the trees.
- Trenches associated with the proposed substation should be located...
outside the TPZ's of all trees
  - All other works should comply with the TMP provided in Appendices 9.4

Reason:- To ensure trees on site are protected.

22. Construction/Demolition Hours

Site works, building works and demolition works, including the delivery of materials or equipment to and from the property are to be carried out between the hours of 7.00 am and 6.00 p.m. only from Mondays to Fridays and between 8.00 am and 4.00 p.m. only on Saturdays. No construction works or deliveries for the construction are to take place on Sundays or public holidays.

Prior to commencement of any demolition or construction work the applicant is to erect signs on the site, which are clearly visible from the footpaths adjoining the site boundaries, which state the permitted construction/demolition hours. These signs must also state “Any instances of site works, building works, demolition works or deliveries outside the permitted hours can be reported to Cumberland Council on 8757 8000 during office hours or 0417-287-113 outside office hours”.

Reason:- to reduce nuisance to the surrounding properties during the construction period.

23. Demolition of buildings

The building/s shall only be demolished in accordance with the requirements of AS 2601-2001 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:-

a) Protection of site workers and the general public.

b) Erection of hoardings where appropriate.

c) Asbestos handling and disposal where applicable.

d) Any disused service connections shall be capped off to Council’s requirements.

e) The disposal of refuse is to be to an approved waste disposal depot.

Reason:- to ensure protection of the public, environment and to uphold public health standards. This also complies with the requirements of clause 92 of the Environmental Planning and Assessment Regulation 2000.

24. Demolition - Lead Management Work Plan

A Lead Management Work Plan shall be prepared in accordance with AS2601-2001 Demolition of Structures by a person with suitable expertise and experience and submitted to the PCA or Council for approval prior to the issuing of the Construction Certificate. The Lead Management Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials. The Lead Management Work Plan shall be prepared in accordance with:-

a) AS 4361:1998 Guide to lead paint management;

b) Australian Standard AS 2601: 2001 Demolition of Structures;

c) Lead Safe A renovator’s guide to the dangers of lead, NSW EPA, 1998 (booklet)
**Reason:** to ensure suitable procedures are employed to manage demolition activities involving lead paint.

25. **Demolition – Lead Paint Disposal**

The demolition and disposal of materials incorporating lead such as lead paint and dustpaint shall be conducted in accordance with AS2601-2001 *Demolition of Structures*. Removal, cleaning and disposal of lead-based paint shall conform with relevant EPA guidelines including the *Lead Safe A renovator’s guide to the dangers of lead*, NSW EPA, 1998. Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work shall be suppressed by a fine water spray. Water shall not be allowed to enter the street and stormwater systems. Demolition shall not be performed during high winds, which may cause dust to spread beyond the site boundaries. Please note that Council may require testing to verify that the soil lead levels are below acceptable health criteria.

**Reason:** to ensure the disposal and demolition of materials incorporating lead is carried out in a safe manner in accordance with relevant regulations.

26. **Demolition Works – noise and vibration**

The following shall be compiled with:-

a) Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.

b) Vibration levels induced by the demolition activities shall not exceed 3mm/sec peak particle velocity (ppv) when measured at the footing of any unoccupied building.

c) The upper noise level from the demolition operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).

**Reason:** to ensure noise and vibration arising from the demolition works does not impact on the amenity of the surrounding area.

27. **Information required prior to the issue of Construction Certificate**

The following documentation (where applicable) is to be submitted to Council or the accredited certifier, prior to the granting of the construction certificate:

a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia.

b) A list of any existing fire safety measures provided in relation to the land or any existing building on the land *(not applicable to dwellings or outbuildings)*

c) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land *(not applicable to dwellings or outbuildings)*

d) A report prepared by a professional engineer detailing the proposed methods of excavation, shoring or pile construction, and what measures are to be implemented to prevent damage from occurring to adjoining or nearby premises as a result of the proposed excavation works. (NOTE: Any practices or procedures specified to avoid damage to adjoining or nearby premises are to be incorporated into the plans and specifications for the construction certificate).

e) Method of protecting window/door openings as required by BCA Part 3.

f) Method of ventilating the basement car park. (Note: If mechanical ventilation is required, mechanical ventilation plans shall be submitted that also confirm the minimum height clearances specified by AS 2880.1 – Car parking, will be
achieved).

**Reason**:- to ensure that adequate information is submitted to enable assessment or that the development can proceed with the concurrence of others.

28. **Infrastructure Fee**

The infrastructure inspection fee in accordance with Council's Fees and Charges Schedule shall be paid prior to the issue of the Construction Certificate.

**Reason**:- to contribute to the cost of inspection and identification of any damage to Council's infrastructure as a result of the development.

29. **Maintain plans on-site**

A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.

**Reason**:- to ensure a record of the approved plans are readily available.

30. **Items not to be placed on roadway**

The following items must not be placed on the footpath, roadway or nature strip at any time:-

a) Building materials, sand, waste materials or construction equipment;
b) Bulk bins/waste skips/containers; or
c) Other items that may cause a hazard to pedestrians.

**Reason**:- to ensure the public is not inconvenienced, placed in danger and to prevent harm to the environment occurring.

31. **Sign to be erected concerning unauthorised entry to the site**

A sign must be erected in a prominent position stating that unauthorised entry to the site is not permitted. The sign must also name the builder or other person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours. Where Council is not the Principal Certifying Authority, the sign shall also display the name and contact details of the nominated Principal Certifying Authority. The sign is to be removed when the building works have been completed.

**Reason**:- to restrict public access to the site and to provide suitable contact details in a clear and conspicuous position.

32. **Toilet accommodation for people working at the site**

Suitable toilet accommodation is to be provided at the work site at all times. If temporary toilet accommodation is proposed, it must:-

- Have a hinged door capable of being fastened from both inside and outside,
- Be constructed of weatherproof material,
- Have a rigid and impervious floor; and
- Have a receptacle for, and supply of, deodorising fluid.
Reason: - to ensure suitable toilet accommodation is provided for workers.

33. **Survey Report**

A Registered Surveyors check survey certificate is to be forwarded to the Principal Certifying Authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stages of construction:

a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.

b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.

Reason: - to ensure each stage of the development complies with the approved plans.

34. **Fencing of Construction Sites – Rental details to be provided to the PCA**

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

Hoardings or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

**NOTE:** Should ANY part of the fence or hoarding encroach beyond the boundaries of the site, it will be necessary to:-

- Make payment to Council for the rental of the road reserve area in accordance with Council's adopted charges (per metre per month – minimum 3 months) BEFORE the fence/hoarding is erected.
- Supply evidence that the road reserve rental fee has been paid to the PCA and to any authorised Council officer.
- Comply with Council's specifications for the erection of Class A or B Hoardings.

Reason: - to provide protection to public places and to prevent unauthorised access to the site.

35. **Sedimentation Control**
Prior to the commencement of site works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:-

a) A dish shaped diversion drain or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.

b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed below the construction area.

c) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.

d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.

e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.

f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system.

g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

Such measures are to be maintained at all times to the satisfaction of Council and the Principal Certifying Authority. Failure to do so may result in the issue of penalty infringement notices.

Reason: - to minimise soil erosion and control sediment leaving the site during construction and to prevent water pollution from occurring.

36. Display of a warning sign for soil and water management

Throughout the construction/remediation/demolition period, a warning sign for soil and water management must be displayed on the most prominent point of the building site, visible to both the street and site works.

Reason: - to ensure all building workers are aware of the need to maintain the sediment and erosion control devices.

37. Engineering Design – Basement Excavation

The following engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifying Authority (Council or accredited certifier) prior to the issuing of a construction certificate:-

a) Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.
b) A report shall be prepared by a professional engineer and submitted to the certifying authority prior to the issuing of a construction certificate, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building and excavation works.

Any practices or procedures specified in the engineer’s report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the construction certificate.

A copy of the engineer’s report is to be submitted to the Council, if the Council is not the certifying authority.

c) Driven type piles/shoring must not be provided unless a geotechnical engineer’s report is submitted to the certifying authority, prior to the issuing of a construction certificate, which states that damage should not occur to any adjoining premises and public place as a result of the works.

d) The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without the specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority prior to the commencement of any excavation or building works.

Reason: to ensure the proposed method of excavation is suitable for the site and to prevent damage from occurring to adjoining premises.

38. Excavations extending below the base of footings of adjoining development

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner. The person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of its intention to excavate below the level of the base of the footing. The person must also furnish the adjoining property owner with particulars of the proposed work.

Reason: to ensure the support for neighbouring buildings.

39. Dilapidation Report - Prior to Excavation of Basement

(a) A dilapidation report prepared by a professional engineer or suitably qualified building professional shall be submitted to the Principal Certifying Authority prior to the commencement of demolition, excavation or building works.

The report shall detail the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.) located upon all of the premises adjoining the subject site.

The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Council and to
the owners of each of the abovestated premises, prior to the commencement of any works. The applicant shall bear the full cost of this report.

(b) Notwithstanding (a) above, certification by a practicing professional engineer in lieu of a dilapidation report may be provided prior to the commencement of demolition, excavation or building works certifying that the demolition, excavation and or building works will not have an impact on any adjoining structure including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.).

The applicant shall bear the full cost of this certification and the Council or Principal Certifier reserves the right to request a full report as described in (a) above should the certification provided by the engineer be considered unacceptable or insufficient.

Reason: to enable the monitoring of any potential damage that may be caused to adjoining premises as a result of excavating and building in close proximity to the adjoining premises.

40. Footpath area to be illuminated

Where any hoarding or awning is constructed over the public place, the footpath area shall be kept illuminated between sunset and sunrise.

Reason: to ensure the safety of pedestrians when passing the site.

