An Extraordinary Meeting of Cumberland Local Planning Panel will be held at 11:30am at the Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Tuesday, 16 April 2019.

Business as below:

Yours faithfully

Hamish McNulty
General Manager

ORDER OF BUSINESS

1. Receipt of Apologies
2. Declaration of Interest
3. Address by invited speakers
4. Reports
   - Development Applications
   - Planning Proposals
5. Closed Session Reports
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<td>ELPP022/19</td>
<td>Planning Proposal Request for 2-22 William Street, Granville</td>
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## DEVELOPMENT APPLICATION 5-7 BRANGROVE STREET AND 1-3 IRWIN PLACE, WENTWORTHVILLE

**Responsible Division:** Environment & Planning  
**Officer:** Manager Development Assessment  
**File Number:** DA 2018/123/1

<table>
<thead>
<tr>
<th>Item No</th>
<th>Application lodged</th>
<th>Applicant</th>
<th>Owner</th>
<th>Application No.</th>
<th>Description of Land</th>
<th>Proposed Development</th>
<th>Site Area</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELPP020/19</td>
<td>13 April 2018</td>
<td>Zhinar Architects</td>
<td>Wehbe Management Services Pty Ltd</td>
<td>2018/123/1</td>
<td>5-7 Brangrove Street &amp; 1-3 Irwin Place, Wentworthville</td>
<td>Demolition of existing structures, consolidation of 4 lots into 1 lot, construction of a 5 storey residential flat building over basement parking accommodating 48 units and 47 parking spaces under Affordable Rental Housing SEPP 2009</td>
<td>2,395m²</td>
<td>R4 High Density Residential</td>
</tr>
</tbody>
</table>

### Principal Development Standards

**Floor Space Ratio:**
- Max. 1.2:1 for 5 Brangrove Street  
  - Represents a maximum GFA of 675.36m²
- Max. 1.5:1 for 7 Brangrove Street & 1-3 Irwin Place  
  - Represents a maximum GFA of 2,748.3m²
- + ARH 26.55% Bonus (represents GFA of 635.87m²)

Represents a total GFA of 4,050.75m² or FSR of 1.69:1

**Height of Buildings:**
- Max. 15m across the entire subject site  
  - Proposed Max. 15.85m (5.6% variation sought)  
  - Clause 4.6 Written Variation Request submitted for the departure sought to building height

### Disclosure of political donations and gifts
Nil disclosure

### Heritage
The subject site does not contain a heritage item, located within the vicinity of the heritage item or heritage conservation area.

### Issues
- Variation to maximum 15m building height (HLEP 2013)
- Communal Open Space (ADG)
SUMMARY:

On 13 April 2018, development application (DA2018/123) for the demolition of existing structure, consolidation of 4 lots into 1 lot, construction of a 5 storey residential flat building over basement parking accommodating 48 units and 47 parking spaces under Affordable Rental Housing SEPP 2009 was lodged with Council.

The application was publicly notified to adjoining and opposite owners, a notice was placed in the local press and a notice placed on the site for 21 days from 2 May 2018 to 23 May 2018. In response, the application received no submissions.

The application was deferred on 1 May 2018 requesting additional information relating to site isolation and a revised QS Report. Additional information confirmed that reasonable and genuine attempts have been made to purchase the isolated property being No. 5 Irwin Place, and that the CIV of the affordable component of the proposal did not exceed $5 million to require determination by Sydney West Central Planning Panel.

The application was deferred on 18 October 2018 to address FSR, concept plans for isolated site, communal open space, natural ventilation, internal apartment layouts, private open space, common circulation core, and stormwater and waste management matters. Amended plans and supporting statements provided additional affordable units, and incorporated modifications to address matters raised. Amended plans did not warrant re-notification of the proposal.

The subject application has been assessed against the relevant provisions of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65), State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH), Holroyd Local Environmental Plan 2013 (HLEP), Apartment Design Guide and Holroyd Development Control Plan 2013 (HDCP).

The proposal seeks the following non-compliances which are considered supportable as discussed in detail elsewhere in the report:

<table>
<thead>
<tr>
<th>Control</th>
<th>Required</th>
<th>Proposed</th>
<th>% Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Height</td>
<td>i) Max. 15m (HLEP 2013)</td>
<td>Max. 15.72m to the roof of the building Max. 15.85m to top of lift core</td>
<td>4.8% - 5.6%</td>
</tr>
<tr>
<td>Communal Open Space</td>
<td>598.75m² (25%)</td>
<td>427.4m² (17.8%)</td>
<td>28.6%</td>
</tr>
<tr>
<td>Maximum Building Storey Limit</td>
<td>4 Storeys</td>
<td>5 Storeys</td>
<td>20%</td>
</tr>
</tbody>
</table>
The application is being reported to the Cumberland Local Planning Panel (CLPP) for determination as it is a development with more than 4 storeys to which the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Developments applies.

The application is recommended for approval subject to the conditions in the draft determination at Attachment 5.

**REPORT:**

**Subject Site And Surrounding Area**

The subject site is known as 5-7 Bransgrove Street & 1-3 Irwin Place, Wentworthville; and is legally described as Lots 9 & 10 in DP239558 and Lots 7 & 8 in DP239558. The site has an area of 2,395m² and frontage of 45.52m to Irwin Place and 50.29m to Bransgrove Street. The property is currently occupied by detached dwelling houses, ancillary structures and vegetation.

The site is located within the Finlayson Transitway Station Precinct, located approximately 150m north of Great Western Highway.

The subject site and neighbouring allotments directly to the north and east are zoned R4 – High Density Residential. Properties located on the southern side of Irwin Place are zoned R2 – Low Density Residential. To the west of the site is Irwin Place Park.

The existing developments surrounding the subject site are mostly detached dwellings, noting that a residential flat building has been approved at 1-3 Bransgrove Street (DA2016/79). However, the locality is transitioning to higher density development consistent with the planning controls that currently apply, and evident with the recently constructed development in the area.

Figure 1 - Aerial view of the locality with subject site shown highlighted in red.
Source: NearMap 29 December 2018
Figure 2 – Zoning map with subject site shown hatched. Source: Cumberland Council 2018

Figure 3 – Left: No. 7 Bransgrove Street; Right: No. 5 Bransgrove Street. Source: Cumberland Council 2018
Figure 4 – No. 3 Irwin Place. Source: Cumberland Council 2018

Figure 5 – No. 1 Irwin Place (corner of Irwin Place & Bransgrove Street). Source: Cumberland Council 2018
Description of The Proposed Development

DA 2018/123 seeks consent for Demolition of existing structures, consolidation of 4 lots into 1 lot, construction of a 5 storey residential flat building over basement parking accommodating 48 units and 47 parking spaces under Affordable Rental Housing SEPP 2009.

Key features of the development proposal are as follows:

<table>
<thead>
<tr>
<th>Level</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basement</td>
<td>47 residential car spaces (including 8 accessible parking spaces)</td>
</tr>
<tr>
<td></td>
<td>1 car wash bay</td>
</tr>
<tr>
<td></td>
<td>29 bicycle spaces</td>
</tr>
<tr>
<td></td>
<td>Garbage room and bulky waste storage, plant room, lift and fire stairs</td>
</tr>
<tr>
<td>Ground level</td>
<td>10 residential units</td>
</tr>
<tr>
<td></td>
<td>Communal Open Space with BBQ and seating areas, and playground</td>
</tr>
<tr>
<td>Level 1</td>
<td>10 residential units</td>
</tr>
<tr>
<td>Level 2</td>
<td>10 residential units</td>
</tr>
<tr>
<td>Level 3</td>
<td>10 residential units</td>
</tr>
<tr>
<td>Level 4</td>
<td>8 residential units</td>
</tr>
</tbody>
</table>

The dwelling mix of the proposal is as follows:

- 7 x 1-bedroom units (15%)
- 36 x 2-bedroom units (75%)
- 5 x 3-bedroom units (10%)

Figure 6 – Perspective of proposed development – Bransgrove Street frontage
History

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 April 2018</td>
<td>The subject development application was lodged with Council.</td>
</tr>
<tr>
<td>23 April 2018</td>
<td>The application was referred to the following internal and external sections:</td>
</tr>
<tr>
<td></td>
<td>- Development Engineering</td>
</tr>
<tr>
<td></td>
<td>- Traffic Engineering</td>
</tr>
<tr>
<td></td>
<td>- Landscape and Tree Management</td>
</tr>
<tr>
<td></td>
<td>- Environmental Health</td>
</tr>
<tr>
<td></td>
<td>- Waste Management</td>
</tr>
<tr>
<td></td>
<td>- Cumberland Police Area Command</td>
</tr>
<tr>
<td></td>
<td>- Transgrid</td>
</tr>
<tr>
<td></td>
<td>- Endeavour Energy</td>
</tr>
<tr>
<td>2 May 2018 to 23</td>
<td>Application placed on public notification. In response, no submissions were received.</td>
</tr>
<tr>
<td>May 2018</td>
<td></td>
</tr>
<tr>
<td>1 May 2018</td>
<td>Application deferred requesting additional information relating to site isolation and a revised QS Report.</td>
</tr>
<tr>
<td>7 May 2018</td>
<td>Additional information submitted and re-referred for review.</td>
</tr>
<tr>
<td>18 October 2018</td>
<td>Application deferred to address FSR, concept plans for isolated site, communal open space, natural ventilation, internal apartment layouts, private open space, common circulation core, stormwater and waste management matters.</td>
</tr>
<tr>
<td>9 November 2018</td>
<td>Additional information submitted for review.</td>
</tr>
<tr>
<td>16 April 2019</td>
<td>Application referred to CLPP for determination.</td>
</tr>
</tbody>
</table>

Applicant's Supporting Statement

A Statement of Environmental Effects prepared by Think Planners dated 10 April 2018 was submitted with the application.

A written request to vary the building height standard, prepared in accordance with Clause 4.6 of HLEP 2013 by Think Planners, dated 10 April 2018, in support of the application.

Contact With Relevant Parties

The assessing officer has undertaken an inspection of the subject site and has been in 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 development is supportable in regards to overland flood mitigation measure, and on-site detention provision, subject to conditions.
Tree Management Officer

The development application was referred to Council’s Tree Management Officer for comment who has advised that the development is supportable in regards to protection of existing trees on the adjoining properties, subject to conditions.

Traffic Engineer

The development application was referred to Council’s Traffic Engineer for comment who has advised that the development is supportable in regards to traffic management, and on-site parking provision in the basement level, subject to conditions.

Environmental Health Officer

The development application was referred to Council’s Environmental Health Officer for comment who has advised that the development is supportable in regards to acoustic assessment and measures, and site contamination, subject to conditions.

Waste Management Officer

The development application was referred to Council’s Waste Management Officer for comment who has advised that the development is supportable in regards to provision of bin tug, bin storage room, and waste collection and management plan, subject to conditions.

External Referrals

Transgrid

The development application was referred to Transgrid for comment pursuant to Clause 45 of State Environmental Planning Policy (Infrastructure) 2007 for comment, who advised that the development is supportable, and no conditions are recommended to be imposed.

Endeavour Energy

The development application was referred to Endeavour Energy for comment pursuant to Clause 45 of State Environmental Planning Policy (Infrastructure) 2007 for comment, who advised that the development is supportable, subject to conditions.

Cumberland Police Local Area Command

The development application was referred to Cumberland Police Local Area Command for comment in order to facilitate the incorporation of Crime Prevention through Environmental Design (CPTED) principles into the proposal. The proposal is considered supportable, subject to conditions.
**Planning Comments**

**Section 4.15 of the Environmental Planning and Assessment Act 1979**

*State Environmental Planning Policies*

The following Environmental Planning Instruments are relevant to the assessment of the subject application:

(a) *State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)*

The proposal falls under Part 2 New affordable rental housing – Division 1 In-fill affordable housing.

13 *Floor space ratios*

(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.

Max. FSR permitted (HLEP 2013)

Max. 1.2:1 for 5 Brangrove Street

- Represents a maximum GFA of 675.36m²

Max. 1.5:1 for 7 Brangrove Street & 1-3 Irwin Place

- Represents a maximum GFA of 2,748.3m²

+ ARH 25.23% Bonus (represents GFA of 604.26m²)

Max. GFA permitted:

= 4,026.24m² (1.681:1)

Provided GFA = 4,050.75m²

FSR = 1.691:1

Represents exceedance of 22.83m²

The proposal is compliant subject to the imposition of condition nominating Unit 3 (53.51m²) as an additional affordable unit, which is greater in size to the GFA exceedance sought. The total GFA of affordable units with the addition of Unit 3 is 1,075.81m².

A comprehensive assessment against ARH SEPP is attached to this report – Attachment 1.

It should be noted that the proposal fully complies with the key planning controls contained within the ARH SEPP including site area, landscaped area, parking, accommodation size and prescribed standards for in-fill affordable housing.
16A Character of local area

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 compatible with the character of the local area. The SEPP (ARH) does not contain any guidance for assessing whether a proposal is compatible with the character of the local area. However, a planning principle for assessing compatibility in the urban environment was established by Senior Commissioner Roseth of the Land and Environment Court in the judgement for Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191. This involves asking the following two questions:

- Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposal’s appearance in harmony with the buildings around it and the character of the street?

A merit assessment of the character of the local area should consider the following 3 steps:

- Step 1 – Identify the ‘local area’.
- Step 2 – Determine the character of the ‘local area’.
- Step 3 – Determine whether the design of the proposed development is compatible with the character of the ‘local area’.

An assessment against each step is provided below:

Step 1 – Identify the local area.

This assessment identifies the local area as primarily the visual catchment of the site (hatched in red) as viewed from within the site and directly adjacent to the site on the street which is defined by the yellow line in Figure 7, and white line in Figure 8 below:
The local area

Figure 7 – Local Area catchment as identified on Aerial Map 2016

Figure 8 – Local Area catchment as identified on Zoning Map
Step 2 – Determine the character (present and future) of the local area.

The zoning of the broader locality and immediate area comprises R4 High Density Residential, R2 Low Density Residential, RE1 Public Recreation and B2 under the Holroyd Local Environmental Plan (HLEP) 2013.

Present Character of the area

The character of the local area comprises the visual catchment of regular shaped allotments viewed from and surrounding the subject site, which includes:

1. Existing recently constructed 4 storey residential flat buildings located both corners of Bransgrove Street and Essington Street (71-73 Essington St & 78-80 Essington St);
2. Detached dwelling houses and attached dual occupancy development located on the southern side of Irwin Place;
3. Irwin Place Park located at the bulb of Irwin Place;
4. Detached dwelling houses located on both corners of Bransgrove Street and Fullagar Road (1-3 Bransgrove St, 4 Bransgrove St & 54-56 Fullagar Rd);
5. Existing, recently completed, and under construction 4 storey residential flat buildings located on both sides of Essington Street;
6. Mixed use 4 storey building at 15 Bransgrove Street (corner Great Western Highway);
7. Existing 6 storey residential flat building at 296-300 Great Western Highway (corner Bransgrove St);
8. Existing 5 storey residential flat building at 296-298 Great Western Highway;
9. Residential flat buildings (5 storey) currently under construction at 288A-290 Great Western Highway and 280-282 Great Western Highway.
Future Character of the area

The locality is in transition particularly to support the increasing demand of affordable housing within the close proximity of public transport hub and major commercial centre. The transition issue is clear with regard to FSR, height and setbacks for the proposed development. It is considered that the height, bulk and scale of the proposed development is similar to the recently completed and newer residential flat buildings being constructed and would not be inconsistent with the desired future character of the locality.

The proposed development may pose some impacts on the residential amenity currently enjoyed by the occupants of the properties located on the southern side of Irwin Place and 1-3 Bransgrove Street. However, these impacts are not unreasonable and are consistent with impacts that would result from the form of development envisaged under the planning controls noting the varying zoning of properties located on the northern and southern side of Irwin Place. Appropriate privacy measures are proposed for the northern elevation and western elevation of the proposed development to minimise any adverse impacts to the approved
residential flat building at 1-3 Bransgrove Street and future development of 5 Irwin Place.

In this regard, the area is undergoing transition with considerable development that will change the existing character of the area. The proposed development is consistent with the form of development and the desired future character envisaged under these planning controls.

**Step 3 - Determine if the development is compatible with the character of the local area.**

In accordance with the Land and Environment Court’s ‘Planning Principle’ and case law compatibility is best defined as ‘capable of existing together in harmony’. In order to test compatibility two questions are to be considered. These questions, as well as a response to each, are provided below:

- Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

The height, FSR and landscaping of the proposed development are designed to maintain the harmony within the streetscape, whilst contributing to the site context and constraint. The height of building facing both Bransgrove Street and Irwin Place breach the 15m height limit requirement for part of the roof and the lift core. The proposal being a permissible land use, meets the FSR requirement (in accordance with ARH SEPP, subject to the imposition of conditions) and contributes to the provision of affordable housing within the close proximity of public transport hub and major commercial centre. Appropriate setbacks and privacy treatments are provided to minimise any adverse impacts to the adjoining properties. The fifth storey does not comply with maximum number of storeys as prescribed in Part N of HDCP 2013, however, the proposed development is located on a corner allotment and is appropriately articulated to complement the existing and changing streetscape within the local area. Also being on a corner allotment and of a north-south orientation, overshadowing is acceptable and consistent with that envisaged under the planning controls.

- Is the proposal’s appearance in harmony with the buildings around it and the character of the street?