41. Fencing of construction sites — Rental details to be provided to the PCA (A & B Type Hoardings)

A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect any hoarding or scaffolding in a public place and such application is to include:

- A payment to Council for the following fees in accordance with Council's adopted charges:
  - Hoarding/Structure Application Fee
  - Rental of Footpath Area (per metre per month — minimum 3 months rental)
  - Footpath Bond
- Submit the following documents to Council with your application:
  - Certificate of Currency for Public Liability Insurance
  - Certificate of Currency for Worker's Compensation Insurance
  - Letter indemnifying Council against claims and expenses made in relation to the existence of the structure and/or traffic provisions
  - Traffic/Pedestrian Control Plan
  - In respect to any required Type B Hoarding, structural certification prepared and sign by an appropriately qualified practising Structural Engineer
- Comply with Council's specifications for the erection of Class A Hoardings.
- Supply evidence to the PCA and to any authorised Council officer that the road reserve rental fee has been paid.

Note: Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.
A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

Note: A “B Class” overhead type hoarding is required to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:

- Any works or hoisting of materials over a public footway or adjoining premises, or
- Any building or demolition works on buildings which are over 7.5 metres in height and located within 3.6 metres of the street alignment.

Hoardings or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. Details of the proposed hoardings or fences located upon the site are to be submitted to the PCA and the public safety provision and temporary fences must be in place prior to the commencement of any site works, demolition, excavation or building works and maintained throughout construction.

**Reason:** to provide protection to public places, prevent unauthorised access to the site and a safe working environment.

42. **Noise from construction activities**

Noise from construction activities associated with the development shall comply with the NSW Interim Construction Noise Guidelines (DECCW) 2009.

**Reason:** to ensure noise arising from construction activities is in accordance with relevant legislation and Environment Protection Authority requirements.

43. **Dial before you dig (advisory)**

Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday — electricity, gas, communications and water.

Before you dig call “Dial before you dig” on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and the distance to the nearest cross street) or register on line at www.dialbeforeyoudig.com.au for underground utility services information for any excavation areas.

The Dial Before You Dig service is also designed to protect Australia’s excavators. Whether you are a back yard renovator, an individual tradesman or a professional excavator the potential for injury, personal liability and even death exists every day. Obtaining accurate information about your work site significantly minimises these risks.

**Reason:** To ensure that essential services such as electricity, gas, communications and water are not affected by excavation or construction.
44. **Reinstatement of footpath and footpath crossing**

The footpath and footpath crossing(s) adjacent to the property shall be reinstated by Council at the completion of works with all costs being borne by the developer. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

*Reason:* to ensure the footpath and the footpath crossings are repaired from any damage caused during the construction phase.

45. **Vehicle Driveway Crossings and Gutter Laybacks**

Arrangements shall be made with Council for the prepaid construction of vehicular crossings and gutter laybacks at all property entrances and exits, and for the removal of all disused driveway crossings and gutter laybacks. Alternatives to the pre-payment for this work will be considered if written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council’s specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any occupation certificate.

Removal of obstructions, such as power poles, trees, drainage pits and the like shall be carried out at the applicant’s expense.

*Reason:* to ensure that works are carried out in accordance with Council’s standard.

46. **Carrying capacity of driveways – Heavy duty**

Suitable heavy-duty driveway crossings are to be installed at all ingress/egress points to the property at the applicant’s cost by Council. Alternatives to the pre-payment for this work will be considered if written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council’s specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any occupation certificate.

*Reason:* to ensure the driveways can support the expected weight of heavy vehicles likely to frequent the site.

47. **Street boundary levels**

Street boundary levels for vehicle access and drainage purposes are to be obtained at the applicant’s cost from Council’s Service Planning Department prior to commencement of any works. These levels are to be incorporated in all drainage submissions required under this determination.

*Reason:* to ensure the correct levels are obtained and used for the development.

48. **Road opening permit**

Prior to commencement of any work on Council roads and footpaths, a road-opening permit shall be obtained from Council’s Service Planning Department.

*Reason:* to safeguard Council property against damage.
49. **Restoration works**

Prior to commencement of any excavation work on Council roads or footpaths, the applicant shall pay for all restoration costs. The area of restoration shall be determined on site between the applicant or its contractor and Council’s Contracts & Maintenance Engineer.

*Reason:* to ensure that Council’s infrastructure is maintained in a safe and trafficable manner.

50. **Redundant driveway**

*Prior to the issue of any Occupation Certificate,* redundant driveway shall be removed and replaced with footpath and kerb & gutter at no cost to Council. Nature strip area also be restored at applicants cost.

Arrangements shall be made with Council’s Service Planning Department for the prepaid for the removal of all disused driveway crossings and gutter laybacks. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

*Reason:* to ensure Council’s assets are restored in accordance with Council’s standard.

51. **Works within Council controlled lands**

(1) For drainage works:

   a) Within Council controlled lands.

   a) Connecting to Council’s stormwater drainage system.

   Inspections will be required:-

   i) After the excavation of pipeline trenches.

   i) After the laying of all pipes prior to backfilling.

   ii) After the completion of all pits and connection points.

(2) A minimum of 48 hours’ notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council’s Works and Services Section during office hours.

(3) Work is not to proceed until the works are inspected and approved by Council.

*Reason:* to ensure works on public/Council controlled lands are carried out as per Council’s requirements.

52. **Footpath /Nature strip maintenance during and after construction**

The footpath and nature strip within the street frontages shall be maintained during the period of construction to Council’s satisfaction.
53. **Headroom clearance – within the Basement**

The headroom clearance within the basement shall comply with the usage. In this regard, minimum 4.0m shall be provided in waste collection area and associated turning area. Other areas shall comply with AS 2890.1 and 2890.6 requirements.

Detail plans showing the compliance of above requirements shall be submitted and approved by the Principle Certifying Authority **prior to issue of a Construction Certificate**.

*Reason:* to ensure headroom clearance complies with Australian Standards AS 2890.1 AS2890.6 and Council's DCP.

54. **Ramp gradients**

Circulation ramp grades shall comply with section 2.5.3 of the Australian Standard AS2890.1:2004. In this regard detail longitudinal section of the ramps to a scale of 1:20, shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of any Construction Certificate**.

Copy of the approved plan shall be submitted to Council.

*Reason:* to ensure the access ramps comply with Australian Standard AS28880.1:2004.

55. **Surface runoff**

Allowances shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.

*Reason:* to prevent adverse impact on adjoining properties.

56. **Service relocation / Adjustment**

The applicant shall locate any utility services affected by the proposal and shall be responsible for any damage to, or relocation of services required by the proposal including adjustment to the levels of pit lids etc. All works shall be carried out to the satisfaction of the relevant Authority or Council.

All the costs shall be borne by the applicant.

*Reason:* to protect utility services

57. **Traffic Management**

A traffic management plan prepared by a suitably qualified person shall be submitted to
and approved by Council for all demolition, excavation and construction activities associated with the development prior to commencement of any work within the subject development site.

Reason: to minimise the impact on local road network.

58. Water Reuse

The stormwater generated from the roof area shall be reused for the irrigation of the landscape area within the subject development site.
Full details of the Water reuse facilities shall be submitted to Council or the Accredited Certifier with the Construction Certificate.
On completion, a certificate from a registered plumber shall be submitted for the pipe network. The certification shall indicate the water reuse system has been installed in accordance with the approved water reuse design plans.

Reason: to ensure the water reuse facilities within the development are constructed and maintained in good working order.

59. Structural Engineering Certificate

The applicant shall submit a structural engineer’s certificate of adequacy verifying that the works as detailed on the approved plans for the storage tank have been completed under his/her supervision and that the design is adequate to support the anticipated design loads. The certificate shall be submitted to Council with the works-as-executed plan.

Reason: to ensure the construction is structurally adequate.

60. Stormwater Disposal

Stormwater runoff generated from the development shall be directed to the On Site Detention system prior to being discharged by gravity system as per approved plans.

Reason: to ensure the stormwater is suitably discharged.

61. Downstream easement

Prior to issue of any Construction Certificate, copy of the downstream easements shall be submitted to and approved by Principal Certifying Authority.

Downstream easements details shall comply with the approved stormwater plans.

Reason: to ensure appropriated easement are created and stormwater plans comply with the downstream easement.

62. Submission of full stormwater disposal details

Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Council or the Accredited Certifier to ensure the approved stormwater plans are incorporated with the Construction Certificate.
The details shall be prepared by a suitably qualified person and must be in accordance with "Auburn Development Control Plans 2010 - Stormwater Drainage" and "Australian Rainfall & Runoff 1987". In this regard,

i. The proposed stormwater system shall be generally in accordance with the stormwater concept plans 6607- DA-000 to 6607-DA-025 prepared by Indesco (Trim T020590/2019).

ii. OSD tank access grates shall be minimum 900x900 in size with double (2/900x450) hinged grates.

iii. A crest shall be provided in the access ramp within the site to prevent stormwater runoff from the site enters into the basement. Crest shall be part of the access ramp. The crest shall be minimum 250mm above the adjacent invert of gutter/dish drain levels. The crest shall be incorporated in the access ramp design (Speed humps are not permitted).

iv. Overflow system from the rainwater tank shall be modified in order to prevent overflow from OSD system enter in to the rainwater tank.

v. Maximum spacing between the grated access pits in the OSD shall not exceed 5.0m.

Stormwater runoff from access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.

Reason:- to ensure the stormwater is suitably discharged.

63. Inter-allotment drainage design

Prior to issue of any Construction Certificate, a detail design for the proposed connection to existing Council’s stormwater pipe in Dartbrook Road shall be submitted and approved by the Cumberland Council’s Engineering and Traffic Manager Development Assessment. In this regard,

a) Longitudinal section of the existing and proposed stormwater pipes within the easement / within the Council controlled land, showing the depth and location of all the services within the area of the proposed works shall be submitted.

b) Stormwater shall be connected to existing Council’s stormwater pipe. A new standard kerb inlet pit shall be constructed at the connection.

c) Depth of the Council pipe shall be verified and annotated on the plan.

c) Condition of the exiting pipes shall be verified.