To be compatible, a development should contain, or at least respond to the key aesthetic elements that make up the character of the surrounding area. The size of the basement maximises landscaping and deep soil zones on site. The front setbacks are generous and consistent with the existing streetscape. The proposal is considered to maintain an appropriate residential character which is consistent with the streetscape. As indicated, the local area has an established high density residential built form, as such, the proposed development is not considered to be inconsistent with the existing streetscape character of the immediate area surrounding the subject site.
In conclusion, the proposal will maintain the harmony within the general streetscape, and suitably fits in the local character of the locality.

(b) State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)

The proposal is classified as a residential apartment development and SEPP 65 applies. A design verification statement signed by registered architect Ian Conry was submitted with the application. A comprehensive assessment against the Apartment Design Guide (ADG) controls is provided at Attachment 2.
The following table sets out the ADG non-compliances.

<table>
<thead>
<tr>
<th>3D-1</th>
<th>Communal and Public Open Space</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td></td>
<td><strong>Design Criteria</strong></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Communal open space has a minimum area equal to 25% of the site.</td>
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<tr>
<td></td>
<td><strong>Required:</strong> 25% x 2,395m² = 598.75m²</td>
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<tr>
<td></td>
<td><strong>Officer’s Calculations:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>427.4m² (17.8%)</td>
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<td></td>
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<tr>
<td></td>
<td>COS along western boundary = boundary = 382.5m²</td>
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<td></td>
<td></td>
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<tr>
<td></td>
<td>COS at Bransgrove St front entry = 44.9m²</td>
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<tr>
<td></td>
<td>Deficiency of 171.35m²</td>
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<tr>
<td></td>
<td>Non-compliance considered acceptable in this instance – Refer to further discussion below.</td>
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</tr>
<tr>
<td></td>
<td><strong>Applicant’s Calculations:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>As outlined in the Applicant’s covering letter dated 8 November 2018 and GFA &amp; COS Calculations Plan (Drawing No. SP-01, Issue A), the proposal is identified to provide two distinct COS area required as follows:</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>- Ground floor COS along western boundary = 383.3m²; and</td>
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<tr>
<td></td>
<td>- 215.62m² of COS that is predominantly located in the landscaped front setback zone of Bransgrove St.</td>
<td></td>
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<tr>
<td></td>
<td>Based on the above, a total of 598.92m² (25%) of COS is provided, which demonstrates compliance with the minimum COS required.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td><strong>Officer’s Calculations:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The discrepancies in calculations result from exclusion of the following areas:</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>- Landscaped front setback zone of Bransgrove St forward of the courtyards of Units 1, 2 and the landscaped area forward of the nominated COS adjacent to the Bransgrove St entry; and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Planter boxes and walkway leading to the building entry adjacent to the courtyards of Units 1 and 10.</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>The landscaped area fronting Bransgrove St is excluded from calculations as it is considered to be perimeter landscaping and not useable COS.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>The planter boxes and walkway leading to the building entry adjacent to the courtyards of Units 1 and 10 are considered to be a circulation space and are excluded from COS calculations.</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>In this regard, based on the above, the total COS provided by the proposal is</td>
<td></td>
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</tbody>
</table>
calculated to be a total of 427.4m², which represents 17.8% of the subject site, and a deficiency of 171.35m².

The Design Guidance of Section 3D Communal and Public Open Space within the ADG outlines that 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:

- **Provide communal spaces elsewhere such as a landscaped roof top 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**.

The subject site is identified as a dense urban area as defined by the ADG, however given the subject site is separated to Irwin Place Park by only one property, the provided COS by the proposal is supported in this instance. Although the proposal is deficient in the overall required COS, the COS which is provided on the ground floor accommodates for passive and active recreation for future residents and visitors. COS areas provided are easily accessible, include a playground, BBQ area, seating, weather protection and appropriately landscaped. Having regard to the facilities of the provided COS and resident’s close access to public open space, the non-compliance to the minimum COS required is considered acceptable, in the context of the proposal and site, in this instance.

### Visual Privacy

<table>
<thead>
<tr>
<th>3F-1</th>
<th>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>☒</td>
</tr>
</tbody>
</table>

### Design Criteria

**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

**Level 4 (5th storey) – 10.22m to edge of balcony**

Requires a min. 12m setback to the boundary measured from the outer face of the balcony.

**Conditions imposed requiring a fixed 1.5m** (measured from the FFL of the balcony) privacy screen to be installed along the western outer edge of the planter box to
separations depending on the type of room.

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.

| ensure that privacy is maintained between properties and residential amenity provided for future occupants. |
| Satisfactory subject to imposition of conditions. |

(c) **State Environmental Planning Policy (Infrastructure) 2007**

*Clause 45 – Development likely to affect an electricity transmission or distribution network*

The development application was referred to Endeavour Energy for comment, who raised no objections, subject to recommendations.

*Clause 102 – Impact of road noise or vibration on non-road development*

The subject site is located approximately 100m from Great Western Highway. The proposal is for the purposes of residential accommodation. In accordance with Clause 102, an Acoustic Report was submitted with the application. Council’s Environmental Health Officer has reviewed the Acoustic Report and advises that the proposal is satisfactory subject to the imposition of conditions requiring appropriate measures to be implemented to ensure noise levels to bedrooms and living areas are acceptable.

(d) **State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)**

The requirement at Clause 7 of SEPP No. 55 for Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development has been considered in the following table:

<table>
<thead>
<tr>
<th>Matters for consideration</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the application involve re-development of the site or a change of land use?</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Is the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?</td>
<td>☒</td>
<td>☐</td>
<td>☐</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>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

- 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,
### Matters for consideration

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>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></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the site listed on Council's Contaminated Land Database?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the site subject to EPA clean-up order or other EPA restrictions?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has the site been the subject of known pollution incidents or illegal dumping?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the site adjoin any contaminated land/previously contaminated land?</td>
<td></td>
<td></td>
<td></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>❌</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Details of contamination investigations carried out at the site:

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. In this regard, an environmental site assessment is not required for the proposal.

Council’s Environmental Health Officer has also reviewed the proposal, and considers the proposed development to be satisfactory subject to the imposition of conditions requiring works to stop should any unexpected finds be found during demolition or construction works.

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

BASIX certificate 906088M dated 5 April 2018 was submitted with the amended plans. The certificate achieves target scores and is consistent with the architectural plans.

Regional Environmental Plans (Deemed State Environmental Planning Policies)

(f) **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

(g) Holroyd Local Environmental Plan 2013 (HLEP 2013)

The proposal is defined as a ‘residential flat building’ (building containing 3 or more dwellings, does not include an attached dwelling or multi dwelling housing) under the provisions of HLEP 2013. Residential flat building is permitted with consent in the R4 – High Density Residential zone which applies to the land.

The proposal seeks a variation to Clause 4.3 – Height of Buildings that stipulates that the height of building is not to exceed 15m on the subject site.

The proposed building has an overall height of 15.72m (RL) to the roof of the building, 15.85 m (RL) to the top of the lift core. The proposal breaches the height by 0.72m to the roof of the building, and 0.85m to the lift core representing variations of 4.8% and 5.6% respectively. The majority of the height breach is associated with the roof of the building and the top of the lift core.

Figure 11 – Section Plan showing extent of height variation sought

Clause 4.6 – Variation to Building Height

Clause 4.6 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. The consent authority may grant the exception as the Secretary’s concurrence can be assumed where clause 4.6 is adopted as per the Department of Planning Circular PS 18-003, dated 21 February 2018.
The applicant has submitted a written request to vary the development standard for building height – Refer to Attachment 8.

Based on various case laws established by the Land and Environment Court of NSW such as Four2five P/L v Ashfield Council [2015] NSWLEC 9, Randwick City Council v Micaul Holdings P/L [2016] NSW LEC7 and Zhang and anor v Council of the City of Ryde [2016] NSWLEC 1179, a 3 part assessment framework for a variation request proposed under clause 4.6 has been considered and an assessment of the proposed variance, following the 3 part test is discussed in detail below.

The 3 preconditions which must be satisfied before the application can proceed are as follows:

1. Is the proposed development consistent with the objectives of the zone?

Applicant’s justification:

The proposal ensures that the high density nature of the zone is retained and there is not a significant change to the character of the locality. In addition, the proposal complements and enhances the local streetscape by virtue of the careful siting of the development.

Planner’s Comment:

Whilst residential flat buildings are a permitted land use, the locality is undergoing a transition particularly to support the increasing demand of affordable housing within the close proximity of public transport hub and major commercial centre. The proposed development is considered to be consistent with the objectives of the R4 high Density Residential zone.

2. Is the proposed development consistent with the objectives of the development standard which is not met?

Applicant’s justification:

The current development proposal seeks to depart from the height control for small portions of the upper storey of the building and the top of liftcore. Despite this, the proposal remaining consistent with the objectives of the clause and is a more appropriate outcome on the site because of the following:

- The overall height of the development presents as a compatible form of development with only a small component of the upper level of the building and top of the lift core exceeding the height limit. This upper level of the building is recessed in so that the top of the building will be less visually prominent when viewed from the street level and the height protrusion will not be visible from the adjoining properties which aligns with the intent of the planning controls contained within Holroyd LEP 2013.

- The subject site is affected by the 1% AEP meaning that minimum floor levels for both non habitable and habitable rooms are set as a minimum above the flood level. This results in the building being pushed higher than it would
otherwise, meaning the overall building height is pushed slightly above the maximum permitted under the LEP. Ensuring the flood levels are complied with protects the safety of residents from future flooding events.

- If the additional floorspace permitted under the LEP was to be provided at ground level then minimum setbacks to adjoining properties may not be able to be achieved and the resulting impact on adjoining properties would be greater. Providing more floorspace at ground level is far more undesirable than providing a modest recessed upper level of the building. The potential impact on flooding levels may also be exacerbated if additional built form were to be provided at ground level, this would also be a less desirable outcome than providing a small component of the building on the fifth level which is significantly recessed in from the lower levels to ensure the impact of the development is minimised.

- The portion of the building that exceeds the height control is not intended to gain additional floorspace as the application demonstrates, the proposal is compliant with the maximum floorspace ratio of 1.73:1. The additional building height is merely a response to the site's flooding constraints in that the building needed to be lifted to provide a floor level compliant with the Council's flooding controls.

- It is also noted that the proposal will not obstruct existing view corridors as compared to a compliant built form.

- The fifth storey of the building is recessed from the front setback 8m and more than 9m from both side setbacks. This enables there to be a fifth level or useable floorspace as permitted by the maximum floorspace ratio under the LEP while at the same time minimising the visual impact of this level of the building. The upper level will be barely detectable from the street level ensuring the development has no negative impact on this residential streetscape.

- The extent of variation does not contribute to any increase in overshadowing (hence the extent of impact is as per the impact generated by the permitted building envelope).

- The minor non-compliance to the height control has no unacceptable impact on the setting of any items of environmental heritage or view corridors.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the minor departure from the control.

Planner's comment:

The objectives of the building height standard are to enable appropriate development density to be achieved and to ensure that the height of the building is compatible with the character of the locality as outlined above. The proposal is compliant (subject to conditions) with the maximum inclusive of the bonus provision under the ARH SEPP.
The increased height does not achieve any additional level for residential use, and comprises portions of Level 4 ceiling, the roof of the building and the top of the lift core.

The subject site is also identified to be impacted by the 1% AEP storm event, and as such the proposal is required to achieve minimum FFLs above the 1% AEP flood plus 500mm freeboard. In this regard, the building is raised higher in response to the conditions of the site and to achieve the required FFLs, which has contributed to the non-compliance with the maximum building height standard.

The departure sought is considered to be modest and does not unreasonably impact on adjoining properties. The additional height does not result in the appearance of bulk when viewed from the existing streetscape and would not impinge on the changing streetscape that is anticipated for the immediate area. Given that the proposed development responds to the site and does so without compromising relationships with adjoining development, and does not unduly compromise other relevant controls, the proposal is considered to be consistent with the objectives of height requirements and development within the R4 zone.

3. a) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Applicant’s justification:

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its particular circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

Planner’s comment:

Council Officers are satisfied that the proposed variation has been appropriately justified and can be supported in this instance. The height breach is limited to an overall building height of RL 37.4 for the roof of the building, and height of RL 38.25 for the top of the lift core. The additional height of the lift core will not be visible from the adjacent streets and properties. The proposed variation to the development standard is necessary for the structure containing the lift core and in order to achieve required FFLs, and is consistent with the scale of the development within the R4 zone located in the immediate vicinity of the site. The departure sought is considered to be modest and does not unreasonably impact on adjoining properties. The additional height does not result in the appearance of bulk when viewed from the existing streetscape and would not impinge on the changing streetscape that is anticipated for the immediate area. It is considered, therefore, that the non-compliance with the Development Standard is unreasonable or unnecessary in the circumstances of the case.

b) Are there sufficient environmental planning grounds to justify contravening the development standard and therefore is the applicant’s written justification well founded?
The unique circumstances of the case are considered to warrant support of the departure. Given that the proposed development responds to the site and does so without unduly compromising relationships with adjoining development, and does not unduly compromise other relevant controls, the proposal is considered to be consistent with the objectives of building height, and development within the R4 zone. In this regard, the exception is well founded and can be supported.

Conclusion:

Council is satisfied that the applicant’s written request has adequately addressed the matters required to be demonstrated by clause 4.6 subclause (3). Council is further satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

It is the view of Council Officers that justification provided is satisfactory and having considered the application on its merit, the exception to the maximum building height development standard is considered acceptable in this instance.

An assessment against all the relevant LEP provisions is provided at Attachment 3.

Draft Environmental Planning Instruments

The proposed development is not affected by any draft Environmental Planning Instruments.

Development Control Plans

(a) Holroyd Development Control Plan 2013

HDCP 2013 contains general controls which relate to all developments under Part A, residential controls under Part B, and transitway station precinct controls under Part N.

A comprehensive HDCP compliance table is attached to this report at Attachment 4. A summary of the DCP non-compliances is provided in the following table.

Building Height

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum building height in storeys shall be provided in accordance with the table below:</td>
<td>Required – 15 metres – 4 storeys</td>
<td>No – Acceptable in this instance.</td>
</tr>
<tr>
<td>Permitted Height (storeys)</td>
<td>Height Storeys</td>
<td>The proposal is 5 storeys in height, and exceeds the maximum number of storeys permitted, with also minor encroachments (max. 0.85m exceedance) to the maximum 15m building height permitted.</td>
</tr>
<tr>
<td>Height</td>
<td>Storeys</td>
<td></td>
</tr>
<tr>
<td>9m</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>11m</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>
The departure to the number of storeys is considered acceptable as the proposal presents a built form of an appropriate bulk and scale for the site, noting that the area is undergoing transition.

The building is adequately articulated along all street frontages, with the 5th storey recessed, to reduce the visual bulk when viewed from both neighbouring properties and the street, and as such considered to be compatible with the existing and changing streetscape. In this regard, noting the context and constraints of the site, the departure sought to the maximum number of storeys is considered acceptable in this instance.

<table>
<thead>
<tr>
<th>12.5m</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>15m</td>
<td>4</td>
</tr>
<tr>
<td>18m</td>
<td>5</td>
</tr>
<tr>
<td>21m</td>
<td>6</td>
</tr>
<tr>
<td>24 m</td>
<td>7</td>
</tr>
</tbody>
</table>

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

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

The provisions of the Regulations

The regulations do not proscribe any relevant matters for consideration.

Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)

There is no Coastal Zone Management Plan applicable to the subject site.

The likely impacts of the development

The likely environmental, social and economic impacts of the development have been assessed and are considered satisfactory.

The suitability of the site for the development

The site is considered suitable for the proposed development.
Submissions made in accordance with the Act or Regulation

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

In accordance with Part E - Public Participation of HDCP 2013, the proposal was publicly notified from 2 May 2018 to 23 May 2018. As a result of the notification, no submissions were received. Amended plans submitted did not warrant re-notification of the proposal.

Section 7.11 of The Environmental Planning & Assessment Act 1979

The subject development requires the payment of contributions in accordance with Holroyd Section 94 Development Contributions Plan 2013. A condition is imposed requiring the payment of contributions.

In accordance with the currently indexed rates for the South Wentworthville Centre contribution area, the following contributions apply:

- 7 x 1-bedroom dwellings – $9,431 x 7 = $66,017
- 36 x 2-bedroom dwellings – $15,950 x 36 = $574,200
- 5 x 3-bedroom dwellings – $20,000 x 5 = $100,000
- credit for the existing 4 x 3-bedroom dwellings = $80,000

The required Section 7.11 contribution payable for the proposal is $660,217.

The Public Interest

The public interest is served by permitting the orderly and economic use 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 approval of the proposed development would not be contrary to the public interest.

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 application and notification process did not result in any disclosure of Political Donations or Gifts.
CONCLUSION:

The proposed development has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Affordable Rental Housing) 2009, State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development, Holroyd Local Environmental Plan 2013 and the Holroyd Development Control Plan 2013 and is considered to be satisfactory.

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:

ii) 1. That Development Application 2018/123/1 for which seeks consent for demolition of existing structures, consolidation of 4 lots into 1 lot, construction of a 5 storey residential flat building over basement parking accommodating 48 units and 47 parking spaces under Affordable Rental Housing SEPP 2009, be approved under Deferred Commencement, subject to the attached conditions, provided at Attachment 5.

ATTACHMENTS

1. SEPP ARH 2009 Compliance Table
2. ADG Compliance Table
3. HLEP 2013 Compliance Table
4. HDCP 2013 Compliance Table
5. Draft Notice of Determination
6. Internal Architectural Plans
7. External Architectural Plans
8. Clause 4.6 Variation Request to Building Height
9. Concept plans for Potential Redevelopment of No. 5 Irwin Place
DOCUMENTS ASSOCIATED WITH REPORT ELPP020/19

Attachment 1

SEPP ARH 2009 Compliance Table
Attachment 1 – SEPP (ARH) 2009 Compliance Table

The proposal falls under Part 2 New affordable rental housing – Division 1 In-fill affordable housing. An assessment against the relevant ARH SEPP clauses is provided in the table below:

State Environmental Planning Policy (Affordable Rental Housing) 2009

Division 1 In-fill affordable housing

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required/Permitted</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>This division applies to RFBs if:</td>
<td>RFBs are permitted.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>• RFB is permitted with consent under another EPI, &amp;</td>
<td>The subject site does not contain a heritage item.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>• Is on land not containing a heritage item</td>
<td>The 700 service provides a regular bus to Parramatta and Blacktown Railway Station during the times required.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>In Sydney region must be within an accessible area.</td>
<td>The bus stop is located 100m walking distance from the subject site on both the northern and southern side of Fullagar Road, at the intersection of Griffiths Street.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>i.e. within 400m walking distance of a bus stop used by a regular bus service that has at least one bus per hour servicing the bus stop between:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- 08.00 and 21.00 each day from Monday to Friday (both days inclusive), and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- 08.00 and 18.00 on each Saturday and Sunday.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 13 | Floor space ratios | Max. FSR permitted (HLEP 2013) | Yes – subject to imposition of Condition 35 nominating Unit 3 (53.51m²) as an additional affordable unit, which is greater in size to the GFA exceedance sought. |
|    | At least 20% of GFA must be for affordable housing. | Max. 1.2:1 for 5 Bransgrove Street | The total GFA of affordable units with the addition of Unit 3 is 1,075.81m². |
|    | Where existing max FSR is 2.5:1 or less, & percentage of GFA used for affordable is less than 50%, the max permitted FSR is existing plus bonus based upon % proposed. | • Represents a maximum GFA of 675.36m² | |
|    | Note: Affordable units = 1, 4, 5, 11, 14, 15, 21, 24, 25, 31, 34, 35 | Max. 1.5:1 for 7 Bransgrove Street & 1-3 Irwin Place | |
|    | GFA of affordable units = 1,022.3m² | • Represents a maximum GFA of 2,748.3m² | |
|    | % of affordable housing = 1,022.3m²/4,050.75m² = 25.23% | + ARH 25.23% Bonus (represents GFA of 604.26m²) | |
|    | ARH Bonus represented as GFA = 25.23% x 2,395m² (site area) = 604.26m² | Max. GFA permitted: | |
|    | | = 4,027.92m² (1.681:1) | |
|    | | Provided GFA = 4,050.75m² | |
|    | | FSR = 1.691:1 | |
|    | | • Represents exceedance of 22.83m² | |
### Extraordinary Cumberland Local Planning Panel Meeting
16 April 2019

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required/Permitted</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td><strong>Note</strong>: An area of 2.25m² (1.5m x 1.5m) in front of the lift, for each floor has been excluded from GFA calculations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Site &amp; Solar Access</td>
<td><strong>Standards that cannot be used to Refuse Consent</strong>&lt;br&gt;&lt;br&gt;b) Site area if at least 450m²&lt;br&gt;&lt;br&gt;c) Landscaped area&lt;br&gt;(i) DA made by a social housing provider, at least 35m² landscaped area per dwelling;&lt;br&gt;(ii) any other case, at least 30% of the site area to be landscaped&lt;br&gt;&lt;br&gt;d) Deep soil zone - if 15% of site area is deep soil, with 3m dimension.&lt;br&gt;&lt;br&gt;If practical, at least 2/3 of the area should be to the rear of the development.&lt;br&gt;&lt;br&gt;e) Solar access if living rooms &amp; private open spaces for at least 70% of units (34 units) receive a minimum of 3 hours direct sunlight between 9am &amp; 3pm in mid winter</td>
<td>Total site area = 2,395m²</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>The DA has not been lodged by a social housing provider.&lt;br&gt;Min. 30% landscaped area required = 718.5m²&lt;br&gt;Provides = 756.3m²&lt;br&gt;Deep soil required = 359.25m²&lt;br&gt;Provided = 505.2m²</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>311.3m² (61.6%) deep soil area provided along the western boundary/rear of the site.</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>2) General</td>
<td>a) Parking&lt;br&gt;(ii) at least the following number of parking spaces based on the number of bedrooms per dwelling:&lt;br&gt;1 bedroom - 0.5 space&lt;br&gt;2 bedrooms - 1 space&lt;br&gt;≥3 bedrooms - 1.5 spaces&lt;br&gt;&lt;br&gt;b) Dwelling size if units have GFA of:&lt;br&gt;35m² per studio unit&lt;br&gt;50m² per 1 bedroom unit&lt;br&gt;70m² per 2 bedroom unit&lt;br&gt;95m² per 3 or more bedroom unit</td>
<td>Proposed dwelling mix:&lt;br&gt;7 x 1-bedroom&lt;br&gt;36 x 2-bedroom&lt;br&gt;5 x 3-bedroom&lt;br&gt;&lt;br&gt;Required parking spaces:&lt;br&gt;7 x 0.5 = 3.5 spaces&lt;br&gt;36 x 1 = 36 spaces&lt;br&gt;5 x 1.5 = 7.5 spaces&lt;br&gt;Total required = 47 spaces&lt;br&gt;47 residential spaces provided.&lt;br&gt;&lt;br&gt;Minimum sizes met.</td>
<td>Yes</td>
</tr>
<tr>
<td>Standard</td>
<td>Required/Permitted</td>
<td>Provided</td>
<td>Compliance</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>15</td>
<td><strong>Design Requirements</strong>&lt;br&gt;<strong>If SEPP 65 applies, do not need to consider Seniors Living Policy</strong></td>
<td>SEPP 65 applies &amp; has been considered, thus do not need to consider Seniors Living Policy</td>
<td>Yes</td>
</tr>
<tr>
<td>16</td>
<td><strong>Continued application of SEPP 65</strong>&lt;br&gt;Nothing in this Policy affects the application of SEPP 65 to any development which this Division applies</td>
<td>The proposal has been assessed against SEPP 65 – Refer to Attachment 2</td>
<td>Yes</td>
</tr>
<tr>
<td>16A</td>
<td><strong>Character of local area</strong>&lt;br&gt;Must take into account whether the design is compatible with the character of the local area</td>
<td>Currently, the locality consists of a mix of single and two-storey residential dwellings and residential flat buildings, however, the locality is in transition, with a number of 4 to 5 storey RFBs constructed. In this regard, the proposal would in most respects be consistent with the future built form of the locality (i.e. RFBs within an ‘upzoned’ R4 locality).&lt;br&gt;It is considered that the proposal is compatible with the desired future character of the locality.</td>
<td>Yes – Detailed assessment contained within the body of the Report.</td>
</tr>
<tr>
<td>17</td>
<td><strong>Must be used for affordable housing for 10 years</strong>&lt;br&gt;Condition must be imposed to ensure that the affordable units will be used as such for 10 years from issue of Occupation certificate, &amp; will be managed by a registered community housing provider</td>
<td>Appropriate conditions will be placed upon any forthcoming development consent.</td>
<td>To condition</td>
</tr>
<tr>
<td></td>
<td><strong>To be conditioned</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td><strong>Subdivision</strong>&lt;br&gt;Land may be subdivided with consent</td>
<td>Subdivision not proposed</td>
<td>N/A</td>
</tr>
</tbody>
</table>
DOCUMENTS ASSOCIATED WITH REPORT ELPP020/19

Attachment 2
ADG Compliance Table
Attachment 2 - Apartment Design Guide compliance table

<table>
<thead>
<tr>
<th>No.</th>
<th>Control</th>
<th>Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PART 3 - SETTING THE DEVELOPMENT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3A-1 Site Analysis</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3B Orientation</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3B-2 Overshadowing of neighbouring properties is minimised during mid-winter.</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>3C Public Domain Interface</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Transition between private and public domain is achieved without compromising safety and security.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3C-2 Ametry of the public domain is retained and enhanced.</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>3D Communal and Public Open Space</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Design Criteria**

Communal open space has a minimum area equal to 25% of the site.

**Required:** 25% x 2,395m² = 598.75m²

**Officer's Calculations:**

- 427.4m² (17.8%)
- COS along western boundary = boundary = 382.9m²
- COS at Brangrove St front entry = 44.9m²

Deficiency of 171.35m²

Non-compliance considered acceptable in this instance – Refer to further discussion below.

---

**Applicant’s Calculations:**

As outlined in the Applicant’s covering letter dated 8 November 2018 and GFA & COS Calculations Plan (Drawing No. SP-01, Issue A), the proposal is identified to provide two distinct COS area required as follows:

- Ground floor COS along western boundary = 363.3m²; and
- 215.02m² of COS that is predominantly located in the landscaped front setback zone of Brangrove St.

Based on the above, a total of 578.32m² (25%) of COS is provided, which demonstrates compliance with the minimum COS required.

**Officer’s Calculations:**

The discrepancies in calculations result from exclusion of the following areas:

- Landscaped front setback zone of Brangrove St forward of the courtyards of Units 1, 2 and the landscaped area forward of the nominated COS adjacent to the Brangrove St entry; and
- Planter boxes and walkway leading to the building entry adjacent to the courtyards of Units 1 and 10.

The landscaped area fronting Brangrove St is excluded from calculations as it is considered to be perimeter landscaping and not usable COS.

The planter boxes and walkway leading to the building entry adjacent to the courtyards of Units 1 and 10 are considered to be a circulation space and are excluded from COS calculations.
In this regard, based on the above, the total COS provided by the proposal is calculated to be a total of 427.4m², which represents 17.8% of the subject site, and a deficiency of 171.35m².

The Design Guidance of Section 3D Communal and Public Open Space within the ADG outlines that 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:

- Provide communal spaces elsewhere such as a landscaped roof 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.

The subject site is identified as a dense urban area as defined by the ADG, however given the subject site is separated to Irwin Place Park by only one property, the provided COS by the proposal is supported in this instance. Although the proposal is deficient in the overall required COS, the COS which is provided on the ground floor accommodates for passive and active recreation for future residents and visitors. COS areas provided are easily accessible, include a playground, BBQ area, seating, weather protection and appropriately landscaped. Having regard to the facilities of the provided COS and resident's close access to public open space, the non-compliance to the minimum COS required is considered acceptable, in the context of the proposal and site, in this instance.

<table>
<thead>
<tr>
<th>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).</th>
<th>The COS areas to the west and front (east) of the site would receive the min. 2 hours direct sunlight, mid-winter.</th>
<th>☒ ☐ ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>3D-2</td>
<td>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.</td>
<td>☒ ☐ ☐</td>
</tr>
<tr>
<td>3D-3</td>
<td>Communal open space is designed to maximise safety.</td>
<td>☒ ☐ ☐</td>
</tr>
<tr>
<td>3D-4</td>
<td>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.</td>
<td>☐ ☐ ☒</td>
</tr>
<tr>
<td>3E</td>
<td>Deep Soil Zones</td>
<td>Yes No N/A</td>
</tr>
<tr>
<td>3E-1</td>
<td>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. Deep soil areas are provided to the rear (west) co-located with the COS area, which incorporates tree planting and landscaping.</td>
<td>☒ ☐ ☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Design Criteria</th>
<th>Site area</th>
<th>Minimum dimensions</th>
<th>Deep soil zone (% of site area)</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 850m²</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>650m² - 1,500m²</td>
<td>3m</td>
<td>-</td>
<td>7%</td>
</tr>
<tr>
<td>greater than 1,500m²</td>
<td>6m</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>greater than 1,500m² with significant existing tree cover</td>
<td>6m</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3F</th>
<th>Visual Privacy</th>
<th>Yes No N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>3F-1</td>
<td>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</td>
<td>☒ ☐ ☐</td>
</tr>
</tbody>
</table>
**Design Criteria**

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 (5-6 storeys)</td>
<td>9m</td>
<td>4.5m</td>
</tr>
<tr>
<td>over 25m (7+ storeys)</td>
<td>12m</td>
<td>9m</td>
</tr>
</tbody>
</table>

**Note:**
Separation distances between buildings on the same site should combine required building separations depending on the type of room.

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.

- **Building is 5 storeys in height**
  - **East:** Bransgrove Street
  - **South:** Irwin Place
  - **West:**
    - **Ground Floor** – Min. 8.9m to edge of POS.
    - **Levels 1-3** – Min. 10.22m to edge of balconies and living areas.
  - **Level 4 (5th storey)** – 10.22m to edge of balcony
    - Requires a min. 12m setback to the boundary measured from the outer face of the balcony.
    - Conditions imposed requiring a fixed 1.5m (measured from the FFL of the balcony) privacy screen to be installed along the western outer edge of the planter box to ensure that privacy is maintained between properties and residential amenity provided for future occupants.
  - **North:**
    - **Ground Floor** – Min. 6m to Units 8 & 9 bedrooms.
    - Courtyards located within 6m separation area.
    - **Levels 1-3** – Min. 6m to windows and outer face of balconies.

- **Level 4 (5th storey)** –
  - The RFB approved at 1-3 Bransgrove St (DA2016/79) is 4 storeys in height, and as such Level 4 is adjacent to the roof of the future development on the neighbouring site.

The proposal provides a 9m setback to bedrooms of Units 46 & 47. Planter boxes are setback 8m, and encroach into the required 9m setback required to northern boundary. The planter boxes are considered acceptable in addressing potential overlooking of neighbouring
### 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.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### 3G Pedestrian Access and Entries

<table>
<thead>
<tr>
<th>3G-1</th>
<th>Building entries and pedestrian access connects to and addresses the public domain.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3G-2</th>
<th>Access, entries and pathways are accessible and easy to identify.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3G-3</th>
<th>Large sites provide pedestrian links for access to streets and connection to destinations.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### 3H Vehicle Access

<table>
<thead>
<tr>
<th>3H-1</th>
<th>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

### 3J Bicycle and Car Parking

<table>
<thead>
<tr>
<th>3J-1</th>
<th>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

#### Design Criteria

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;
- 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.

#### Control

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bedroom spaces</td>
<td>0.6</td>
</tr>
<tr>
<td>2 bed spaces</td>
<td>0.9</td>
</tr>
<tr>
<td>3 bed spaces</td>
<td>1.4</td>
</tr>
<tr>
<td>4+ bed spaces</td>
<td>1.4</td>
</tr>
<tr>
<td>Visitor spaces</td>
<td>0.2</td>
</tr>
</tbody>
</table>

Refer to ARH SEPP and DCP compliance table.

### 3J-2
Parking and facilities are provided for other modes of transport.

Refer to ARH SEPP and DCP compliance table.

### 3J-3
Car park design and access is safe and secure.

### 3J-4
Visual and environmental impacts of underground car parking are minimised.

### 3J-5
Visual and environmental impacts of on-grade car parking are minimised.
### 3J-6
Visual and environmental impacts of above ground enclosed car parking are minimised.

### Part 4 – Designing the Building

<table>
<thead>
<tr>
<th>4A-1 Solar and Daylight Access</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Design Criteria</strong></td>
<td>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>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 in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</td>
<td>39 out of 48 units (81.2%) achieve 3 hours (as per SEPP ARTH)</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td><strong>Required:</strong> 70% x 48 units = 33.6 (34) units minimum</td>
<td></td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</td>
<td>4 out of 48 units (8.3%), being the single aspect south facing units, will not receive adequate sunlight mid-winter.</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td><strong>Maximum:</strong> 15% x 48 units = 7.2 (8) units maximum</td>
<td></td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

| 4A-2 Daylight access is maximised where sunlight is limited. | ☒ | ☐ | ☐ |

| 4A-3 Design incorporates shading and glare control, particularly for warmer months. | ☒ | ☐ | ☐ |

<table>
<thead>
<tr>
<th>4B Natural Ventilation</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>4B-1 All habitable rooms are naturally ventilated.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>4B-2 The layout and design of single aspect apartments maximises natural ventilation.</td>
<td>Satisfactory</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td><strong>Design Criteria</strong></td>
<td>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</td>
<td>30 units (62.5%) are naturally cross ventilated.</td>
<td>☒</td>
</tr>
<tr>
<td><strong>Required:</strong> 60% x 48 = 28.8 (29) units</td>
<td></td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</td>
<td>Single aspect units are less than 18m in depth.</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4C Ceiling Heights</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>4C-1 Ceiling height achieves sufficient natural ventilation and daylight access.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td><strong>Design Criteria</strong></td>
<td>Measured from finished floor level to finished ceiling level, minimum ceiling heights are.</td>
<td>The proposed ceiling heights are as follows:</td>
<td>☒</td>
</tr>
<tr>
<td>Ground floor 2.7m</td>
<td></td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>Level 1 2.7m</td>
<td></td>
<td></td>
<td>☒</td>
</tr>
</tbody>
</table>
Minimum ceiling height for apartments and mixed use buildings

<table>
<thead>
<tr>
<th>Habitable rooms</th>
<th>2.7m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-habitable</td>
<td>2.4m</td>
</tr>
<tr>
<td>For 2 storey apartments</td>
<td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 30% of the apartment area</td>
</tr>
<tr>
<td>Attic spaces</td>
<td>1.8m at edge of roof with a 30 degree minimum ceiling slope</td>
</tr>
<tr>
<td>If located in mixed used areas</td>
<td>3.3m for ground and first floor to promote future flexibility of use</td>
</tr>
</tbody>
</table>

These minimums do not preclude higher ceilings if desired.