Reason:- to ensure Council’s assets are designed to Council’s requirements.

64. Inter-allotment drainage construction

Prior to the commencement of any works the inter-allotment drainage works shall be completed to Council’s satisfaction at no cost to Council. In this regard,

a) Separate construction approval shall be obtained from Council’s Engineering Section.
a) Inspections will be required for the works related to the proposed connection to Council’s stormwater drainage system at following stages:

   iii) After the excavation of pipeline trenches.
   iv) After the laying of all pipes prior to backfilling.
   v) After the completion of all pits and connection points.

b) A minimum of 48 hours’ notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council’s Works and Services Section during office hours.

c) Work is not to proceed until the works are inspected and approved by Council.

Reason:- to ensure Council’s assets are constructed to Council’s requirements.

65. Stormwater disposal – on-site detention

On-site stormwater detention storage is to be provided in conjunction with the stormwater disposal. The storage is to comply with Council’s on-site stormwater detention parameters. Where multiple detention basins with differing top water levels are used, the basins must be routed to the outlet pit independent of each other.

A positive covenant under Section 88E of the Conveyancing Act is to be created on the title of the property detailing the on-site stormwater detention system incorporated in the development. The wording of the instrument is to be submitted and approved by Council prior to lodgement at the NSW Land Registry Services. Evidence confirming the positive covenant has been registered shall be submitted to Council prior to occupation of the building or issue of the occupation certificate.

Work as executed plan(s) and engineers certifications shall be submitted to and approved by Council prior to the endorsement of Positive Covenant.

Reason:- to prevent localised flooding by ensuring the detention system is maintained as designed.

66. Maintenance schedule – OSD

Prior to the issue of the occupation certificate, a maintenance schedule of the proposed on-site detention facility shall be submitted to Council for approval with the stormwater work-as executed plan. This maintenance schedule shall be registered as part of the positive covenant.

Reason:- to ensure the onsite detention facility is in good working order

67. Annual maintenance inspection of OSD

Annual maintenance inspection summary of the onsite detention with associated certificates shall be sent to Council within the first month of every calendar year. In this regard:

- All critical inspections shall be carried out by a qualified person.
A maintenance log book shall be maintained as per the approved maintenance schedule on site and readily available for inspection by a Council officer.

All associated cost shall be borne by the owner

**Reason:** to ensure the onsite detention facility is in good working order

### 68. Engineer Certificate for critical pump

A certificate from a practising hydraulic engineer verifying that the stormwater pump installation and the design with the executed levels shall be submitted to the Council with the work as executed plan prior to the release of Occupation Certificate.

**Reason:** to ensure the system has been constructed Council’s standards and specifications.

### 69. Basement drainage system

Basement drainage is to comply with “Auburn development control plans 2010 stormwater drainage”. In this regard:

a) Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of (five) minutes, one pump acting in reserve capacity.

b) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuous idle.

c) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval a storm duration of ninety minutes. In addition to this an above ground store shall be provided up to a hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pump are in the “off” position or if there is a break in electrical supply.

d) A storm of two hours’ duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within this period.

e) The pump out system is to be independent of any gravity drainage line except at the property boundary where a grated surface pit is to constructed from which a connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.

f) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.

g) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.
Reason: to prevent localised flooding.

70. Footpath Construction – Station Road

The footpath adjoining Station Road frontage shall be reconstructed in accordance with the Council's Standard footpath construction requirements. Site boundary line levels shall be raised to the boundary line levels, with satisfactory end-transitions provided.

- Detail footpath design shall be submitted and approved by Council’s Works and Services section prior to the issue of a Construction Certificate.
- Street boundary levels obtained from Council shall be incorporated in the design.
- The details of construction requirements shall be requested from the Council prior to commencement of construction.
- Formwork inspection and footpath inspection shall be carried out by Council.
- All associated costs shall be borne by the applicant.
- The footpath shall be constructed at the completion of works and finished to the satisfaction of Council prior to the issue of an Occupation certificate.

All associated costs shall be borne by the applicant

Reason: to provide a safe footpath for increased pedestrian use and one that will complement the Cumberland Council requirements

71. Works-as-Executed Plan – Drainage Plans

Prior to occupation of the building or issue of the occupation certificate, two (2) copies of the Works-as-Executed (W.A.E.) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to Council. The W.A.E. plan shall show (where applicable):

i) Whether all works have been completed generally with the approved drainage plans.

ii) Any departures from the approved plan and conditions.

iii) Any additional work that has been undertaken.

iv) Location, levels and sizes of pipes and pits.

v) Finished floor and finished surface levels. The location of finished levels should in general correspond with those shown on Council’s approved drainage plan.

v) Basement pump out volumes.

NOTE: The WAE surface level shall be taken after all landscaping has been completed.

In this regard:
- The above information is to be superimposed on a full sized copy of Council approved drainage plan and is to be submitted to Council.

- Checklists A3, A4 & A5 in the appendix of the "Auburn development control plans 2000 stormwater drainage" shall be completed and shall be certified by the practicing hydraulic engineer and the registered surveyor.

  The above requirement shall be submitted to and approved by Council prior to Council endorse the Positive Covenant documents.

Reason: to account for minor variations and to ensure Council has the final details.

72. Remediation and validation

The following shall be complied with in respect of remediation and validation works at the property:

a) Remediation and validation works shall be carried out in accordance with the approved Remediation Action Plan. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works. Please note that variations to the approved remediation works may require the submission to Council of a Section 96 Application or further Development Application pursuant to the Environmental Planning and Assessment Act 1979.

b) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council prior to the commencement of construction works. The Occupation Certificate shall not be issued until Council reviews and approves the final Validation Report. The validation report shall be prepared in accordance with the EPA guidelines, Consulting Reporting on Contaminated Sites, and shall:

i) Describe and document all works performed;
ii) Include results of validation testing and monitoring;
iii) Include validation results of any fill imported on to the site;
iv) Show how all agreed clean-up criteria and relevant regulations have been complied with; and
v) Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

c) Following the preparation of the validation report, Council may require that the applicant engage an accredited auditor under the Contaminated Land Management Act 1997 to review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall consult with Council prior to finalising and issuing the Site Audit Statement. The Site Audit Statement should allow for soil access to occur as per the approved Remedial Action Plan.

The accredited auditor shall provide Council with a copy of the Site Audit Report and Site Audit Statement, prior to the issuing of the Occupation Certificate.

In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of the inconsistency and a Section 96 Application or further Development Application pursuant to the Environmental Planning and Assessment Act 1979 will be required.

Reason: - to ensure the provisions of State Environmental Planning Policy No. 55 -
Remediation of Land and the Contaminated Land Management Act are complied with.

73. **Discovery of additional information during remediation, demolition or construction**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the PCA immediately.

*Reason:* to ensure Council is informed of any new information relevant to site conditions and site contamination associated with the development.

74. **Off-site soil disposal**

Any soil disposed of off-site shall be classified in accordance with the procedures in the NSW EPA Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (1999).

*Reason:* to ensure soil disposed off-site is classified in accordance with relevant EPA requirements.

75. **Car parking to Comply with Approved Details**

The area set aside for the parking of vehicles, and so delineated on the plan prepared by Ross Howieson Architects and endorsed plan Drawing Nos 201, 202 and 203 (all revision DA-F) dated 26.11.2018, shall not be used for any other purpose.

*Reason:* to ensure the car parking area is not used for purposes other than the parking of cars associated with the use.

76. **Signs for Visitor Parking**

Suitable signs shall be erected at the front of the property indicating the availability of visitor parking within the property. All visitor parking spaces shall be clearly signmarked.

*Reason:* to ensure the visitor parking spaces are clearly identified.

77. **Adequate Signs and Pavement Markings Required to Assist Traffic Flow on Site.**

Adequate signs and pavement markings are to be provided to direct the flow of traffic within the site. Details are to be provided prior to the issue of the construction certificate.

*Reason:* to assist with traffic flow within the development.

78. **Vehicles Driven in Forward Direction**

All vehicles must be driven in a forward direction at all times when entering or leaving the premises.

*Reason:* to preserve and enhance the safe operation of the car parking area.

79. **Protective bar to vehicular entry**

A protective bar shall be installed at the vehicular entry to the development to prevent
damage from vehicles that are too high or those that fail to wait for the opening of any roller shutter etc. Details and installation of the proposed protective bar shall be noted on the Construction Certificate drawings and installed prior to the issue of Occupation Certificate.

_Reason:_ to prevent damage from oversized vehicles when entering the premises.

80. **Roller doors and shutters – silent operation**

The roller doors or other shutters to the car park shall operate silently and be appropriately maintained.

_Reason:_ to ensure quiet operation and ongoing maintenance to car park doors.

81. **Intercom/remote access to basement**

An intercom and remote access system shall be provided at all vehicular access points to the basement car park and connected to all residential units. Details of the proposed intercom and remote access system to the basement car park are to be submitted with the Construction Certificate plans/specifications and the locations detailed on the construction drawings.

_Reason:_ to ensure that visitor car parking spaces are easily and conveniently accessible for visitors to the premises.

82. **Car Parking Spaces – Restrictive Covenant**

The following shall be complied with:-

a) The on site car parking spaces, exclusive of service and visitor spaces, are not to be used by those other than the occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee in the building.

b) Prior to Occupation Certificate under the Environmental Planning and Assessment Act 1979 (as amended) a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking lots in the strata scheme.

_Reason:_ to ensure the car parking spaces are used in accordance with the details of the development approval.

83. **Materials and Finishes**

Materials and finishes to the development shall be in accordance with the details of the approved plans and the following requirements:-
a) Quality and durable materials are to be used throughout the development.
b) The applied external paint finishes to the building shall have a minimum aggregate thickness of 200 microns.

_Reason:_ to ensure a high quality appearance to all materials within the development.

84. **SEPP 65 – Design Verification**

The following requirements arising from State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings must be complied with:

a) A certifying authority must not issue a Construction Certificate in respect of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specification achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

_b) A certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development._

_Reason:_ to ensure that the requirements of SEPP No. 65 and the EP&A Regulations are complied with in the carrying out of the development.

85. **Architect – Notify Council if Changed**

The architect of the project, as approved, should not be changed without prior notice to Council.

_Reason:_ to ensure Council is aware and kept informed of the current project architect.

86. **Underside of balconies**

The underside of the balconies within the development must be designed to prevent exposed pipes and utilities being visible.

_Reason:_ to ensure an attractive appearance to the development in accordance with Council’s Development Control Plan requirements.

87. **Reflectivity Index of Glazing**

The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written conformation of the reflectivity index of materials is to be submitted with the Construction Certificate.

_Note:_ The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.
88. **Security fencing**

All security fencing shall be on an alignment of 4.5m to the street boundary. Under no circumstances are gates to open over Council's footway or obstruct access to car parking spaces.

*Reason:* to ensure the development operates in accordance with the approval and does not cause a nuisance or a hazard to the public.

89. **Side/Rear Boundary Fencing**

Fences located on the side or rear boundaries of the premises, behind the main building setback (not within the front yard), shall not exceed a maximum height of 1.8 metres.

*Reason:* to maintain reasonable levels of amenity to the adjoining premises.

90. **Fencing/gates and adjoining land**

There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.

*Reason:* to ensure the fence/gates do not restrict access and that encroachments do not occur.

91. **Telecommunications Facilities - Residential**

The following requirements apply to telecommunication facilities in the building:-

a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.

b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.

c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979 (as amended).

d) A separate Development Application must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

*Reason:* to ensure adequate provision for telecommunication facilities within the development.

92. **Lighting to publicly accessible areas**

The following lighting requirements shall be complied with:
a) The public areas shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.

b) Details of the lighting is to be submitted for the approval of the Principal Certifying Authority prior to issue of the Construction Certificate and location of the lighting endorsed on the construction drawings.

Reason: to ensure publicly accessible areas of the development are provided with sufficient illumination.

93. Arrangements for Electricity and Telephone Services

Satisfactory arrangements are to be made with Energy Australia, Telstra and/or Optus for the provision of services to and within the subject land. Written evidence of such arrangements shall be submitted to the Principal Certifying Authority (Council or accredited certifier) prior to the issue of the construction certificate.

NOTE: Prior to works commencing, the applicant is advised to contact each provider to determine the location of various services to avoid damage occurring.

Reason: to ensure these services are available to the site.

94. Arrangements for Water and Sewer Services

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 132 092.

Following application a “Notice of Requirements” will detail water and sewer extensions to be built or 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 landscaping design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority (Council or accredited certifier) prior to release of the final plan of subdivision or occupation of the development.

Reason: to ensure that adequate water and sewer services can be provided to the site.

95. Sydney Water Approval

The approved development application plans must be accompanied by a valid Building Plan Assessment Approval Receipt. This receipt can be acquired through the "Sydney Water Tap" in system by the Sydney Water Authority.

Please refer to the web site www.sydneywater.com.au for:

- Information on the "Sydney Water Tap in" system and
- Registering and applying for the approval receipt for the Proposed Building Plan.

or telephone 13 20 92.

Note: The consent authority or accredited certifier must either:
• ensure that a valid approval receipt has been obtained from Sydney Water before
the issue of any Construction Certificate (receipt valid usually 1 year from the date of
issue); or
• if there is a combined Development/Construction Certificate application, ensure
that a valid approval receipt has been obtained prior to works commencing on site.

Reason:- to ensure the development does not damage or interfere with Sydney Water
assets.

96. Aboveground Power Lines

Where practicable, all existing overhead power lines adjacent to the development site
shall be relocated underground to Energy Australia standards and specifications. If not
practicable to relocate the power lines underground, arrangements shall be made with
Energy Australia to place the conduit to carry those power lines underground so that
they can be utilized at a later date by Energy Australia. In this regard all associated
costs shall be borne by the applicant.

Reason:- to improve the aesthetic quality of the area.

97. Mail Box Structure

An Australia Post approved lockable mail box structure(s) shall be centrally located to
the primary street entry of the site.

Reason:- to ensure compliance with Council’s Development Control Plan requirements.

98. Suitable arrangements to be made for garbage and recycling services

Suitable arrangements for garbage and recycling services are to be made with Council
prior to occupation of the building.

Reason:- to ensure adequate garbage and recycling services are provided for the
development.

99. Waste Management Plan – New works

A Waste Management Plan shall be submitted to the PCA for. The plan must be
submitted and approved prior to the issuing of the construction certificate.

The approved Waste Management Plan for the site must be displayed in an appropriate
location on-site and complied with at all times during construction/remediation/demolition and ongoing occupation.

The builder/construction company shall be provided with at least one copy of the waste
management plan.

Reason:- to ensure waste is properly managed.

100. Display of Waste Management Plan – Ongoing use

The occupant/body corporate shall be provided with at least one copy of the waste
management plan. An additional copy of the plan shall be displayed in a secure, visible
and accessible position within or adjacent to the waste storage area. The approved
Waste Management Plan must be complied with at all times during occupation.
**Reason:** to ensure waste is properly managed by occupants of the building.

101. **Garbage Storage and Collection**

All garbage shall be removed from the site directly via the basement/at grade garbage storage area. Garbage bins shall not be stored on or collected from the footpath or kerb.

**Reason:** to ensure that all garbage storage and collection is managed efficiently and without significant impact on the street.

102. **Waste collection**

Waste collection area shall be provided within the site. Waste collection area shall be designed to comply with Council’s Waste DCP. In this regard,

a) Minimum 4.0m headroom shall be provided in the waste collection area.

b) Garbage collection service bay gradient shall be limited 1:25 (4%) in accordance with Australian standard AS2880.2.

c) Waste collection access ramp gradient and transitions shall comply with Australian standard AS2880.2.

**Reason:** to ensure waste collection comply with Council’s DCP.

103. **Ongoing Waste Management**

Ongoing waste management within the development shall be carried out in accordance with the approved Waste Management Plan and the following requirements:

a) Appropriate waste management practices are to be adopted within the development at all times.

b) The waste storage room shall be kept in a clean, tidy and hygienic condition at all times.

c) The waste and recyclable storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room. Details shall be provided with the Construction Certificate and endorsed on the construction drawings, and works completed prior to the issue of an Occupation Certificate.

d) A person shall be employed/nominated to manage the collection of waste material by Council, including, but not limited to bin placement at the road edge and retrieval of bins soon after collection of contents, cleansing of bins, storage of bins in the compound and the like.

e) The nature strip is to be kept in a clean and tidy condition upon garbage collection.

**Reason:** to ensure appropriate ongoing waste management practices within the development in accordance with Council’s Development Control Plan requirements.

104. **Waste and recyclables storage area:**

The waste and recyclable storage area shall be fully enclosed, adequately ventilated
and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room. Details shall be provided with the Construction Certificate and endorsed on the construction drawings, and works completed prior to the issue of an Occupation Certificate.

**Reason:** to ensure the waste and recyclables storage area is appropriately constructed and able to be readily cleaned and maintained.

105. **Noise and Vibration**

The use of the premises shall not give rise to any of the following when measured or assessed at “sensitive” positions within any other property. These “sensitive” positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.


b) transmission of vibration to any place of different occupancy above the requirements of AS2670.

c) a sound pressure $L_{Aeq}$ period at any noise sensitive position of any other premises or occupancy greater than the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy.

d) a sound pressure $L_{Aeq,15min}$ at any noise sensitive position greater than the intrusiveness criteria determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1.

For assessment purposes, the above $L_{Aeq}$ sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

**Reason:** to ensure adequate acoustic amenity in the locality.

106. **Air conditioning units – location and acoustics**

a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building.

b) The operation of air conditioning units shall be so:

(i) as not to cause “offensive noise” as defined under the Protection of the Environment Operations Act 1997;

(ii) as to be inaudible at the nearest affected residence between the hours of 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays;

(iii) as not to discharge a condensate or moisture onto the ground surface of the premises or into a stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act 1997.

c) Should Council receive noise complaints from neighbouring residents in relation to the air conditioning units, Council may issue a Noise Notice. Such notice may
require you to engage the services of a competent and appropriately qualified Acoustic Consultant to undertake a noise level assessment of the air conditioning unit. If the unit is assessed as exceeding the permitted noise criteria, you may be directed to provide noise attenuation measures such as an acoustic enclosure and/or relocation of the unit.

Reason: to ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings and to ensure the operation of air conditioning units does not adversely impact on the acoustic amenity of the locality.

107. Water Pollution

The operation of the premises shall be conducted in a manner which does not pollute waters as defined by the Protection of the Environment Operations Act 1997.

Reason: to protect waterways and stormwater systems from pollution.