4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.

4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building. The proposal is for a residential flat building and ceiling heights provided are acceptable.

4D Apartment Size and Layout

4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.

**Design Criteria**

Apartments are required to have the following minimum internal areas:

<table>
<thead>
<tr>
<th>Apartment type</th>
<th>Minimum internal area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>35m²</td>
</tr>
<tr>
<td>1 bedroom</td>
<td>50m²</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>70m²</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>90m²</td>
</tr>
</tbody>
</table>

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.

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.

All habitable rooms have adequate access to daylight and ventilation.

4D-2 Environmental performance of the apartment is maximised.

**Design Criteria**

Habitable room depths are limited to a maximum of 2.5 x the ceiling height.

In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.

All units comply.
### 4D-3
Apartment layouts are designed to accommodate a variety of household activities and needs.

**Design Criteria**
- Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).
- Bedrooms have a minimum dimension of 3m (excluding wardrobe space).
- Living rooms or combined living/dining rooms have a minimum width of:
  - 3.6m for studio and 1 bedroom apartments
  - 4m for 2 and 3 bedroom apartments.
- The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.

All units comply.

---

### 4E
**Private Open Space and Balconies**

Yes  No  N/A

**Design Criteria**
All apartments are required to have primary balconies as follows:

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum area</th>
<th>Minimum depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio apartments</td>
<td>4m²</td>
<td>-</td>
</tr>
<tr>
<td>1 bedroom apartments</td>
<td>5m²</td>
<td>2m</td>
</tr>
<tr>
<td>2 bedroom apartments</td>
<td>9m²</td>
<td>2m</td>
</tr>
<tr>
<td>3 bedroom apartments</td>
<td>13m²</td>
<td>2.4m</td>
</tr>
</tbody>
</table>

The minimum balcony depth to be counted as contributing to the balcony area is 1m.

Each unit is provided with the minimum POS areas and dimensions.

---

### 4F
**Common Circulation Spaces**

Yes  No  N/A

**Design Criteria**
- The maximum number of apartments off a circulation core on a single level is eight.
- 1 lift core servicing the building, and each level as follows:
  - Ground floor = 10 units
  - Levels 1-3 = 10 units
  - Level 4 = 8 units

The Design Guidance outlines that where criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a level.
<table>
<thead>
<tr>
<th>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</th>
<th>Not applicable.</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4F-2</strong> Common circulation spaces promote safety and provide for social interaction between residents.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4G Storage</strong> Adequate, well designed storage is provided in each apartment.</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>4G-1 Design Criteria</strong> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Dwelling type</strong></td>
<td><strong>Storage size volume</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Studio apartments</td>
<td>4m³</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 bedroom apartments</td>
<td>6m³</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 bedroom apartments</td>
<td>8m³</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3+ bedroom apartments</td>
<td>10m³</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At least 50% of the required storage is to be located within the apartment.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4H Acoustic Privacy</strong> Noise transfer is minimised through the siting of buildings and building layout.</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>4H-1 Noise impacts are mitigated within apartments through layout and acoustic treatments.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4J Noise and Pollution</strong> In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4K Apartment Mix</strong> A range of apartment types and sizes is provided to cater for different household types now and into the future.</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Proposal is for 7 x 1-bedroom (15%), 36 x 2-bedroom (75%) and 5 x 3-bedroom (10%) units.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4K-2 The apartment mix is distributed to suitable locations within the building.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4L Ground Floor Apartments</strong> Street frontage activity is maximised where ground floor apartments are located.</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Pedestrian access is provided to ground floor units and.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4L-2 Design of ground floor apartments delivers amenity and safety for residents.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4M Façades</strong> Building facades provide visual interest along the street while respecting the character of the local area.</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>4M-2 Building functions are expressed by the façade.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4N Roof Design</strong> Roof treatments are integrated into the building design and positively respond to the street.</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>4N-2 Opportunities to use roof space for residential accommodation and open space are maximised.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4N-3</td>
<td>Roof design incorporates sustainability features.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4Q-3</td>
<td>Landscape Design</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4Q-1</td>
<td>Landscape design is viable and sustainable.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4Q-2</td>
<td>Landscape design contributes to the streetscape and amenity.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4P-3</td>
<td>Planting on Structures</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4P-1</td>
<td>Appropriate soil profiles are provided.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4P-2</td>
<td>Plant growth is optimised with appropriate selection and maintenance.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4Q-1</td>
<td>Universal Design</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4Q-2</td>
<td>Universal design features are included in apartment design to promote flexible housing for all community members.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4R-1</td>
<td>Adaptive Reuse</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4R-2</td>
<td>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4R-2</td>
<td>Adapted buildings provide residential amenity while not precluding future adaptive reuse.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4S-1</td>
<td>Mixed Use</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4S-2</td>
<td>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4S-2</td>
<td>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4T-1</td>
<td>Awnings and Signage</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4T-2</td>
<td>Awnings are well located and complement and integrate with the building design.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4T-2</td>
<td>Signage responds to the context and desired streetscape character.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4U-1</td>
<td>Energy Efficiency</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4U-1</td>
<td>Development incorporates passive environmental design.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4U-2</td>
<td>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4U-3</td>
<td>Adequate natural ventilation minimises the need for mechanical ventilation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4V-1</td>
<td>Water Management and Conservation</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4V-1</td>
<td>Potable water use is minimised.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4V-2</td>
<td>Stormwater is treated on site before being discharged to receiving waters.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4V-3</td>
<td>Flood management systems are integrated into site design.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4W-1</td>
<td>Waste Management</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4W-1</td>
<td>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4W-2</td>
<td>Domestic waste is minimised by providing safe and convenient source separation and recycling.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4X-1</td>
<td>Building Maintenance</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4X-1</td>
<td>Building design detail provides protection from weathering.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4X-2</td>
<td>Systems and access enable ease of maintenance.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4X-3</td>
<td>Material selection reduces ongoing maintenance costs.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DOCUMENTS ASSOCIATED WITH REPORT ELPP020/19

Attachment 3
HLEP 2013 Compliance Table
### Attachment 3 – Holroyd Local Environmental Plan 2013 compliance table

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land use table</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zone R4 High Density Residential</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>The subject site is zoned R4 High Density Residential pursuant to HLEP 2013.</td>
</tr>
<tr>
<td><strong>1 Objectives of zone</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• To provide for the housing needs of the community within a high density residential environment.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>• To provide a variety of housing types within a high density residential environment.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td><strong>4.3 Height of buildings</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) The objectives of this clause are as follows:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>In accordance with the Height of Buildings Map accompanying HLEP 2013, a maximum building height of 15m applies to the site.</td>
</tr>
<tr>
<td>(b) to ensure development is consistent with the landform,</td>
<td>☑</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>(c) to provide appropriate scales and intensities of development through height controls.</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>This building proposes a maximum height of 15.86m to the top of the lift core.</td>
</tr>
<tr>
<td>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>This represents an exceedance of 0.85m, and a variation of 5.6% to the maximum permitted 15m building height development standard.</td>
</tr>
<tr>
<td><strong>4.4 Floor space ratio</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) The objectives of this clause are as follows:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) to support the viability of commercial centres and provide opportunities for economic development within those centres,</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>In accordance with the FSR map accompanying HLEP 2013, a maximum FSR of 1.2:1 and 1.5:1 is applicable to the site.</td>
</tr>
<tr>
<td>(b) to facilitate the development of a variety of housing types,</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>Max. FSR permitted (HLEP 2013)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Represents a maximum GFA of 675.30m²</td>
</tr>
</tbody>
</table>
### Clause

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) to ensure that development is compatible with the existing and desired future built form and character of the locality, (d) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping. (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>Max. GFA permitted: 1.5:1 for 7 Bransgrove Street &amp; 1-3 Irwin Place - Represents a maximum GFA of 2,748.3m² + ARH 25.23% Bonus (represents GFA of 604.25m²) Max. GFA permitted = 4,027.92m² (1.681:1) Provided GFA = 4,050.75m² FSR = 1.689:1 Represents exceedance of 22.83m² Condition 35 imposed nominating Unit 3 (53.51m²) as an additional affordable unit, which is greater in size to the GFA exceedance sought.</td>
</tr>
</tbody>
</table>

### 4.6 Exceptions to development standards

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause. | ☒ | ☐ | ☐ | Clause 4.8 written request has been submitted for the height variation – Refer to discussion in the body of report. |

### 6.2 Earthworks

(3) Before granting development consent for earthworks, the consent authority must consider the following matters: 
   (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development, 
   (b) the effect of the development on the likely future use or redevelopment of the land, 
   (c) the quality of the fill or the soil to be excavated, or both, 
   (d) the effect of the development on the existing and likely amenity of adjoining properties, 
   (e) the source of any fill material and the destination of any excavated material, 
   (f) the likelihood of disturbing relics. | ☒ | ☐ | ☐ | Proposal is considered to be satisfactory. |
<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.4 Flood planning</td>
<td></td>
<td></td>
<td></td>
<td>The site identified to be impacted by the 1% AEP storm event, and the stormwater design has been assessed by Council's stormwater engineers who have advised that the proposal complies with Council's stormwater controls.</td>
</tr>
<tr>
<td>(2) This clause applies to land at or below the flood planning level. (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development: (a) is compatible with the flood hazard of the land, and (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affection of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.7 Stormwater management</td>
<td></td>
<td></td>
<td></td>
<td>The proposed stormwater management system is satisfactory subject to conditions.</td>
</tr>
<tr>
<td>6.8 Salinity</td>
<td></td>
<td></td>
<td></td>
<td>The site is identified as having a moderate salinity potential. Appropriate conditions were imposed on the original consent to address this issue.</td>
</tr>
<tr>
<td>Consult the Salinity Map accompanying HLEP 2013</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DOCUMENTS ASSOCIATED WITH REPORT ELPP020/19

Attachment 4
HDCP 2013 Compliance Table
Attachment 4 – Holroyd Development Control Plan compliance table

An assessment against the relevant Holroyd DCP 2013 clauses is provided in the table below:

## HOLROYD DEVELOPMENT CONTROL PLAN 2013

### Part A – General Controls

#### 2.4 Access: Vehicular Crossing, Splay Corners, Kerb & Guttering

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>VC to be reconstructed if in poor condition, damaged or design doesn’t comply</td>
<td>Existing VC (×4) to be removed and new crossing proposed from Bransgrove St frontage</td>
<td>To condition</td>
</tr>
<tr>
<td>Avoid services/facilities in road reserve, existing trees, pedestrian crossing, prem ramps etc or condition their relocation</td>
<td>Standard services located in road reserve. No critical facilities or services obstructing new driveway location.</td>
<td>Satisfactory impose std. conditions</td>
</tr>
<tr>
<td>Corner sites VC to be min. 6m from the tangent point</td>
<td>Driveway not located at the corner</td>
<td>Yes</td>
</tr>
<tr>
<td>Corner sites require 3m x 3m (residential) and 4m x 4m (commercial) splay corner to be dedicated</td>
<td>Council’s Development Engineer has advised that the existing splay corner is adequate.</td>
<td>N/A</td>
</tr>
</tbody>
</table>

#### 2.7 Road Widening:

**Comment:** N/A – The subject site is not impacted by road widening.

#### 3.1 Minimum Parking Spaces

Residential flat buildings, dwellings in B1, B2 and B6 business zones (including shop top housing)

<table>
<thead>
<tr>
<th>Control</th>
<th>Required</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bedroom</td>
<td>0.8 spaces</td>
<td>7 x 0.8 space = 5.6 spaces</td>
<td>No, however complies with ARH SEPP.</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>1.0 space</td>
<td>36 x 1 space = 36 spaces</td>
<td></td>
</tr>
<tr>
<td>3 bedroom</td>
<td>1.2 spaces</td>
<td>5 x 1.2 space = 6 spaces</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>48 spaces (rounded up from 47.6 spaces)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visitor / dwelling</td>
<td>0.2 spaces</td>
<td>48 x 0.2 space = 9.6 spaces</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>58 spaces</td>
<td>47 spaces + 1 car wash bay</td>
<td></td>
</tr>
</tbody>
</table>

#### Bicycle Parking Residential Flat Buildings

<table>
<thead>
<tr>
<th>Control</th>
<th>Required</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>None</td>
<td>Residents = 48 x 0.5 = 24 spaces</td>
<td></td>
</tr>
<tr>
<td>1 bedroom</td>
<td>0.5 spaces</td>
<td>Visitor = 48 x 0.1 = 4.8 spaces</td>
<td></td>
</tr>
<tr>
<td>2 bedroom</td>
<td>0.5 spaces</td>
<td>29 bicycle spaces provided in basement</td>
<td>Yes</td>
</tr>
<tr>
<td>3+ bedroom</td>
<td>0.5 spaces</td>
<td>Total requires = 29 bicycle spaces</td>
<td></td>
</tr>
<tr>
<td>Visitor / dwelling</td>
<td>0.1 spaces</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 3.3 Car Parking, Dimensions & Gradient

<table>
<thead>
<tr>
<th>Controls</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. clear length 5.5m (AS2890 1-2004)</td>
<td>Yes – 5.4m</td>
</tr>
<tr>
<td>Min. clear width 2.4m for open space, 3m for between walls.</td>
<td>Yes – 2.4m</td>
</tr>
<tr>
<td>Min. clearance height 2.3m</td>
<td>No – 2.25m</td>
</tr>
</tbody>
</table>
3.5 Access, Maneuvering and Layout

<table>
<thead>
<tr>
<th>Controls</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum 1.5m setback from side property boundaries</td>
<td>Min. 1.5m provided to northern boundary.</td>
</tr>
</tbody>
</table>

3.6 Parking for the Disabled

<table>
<thead>
<tr>
<th>Control</th>
<th>Required</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 spaces per 100 spaces up to 400, and 1 per 100 thereafter, or part thereof</td>
<td>Min. 2 spaces</td>
<td>8 adaptable units</td>
<td>8 accessible parking spaces</td>
</tr>
<tr>
<td>Unofficial rate – 1 per adaptable unit</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Comment:
8 adaptable units provided, in accordance with Part B of the DCP – Min. 15% of dwellings shall be adaptable. Complies.

6.1 Retaining Walls: max. 1m (if >1m need engineering detail)

Comment: Retaining walls primarily surrounding perimeter/property boundary associated with OSD, varying heights 0.25m-0.64m.

6.3/6.4 Erosion and Sediment Control Plan

Comment: Erosion and Sediment Control Plan considered satisfactory.

7.4 Stormwater Management - Easements

Comment: Considered satisfactory by Council’s Development Engineer.

9 External Road Noise & Vibration

Comment: Acoustic report considered satisfactory by EHU.

11 Site Waste Minimisation and Management Plan (SWMMP)

Comment: Considered satisfactory by Council’s Waste Section.

Part B – Residential

1 General Residential Controls

1.1 Building Materials

Comment: Considered satisfactory

1.2 Fences

<table>
<thead>
<tr>
<th>Controls</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. 1.5m</td>
<td>Courtyard fencing - Varying height of 1.5m-2.1m (including slats above) – for private courtyards. Fencing is setback behind the building line.</td>
</tr>
<tr>
<td>Front fences solid ≤1m and be ≥50% transparent to 1.5m</td>
<td>No front fencing proposed.</td>
</tr>
</tbody>
</table>

1.3 Views

Comment: No significant views are blocked by the development.
### 1.4 Visual Privacy

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>To provide a high level of visual and acoustic privacy for residents and neighbours in dwellings and private open spaces.</td>
<td>Building separation is considered acceptable with respect to the ADG. Privacy at ground level is discussed below: <strong>East / Brangrove St frontage:</strong> Min. 1.5m high fencing and landscaping provides adequate privacy for residents, and restricts overlooking of courtyards from the street, and common areas (corridors and COS). <strong>North:</strong> FFL of ground floor units of the proposal is RL 22.3. FFL of adjacent development at 1-3 Brangrove St (DA2019/70) is RL21.9 &amp; RL20.88. The driveways of both developments are adjacent to each other. The courtyards of Units 7 &amp; 8 provide landscaping to the boundary to restrict direct overlooking to the courtyards of the neighbouring property. <strong>West:</strong> Landscaping and fencing is provided to the edge of the courtyards to maintain privacy for residents, and restrict overlooking from the communal open space areas. <strong>South / Irwin Place:</strong> Min. 1.5m high fencing and landscaping provides adequate privacy for residents, and restricts overlooking of courtyards from the street.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Satisfactory</td>
</tr>
</tbody>
</table>

### 1.5 Landscape Area

<table>
<thead>
<tr>
<th>Control</th>
<th>Required</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>25% of site area to be provided as landscaped area. (2m min. width)</td>
<td>25% x 2,395m² = 598.75m²</td>
<td>606.8m² (25.3%) provided.</td>
<td>Yes</td>
</tr>
<tr>
<td>Max. 50% of provided landscaped area shall be forward of the front building line.</td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Majority of landscaped area to be to the rear of the building.</td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