108. Subdivision development application requirements

The following requirements will apply to any future development application for subdivision at the site:

a) The Strata subdivision or other subdivision of the development being the subject of a further Development Application to Council; and,

b) This development application for subdivision must be accompanied by the following documentation that indicates:

i) The requirement for the employment of a person to manage the collection of waste material by Council, including, but not limited to bin placement at the road edge and retrieval of bins soon after collection of contents, cleansing of bins, storage of bins in the compound and the like.

ii) Responsibilities with regard to the ongoing maintenance of the building and landscaped areas at the property in accordance with the plans and details approved under this Development Consent.

iii) Responsibilities with regard to the operation maintenance of artificial features at the property (eg water features, intercom systems, vehicle access doors etc.) in accordance with the plans and details approved under this Development Consent.

iv) Responsibilities for ensuring owners and/or tenants have adequate and hygienic waste sterile, disposal and collection arrangements and for ensuring the waste storage area is appropriately maintained and kept in a clean and safe state at all times.

v) Responsibilities to ensure that receptacles for the removal of waste, recycling on the designated day of collection.

vi) The Owners Corporation obligations under clauses 177, 182, 183, 184, 185 and 186 of the Environmental Planning and Assessment Regulation 2000.

vii) The Owners Corporation/Executive Committee obligations to ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps) are regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters and in accordance with the Protection of the Environment Operations Act 1997.

Reason: to ensure appropriate documentation is submitted with any application for
subdivision of the development.

109. **Final Fire Safety Certificate**

Prior to the occupation of the building, the owner of the building shall submit to the Principal Certifying Authority (Council or Accredited Certifier), a final fire safety certificate in relation to each essential fire safety measure specified in the fire safety schedule, attached to the development consent or construction certificate.

Such certificate shall state that each essential fire safety measure specified:

a) Has been assessed by a properly qualified person, and

b) Was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.

**NOTES:**

1. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-

   i) Must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and

   ii) Must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.

2. A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

**Reason:** to ensure compliance with Regulations 149 & 171 of the Environmental Planning and Assessment Regulation 2000.

110. **Annual Fire Safety Statement**

The owner of any building in which fire safety measures are installed, must cause the Council to be given an annual fire safety statement, within 12 months after the last such statement or final fire safety certificate was issued.

The certificate shall certify:-

a) That each essential fire safety measure has been assessed by a properly qualified person and was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule.

b) That a properly qualified person has inspected the building and has certified that, as at the date of inspection, the condition of the building did not disclose any grounds for a prosecution under Division C.

**NOTES:**

1. As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates:-

   i) must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
i) must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.

2. A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason:- to ensure compliance with Regulation 171 of the Environmental Planning and Assessment Regulation 2000.

111. Fire Safety Notices

The fire-isolated stairway, fire-isolated passageway or fire-isolated ramp must contain a notice advising of “Offences relating to fire exits”. The notice shall contain the wording prescribed by Clause 183 of the Environmental Planning and Assessment Regulation, 2000 and the Building Code of Australia.

Reason:- to comply with Clause 183 of the Environmental Planning and Assessment Regulation 2000 and the BCA.

112. Submission of Works-as-Executed Fire Services Plan

A works-as-executed fire services plan is to be submitted to the Council prior to occupation of the development, detailing the location of the essential fire safety measures installed within the building premises.

Reason:- to ensure a record of the location and type of fire safety services is documented.

113. Occupation Certificate

A person must not commence occupation or use of the whole or part of a new building unless an occupation certificate has been issued in relation to the building or part.

The application for an Occupation Certificate must be made to the Principal Certifying Authority (Council or an accredited certifier) using the approved form.

Reason:- to comply with the requirements of Section 6.9 of the Environmental Planning and Assessment Act (as amended).
DOCUMENTS ASSOCIATED WITH REPORT LPP019/19

Attachment 2
Architectural Plans
WEST ELEVATION
SECTION THRU DRIVEWAY
77-85 STATION ROAD

AUBURN

ISSUED FOR DEVELOPMENT APPLICATION

DECEMBER 2018

SCHEDULE OF DRAWINGS

- COVER SHEET, LOCALITY PLAN AND SCHEDULE OF DRAWINGS
- GENERAL NOTES
- AERIAL OVERLAY PLAN AND EXISTING STORMWATER PIPES
- ENGINEERING CONCEPTUAL PLAN BASEMENT 2 STORMWATER DRAINAGE
- ENGINEERING CONCEPTUAL PLAN BASEMENT 1 STORMWATER DRAINAGE
- ENGINEERING CONCEPTUAL PLAN LAYER GROUND FLOOR STORMWATER DRAINAGE
- ENGINEERING CONCEPTUAL PLAN GROUND FLOOR STORMWATER DRAINAGE
- ENGINEERING CONCEPTUAL PLAN LEVEL 1 STORMWATER DRAINAGE
- ENGINEERING CONCEPTUAL PLAN LEVEL 2 STORMWATER DRAINAGE
- ENGINEERING CONCEPTUAL PLAN LEVEL 3 STORMWATER DRAINAGE
- ENGINEERING CONCEPTUAL PLAN LEVEL 4 STORMWATER DRAINAGE
- ENGINEERING CONCEPTUAL PLAN ROOF PLAN STORMWATER DRAINAGE
- MISCELLANEOUS DETAILS
- EXISTING PLAN

CLIENT:

SALEX PTY LTD

CONSULTANTS:

INDESICO
Attachment 4
Stormwater/Engineering Plans - Part B
Attachment 5
Solar Access and Ventilation Summary
SOLAR ACCESS DIAGRAMMATIC 21ST JUNE

Solar access is shown to living area and private open space only (bedrooms and non-habitable rooms omitted for clarity)
SOLAR ACCESS DIAGRAMMATIC 21ST JUNE

Solar access is shown to living area and private open space only. Bedrooms and non-habitable rooms omitted for clarity.
Attachment 6
Appendix A - Tree Removal Plan
11.0 TREE LOCATION PLAN

LEGEND

- Exempt Species
- Structural Root Zone
- Tree Protection Zone

©ABOUT TREES (2019)
Attachment 7
Appendix B - 9 Design Principles
9 Design Quality Principles as per SEPP 65:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle 1: Context</td>
<td>This proposal is considered to be consistent with the context of the immediate area. The site is surrounded by older style 3-4 storey residential flat buildings and older homes which are envisioned to go through the same transition.</td>
</tr>
<tr>
<td>Principle 2: Built Form and Scale</td>
<td>The design generally achieves an appropriate built form for the site and the building's purpose (after deferred commencement), in terms of building alignments, proportions, type and the manipulation of building elements to ensure reasonable spatial separation is established between existing neighbouring residential buildings. The scale of the building in itself is considered suitable within the future desired character (after deferred commencement) of its locality and as it generally meets the envelope and footprint controls contained under DCP2010.</td>
</tr>
<tr>
<td>Principle 3: Density</td>
<td>The proposal has a density that corresponds with the future desired character of the area, in terms of floor space yield (after deferred commencement), number of units and potential number of new residents. The proposed density is considered to respond to the availability of infrastructure, public transport, community facilities and environmental quality.</td>
</tr>
<tr>
<td>Principle 4: Sustainability</td>
<td>A BASIX Certificate has been submitted and the building meets the required energy and water efficiency targets.</td>
</tr>
<tr>
<td>Principle 5: Landscape</td>
<td>A landscape plan was submitted with the proposal. The landscaping options are considered to be adequate.</td>
</tr>
<tr>
<td>Principle 6: Amenity</td>
<td>Generally, the proposal as amended is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation; visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas are consistent with the ADG requirements.</td>
</tr>
<tr>
<td>Principle 7: Safety</td>
<td>Passive surveillance of public space is maximised through orientation of units. The position and orientation of the various building elements allow balconies and habitable rooms of apartments to overlook the streets.</td>
</tr>
<tr>
<td>Principle 8: Housing Diversity and Social Interaction</td>
<td>The apartment mix is considered to be satisfactory. Nine adaptable units have been provided.</td>
</tr>
<tr>
<td>Principle 9: Aesthetics</td>
<td>The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours. The proposed building is considered to respond to the environment and context, contributing in an appropriate manner to the desired future character of the area.</td>
</tr>
</tbody>
</table>
DOCUMENTS ASSOCIATED WITH REPORT LPP019/19

Attachment 8
Appendix C - ADG Assessment
## Apartment Design Guide

### Part 3 – Sitting the development

#### 3B Orientation

**Objective 3B – 1 Building types and layouts respond to the streetscape and site while optimising solar access within the development**

- **Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1)**
  - [ ] [ ] [ ] Complies

- **Where the street frontage is to the east or west, rear buildings should be orientated to the north**
  - [ ] [ ] [ ] Orientation is considered acceptable

- **Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2)**
  - [ ] [ ] [ ] Complies

**Objective 3B-2 Overshading of neighbouring properties is minimised during mid-winter**

- **Solar access to living rooms, balconies and private open spaces of neighbours should be considered**
  - [ ] [ ] [ ] The overshadowing is considered acceptable as the proposal complies with required separation.

- **Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%**
  - [ ] [ ] [ ] Complies

- **If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy**
  - [ ] [ ] [ ] Complies

- **Overshadowing should be minimised to the south or down hill by increased upper level setbacks**
  - [ ] [ ] [ ] Complies

- **It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development**
  - [ ] [ ] [ ] Complies

- **A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings**
  - [ ] [ ] [ ] No Solar collectors on adjoining properties

#### 3C Public domain interface

**Objective 3C-1 Transition between private and public domain is achieved without compromising safety and security**

- **Terraces, balconies and courtyard apartments should have direct street entry, where appropriate**
  - [ ] [ ] [ ] Unit G01 has separate street access.

- **Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings (see figure 3C.1)**
  - [ ] [ ] [ ] Complies

- **Upper level balconies and windows should overlook the public domain**
  - [ ] [ ] [ ] Complies

- **Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m**
  - [ ] [ ] [ ] Complies

- **Length of solid walls should be limited along street frontages**
  - [ ] [ ] [ ] Complies

- **Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entrances, rear letter boxes and in private courtyards adjacent to streets**
  - [ ] [ ] [ ] Complies
### In developments with multiple buildings and/or entries:
- Pedestrian entries and spaces associated with individual buildings should be differentiated to improve legibility for residents, using a number of the following design solutions:
  * Architectural detailing
  * Changes in materials
  * Plant species
  * Colours

**Opportunities for people to be concealed should be minimised**

#### Objective 3C-2: Amenity of the public domain is retained and enhanced

- **Planting** softens the edges of any raised terraces to the street, for example above sub-basement car parking
- **Mail boxes** should be located in foyettes, perpendicular to the street alignment or integrated into front fences where individual street entries are provided
- **The visual prominence of underground car park vents** should be minimised and located at a low level where possible
- **Substations, pump rooms, garbage storage areas and other service requirements** should be located in basement car parks or out of view
- **Ramping** for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels
- **Durable, graffiti resistant and easily cleanable materials** should be used
- **On sloping sites** protrusion of car parking above ground level should be minimised by using split levels to step underground car parking

**Complies**

#### 3D Communal and public open space

**Objective 3D-1: An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping**

1. **Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)**
   - 25% = 683.83m²
   - **Lower ground:** 666.21m²
   - **Ground:** 150.46m²
   - **Total:** 715.67m²
   - Or 26%

2. **Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)**

**Complies**

- **Communal open space should be consolidated into a well designed, easily identified and usable area**
  - The communal open space has two well designed, usable areas. These spaces include landscaping, grassed area, pergola and a veggie garden

- **Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions**

- **Communal open space should be co-located with deep soil areas**

- **Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and foyettes**

- **Where communal open space cannot be provided at ground level, it should be provided on a podium or roof**

- **Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:**

**Complies**
- provide communal spaces elsewhere such as a landscaped rooftop terrace or a common room
- provide larger balconies or increased private open space for apartments
- demonstrate good proximity to public open space and facilities and/or provide contributions to public open space

<table>
<thead>
<tr>
<th>Objective 3D.2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F) Common circulation and spaces, incorporating some of the following elements:</td>
</tr>
<tr>
<td>• seating for individuals or groups</td>
</tr>
<tr>
<td>• barbecue areas</td>
</tr>
<tr>
<td>• play equipment or play areas</td>
</tr>
<tr>
<td>• swimming pools, gyms, tennis courts or common rooms</td>
</tr>
<tr>
<td>The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts</td>
</tr>
<tr>
<td>Visual impacts of services should be minimised, including location of ventilation ducts outside from basement car parks, electrical substations and detention tanks</td>
</tr>
<tr>
<td>Complies</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Objective 3D.3 Communal open space is designed to maximise safety</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include:</td>
</tr>
<tr>
<td>• bay windows</td>
</tr>
<tr>
<td>• corner windows</td>
</tr>
<tr>
<td>• balconies</td>
</tr>
<tr>
<td>Communal open space should be well lit</td>
</tr>
<tr>
<td>Where communal open space/facilities are provided for children and young people they are safe and contained</td>
</tr>
<tr>
<td>Complies</td>
</tr>
</tbody>
</table>

### 3E Deep soil zone

<table>
<thead>
<tr>
<th>Objective 3E.1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Deep soil zones are to meet the following minimum requirements:</td>
</tr>
<tr>
<td>7% = 195m²</td>
</tr>
<tr>
<td>Site area</td>
</tr>
<tr>
<td>Less than 650m²</td>
</tr>
<tr>
<td>650m² – 1,500m²</td>
</tr>
<tr>
<td>Greater than 1,500m²</td>
</tr>
<tr>
<td>Greater than 1,600m² with significant existing tree cover</td>
</tr>
<tr>
<td>Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:</td>
</tr>
<tr>
<td>• basement and sub basement car park design that is consolidated beneath building footprints</td>
</tr>
<tr>
<td>• use of increased front and side setbacks</td>
</tr>
<tr>
<td>• adequate clearance around trees to ensure long term health</td>
</tr>
<tr>
<td>• co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil</td>
</tr>
<tr>
<td>Complies</td>
</tr>
<tr>
<td>29% of the site has been dedicated to deep soil. This whole area has a minimum of 6m width.</td>
</tr>
</tbody>
</table>
### 3F Visual privacy

Objective 3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy

1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

<table>
<thead>
<tr>
<th>Building height</th>
<th>Habitable rooms and balconies</th>
<th>Non-habitable rooms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 12m (4 storeys)</td>
<td>6m</td>
<td>3m</td>
</tr>
<tr>
<td>Up to 25m (5-8 storeys)</td>
<td>9m</td>
<td>4.5m</td>
</tr>
<tr>
<td>Over 25m (9+ storeys)</td>
<td>12m</td>
<td>6m</td>
</tr>
</tbody>
</table>

Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2). Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties

- Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a ‘bightshaft’ appearance

- New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include:
  - site layout and building orientation to minimise privacy impacts (see also section 3B Orientation)
  - on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4)

- Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential developments to provide for a transition in scale and increased landscaping (figure 3F.6)

- Direct lines of sight should be avoided for windows and balconies across corners

- No separation is required between blank walls

Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space

- Communal open spaces, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows.

- Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment’s service areas

- Balconies and private terraces should be located in front of living rooms to increase internal privacy

- Windows should be offset from the windows of adjacent buildings

- Recessed balconies and/or vertical fins should be used between adjacent balconies

### 3G Pedestrian access and entries

Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain

- Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge

- One common entry provided. The street facing ground floor unit has separate access.
### 3G: Access

<table>
<thead>
<tr>
<th>Objective</th>
<th>Requirement</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>3G-2</td>
<td>Access, entries and pathways are accessible and easy to identify</td>
<td>Complies</td>
</tr>
</tbody>
</table>

- Building access areas including lift lobbies, stairwells and pathways should be clearly visible from the public domain and communal spaces.
- The design of ground floors and underground car parks should incorporate level changes along pathways and entries.
- Steps and ramps should be integrated into the overall design and landscaping.
- Large developments may have maps provided to assist visitors and residents (see figure 41.3).
- Large developments may incorporate electronic access and audio-visual intercom to manage access.

### 3H: Vehicle access

<table>
<thead>
<tr>
<th>Objective</th>
<th>Requirement</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>3H-1</td>
<td>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high-quality streetscapes.</td>
<td>Complies</td>
</tr>
</tbody>
</table>

- Car park access should be integrated with the building’s overall facade. Design solutions may include:
  - The materials and colour palette to minimise visibility from the street.
  - Soundproof doors or gates at entries that minimise voids in the facade.
  - Where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed.
- Car parks should be located behind the building line.
- Vehicle entries should be located at the lowest point of the site, minimising ramp lengths, excavation and impacts on the building form and layout.
- Vehicle stopping areas that increase driveway width and encroach into setbacks should be avoided.
- Access points should avoid headlight glare to habitable rooms.
- Adequate separation distances should be provided between vehicle entries and street intersections.
- The width and number of vehicle access points should be limited to the minimum.
- The need for large vehicles to enter or turn around within the site should be avoided.
- Garbage collection, loading and servicing areas are screened.
- Clear sight lines should be provided at pedestrian and vehicle crossings.
- Traffic calming devices such as changes in paving material or textures should be used where appropriate.

### 3J: Bicycle and car parking

<table>
<thead>
<tr>
<th>Objective</th>
<th>Requirement</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>3J-1</td>
<td>Car parking is provided based on proximity to public transport in metropolitan Sydney and other centres in regional areas</td>
<td>Complies</td>
</tr>
</tbody>
</table>
1. For development in the following locations:
   - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area, or
   - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street.

<table>
<thead>
<tr>
<th>Objective 3.4-2 Parking and facilities are provided for other modes of transport</th>
<th>☒ ☐ ☐</th>
<th>Complies with the DCP (See DCP table for more details)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conveniently located and sufficient numbers of parking spaces should be provided for motorcycles and scooters</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Conveniently located charging stations are provided for electric vehicles, where desirable</td>
<td>☒ ☐ ☐</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Objective 3.4-3 Car park design and access is safe and secure</th>
<th>☒ ☐ ☐</th>
<th>Car wash bay can double up as a visitor space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car park spaces</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Direct, clearly visible and well lit access should be provided into common circulation areas</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>A clearly defined and visible lobby or waiting area should be provided to lifts and stairs</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Objective 3.4-4 Visual and environmental impacts of underground car parking are minimised</th>
<th>☒ ☐ ☐</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Excavation should be minimised through efficient car park layouts and ramp design</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Proportion of car park spaces should not exceed 1 m above ground level. Design solutions may include sloping car park levels or using split levels on sloping sites</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Natural ventilation should be provided to basement and sub basement car parking areas</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
</tbody>
</table>

Part 4 – Designing the building

4A Solar and daylight access

<table>
<thead>
<tr>
<th>Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</th>
<th>☒ ☐ ☐</th>
<th>70%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter</td>
<td>☒ ☐ ☐</td>
<td>14.4%</td>
</tr>
<tr>
<td>2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>The design maximises north aspect and the number of single aspect south facing apartments is minimised</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Single aspect, single storey apartments should have a northerly or easterly aspect</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Living areas are best located to the north and service areas to the south and west of apartments</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used:</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>- dual aspect apartments</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>- shallow apartment layouts</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>- two storey and mezzanine level apartments</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
</tbody>
</table>
**4B Natural ventilation**

**Objective 4B-1** All habitable rooms are naturally ventilated

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>Partial</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The building’s orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Depths of habitable rooms support natural ventilation</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>The area of unobstructed window openings should be equal to at least 5% of the floor area served</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Light wells are not the primary air source for habitable rooms</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Doors and operable windows maximise natural ventilation opportunities by using the following design solutions:</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>- adjustable windows with large effective openable areas</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>- a variety of window types that provide safety and flexibility such as awnings and louvres</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>- windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Objective 4B-2** The layout and design of single aspect apartments maximises natural ventilation