### 1.6 Sunlight Access

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.</td>
<td>To the south of the site is the Irwin Place frontage. Given orientation, adjoining dwellings receive minimum sunlight.</td>
<td>Yes</td>
</tr>
<tr>
<td>1.9 Cut &amp; Fill</td>
<td>Control</td>
<td>Provided</td>
</tr>
<tr>
<td>---------------</td>
<td>---------</td>
<td>----------</td>
</tr>
<tr>
<td>Cut: max. 1m; max. 0.45m within 0.9m of side/rear boundary. Cut controls are not applicable where basement parking is proposed.</td>
<td>Excavation for one level of basement – approx. 3m.</td>
<td>Yes</td>
</tr>
<tr>
<td>Fill: max. 0.3m within 0.9m of side/rear boundary; ≥ 0.6m to be contained within the building; if &gt; 0.15m shall occupy max. 50% of the landscaped area.</td>
<td>Minimum fill outside building envelope.</td>
<td>Yes</td>
</tr>
<tr>
<td>Not within easements</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1.11 Vehicular Access and Driveways</th>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>VC min. 3m wide and max. 5m wide at boundary.</td>
<td>New VC – to be conditioned max. 5m wide.</td>
<td>To condition</td>
<td></td>
</tr>
<tr>
<td>Council favours the use of a central under-building access driveway.</td>
<td>Driveway access to the side.</td>
<td>Considered satisfactory</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1.12 Universal Housing and Accessibility</th>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>15% of units shall be adaptable units.</td>
<td>8 out of 48 units (16.7%) adaptable units provided.</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

| 1.13 Subdivision: Strata subdivision of residential flat buildings is permitted Comment: Strata subdivision not proposed. |

6 Residential Flat Buildings

<table>
<thead>
<tr>
<th>6.1 Lot Size and Frontage:</th>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. lot frontage is:</td>
<td>Inw Place – 45.525m Bransgrove Street – 50.29m</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>• 24m (if a highlighted lot in Appendix I); or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 28m for all other properties; or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 45m for all development ≥ 6 storeys.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not permitted on battleaxe lots.</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The proposal shall not limit future development potential of adjoining lots i.e. landlocking</td>
<td>Proposal would result in the landlocking of No. 5 Inw Place.</td>
<td>No – Refer to further discussion below.</td>
<td></td>
</tr>
</tbody>
</table>

| 6.2 Site Coverage: Max. 30% of the site area (718.5m²) Comment: Measured as being 929.25m² / 2,395m² = 38.8% - Considered satisfactory as the proposal complies in other areas such as FSR, landscaping and provides adequate amenity for residents and neighbouring sites. |

<table>
<thead>
<tr>
<th>6.3 Setbacks</th>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal St: 6m and correspond with existing building setback.</td>
<td>Bransgrove St – Min. 6m</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>
### Secondary St: 4m

<table>
<thead>
<tr>
<th>Side: 3m.</th>
<th>Irwin Pl – Min. 4m</th>
<th>Yes</th>
</tr>
</thead>
</table>

**Rear:**
- ≤ 4 storeys – 20% of the site length or 6m, whichever is greater.
- ≥ 5 storeys – 30% of the site length.

<table>
<thead>
<tr>
<th>Rear = western boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required setback up to 4 storeys = Min. 7.699m</td>
</tr>
<tr>
<td>Provides:</td>
</tr>
<tr>
<td>Ground floor – Min. 7.4m to edge of courtyard, min. 10.2m to external wall.</td>
</tr>
<tr>
<td>Level 1 to 3 – Min. 10.2m</td>
</tr>
<tr>
<td>5th storey setback required = Min. 11.5485m</td>
</tr>
<tr>
<td>Level 4 (5th storey) – 10.2m to edge of balcony, 13.7m to external wall.</td>
</tr>
<tr>
<td>Condition imposed requiring a fixed privacy screen to be installed to alleviate privacy concerns resulting from non-compliance with the required rear setback.</td>
</tr>
</tbody>
</table>

**Basement: 3m to side and rear boundaries.**

| Varying setbacks to side and rear boundaries, however, deep soil, landscaped area and COS exceed minimum, as such the basement setback is considered acceptable. |
| Considered satisfactory |

**All floors >4 storeys to be setback 3m.**

| Level 4 – external wall setback 3.5m from Level 3. |
| No – considered acceptable as appropriate measures are in place to ensure amenity is maintained between properties. |
| However, balcony of Level 4 units in line with Level 3. |

---

### Building Height

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
</table>

| Maximum building height in storeys shall be provided in accordance with the table below. |
| Permitted Height (storeys) |
| Height | Storeys |
| 9m     | 1       |
| 11m    | 2       |
| 12.5m  | 3       |
| 15m    | 4       |
| 18m    | 5       |
| 21m    | 6       |
| 24m    | 7       |

**Required – 15 metres – 4 storeys**

The proposal is 5 storeys in height, and exceeds the maximum number of storeys permitted, with also minor encroachments (max. 0.85m exceedance) to the maximum 15m building height permitted.

The departure to the number of storeys is considered acceptable as the proposal presents a built form of an appropriate bulk and scale for the site, noting that the area is undergoing transition.

**No – Acceptable in this instance.**
### Extraordinary Cumberland Local Planning Panel Meeting

16 April 2019

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The building is adequately articulated along all street frontages, with the 5th storey recessed, to reduce the visual bulk when viewed from both neighbouring properties and the street, and as such considered to be compatible with the existing and changing streetscape. In this regard, noting the context and constraints of the site, the departure sought to the maximum number of storeys is considered acceptable in this instance.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The minimum floor to ceiling heights shall be:</td>
<td>All ceiling to floor heights are 2.7m</td>
<td>Yes</td>
</tr>
<tr>
<td>• 2.7 metres for habitable rooms.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 2.4 metres for non habitable rooms.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 2.4 metres for the second storey section of two storey units if 50% or more of the apartment has a 2.7 metre minimum ceiling height.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attics are permissible in RFBs.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Min. wall height of 1.5m with min 30° ceiling slope.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

#### 6.7 Building Appearance - Facade

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriate scale, rhythm and proportion, responding to the building use and contextual character.</td>
<td>Considered satisfactory.</td>
<td>Considered satisfactory.</td>
</tr>
<tr>
<td>Walls to street to be articulated by windows, verandahs, balconies or blade walls. Max. projection of 600mm forward of building line.</td>
<td>Bransgrove St &amp; Irwin Pl – articulated by recessed balconies, landscaping, external walls.</td>
<td>Satisfactory</td>
</tr>
<tr>
<td>Buildings on corner sites to address both frontages.</td>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

#### 6.8 Building Appearance – Roof Design

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roofs shall relate to the built form, context and character of the street.</td>
<td>Considered satisfactory</td>
<td>Yes</td>
</tr>
<tr>
<td>Pitched roofs will not be permitted:-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Where it doesn’t relate to the urban context.</td>
<td>Flat roof proposed</td>
<td>N/A</td>
</tr>
<tr>
<td>• Where it increase the visual bulk of the building.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Where land has been rezoned high density.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Max. 3m height for roofs from ceiling line to ridge.</td>
<td>Max. 3m</td>
<td>Yes</td>
</tr>
</tbody>
</table>

#### 6.9 Building entry and pedestrian access

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shall be clearly identifiable, sheltered, well lit and visible from the street.</td>
<td>Building entry is centrally located along the Bransgrove St frontage. Entry is</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### Extraordinary Cumberland Local Planning Panel Meeting
16 April 2019

#### 6.9 Parking

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shall be maintained to a basement.</td>
<td>Parking provided within basement level.</td>
<td>Yes</td>
</tr>
<tr>
<td>Vehicle entries shall be setback from the main façade and security doors shall be provided to car park entries to improve the appearance of vehicle entries</td>
<td>Basement entry and security roller door is well setback and not visible from the street.</td>
<td>Yes</td>
</tr>
<tr>
<td>One car wash bay shall be provided for all developments having 10 or more dwellings (not a visitor space).</td>
<td>1 car wash bay space</td>
<td>Yes</td>
</tr>
</tbody>
</table>

#### Vehicular access

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shall be located off secondary streets, where possible.</td>
<td>Vehicular access provided from principal street – Bransgrove St.</td>
<td>No – Acceptable</td>
</tr>
<tr>
<td>Direct access shall be provided between the car park to the lobby.</td>
<td>Direct access provided from central lift core.</td>
<td>Yes</td>
</tr>
<tr>
<td>Access to resident parking areas shall be restricted via a security gate or door.</td>
<td>Security roller door provided.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

#### 6.11 Internal circulation

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All common facilities must be accessible.</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>All staircases are to be internal.</td>
<td>Complies</td>
<td>Yes</td>
</tr>
<tr>
<td>Sensitive noise rooms shall be located away from less sensitive noise rooms, corridors and stairwells.</td>
<td>Considered satisfactory as discussed above.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

#### 6.12 Facilities and amenities

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each unit shall be provided with a laundry within the unit.</td>
<td>Each unit provided with laundry room.</td>
<td>Yes</td>
</tr>
<tr>
<td>Open air clothes drying facilities shall be provided in a sunny, ventilated area, screened from the public domain.</td>
<td>Balcony clotheslines to be screened.</td>
<td>To condition</td>
</tr>
<tr>
<td>Clothes drying areas shall be screened by 1.5m high walls.</td>
<td>To be conditioned</td>
<td>To condition</td>
</tr>
<tr>
<td>A master antenna shall be provided.</td>
<td>To be conditioned</td>
<td>To condition</td>
</tr>
<tr>
<td>Mailboxes shall not be at 90° to the street and shall be integrated with the overall design.</td>
<td>Provided at the entry area of the building (Bransgrove St frontage).</td>
<td>To condition</td>
</tr>
</tbody>
</table>

#### 6.15 Waste Management – Bin Storage

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bin storage must:</td>
<td>A garbage room and bulky waste room is provided in the basement.</td>
<td>Yes – subject to conditions</td>
</tr>
<tr>
<td>• Be located behind the building line and screened from the street and any public place.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
• Be accessible and relatively close to each dwelling.
• Not impact upon the amenity of adjoining premises or dwellings within the development, i.e. odour.

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The garbage room is accessible for residents and does not pose adverse impacts on neighbouring properties.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Allow for unobstructed access that does not exceed a grade of 1:8 for bins to be wheeled to the collection point.

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>An accessible path of travel is provided for the bin tug to be wheeled to the temporary bin storage area adjacent to the ramp on collection day.</td>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

7 Landlocked Sites

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential R4 zoned lots should not result in the creation of landlocked sites.</td>
<td>Proposal results in the landlocking of No. 5 Irwin Place.</td>
<td>No</td>
</tr>
</tbody>
</table>

Where adjacent sites are developed concurrently, amalgamation or integration of public domain / open spaces shall be explored.

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A residential flat building has been approved at 1-3 Bransgrove Street (DA201879), and as such there is no opportunity for amalgamation with this site.</td>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>

Proposals that create landlocked sites shall:

• Provide two written independent valuations representing the affected sites value.
• Provide evidence that a reasonable offer has been made to the affected owners.
• Demonstrate how future development on the isolated sites will achieve a high quality streetscape.

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two valuation reports prepared by two independent valuers registered with the Australian Institute of Valuers:</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>• Access Valuations Pty Ltd, 22 Feb 2018, $1,550,000.00.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Blueprint Property, 2 March 2018, $1,500,000.00.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

An offer of $1,550,000.00 was made to the owner of 5 Irwin Place to purchase the property.

It has been confirmed that the owner has received the offer, including the 2 valuation reports. In response, the owner outlined to the developer that an offer of $2,000,000.00 to purchase of 5 Irwin Place would be accepted. There was no evaluation reports by the owner to substantiate and/or support the value outlined by the owner.

The Applicant has submitted concept plans (prepared by Zhinar Architects, dated February 2018) indicating height (with exceedance similar to the proposed development), setbacks, site coverage, landscaped areas and the built form of potential redevelopment of No. 5 Irwin Place. The concept plans has also taken into consideration vehicular access, basement design, deep soil zones, building separation in accordance with the ADG. In this regard, it is considered that likely impacts resulting from the redevelopment of the adjoining property
has been adequately addressed given that the concept has been premise on compliance with development controls prescribed within HLEP 2013 and HDGP 2013.

It was requested that the Applicant consider the provision for a basement connection from the proposal to 5 Irwin Pl for future development of the site. Following further investigation on the matter, it was deemed not to be a feasible solution having regard to location of the existing sewer line which transverses between Nos. 3 & 5 Irwin Pl.

<table>
<thead>
<tr>
<th>Where a proposed development/amalgamation is likely to result in an isolated site then the applicants for the development site are to demonstrate how a future development on the isolated site can be achieved to ensure a high quality streetscape. The following should be addressed:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Height</td>
</tr>
<tr>
<td>• Car parking access</td>
</tr>
<tr>
<td>• Site coverage</td>
</tr>
<tr>
<td>• Constructability</td>
</tr>
<tr>
<td>• Envelope separation</td>
</tr>
<tr>
<td>• Open Space</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5 Irwin Pl = 627.97m²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concept plans have been submitted showing:</td>
</tr>
<tr>
<td>Height – 5 storeys, with exceedance of HLEP 15m height limit, similar to subject proposal.</td>
</tr>
<tr>
<td>Parking – vehicular access along eastern boundary, 2 levels of basement, 13 residential spaces, 2 visitor spaces.</td>
</tr>
<tr>
<td>Communal open space and deep soil to rear of site (north facing).</td>
</tr>
<tr>
<td>Total of 9 units</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Existing Landlocked Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Control</strong></td>
</tr>
<tr>
<td>Existing landlocked sites shall be assessed on their merits.</td>
</tr>
<tr>
<td>Proposals shall achieve a satisfactory level of amenity, privacy, solar access, landscaping and setbacks and shall not detract from the streetscape.</td>
</tr>
</tbody>
</table>
### Part N – Transitway Station Precinct Controls

#### 2. Finlayson Transitway Station Precinct

##### 2.1 Site Consolidation

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amalgamation of lots in accordance with Figure 13.</td>
<td>Figure 13 identifies 1-5 Irwin Pl &amp; 3 Brangsgrove St to be amalgamated for redevelopment. DA2016/79 granted approval for the a residential flat building at 1-3 Irwin Pl. In this regard, the ideal pattern of amalgamation for redevelopment would be the remaining sites being 1-5 Irwin Pl &amp; 5-7 Brangsgrove St. The proposal has made reasonable attempts to purchase 5 Irwin Pl in order to achieve a consolidated redevelopment of the remaining sites, however has been unsuccessful. In this regard, the proposed development of the subject site is considered acceptable.</td>
<td>No, however satisfactory</td>
</tr>
<tr>
<td>Minimum lot frontage is 30m</td>
<td>Irwin Place = 45.525m Brangsgrove Street = 50.29m</td>
<td>Yes</td>
</tr>
<tr>
<td>Properties not identified in Figure 13 shall redevelop in accordance with the development controls detailed in Part C of this DGP.</td>
<td>The subject site is identified in Figure 13.</td>
<td>N/A</td>
</tr>
</tbody>
</table>

##### 2.2 Private Accessway, Land Dedication and Vehicular Entries

N/A

##### 2.3 Building Height

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum no. of storeys: 5 storeys</td>
<td>4 storeys</td>
<td>No – Refer to discussion in body of Report</td>
</tr>
</tbody>
</table>

##### 2.4 Building Setbacks

<table>
<thead>
<tr>
<th>Control</th>
<th>Provided</th>
<th>Complies (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setbacks shall be in accordance with Figures 17 &amp; 18 3m front setback</td>
<td>Min. 3m front setback to both Brangsgrove Street and Irwin Place provided</td>
<td>Yes</td>
</tr>
</tbody>
</table>
DOCUMENTS
ASSOCIATED WITH
REPORT ELPP020/19

Attachment 5
Draft Notice of Determination
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION

16 April 2019

Zhinar Architects
PO Box 229
EASTWOOD NSW 2122

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: Lots 7, 8, 9 & 10 in DP239558
STREET ADDRESS: 5-7 Bransgrove Street & 1-3 Irwin Place, Wentworthville
DEVELOPMENT CONSENT NO: 2018/123/1
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, consolidation of 4 lots into 1 lot, construction of a 5 storey residential flat building over basement parking accommodating 48 units and 47 parking spaces under Affordable Rental Housing SEPP 2009

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, consolidation of 4 lots into 1 lot, construction of a 5 storey residential flat building over basement parking accommodating 48 units and 47 parking spaces under Affordable Rental Housing SEPP 2009 shall not operate until all of the following Schedule “A” conditions have been complied with to Council’s satisfaction.

Easement Creation

1. The site naturally slopes away from the street frontage and the stormwater generated from the development is proposed to be redirected/discharged into Irwin Place. Redirecting the flows to the Council’s system within the street frontage will increase downstream peak flows and also increase the flow characteristics of stormwater leaving the site is not acceptable. In this regard, a downstream easement will be required to connect to the downstream Council’s drainage system or Sydney Water’s concrete channel (approval required). All details below shall be provided in accordance with Council’s OSD policy:

   i. Full details of stormwater drainage within the easement.
   ii. A long-section of the drainage pipe within the easement.
   iii. The drainage easement location shall not disturb any structures or root zone of existing trees within the property/Properties and within 5m.
   iv. All trees within, overhanging or within 5m of the proposed easement shall be accurately indicated.
   v. The on-site stormwater detention system shall be revised to reflect the design requirement above.

A drainage easement 1.25m wide (minimum) subject to the size of pipeline within the drainage easement, and corresponding with the stormwater drawing, being created in favour of the property to be developed over downstream properties, to permit the disposal of stormwater to downstream Council’s drainage system or Sydney Water’s concrete channel (written approval from Sydney Water is required). 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 piping, relocation and creation of easements shall be borne by the applicant.

Four (4) copies of plans and calculations for the design shall be submitted to Council, together with payment of a $712.00 checking fee. Inadequately prepared drawings and calculations will incur an additional checking fee of $237.00.