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>Partial</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment depths are limited to maximise ventilation and airflow (see also figure 4D.3)</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Natural ventilation to single aspect apartments is achieved with the following design solutions:</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>- primary windows are augmented with pluralums and light wells (generally not suitable for cross ventilation)</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>- stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>- courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Objective 4B-3** The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents

1. At least 50% of apartments are naturally cross ventilated in the first nine storeys of the building. | ❌ | ✔️ |       | Yes        |
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line | ❌ | ✔️ |       | Yes        |

The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths

In cross-through apartments external window and door opening sizes (areas on one side of an apartment (inter side) are approximately equal to the external window and door opening | ❌ | ✔️ |       | Yes        |
Cumberland Local Planning Panel Meeting
10 April 2019

<table>
<thead>
<tr>
<th>sizes/areas on the other side of the apartment (outlet side) (see figure 4B.4)</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow</td>
<td></td>
</tr>
<tr>
<td>Apartment depths, combined with appropriate ceiling heights, maximise cross ventilation and airflow</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4C Ceiling heights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access</td>
</tr>
<tr>
<td>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</td>
</tr>
<tr>
<td>Minimum ceiling height for apartment and mixed use buildings</td>
</tr>
<tr>
<td>Habitable rooms</td>
</tr>
<tr>
<td>Non-habitable</td>
</tr>
<tr>
<td>These minimums do not preclude higher ceilings if desired</td>
</tr>
<tr>
<td>Ceiling height can accommodate use of ceiling fans for cooling and heat distribution</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4D Apartment size and layout</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</td>
</tr>
<tr>
<td>1. Apartments are required to have the following minimum internal areas:</td>
</tr>
<tr>
<td>Apartment type</td>
</tr>
<tr>
<td>Studio</td>
</tr>
<tr>
<td>1 bedroom</td>
</tr>
<tr>
<td>2 bedroom</td>
</tr>
<tr>
<td>3 bedroom</td>
</tr>
<tr>
<td>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each</td>
</tr>
<tr>
<td>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</td>
</tr>
<tr>
<td>Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space)</td>
</tr>
<tr>
<td>A window should be visible from any point in a habitable room</td>
</tr>
<tr>
<td>Where minimum areas or room dimensions are not met, apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. These circumstances would be assessed on their merits</td>
</tr>
<tr>
<td>Objective 4D-2 Environmental performance of the apartment is maximised</td>
</tr>
<tr>
<td>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height</td>
</tr>
<tr>
<td>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</td>
</tr>
</tbody>
</table>
**Cumberland Local Planning Panel Meeting**  
10 April 2019

---

### Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths

- ☐ ☑ ☒

### All living areas and bedrooms should be located on the external face of the building

- ☑ ☒ ☒
  - Complies

### Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</td>
<td>☐ ☑ ☒</td>
</tr>
<tr>
<td>All bedrooms meet the minimum size requirement</td>
<td></td>
</tr>
<tr>
<td>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</td>
<td>☐ ☑ ☒</td>
</tr>
<tr>
<td>All bedrooms comply</td>
<td></td>
</tr>
<tr>
<td>3. Living rooms or combined living/dining rooms have a minimum width of:</td>
<td>☐ ☑ ☒</td>
</tr>
<tr>
<td>• 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments</td>
<td></td>
</tr>
<tr>
<td>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</td>
<td>☐ ☑ ☒</td>
</tr>
<tr>
<td>Access to bedrooms, bathrooms and laundry is separated from living areas minimising direct openings between living and service areas</td>
<td>☐ ☑ ☒</td>
</tr>
<tr>
<td>All bedrooms allow a minimum length of 1.5m for robes</td>
<td>☐ ☑ ☒</td>
</tr>
<tr>
<td>The main bed of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.8m deep and 2.1m high</td>
<td>☐ ☑ ☒</td>
</tr>
</tbody>
</table>

---

### 4E Private open space and balconies

**Objective 4E-1** Apartments provide appropriately sized private open space and balconies to enhance residential amenity

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum area</th>
<th>Minimum depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>4m²</td>
<td>–</td>
</tr>
<tr>
<td>1 bedroom apartments</td>
<td>8m²</td>
<td>2m</td>
</tr>
<tr>
<td>2 bedroom apartments</td>
<td>10m²</td>
<td>2m</td>
</tr>
<tr>
<td>3+ bedroom apartments</td>
<td>12m²</td>
<td>2.4m</td>
</tr>
</tbody>
</table>

- ☐ ☑ ☒

### The minimum balcony depth to be counted as contributing to the balcony area is 1m

- ☐ ☑ ☒

### 2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 16m² and a minimum depth of 3m

- ☐ ☑ ☒

### Increased communal open space should be provided where the number or size of balconies are reduced

- ☐ ☑ ☒
  - More communal open space has been provided.

### Storage areas on balconies are additional to the minimum balcony size

- ☐ ☑ ☒

### Balcony use may be limited in some proposals by:
- consistently high wind speeds at 10 storeys and above
- close proximity to road, rail or other noise sources
- exposure to significant levels of aircraft noise
- heritage and adaptive reuse of existing buildings in these situations, juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both.
- Natural ventilation also needs to be demonstrated

- ☐ ☑ ☒

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**Objective 4E-2** Primary private open space and balconies are appropriately located to enhance liveability for residents

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Page 507
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Rating</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Private open spaces and balconies predominantly face north, east or west</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Objective 4E.3: Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Full width full height glass balustrades alone are generally not desirable.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Projecting balconies should be integrated into the building design and the design of soffits considered.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Operable screens, shutters, hoods and pergolas are used to control sunlight and wind.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Balustrades are set back from the building or balcony edge where overlooking or safety is an issue.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Downpipes and balcony drainage are integrated with the overall facade and building design.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Ceilings of apartments below terraces should be insulated to avoid heat loss.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Water and gas outlets should be provided for primary balconies and private open space.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Objective 4E.4: Private open space and balcony design maximises safety.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Changes in ground levels or landscaping are minimised.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Design and detailing of balconies avoids opportunities for climbing and falls.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Objective 4F: Common circulation and spaces.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Objective 4F.1: Common circulation spaces achieve good amenity and properly serve the number of apartments.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>1. The maximum number of apartments off a circulation core on a single level is eight.</td>
<td>☒ ☐ ☐</td>
<td>9 units off a single hallway but not more than 12.</td>
</tr>
<tr>
<td>2. For buildings of 10 stores and over, the maximum number of apartments sharing a single lift is 40.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Greater than minimum requirements for corridor widths and/or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors.</td>
<td>☒ ☐ ☐</td>
<td>Complies</td>
</tr>
<tr>
<td>Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include:</td>
<td>☒ ☐ ☐</td>
<td>4. A series of day areas with windows and spaces for seating. 5. Wider areas at apartment entry doors and varied ceiling heights.</td>
</tr>
</tbody>
</table>
### Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments

- X □ □ Complies

### Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including:
  - sunlight and natural cross ventilation in apartments
  - access to ample daylight and natural ventilation in common circulation spaces
  - common areas for seating and gathering
  - generous corridors with greater than minimum ceiling heights
  - other innovative design solutions that provide high levels of amenity

- X □ □ Complies

### Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level

- □ □ □ Not more than 12 proposed.

### Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.

- □ □ □ Complies

### Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents

### Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines

- X □ □ Complies

### Tight corners and spaces are avoided

- □ □ □ Complies

### Circulation spaces should be well lit at night

- □ □ □ Complies

### Legible signage should be provided for apartment numbers, common areas and general wayfinding

- □ □ □ Complies

### Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided

- □ □ □ Complies

### Where external galleries are provided, they are more open than closed above the balustrade along their length

- □ □ □ Complies

### 4G Storage

### Objective 4G-1 Adequate, well designed storage is provided in each apartment

1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Storage size volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio apartments</td>
<td>4m³</td>
</tr>
<tr>
<td>1 bedroom apartments</td>
<td>6m³</td>
</tr>
<tr>
<td>2 bedroom apartments</td>
<td>8m³</td>
</tr>
<tr>
<td>3+ bedroom apartments</td>
<td>10m³</td>
</tr>
</tbody>
</table>

- □ □ □ Storage provided in basement and in apartments

### At least 50% of the required storage is to be located within the apartment

- □ □ □ Complies

### Storage is accessible from either circulation or living areas

- □ □ □ Complies

### Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street

- □ □ □ Complies

### Left over space such as under stairs is used for storage

- □ □ □ Complies

### Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments

- □ □ □ Parking spaces will be allocated

- □ □ □ Provided in basement
<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>4H Acoustic privacy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses</td>
<td>☑ ☑ ☑</td>
<td>Complies</td>
</tr>
<tr>
<td>Window and door openings are generally orientated away from noise sources</td>
<td>☑ ☑ ☑</td>
<td>Complies</td>
</tr>
<tr>
<td>Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas</td>
<td>☑ ☑ ☑</td>
<td>Complies</td>
</tr>
<tr>
<td>Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources</td>
<td>☑ ☑ ☑</td>
<td>Complies</td>
</tr>
<tr>
<td>The number of party walls (walls shared with other apartments) are limited and are appropriately insulated</td>
<td>☑ ☑ ☑</td>
<td>Complies</td>
</tr>
<tr>
<td>Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms</td>
<td>☑ ☑ ☑</td>
<td>Complies</td>
</tr>
<tr>
<td>Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions</td>
<td>☑ ☑ ☑</td>
<td></td>
</tr>
<tr>
<td>• rooms with similar noise requirements are grouped together</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• doors separate different use zones</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• wardrobes in bedrooms are co-located to act as sound buffers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions</td>
<td>☑ ☑ ☑</td>
<td></td>
</tr>
<tr>
<td>• double or acoustic glazing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• acoustic seals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• use of materials with low noise penetration properties</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4J Noise and pollution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To minimise impacts the following design solutions may be used</td>
<td>☑ ☑ ☑</td>
<td>Complies</td>
</tr>
<tr>
<td>• physical separation between buildings and the noise or pollution source</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• residential uses are located perpendicular to the noise source and where possible buffered by other uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• buildings should respond to both solar access and noise. Where solar access is away from the noise source, nonhabitable rooms can provide a buffer</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
- Where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable (see Figure 4.1.4)
- Landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry

Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:
- Solar and daylight access
- Private open space and balconies
- Natural cross ventilation

Objective 4.1.2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission

Design solutions to mitigate noise include:
- Limiting the number and size of openings facing noise sources
- Providing seals to prevent noise transfer through gaps
- Using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)
- Using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits

<table>
<thead>
<tr>
<th>4K Apartment Mix</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective 4.1.1 A range of apartment types and sizes is provided to cater for different household types now and into the future. A variety of apartment types is provided.</td>
</tr>
<tr>
<td>The apartment mix is appropriate, taking into consideration: • the distance to public transport, employment and education centres • the current market demands and projected future demographic trends • the demand for social and affordable housing • different cultural and socioeconomic groups</td>
</tr>
<tr>
<td>Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households</td>
</tr>
</tbody>
</table>

Objective 4.2.2 The apartment mix is distributed to suitable locations within the building:
- Different apartment types are located to achieve successful facade composition and to optimise solar access (see Figure 4K.3) | ☒ ☐ ☐ Complies |
- Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available | ☒ ☐ ☐ Complies |

4L Ground floor apartments

Objective 4L.1 Street frontage activity is maximised where ground floor apartments are located.
- Direct street access should be provided to ground floor apartments | ☐ ☐ ☒ It is only convenient for one unit to have street access which is G01. This unit is proposed to have separate access. |
- Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include: • both street, foyer and other common internal circulation entrances to ground floor apartments • private open space is next to the street • doors and windows face the street | ☐ ☐ ☒ Complies |
- Retail or home office spaces should be located along street frontages | ☐ ☐ ☐ |
<table>
<thead>
<tr>
<th><strong>Objective 4L-2</strong> Design of ground floor apartments delivers amenity and safety for residents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include:</td>
</tr>
<tr>
<td>• elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4)</td>
</tr>
<tr>
<td>• landscaping and private courtyards</td>
</tr>
<tr>
<td>• window sill heights that minimise sight lines into apartments</td>
</tr>
<tr>
<td>• integrating balustrades, safety bars or screens with the exterior design</td>
</tr>
<tr>
<td>Solar access should be maximised through:</td>
</tr>
<tr>
<td>• high ceilings and tall windows</td>
</tr>
<tr>
<td>• trees and shrubs that allow solar access in winter and shade in summer</td>
</tr>
</tbody>
</table>

**4M Facades**

<table>
<thead>
<tr>
<th><strong>Objective 4M-1</strong> Building facades provide visual interest along the street while respecting the character of the local area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design solutions for front building facades may include:</td>
</tr>
<tr>
<td>• a composition of varied building elements</td>
</tr>
<tr>
<td>• a defined base, middle and top of buildings</td>
</tr>
<tr>
<td>• revealing and concealing certain elements</td>
</tr>
<tr>
<td>• changes in texture, material, detail and colour to modify the prominence of elements</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Building services should be integrated within the overall facade</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale.</strong></td>
</tr>
<tr>
<td>Design solutions may include:</td>
</tr>
<tr>
<td>• well composed horizontal and vertical elements</td>
</tr>
<tr>
<td>• variation in floor heights to enhance the human scale</td>
</tr>
<tr>
<td>• elements that are proportional and arranged in patterns</td>
</tr>
<tr>
<td>• public artwork or treatments to exterior blank walls</td>
</tr>
<tr>
<td>• grouping of floors or elements such as balconies and windows on taller buildings</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Shadow is cast on the facade throughout the day with building articulation, balconies and deeper window reveals</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Objective 4M-2</strong> Building functions are expressed by the facade</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building entries should be clearly defined</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The apartment layout should be expressed externally through facade features such as party walls and floor slabs</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>4N Roof design</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objective 4N-1</strong> Roof treatments are integrated into the building design and positively respond to the street</td>
</tr>
<tr>
<td>Roof design relates to the street. Design solutions may include:</td>
</tr>
<tr>
<td>• special roof features and strong corners</td>
</tr>
<tr>
<td>• use of skillion or very low pitch hipped roofs</td>
</tr>
<tr>
<td>• breaking down the massing of the roof by using smaller elements to avoid bulk</td>
</tr>
<tr>
<td>• using materials or a pitched form complementary to adjacent buildings</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Roof treatments should be integrated with the building design.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Design solutions may include:</strong></td>
</tr>
</tbody>
</table>
**Cumberland Local Planning Panel Meeting**  
**10 April 2019**

### Roof Design
- Roof design proportionate to the overall building size, scale and form
- Roof materials compliment the building
- Service elements are integrated

**Objective 4N-3: Roof design incorporates sustainability features**
- Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include:
  - the roof lifts to the north
  - eaves and overhangs shade walls and windows from summer sun
- Skylights and ventilation systems should be integrated into the roof design

### Landscape Design
- Landscape design is viable and sustainable

**Objective 4O-1: Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating:**
  - diverse and appropriate planting
  - bio-filtration gardens
  - appropriately planted shade trees
  - areas for residents to plant vegetables and herbs
  - composting
  - green roofs or walls

**Landscape was found to be satisfactory by Council Landscape Architect**

**Objective 4O-2: Landscape design contributes to the streetscape and amenity**
- Landscape design responds to the existing site conditions including:
  - changes of levels
  - views
  - significant landscape features including trees and rock outcrops

**Significant landscape features should be protected by:**
- tree protection zones (see figure 4O.5)
- appropriate signage and fencing during construction

**Plants selected should be endemic to the region and reflect the local ecology**

### Waste Management
- Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents

**Objective 4W-1: Waste storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park**

**Objective 4W-2: Waste and recycling storage areas should be well ventilated**

**Objective 4W-3: Circulation design allows bins to be easily manoeuvred between storage and collection points**

**Objective 4W-4: Temporary storage should be provided for large bulk items such as mattresses**

**Objective 4W-5: A waste management plan should be prepared**

**Objective 4W-6: Domestic waste is minimised by providing safe and convenient source separation and recycling**
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days worth of waste and recycling.</td>
<td>✔️ ✔️ ✔️</td>
</tr>
<tr>
<td>Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core.</td>
<td>✔️ ✔️ ✔️</td>
</tr>
</tbody>
</table>
## Auburn Development Control Plan, 2010:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.1 Site area</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>D1 A residential flat building development shall have a minimum site area of 1000m² and a street frontage of 20m in the B4 Zone or 26m in the R4 Zone.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>The development site has a combined area of 2,787sqm and a frontage of 45.72m meeting full compliance with this control.</td>
</tr>
<tr>
<td>D2 Where lots are deep and have narrow street frontages the capacity for maximising residential development is limited. Two or more sites may need to be amalgamated to provide a combined site with sufficient width for good building design.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td><strong>2.2 Site coverage</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>D1 The built upon area shall not exceed 50% of the total site area.</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>The proposal has a site coverage of 64%. This variation is considered minor as the proposal introduces suitably landscaped areas, private terraces and a consolidated communal open space area within the non-built upon areas.</td>
</tr>
<tr>
<td>D2 The non-built upon area shall be landscaped and consolidated into one communal open space and a series of courtyards.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td><strong>2.4.1 Front setback</strong></td>
<td></td>
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</tr>
<tr>
<td>D5 All building facades shall be articulated by bay windows, verandahs, balconies and/or blade walls. Such articulation elements may be forward of the required building line up to 1m.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>The proposed development complies with this requirement.</td>
</tr>
<tr>
<td><strong>2.4.3 Rear setback</strong></td>
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<td></td>
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</tr>
<tr>
<td>D1 Rear setbacks shall be a minimum of 10m.</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>A 9m rear setback has been proposed. This complies with the requirements of the ADG.</td>
</tr>
<tr>
<td><strong>2.9.4 Balustrades and balconies</strong></td>
<td></td>
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</tr>
<tr>
<td>D2 Opaque glazing and/or masonry for balustrading and balconies is encouraged.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>Complies</td>
</tr>
<tr>
<td>D3 Clear glazing for balustrading and balconies is prohibited.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>Complies</td>
</tr>
<tr>
<td><strong>3.1 Deep soil zone</strong></td>
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</tr>
<tr>
<td>D1 A minimum of 30% of the site area shall be a deep soil zone.</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>The site has a deep soil zone of 29%, the majority of it being at the rear and north side of the site.</td>
</tr>
<tr>
<td>D2 The majority of the deep soil zone shall be provided as a consolidated area at the rear of the building.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>D3 Deep soil zones shall have minimum dimensions of 5m.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
</tbody>
</table>
### Cumberland Local Planning Panel/ Sydney Central City Planning Panel

<table>
<thead>
<tr>
<th>Requirement</th>
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<th>N/A</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>D4</strong> Deep soil zones shall not include any impenetrable (hard) surfaces such as paving or concrete.</td>
<td>✗</td>
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<tr>
<td><strong>3.6 Communal open space</strong></td>
<td></td>
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<td></td>
<td><strong>D1</strong> Communal open space shall be usable, have a northern aspect, and contain a reasonable proportion of unbuilt upon (landscaped) area and paved recreation area.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>D2</strong> The communal open space area shall have minimum dimensions of 10m.</td>
</tr>
<tr>
<td><strong>Car parking</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>1 space per 1 bedroom/studio</strong></td>
</tr>
</tbody>
</table>

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Cumberland Local Planning Panel Agenda / Sydney Central City Planning Panel