Boundary fencing flood affected areas

2. The development site has been identified as a flood affected site in the 1%AEP storm event which was considered as part of the development application. In this regard, all boundary fencing within the flood affected area(s) (e.g., northern boundary) in accordance with the flood report and Council’s flood advice letter shall be constructed in accordance with Council’s standard detail SD8025. The pool type fencing shall be provided at the base of the boundary fence to the extent of the post-developed 1% Annual Exceedance Probability (AEP) flood. The fencing shall be constructed prior to the issue of the operative consent in consultation with adjoining affected property owner(s) at full cost to the developer.
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 Schedule A of this Consent has not been satisfied within 2 years from the date of expiry shown on the front page of this Consent.

2. Development shall take place in accordance with the attached endorsed plans:

<table>
<thead>
<tr>
<th>Architectural Plans prepared by Zhiar Architects</th>
<th></th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwg No.</td>
<td>Issue</td>
<td>Title</td>
</tr>
<tr>
<td>DA-003</td>
<td>B</td>
<td>Site – Roof – Demolition Plan</td>
</tr>
<tr>
<td>DA-101</td>
<td>B</td>
<td>Basement Plan</td>
</tr>
<tr>
<td>DA-102</td>
<td>B</td>
<td>Ground Floor Plan</td>
</tr>
<tr>
<td>DA-103</td>
<td>B</td>
<td>Floor Plan Levels 1-3</td>
</tr>
<tr>
<td>DA-104</td>
<td>B</td>
<td>Level 4 Floor Plan</td>
</tr>
<tr>
<td>DA-201</td>
<td>A</td>
<td>East &amp; West Elevations</td>
</tr>
<tr>
<td>DA-202</td>
<td>A</td>
<td>North &amp; South Elevations</td>
</tr>
<tr>
<td>DA-203</td>
<td>A</td>
<td>Section Plans</td>
</tr>
</tbody>
</table>

- Stormwater Plans submitted to satisfy Schedule A;
- Landscape Plan, Drawing No. DA-L101 & DA-L102, Revision A, prepared by Canvas Landscape Architects, dated 5 April 2018;
- Acoustic Assessment, Reference No. 170636R1, Revision 1, prepared by Rodney Stevens Acoustics, dated 13 March 2018;
- Arboricultural Impact Assessment & Tree Management Plan, Reference No. 3841.1, prepared by Redgum Horticultural, dated 4 April 2018;
- Flood Investigation Study, Revision A, prepared by Mances Arraj Pty Ltd, dated April 2018;
- BASIX Certificate No. 906088M, dated 5 April 2018;
- Correspondence from Cumberland Police Area Command, dated 9 May 2018 (copy attached), and all conditions contained therein; and
- Correspondence from Endeavour Energy, dated 15 May 2018 (copy attached), and all conditions contained therein; and
- Waste Management Plan, dated 5 April 2018.

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.
Appointment 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, builders 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. Permission is granted for the demolition of the nominated 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 accompanies this Development Consent and demolition works must at all times comply with its requirements.

d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER 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 9840 9840. 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 Environment Protection Authority (EPA).

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 HDCP 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 by 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.

8. Payment of $470.00 fee for inspection by Council of the demolition site prior to commencement of any demolition works.

BASIX (Building Sustainability Index)

9. Under Clause 138D 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.

Substation / fire hydrant boosters

10. No approval is granted or implied for any encasing structures (i.e. blast walls or radiant heat shields) associated with the installation of any substations or fire hydrant booster pumps. Separate Development Consent is required for such structures.

Cranes on Building Sites

11. No approval is granted or implied for the installation of any crane on the premises that has the potential to swing beyond the boundaries of the subject site. Separate necessary approvals, including but not limited to Section 138 of the Roads Act and/or Section 68 of the Local Government Act, must be obtained from Council prior to installation of any crane that swings over Council land.

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:-

Amended Plans

12. Prior to the issue of a construction certificate, amended plans/documents are to be submitted to the certifying authority to address the following:
   a) A fixed 1.5m high (measured from the FFL of the balcony) privacy screen shall be installed to along the western outer edge of the planter box of Units 43, 44, 45 and 46, to ensure that adequate privacy is maintained between properties and residential amenity provided for future occupants.

13. The architectural plans and landscape plan shall be revised to correspond with the endorsed stormwater plans with respect to levels and layout. The amended architectural plans and landscape plan shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Payment of Bonds, Fees and Long Service Levy

14. 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

15. 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 7 x 1-bedroom units, 36 x 2-bedroom units and 4 x 3-bedroom units; minus credit for the existing 4 x 3-bedroom dwellings is to be paid to Council. At the time of this development consent, the current rate of the contribution is $660,217.00. 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

16. A cash bond/bank guarantee of $6,005.00 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

17. 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

18. Payment of a $668.00 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.

Tree Planting/Landscaping

19. The following bond/s shall be lodged with Council prior to works commencing against the retention, protection during demolition/construction and adaptation to the altered environment, of the following tree/s identified on the endorsed plans:-

<table>
<thead>
<tr>
<th>Tree No &amp; Species</th>
<th>Bond</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree 4 – Callistemon viminalis</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Tree 5 – Callistemon viminalis</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Tree 11 – Callistemon viminalis</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

The bond/s will be retained for a minimum period of twelve (12) months from the date of issue of a Final Occupation Certificate after which a further inspection will be undertaken by the PCA to ensure the satisfactory adaptation of the tree/s to its/their altered environment.

The bond/s will be retained pending final inspection being obtained from Council in relation to the trees and the demolition/construction works.

If Council is not the PCA, a report on the health and condition of the tree/s, from the Arborist engaged to ensure the proper protection and management of the trees required to be retained/transplanted, is to be submitted to Council at the completion of works and expiry of the bond period prior to the release of bond/s. If the report indicates that the tree/s require remedial works, which are not exempt under Council’s Tree Management Order, an application for General Tree Works will be required to be submitted and approved, before the works are carried out and certified by the Arborist. Remedial works which are exempt under Council’s Tree Management Order will also be required to be completed and certified.

If the trees are not retained, protected or managed to Council’s or the PCA’s satisfaction, bond monies will be forfeited at the following rates unless remedial works are implemented:-

(a) An initial breach of any tree protection condition – 20% of total bond for particular tree/s.
(b) A second or the continuing breach of any tree protection condition - 40% of total bond for particular tree/s.

(c) If after 40% of the bond is retained, further breaches of the tree protection conditions occur, Council may instigate legal proceedings for the cessation of all works on the site.

(d) Death of any protected tree/s due to non-compliance with tree protection conditions – 100% of total bond for particular tree/s and possible legal action by Council.

Note: Retention of bonds for twelve (12) months provides for the tree/s to adapt to its/their altered situation over a full cycle of seasons.

**Engineering Fees and Bonds**

20. Payment of the applicable fee and charge for the design, specifications and inspection by Council of the vehicular crossing/s prior to placement of concrete.

21. Payment of a $486.00 fee for the inspection by Council of the stormwater drainage and Onsite Stormwater Detention System at the key stages, where Council is the Principal Certifying Authority.

22. The applicant shall lodge with Council a $6,000.00 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.

23. The applicant shall lodge with Council a $5,000.00 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.

24. The applicant shall lodge with Council a $6,135.00 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.

**On-site Stormwater Detention**

25. The development has been identified as requiring an on-site stormwater 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 2019-052 and Council’s on-site stormwater detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The following shall also be addressed:
   i. Amendment in RED on Council’s approved drawing.
Construction and Traffic Management Plan

26. 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 a $196.00 initial fee 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.

27. The applicant shall also provide a Construction and Traffic Management Plan, prepared by a suitably qualified consultant and submitted to Council for approval. A $232.00 initial fee is payable for the assessment of the plan shall also be lodged to Council. The following matters must be specifically addressed in the Plan:

(a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
   - Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
   - Signage type and location to manage pedestrians in the vicinity;
   - The locations of any proposed Work Zones in the frontage roadways – note: Work Zone fees apply in accordance with Council’s Fees and Charges;
   - Locations and type of any hoardings proposed along all street frontages;
   - Area of site sheds and the like;
   - Location of any proposed crane standing areas;
   - A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
   - Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
   - The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible; and

(b) A Traffic Control Plan for the site must be prepared for approval by Council incorporating the following:

   (i) Traffic control devices proposed in the road reserve must in accordance with the RMS publication “Traffic Control Worksite Manual” and designed by a person licensed to do so (minimum RMS ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

   (ii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing:

       a. Light traffic roads and those subject to a load or height limit must be avoided at all times; and

       b. A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

   (iii) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial Road.

   (iv) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements;
v) For those construction personnel that drive to the site, the Applicant shall provide on-site parking so that their personnel’s vehicles do not impact on the area.

c) Council’s adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.

d) Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing.

e) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.

f) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

g) Subject to an application for the occupation of public roadway or footway (Section 138, Local Govt. Act 1993), and Covered by a $20M public liability insurance policy, with the policy noting Council as an interested party.

Flooding

28. The development site has been identified as a flood affected site in the 1% AEP storm event which was considered as part of the development consent. In this regard design and construction details shall be submitted to the certifying authority prior to the issue of a construction certificate and the following shall also be addressed:

   i. Demonstrate compliance with the Flood Investigation Study prepared by Mances Arraj Pty Ltd dated April 2018.
   
   ii. Design and construction of the proposed structures shall also include the proposed structures being able to withstand the forces of floodwater, debris and buoyancy up to and including the FPL (1% AEP flood plus 500mm freeboard).
   
   iii. All proposed fencing within the flood affected area shall be in accordance with Council detail SD8025.

29. All flood works as per the items listed under ‘Prior to Issue of Construction Certificate’ of the Development Consent and the approved plans shall be completed.

Sight Distance

30. To maintain sight distance to pedestrians, all fencing and landscaping within 2m of a driveway shall have a maximum height of 1m and be 50% transparent above a height of 0.5 m. All solid posts higher than 0.5 m (but lower than 1m) shall have a maximum width 0.35 m and a minimum spacing of 1.2m. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Required Submissions to Certifying Authority

31. 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.

32. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

33. 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.

34. Structural engineer’s details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.

Affordable Housing

35. A minimum of thirteen (13) units, being units 1, 4, 5, 11, 14, 15, 21, 24, 25, 31, 34 and 35 on the endorsed architectural plans, and Unit 3 (53.51m²) as an additional affordable unit; shall be nominated for the purpose of affordable housing prior to the issue of Construction Certificate.

Construction Management Plan

36. A Construction Management Plan (CMP) prepared by a suitably qualified consultant shall be prepared to address issues such as traffic control, noise, dust, etc., during construction. All measures works/methods/procedures/control measures/recommendations made within the Construction Management Plan shall be implemented accordingly.

Fire Safety Upgrading & Essential Services

37. The Construction Certificate is to include a schedule specifying all of the essential fire or other safety measures that are required for the building or premises to ensure the safety of persons in the building in the event of fire.

Accessibility

38. Prior to the issue of a Construction Certificate, plans must be submitted to the Principal Certifying Authority, indicating that the new development has been designed to comply with Adaptable Housing requirements as per AS4299-1995 – Adaptable Housing. In this regard, Units 3, 8, 13, 18, 23, 28, 33 and 38 shall be nominated as adaptable units.

39. Prior to the issue of a Construction Certificate, plans must be submitted to the Principal Certifying Authority, indicating that the new development has been designed to comply with the requirements of the Disability (Access to Premises – Building) Standards 2010.

40. The development shall achieve a benchmark of 20% of the total number of apartments incorporating the Liveable Housing Guideline’s Silver Level universal design features.

Acoustic Measures

41. Plans and/or specifications indicating how compliance with the recommendations of Acoustic Assessment, Reference No. 170836R1, Revision 1, prepared by Rodney Stevens Acoustics, dated 13 March 2018, are to be submitted to the Principal Certifying Authority.

Traffic Management

42. Details of any control device for the roller gates (if proposed) shall be shown on the plans. The control device shall not reduce the width of the access driveway/ramp, shall not impact on the flow of traffic and road safety and shall be demonstrated with swept path analysis.
43. Any required adjustment to utility services, trees, signs and other street furniture requires approval of the appropriate authority shall be undertaken by the applicant. All cost associated with the proposed works shall be borne from the applicant and at no cost to Council.

44. Any works requiring closure of any road or footway closure will require submission of a Council’s Temporary Road Closure application form and payment of fees.

45. Signs and line marking plans for the car parking area (e.g. parking spaces, internal arrows, Give-way signs, pedestrian crossing/walkways etc.) shall be prepared prior to the issue of Construction Certificate and to be in accordance with AS 2890.1-2004, AS 2890.6-2009 and the endorsed plans.

Salinity

46. 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:
- 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

47. 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.

Light Fixtures

48. A plan showing the location of light fixtures throughout the development shall be submitted to the Principal Certifying Authority. Light spillage shall comply with AS 4282-1997.

Residential Flat Development Residential Waste Storage Area

49. The bin tug shall be available for use and securely stored within the garbage room. The storage location of the bin tug must not obstruct access to bins or shared pedestrian walkways and path of travel or vehicular access, and shall be shown on plans submitted with the application for the Construction Certificate.
50. The waste storage area shall be roofed, screened from public view and provided with:-
   - Openings, 5% of the floor area and recessed into the walls, positioned to provide cross floor ventilation OR mechanical ventilation to Council's satisfaction;
   - An adequate water supply provided by a hose cock and hose (hot water for commercial premises)
   - The floor shall be made of an imperious surface, drained to sewer in accordance with Sydney Water requirements and include a dry arrestor pit with a removable basket.

Plans and specifications for the storage room shall be submitted with the application for the Construction Certificate.

Car Wash Bay

51. A vehicle wash bay shall be provided for residents of the development. Collection, reuse and ultimate disposal of water used in the vehicle wash bay shall be in accordance with Sydney Water's requirements. The car wash bay shall be designed so that the following requirements are met:-
   - Have an adequate parking and washing floor space.
   - Provide a water supply.
   - Minimise water use with appropriate devices (e.g., such as a gun-type nozzle which closes when released and a timer operative valve, collection and use of rainwater).
   - Have a water supply cut out system/fail-safe mechanisms provided to ensure that mechanical failure; drainage blockage or lack of maintenance cannot result in wastewater surcharge into the stormwater system.
   - Be designed to ensure that over spray, drift of water or detergent does not cause a nuisance to persons, vehicles, residences, other buildings, neighbouring properties or the environment.
   - Be located so that washing can occur with minimal disturbance to other residents.

Details to be submitted to the Principal Certifying Authority.

Design Verification Statement

52. In accordance with Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 - Design Quality of Residential Flat Development, the subject development must be undertaken or directed by a "qualified designer" (i.e., a "registered architect" under the Architects Act). In this regard, a design verification statement shall be submitted to the Principal Certifying Authority (PCA). The PCA shall ensure that the statement prepared by the qualified designer provides the following:-

(i) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
(ii) That the qualified designer has designed or directed the design of the subject development;
(iii) That the plans and specifications lodged with the Construction Certificate achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 SEPP 65.

N.B. The design verification statement must provide an explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65.
Erosion and sedimentation controls

53. Erosion and sedimentation controls must be provided to ensure:
   a) Compliance with any approved Soil and Water Management Plan
   b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
   c) All uncontaminated run-off is diverted around cleared or disturbed areas
   d) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterway
   e) All erosion and sediment controls are fully maintained for the duration of demolition/development works
   f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
   g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
   h) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters
   i) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls to be implemented on site must be submitted with the Construction Certificate Application. Under no circumstances may any works commence prior to these details being approved by the Accredited Certifier and the controls being in place on the site.

Residential Storage

54. Storage areas for each unit shall be provided at the following rates:
   - 1 bedroom units - 6m³
   - 2 bedroom units - 8m³
   - 3 bedroom units - 10m³

A minimum of 50% of the storage area shall be provided within the unit.

Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

External Walls and Cladding Flammability

55. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate, the Certifying Authority and Principal Certifying Authority must:

(a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
(b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

**Air Conditioning**

56. Details and specifications for the mechanical ventilation system complying with the Australian Standard are to be submitted and approved by Council or the Principal Certifying Authority.
PRIOR TO WORKS / DEMOLITION 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

57. 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.

   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.

   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-Build

58. 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.

Required Submissions to Council or the Principal Certifying Authority

59. 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
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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

Photographic Record of Council Property – Damage Deposit

60. 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.

Notification to Relevant Public Authority

61. The applicant shall ensure that relevant public utility authorities are made aware of the potential salinity problems that have been identified onsite, such that their services are designed to take into consideration the effects the saline soils may have on their installations.

Fencing of Sites

62. 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

63. 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

64. 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

65. 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

66. 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.

Tree Protection Conditions

67. An Arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all demolition/construction work to ensure the proper protection and management of the tree's required to be retained/transplanted and that any necessary pruning work within 1m of the building/s approved, is carried out in accordance with Australian Standard 4373-1996 “Pruning of Amenity Trees”. This includes on site supervision of the erection of tree protection measures and, where necessary, any works that are required within tree protection zones.
68. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected prior to and throughout the demolition/construction process in accordance with Arboricultural Impact Assessment & Tree Management Plan, Reference No. 3841.1, prepared by Redgum Horticultural, dated 4 April 2018, the attached Guidelines for the Protection of Trees On and Adjacent To Demolition/Building sites, and relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to the Principal Certifying Authority by a suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted. A copy of the Certificate is to be issued to Council within seven (7) days of the inspection and prior to any works commencing. Additionally, trees identified for removal are to be retained until immediately prior to works commencing, to assist with soil management and erosion control.

69. Protective fencing is to be installed around the tree/s to be retained/transplanted in line with the outer edge of the canopy which overhangs the site and no further than 0.5m from any buildings. This fencing is to be constructed of chainwire mesh 1.8m high, which is supported by steel stakes or piping and braced to resist impacts. Where appropriate the trunk/s of the tree/s on the site and any street tree/s (which are not to be fenced other than as mentioned above), shall also be protected by vertical timber boards, installed by or under the supervision of a suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the trees required to be retained/transplanted to accepted horticultural and TAFE standards.

Note: Removal of the protective fencing or timber boards during construction work, will affect the Bonds and may result in legal proceedings being instigated by Council against the applicant and builder.

Footpaving, Kerbing and Guttering

70. 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.

71. 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

72. If an excavation associated with the erection or demolition 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).
73. A dilapidation report of adjoining properties/allotments and details of the proposed excavation works in excess of 2m or within the zone of influence of neighbouring building foundations and required underpinning and supportive measures shall be submitted to the Principal Certifying Authority. Any required underpinning and supportive measures shall be designed by a practising structural engineer and details shall be submitted to the Principal Certifying Authority for approval prior to construction works commencing.

**Toilet Facilities**

74. 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**

75. 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

76. 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 the 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.

77. 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

78. 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.

79. Submission to Council of a Certificate of Currency of the contractor’s Workers’ Compensation Policy prior to the commencement of works.

80. 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

81. 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 8757 9000.

Contaminated Land Unexpected Finds

82. In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease. Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Cumberland Council, Manager Health and Environmental Protection.

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.
DURING DEMOLITION/CONSTRUCTION

The following conditions are applicable during demolition/construction:

Endorsed Plans & Specifications

83. 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

84. 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

85. 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.

86. 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.

87. 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

88. 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 Environment Protection Authority (EPA).

**Note:** The person responsible for disposing of the above asbestos waste is to telephone the EPA 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](http://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.

**Compliance with Critical Stage Inspections and other Inspections nominated by the Principal Certifying Authority**

89. 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.

**Noise & Vibration**

90. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

91. In the event of a noise or vibration problem arising, the person in charge of the premises must, when instructed by Cumberland Council or the Accredited Certifier, cease work and carry out an acoustical survey and/or investigation by an appropriate acoustical engineer or consultant and submit the results to Council. The person in charge of the site must implement any or all of the recommendations of the consultant and any additional
requirements of Council. Any requirements of Council in this regard must be complied with immediately.

Waste Management Plan

92. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.

93. 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

94. 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

95. 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 (FFL)s and setbacks to boundary/ies. 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

96. 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**

97. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.

98. New 1.8m 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 all 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.

99. Fences are to taper from the front building line to be not more than 900mm high at the front boundary.

100. A single master T.V. antenna is to be installed to service each building and provision made for connection to each dwelling within that building.

**Tree Protection**

101. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected against damage throughout the demolition/construction process in accordance with Arboricultural Impact Assessment & Tree Management Plan, Reference No. 3641.1, prepared by Redgum Horticultural, dated 4 April 2018; and the attached Guidelines for the Protection of Trees On and Adjacent to Demolition/Building Sites and relevant conditions of this Consent.

102. 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/transplanted 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.

**Acoustic Assessment**

103. All recommendations contained in the approved Acoustic Assessment, Reference No. 170636R1, Revision 1, prepared by Rodney Stevens Acoustics, dated 13 March 2018 shall be adopted, implemented, and adhered to.

The Principal Certifying Authority (PCA) shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the above stated report have been completed and that relevant noise criteria have been satisfied prior to the issue of any Occupational Certificate.

Any changes made to the proposal that would alter the outcome will require a further assessment and a copy of this further report shall be provided to the PCA for approval and
all recommendations of the report shall be adopted, implemented and available upon request of the Council.

Car Park Mechanical Ventilation

104. The car park is to be mechanically ventilated in accordance with the Building Code of Australia, AS1668 and other relevant legislation and standards to adequately remove the Volatile Organic Compounds (VOCs) and other noxious odours.

Works within Council's Reserve

105. All works within the Council reserve shall be suitably fenced to prevent public access to the work site during construction of the stormwater drainage.

Inspection of On Site Detention Works

106. The stormwater drainage works are to 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:

(a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of construction of the detention basin/tank.

(b) Prior to landscaping of detention basin or pouring of the roof of the detention tank.

(c) After completion of storage but prior to installation of fittings (e.g. orifice plates, screens, flap valves etc.)

(d) 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

107. 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".

108. 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

109. All communications cabling shall be installed underground as per relevant authority requirements (including broadband and Category 5).

Underground Power Connection

110. Where electricity reticulation cannot be obtained directly from the street, power connection is to be underground. No intermediate power pole is permitted.
Balconies

111. All balconies that are not provided with masonry balustrading shall be provided with obscure / opaque glazing.

Alarms

112. The developer/builder shall not install any audible intruder alarms within the units. If the building is to be provided with a burglar alarm system, this shall incorporate back to base monitoring such that residents can connect thereto from each individual unit.

113. With regard to basement level pump out system, a warning system shall be provided to alert occupants of the building that a basement stormwater pump out failure has occurred, which could cause flooding. As a minimum, the system shall include:

- a flashing light with warning sign at each pedestrian and vehicular entrance into the basement from outside the building; and
- a warning system, such as an audible alarm with flashing light and warning sign installed within a common area or areas of the building, such as the ground floor lobby.

Note: Any audible alarms shall be installed within the building.

Basement Parking

114. A convex mirror is to be provided so that drivers can see up the driveway from within the basement.

115. An intercom device is to be located:

i) on the driver’s side wall near the security shutter to the basement car park, so that visitors can access the visitor car parking spaces; and

ii) within the basement foyer so that disabled persons can contact any unit if the lift is not working.

Vehicle Cleansing

116. 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

117. 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

118. 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 FINAL OCCUPATION CERTIFICATE

The following conditions are to be complied with prior to the issue of a final occupation certificate:-

Certificates/Documentary Evidence

119. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.

120. 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 082 746 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.

121. 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.

122. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that Units 3, 8, 13, 18, 23, 28, 33 and 38 have achieved the desired level of adaptability (i.e. "Adaptable House Class A or B").

Playground Equipment Certification

123. Certification is to be provided to the Principal Certifying Authority (PCA) from the installer of the playground equipment that the equipment has been constructed and installed in accordance with the relevant Australian Standards. If Council is not the PCA, a copy of this certification is to be provided to Council with the Occupation Certificate.

Landscaping/Tree Protection

124. Certification is to be provided to the Principal Certifying Authority (PCA), from a suitably qualified person or the designer of the landscape proposal (as appropriate), 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.
125. Certification is to be provided to the Principal Certifying Authority (PCA) from a suitably qualified and licensed contractor that the specified planter boxes have been waterproofed and drained in accordance with the requirements of the current relevant Australian Standards, any relevant authority regulations and current best work practices. If Council is not the PCA a copy of the certification is to be provided to Council with the Occupation Certificate.

126. The Arborist engaged to ensure the proper protection and management of the trees required to be retained/transplanted is to provide a report to Council concerning the health and condition of the tree/s and if necessary any remedial works required. The report should also provide documentary evidence that the tree protection conditions were complied with throughout the demolition/construction phases, in the form of site notes and photographs. Should the trees require remedial works which are not exempt under Council’s Tree Management Order, an application for General Tree Works will be required to be submitted and approved before the works are carried out and certified by the Arborist. Remedial works which are exempt under Council’s Tree Management Order will also be required to be completed and certified.

127. Certification is to be provided to the Principal Certifying Authority from a suitably qualified and licensed contractor that the specified fully automated commercial grade irrigation system has been designed and installed to all common planted areas in accordance with the requirements of the current relevant Australian Standards, any relevant authority regulations and current best work practices. If Council is not the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.

128. Boundary and courtyard fences must be erected and finished in a professional manner.

Parking/Driveway

129. All parking spaces shall be signposted and linemarked in accordance with the endorsed signs and linemarking plans and Australian Standards (i.e. AS2890.1-2004 and 2890.6-2009).

130. The entry / exit driveway shall be indicated with appropriate signage and linemarking to avoid traffic conflict at the driveway.

131. Directional arrows for internal circulation shall be prominently displayed on the pavement on approaches to, and within, the car park area.

132. A convex mirror shall be installed within the basement carpark at proposed ramps.

Fire Safety

133. Submission to Council of a Final Fire Safety Certificate pursuant to Clause 170 of the Environmental Planning and Assessment Regulation 2000 in respect of each essential fire or other safety measure listed on the Fire Safety Schedule attached to the Construction Certificate.

NOTE:

1. Such Certificate shall state, pursuant to Clause 80E in relation to each essential fire safety measure mentioned in the certificate:—
   • that the service has been assessed by a properly qualified person (chosen by the owner of the building); and
that the service was found to be, when assessed, capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

2. The person who carries out the assessment must inspect and verify the performance of each fire safety measure being assessed, and must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedules for the building.

3. The assessment must have been carried out within the three (3) months prior to the date on which the final fire safety certificate is issued.

**External Walls and Cladding Flammability**

134. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate, the Certifying Authority and Principal Certifying Authority must:

   (b) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and

   (c) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

**On-site Stormwater Detention, Certification and Covenant**

135. A copy of the as approved stormwater drainage and On Site Detention/Overland Flowpath 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.

136. A certificate of compliance in accordance with Council’s standards and specifications for stormwater drainage and On Site Detention/Overland Flowpath shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.

137. A certificate of compliance for the pump out drainage system of the basement level shall be issued to the Principal Certifying Authority by the pump installers stating that the pump out system has been installed to operate in accordance with the Council requirements and approved drawings.

138. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On Site Detention/Overland Flowpath 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.

Covenant and Maintenance Schedule

139. 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.

140. 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.

141. OSD design summary calculation sheet/s using the WAE levels shall be submitted to Council.

142. 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.

143. The applicant shall provide a standard confined space danger sign at all access points to the underground OSD storage tank in accordance with the Upper Parramatta River Catchment Trust OSD handbook.

Road Works

144. Any works requiring levels within the road reserve will require the submission of Council’s Vehicle Crossing application form.

145. A full width heavy duty vehicular crossing shall be provided opposite each vehicular entrance to the site, with a maximum width of 6 metres and a minimum width of 5.5 metres 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.

146. The removal of existing footpath and reconstruction of a 1.5m wide concrete footpath paving and associated works along all areas of the site fronting Irwin Place and Brangrove Street. 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.

147. 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.

148. A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifying Authority.
149. 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 his property is satisfactory.

150. The pipeline trench within the Council reserve shall be backfilled, compacted and turfed to the satisfaction of Council’s Engineer. This includes restoring any disturbance to Council’s property.

Lot Consolidation

151. Lots 7, 8, 9 and 10 in DP239558 to be consolidated into one lot on title and all works shall be completed in accordance with Development Consent 2018/123.

House/Street Number

152. A house/street number must be displayed on all newly developed properties in accordance with Council’s “Policy on the Display of House Numbers”.

Design Verification Statement

153. In accordance with Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 “Design Quality of Residential Flat Development”, the subject development must be undertaken or directed by a “qualified designer” (i.e., a “registered architect” under the Architects Act). In this regard, a design verification statement shall be submitted to the Principal Certifying Authority (PCA) assessing the development, upon completion of all works subject of this consent and its accompanying construction certificate. The PCA shall ensure that the statement prepared by the qualified designer provides the following:-

(i) A valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW);
(ii) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the Construction Certificate, having regard to the design quality principles set out in Part 2 SEPP 65.

Air Conditioning

154. At the completion of the installation of the mechanical ventilation system, the Principal Certifying Authority is to be provided with a certificate from the installer that includes:
(a) inspection, testing and commissioning details,
(b) date of inspection testing and commissioning,
(c) the name and address of the individual who carried out the test,
(d) statement that the service has been designed, installed and is capable of operating to the above standard.

Lighting

155. Adequate lighting shall be provided within the development (i.e. pedestrian access ways, common areas and communal open space, car parking areas and all entries) and shall comply with AS 1680.0:2009.
Acoustic Assessment

156. All recommendations contained in the approved acoustic assessment prepared by Acoustic Assessment, Reference No. 170638R1, Revision 1, prepared by Rodney Stevens Acoustics, dated 13 March 2018; shall be adopted, implemented, and adhered to. In particular "We recommend that further acoustic assessment is carried out when the development has been approved and Mechanical Plans have been prepared and become available for our review. Background noise levels will be carried out and final recommendations will be provided for all associated Mechanical Plant & Equipment."

The Principal Certifying Authority (PCA) shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the above stated report have been completed and that relevant noise criteria have been satisfied prior to the issue of any Occupational Certificate.

Noise Compliance Report

157. A noise compliance report shall be submitted to Council prior to the issuing of the Occupation Certificate. The report shall state that the noise reduction measures detailed within the Acoustic Assessment, Reference No. 170638R1, Revision 1, prepared by Rodney Stevens Acoustics, dated 13 March 2018; have been implemented, and confirm that the noise emissions from the premises complies with Council's noise criteria specified in this consent.

SEPP (Affordable Rental Housing) 2009

158. To ensure compliance with State Environmental Planning Policy (Affordable Rental Housing) 2009, Council is to be notified on the day that an occupation certificate is issued (this in turn will be considered as the day that the affordable housing 10 year dedication period commences). The register is to be updated accordingly.

159. To ensure compliance with the State Environmental Planning Policy (Affordable Rental Housing) 2009, details of the registered community housing provider responsible for the management of the affordable rental housing dwellings is to be submitted to the Principal Certifying Authority and Council before the issue of any Occupation Certificate.

Restriction as to User

160. For a period of at least 10 years from the date of the issue of the Occupation Certificate:

i) A minimum of 1,075.81m² of the gross floor area (being Units 1, 3, 4, 5, 11, 14, 15, 21, 24, 25, 31, 34 and 35) provided in the development scheme must be used for the purpose of affordable housing as defined in Part 1 Clause 6(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009; and

ii) All accommodation that is used for affordable housing shall be managed by a registered community housing provider. Details of the registered community housing provider agreement shall be provided to Council prior to occupation of the premises.

a) A positive covenant being registered on the title to the property under Section 88E of the Conveyancing Act, to give effect to part (a) of this condition. Such covenant shall not be revoked or modified without prior approval of Council. The covenant shall be registered before the issue of an Occupation Certificate.

b) The rental amount of the affordable units is to meet the requirement of Part 1 Clause 6 (1) of State Environmental Planning Policy (Affordable Rental Housing) 2009.
A restriction as to user must be registered, before the date of the issue of the Occupation Certificate, against the title of the property, in accordance with Section 88E of the Conveyancing Act 1919, to ensure that the requirements of Condition, requiring the use of Units 1, 3, 4, 5, 11, 14, 15, 21, 24, 25, 31, 34 and 35 (being a minimum GFA of 1,075.81m²) for the purpose of affordable housing under the Affordable Rental Housing SEPP 2009, that accommodation must be managed by a registered community housing provider.

Documents giving effect to the creation of a Restriction on Use must be submitted to the Council for approval prior to lodging with Land and Property Information NSW. The terms of the instruments are to be to the satisfaction of Council.

Council is to be named in the instrument as the only party authorised to release, vary or modify the instrument.

Registered title documents showing the covenants and restrictions must be submitted to and approved by Council prior to the issue of any Occupation Certificate.

The restriction to use and any associated documentation must be prepared and registered at the sole cost of the applicant, including the reasonable costs of Council in obtaining legal advice on the restriction terms, the cost and expense of negotiating the terms and conditions of the restriction, producing documents or otherwise facilitating the preparation and registration of the required documents.

**General**

162. Clothes drying area shall be screened from public domain area.

163. 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:-

Use for Affordable Housing

164. Units 1, 3, 4, 5, 11, 14, 15, 21, 24, 25, 31, 34 and 35 (being minimum GFA of 1,075.81m²); as per the plans / documents submitted must be used for the purposes of affordable housing under the Affordable Rental Housing SEPP 2009, and that accommodation must be managed for the purposes of affordable housing by a registered community housing provider for a period of 10 years from the date of the issue of the occupation certificate.

Safety & Amenity

165. 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.

Traffic and Parking

166. At least 47 car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for residents and visitors' vehicles only in conjunction with the occupation of the building/premises.

167. The entry point shall be provided with a suitable communication system to allow the security gate to be opened remotely by occupants of the building. The width of the access driveway/ramp adjacent to the control devices shall not restrict access for residents / visitors and shall be in accordance with Australian Standards.

168. All vehicles shall enter and leave the site in a forward direction.

169. All residents shall be provided with remote control device to open the roller door.

Refuse & Trade Waste

170. Waste storage bins must be covered at all times to prevent entry of stormwater or dispersal by wind and must be sealed to prevent leakage.

Maintenance of Waste Storage Area

171. All waste and recycling containers shall be stored in the designated waste storage area. The owner's corporation shall be responsible for movement of the waste and recycling containers to the footpath for weekly collections, and the return of waste and recycling containers to the waste storage area. The owners corporation shall clean the waste storage area, dry arrestor pit and waste collection containers.

172. In the event of Council receiving complaints regarding excessive odour from the garbage bay area, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the garbage bay area.
Car Park Mechanical Ventilation

173. The car park mechanical ventilation shall be operated and maintained to ensure that it complies with the Building Code of Australia, AS1668 and other relevant legislation and standards to adequately remove the Volatile Organic Compounds (VOCs) and other noxious odours.

174. Noise and vibration from the use of the (mechanical exhaust ventilation) system 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.

Air Emissions

175. The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act 1997 and shall be controlled in accordance with the requirements of such Act.

176. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour exiting the premises.

Alarms

177. Where audible intruder alarms are installed in the units by residents, they shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

Emergency Procedures

178. The owner of a building to which an essential fire safety measure is applicable must not fail to maintain each essential fire safety measure in the building premises to a standard not less than that specified in the Fire Safety Schedule.

Noise

179. The operation of all plant and equipment shall not give rise to an equivalent continuous (L10 or L50) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L10 or L50 level (in the absence of the noise under consideration).

180. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises.

181. 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.
Mechanical Ventilation

182. Any discharge to the atmosphere from the subject development shall not result in any odour or other air impurity being detected outside the boundaries of the property.

Lighting

183. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with AS4282-1997 Control of the obtrusive effects of outdoor lighting.

Clean Water Discharge

184. 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.

Car Wash - Residential

185. Washing of vehicles shall be conducted in a car washbay, which is roofed and bunded to exclude rainwater. The carwash bay shall be regularly cleaned and maintained. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.

186. The car wash bay shall be managed and maintained so that the following requirements are met:
- The Body Corporate or owner should advise all users of the car wash facilities how to operate, maintain and use the equipment so that good housekeeping practices can be adopted at all times.
- Have clearly visible sign(s) indicating that no degreasing, engine washing or mechanical work is to be undertaken in the car wash bay, informs car wash bay users of how to use and maintain the system, and encourages users to minimise the use of detergents and water.

Landscaping

187. Landscaping adjacent to the driveway shall not restrict pedestrian and vehicular visibility in accordance with Australian Standard 2890.1 – 2004. Regular maintenance shall be undertaken to ensure this requirement is satisfied.

General

188. All privacy measures shall be maintained for the life of the development.
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 proceeding 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 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. 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 6 months of the date of determination, or as otherwise prescribed.

C. Section 8.3 of the Act provides that an applicant may request, within 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 8.2 of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

D. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.

E. 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.

F. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.

G. DEMOLITION

   (a) Demolition is to be carried out in accordance with AS2601-2001, Demolition of Structures.
   (b) 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.
   (c) All sediment/soil is to be prevented from entering Council’s stormwater drainage system.
(d) 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.

(e) On completion of demolition the site is to be left in a clean and tidy condition.

(f) Cumberland Council has a Tree Management Order which applies to the entire local government area. No ring-barking, cutting down, topping, topping, 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.

(g) There shall be no burning of any waste.

(h) 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.

(i) 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.

H. 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.

I. 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.

J. TERMITE PROTECTION

Structural members are to be protected from attacked by subterranean termites in accordance with the requirements of AS660.1-2000 Protection of building from subterranean termites and a durable notice must be affixed within the metre 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.
K. 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.

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.

L. SARKING

To reduce the risk of injury during works to the roof, sarking with fall arresting ability is to be provided to the underside of the roof. Manufacturers specifications for the sarking is to be submitted to Council prior to its installation.

M. 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.

N. SOUND TRANSMISSION AND INSULATION

To ensure the amenity of occupants in multi-residential development (Class 2 and 3 buildings and Class 9c Aged Care buildings), separating walls must be constructed in accordance with Part F5 of the Building Code of Australia.

O. 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".

P. 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.

Q. 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.

R. 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

Sohail Faridy
COORDINATOR DEVELOPMENT ASSESSMENT
DOCUMENTS ASSOCIATED WITH REPORT ELPP020/19

Attachment 6
Internal Architectural Plans
AREA CALCULATIONS FOR AFFORDABLE HOUSING

TOTAL SITE AREA: 2,395 m²

ALLOWABLE FSR:
- 5 BRAGG GROVE ST: 1.2
- 10 BLACKWOOD PL: 1.5

ALLOWABLE GFA:
- 5 BRAGG GROVE ST: 1.2 x 562.8 = 675.36 m²
- 10 BLACKWOOD PL: 1.5 x 1,022.2 = 2,433.3 m²

TOTAL:
3,423.66 m²

PROPOSED GFA: 4,022 m² (59% over)
EXTRA FOR ALLOWED: 588.85 m² / 2,395 m² = 0.246

AFFORDABLE HOUSING ALLOCATION: 4,022 x 24.9% = 1,012 m²

GROUND FLOOR PLAN

L 1 FLOOR PLAN

L 2 FLOOR PLAN

L 3 FLOOR PLAN

L 4 FLOOR PLAN

LEGEND:
- AH: AFFORDABLE HOUSING
DOCUMENTS ASSOCIATED WITH REPORT ELPP020/19

Attachment 7
External Architectural Plans
DOCUMENTS ASSOCIATED WITH REPORT ELPP020/19

Attachment 8
Clause 4.6 Variation Request to Building Height
Appendix 2: Clause 4.6 Variation Request

As addressed previously within this statement and as evident in the section extract below and the architectural plans submitted, the proposed development will comprise a 5 storey residential flat building that predominantly complies with the permitted maximum 15m building height. However as illustrated below a small section of the building and the top of the lift core protrudes above the 15m control. The building height protrusion is at its maximum 720mm above the maximum height control of 15m or 4.8% and the top of the lift core represents a protrusion of approximately 850mm above the maximum height control of 15m or 5.6%.

The extract below highlights the area of building above the maximum permitted 15m height control.

As illustrated above the development exceeds the height control by up to 850mm.

Therefore, a Clause 4.6 variation request has been prepared, noting that the request addresses a number of recent Land and Environment Court cases including Four 2 Five v Ashfield and Mical Holdings Pty Ltd v Randwick City Council and Moskovich v Waverley Council.

The key tests or requirements arising from the above judgements is that:

- The consent authority be personally satisfied the proposed development will be in the public interest because it is “consistent with” the objectives of the development standard and zone is not a requirement to “achieve” those objectives. It is a requirement that the development be ‘compatible’ with them or ‘capable of existing together in harmony’. It means “something less onerous than ‘achievement’”.

- Establishing that ‘compliance with the standard is unreasonable or unnecessary in the circumstances of the case’ does not always require the applicant to show that the
relevant objectives of the standard are achieved by the proposal (Wehbe “test” 1). Other methods are available, for example that the relevant objectives of the standard would not be achieved or would be thwarted by a complying development (Wehbe “test” 3).

- When pursuing a clause 4.6 variation request it is appropriate to demonstrate how the proposal achieves a better outcome than a complying scheme; and

- The proposal is required to be in ‘the public interest’.

In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the building height standards standard;
- Demonstrating consistency with the R4 zoning; and
- Satisfying the relevant provisions of Clause 4.6 of Holroyd LEP 2013.

These matters are addressed below, noting that the proposal presents a site responsive development by responding to the constrained nature of the subject land parcel meaning that the floorspace of the development is most appropriately accommodated within a fifth level, rather than bringing the building closer to adjoining properties.

**Clause 4.6 Variation: Height of Building**

The proposal is non-compliant with Clause 4.3 – Height of Building which stipulates that the maximum building height within the subject land parcel is 15m. The majority of the proposed 5 storey flat building complies with the prescribed height control. The building is designed to ensure that the majority of the habitable floor space is contained below the maximum building height line which indicates that the variation is not simply a means of achieving additional development yield on the site, but a site specific design response. In this case the variation stems from both the flooding constraints and the desire to appropriately accommodate the bonus FSR envisioned by the ARHSEPP. It is noted all structures that encroach upon the height control are recessed and not highly visible from the street level and will have negligible impact on the streetscape along either Brangrove Street or Irwin Place.

Clause 4.6 of the Holroyd LEP 2013 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular sub clause 3-5 which provide:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

b) that there are sufficient environmental planning grounds to justify contravening the development standard.

\(4\) Development consent must not be granted for development that contravenes a development standard unless:

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

b) the concurrence of the Secretary has been obtained.

\(5\) In deciding whether to grant concurrence, the Secretary must consider:

a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

b) the public benefit of maintaining the development standard, and

c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

Each of these provisions are addressed in turn.

**Clause 4.6(3)**

in accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved.

The objectives of the building height development standard are stated as:

\(1\) The objectives of this clause are as follows:

a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,

b) to ensure development is consistent with the landform,

c) to provide appropriate scales and intensities of development through height controls.

The current development proposal seeks to depart from the height control for small portions of the upper storey of the building and the top of lift core. Despite this, the proposal remaining consistent with the objectives of the clause and is a more appropriate outcome on the site because of the following:

- The overall height of the development presents as a compatible form of development with only a small component of the upper level of the building and top of the lift core exceeding the height limit. This upper level of the building is recessed in so that the
top of the building will be less visually prominent when viewed from the street level and the height protrusion will not be visible from the adjoining properties which aligns with the intent of the planning controls contained within Holroyd LEP 2013.

- The subject site is affected by the 1% AEP meaning that minimum floor levels for both non-habitable and habitable rooms are set as a minimum above the flood level. This results in the building being pushed higher than it would otherwise, meaning the overall building height is pushed slightly above the maximum permitted under the LEP. Ensuring the flood levels are complied with protects the safety of residents from future flooding events.

- If the additional floorspace permitted under the LEP was to be provided at ground level then minimum setbacks to adjoining properties may not be able to be achieved and the resulting impact on adjoining properties would be greater. Providing more floorspace at ground level is far more undesirable than providing a modest recessed upper level of the building. The potential impact on flooding levels may also be exacerbated if additional built form were to be provided at ground level, this would also be a less desirable outcome than providing a small component of the building on the fifth level which is significantly recessed in from the lower levels to ensure the impact of the development is minimised.

- The portion of the building that exceeds the height control is not intended to gain additional floorspace as the application demonstrates, the proposal is compliant with the maximum floorspace ratio of 1.73:1. The additional building height is merely a response to the site’s flooding constraints in that the building needed to be lifted to provide a floor level compliant with the Council’s flooding controls.

- It is also noted that the proposal will not obstruct existing view corridors as compared to a compliant built form.

- The fifth storey of the building is recessed from the front setback 8m and more than 9m from both side setbacks. This enables there to be a fifth level or useable floorspace as permitted by the maximum floorspace ratio under the LEP while at the same time minimising the visual impact of this level of the building. The upper level will be barely detectable from the street level ensuring the development has no negative impact on this residential streetscape.

- The extent of variation does not contribute to any increase in overshadowing (hence the extent of impact is as per the impact generated by the permitted building envelope).

- The minor non-compliance to the height control has no unacceptable impact on the setting of any items of environmental heritage or view corridors.
As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the minor departure from the control.

The unique circumstances of the case that warrant support of the departure are:

- The need to appropriately accommodate minimum required finished floor levels to establish compliance with Council's minimum flood levels. This has been achieved without exceeding the maximum floorspace ratio.

- The non-compliance stems from the provision of 12 affordable dwellings that allows the development to exceed the FSR of 1.2:1 and 1.5:1 for the site contained in LEP 2013. Council's Building envelope controls of height, FSR and setbacks are designed to accommodate a residential flat building with an FSR of 1.5:1. This development has an allowable FSR of 1.73:1 under the ARHSEPP and the additional floor space can only be appropriately accommodated by breaching the building envelope controls.

- The breaching of the height plane in order to comply with the flooding requirements ensures that the safety of future occupants is managed in the unlikely event of a flood.

Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control. In addition, the proposal is consistent with the objectives of the R4 Zone, being:

- 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.

The proposal ensures that the high density nature of the zone is retained and there is not a significant change to the character of the locality. In addition, the proposal complements and enhances the local streetscape by virtue of the careful siting of the development.

It is understood that the concurrence of the Secretary can be assumed in the current circumstances.
Clause 4.6(5)

As addressed it is understood the concurrence of the Secretary may be assumed in this circumstance, however the following points are made in relation to this clause:

a) The contravention of the building height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal; and

b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the building height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality based on the observed building forms in the locality.

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its particular circumstances.

The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality, which has been earmarked for future high density development by virtue of its R4 Zoning. The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.
Attachment 9

Concept plans for Potential Redevelopment of No. 5 Irwin Place
DEVELOPMENT APPLICATION FOR 15 HYACINTH STREET, GREYSTANES

Responsible Division: Environment & Planning
Officer: Manager Development Assessment
File Number: DA 2018/284/1

<table>
<thead>
<tr>
<th>Application lodged</th>
<th>10 August 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Baini Design</td>
</tr>
<tr>
<td>Owner</td>
<td>Ishak Group Holdings Pty Ltd</td>
</tr>
<tr>
<td>Application No.</td>
<td>2018/284/1</td>
</tr>
<tr>
<td>Description of Land</td>
<td>15 Hyacinth Street, Greystanes (Lot 29 in DP 239685)</td>
</tr>
<tr>
<td>Proposed Development</td>
<td>Demolition of existing structures and construction of a two storey, 30 place child care centre over basement parking accommodating 10 parking spaces</td>
</tr>
<tr>
<td>Site Area</td>
<td>560.2m²</td>
</tr>
<tr>
<td>Zoning</td>
<td>R2 – Low Density Residential</td>
</tr>
</tbody>
</table>
| Principal Development Standards | • Floor Space Ratio – 0.5:1 (HLEP 2013)  
• Height of Buildings – 9m |
| Disclosure of political donations and gifts | Nil disclosure |
| Heritage          | No             |
| Issues            | - Number of children and outdoor unencumbered space  
- Car parking ratio  
- Landscape area  
- Basement and driveway setbacks |

SUMMARY:

1. Development Application 2018/284/1 was received on 10 August 2018 for the demolition of existing structures and construction of a two storey, 30 place child care centre over basement parking accommodating 10 parking spaces.

2. The application was publicly notified to adjoining and opposite owners, a notice was placed in the local press and a notice placed on the site for 14 days from 12 September 2018 to 26 September 2018. In response, 18 submissions (3 support letters and 15 objections) were received.

3. On 8 November 2018 a public information session was held at Cumberland Council.

4. Council through its assessment identified a number of concerns with the proposal, and requested amended plans and additional information on 4 February 2019.

5. Amended plans and additional information were received on 4 March 2019 addressing some of Council’s concerns. The proposal was publicly re-notified
for 14 days from 8 March 2019 to 22 March 2019. In response, 11 submissions against the proposal were received.

6. There are non-compliances with the proposed development having considered the provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Child Care Planning Guideline (the Guideline) 2017, and Holroyd Development Control Plan 2013 (HDCP).

7. The proposed development seeks following notable variations:

<table>
<thead>
<tr>
<th>Control</th>
<th>Required</th>
<th>Provided</th>
<th>%age variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Number of children and outdoor unencumbered space</td>
<td>7m²x 30 = 210m²</td>
<td>210m² (including storage shed, OSD pits, open swale channel, retaining walls and dense planting)</td>
<td></td>
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<tr>
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<td></td>
<td>Assessing officer’s calculation = 185.5m²/7 = 26.5 children</td>
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<tr>
<td></td>
<td></td>
<td>Recommendation = reduce number of children to 26</td>
<td></td>
</tr>
<tr>
<td>(b) (regulation 108 and part 4.9 the Guideline)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landscape area</td>
<td>Min. 20% = 112.04m²</td>
<td>13.78% (77.2m²)</td>
<td>31%</td>
</tr>
<tr>
<td>Setbacks from side boundary (DCP)</td>
<td>Basement 900mm/Driveway 1.5m</td>
<td>Basement – 415mm (north) Driveway – 1.2m</td>
<td></td>
</tr>
</tbody>
</table>

8. The application has been referred to the Cumberland Local Planning Panel (CLPP) for determination due to the number of submissions received during the notification period.

9. It is recommended that the application be approved for a maximum of 26 children (due to the available unencumbered outdoor space/play area) subject to conditions provided in the Draft Notice of Determination held at Attachment 1.

REPORT:

Subject Site And Surrounding Area

The subject site is known as 15 Hyacinth Street, Greystanes, and is legally described as Lot 29 in DP 239685. The site is located on the western side of Hyacinth Street. The site is a rectangular block with a frontage of 20.4m, depth of 27.4m and a total site area of 560.2m². Existing improvements on the site include a single-storey dwelling with attached carport on the southern side. Adjoining developments consist of one to two storey detached dwelling houses with landscaped front setbacks.
Widemere Public School directly adjoins the subject site and shares its rear boundary. Council's Nemesia Street Park is located 100m walking distance towards the north-eastern side of the site. The subject site and all of adjoining properties are zoned R2 Low Density Residential.

Locality Plan
Area hatched in red is 15 Hyacinth Street, Greystanes (Locality)

Aerial Plan
15 Hyacinth Street, Greystanes (Aerial)
Description of The Proposed Development

The proposed development, as amended, involves the demolition of existing structures and construction of a two storey, 30 place child care centre over basement parking accommodating 10 parking spaces.

Key features of the development proposal are as follows:-

- Demolition of the existing dwelling and carport.
- Construction of a two-storey child care facility accommodating 30 children.
- Construction of a basement level car parking area accommodating 10 car parking spaces, for staff and visitors (including 1 accessible space) and bin room.
- The facility will accommodate 30 children, as follows:
  - 10 children – 2-3 yrs
  - 20 children – 3-5 yrs
- The proposed centre will operate from 7.00am to 6.00pm Monday to Friday, and will employ 4 staff.
- The ground floor level contains office, toilets, storage and indoor and outdoor play areas.
The first floor level contains office, toilet, staff room, kitchen, laundry, storage and balcony facing Hyacinth Street.

There is no signage proposed as part of the application.

Above ground OSD system and open swale channel are proposed on site.

**History**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/08/2018</td>
<td>Development Application 2018/283 was lodged.</td>
</tr>
<tr>
<td>3/09/2018</td>
<td>The application was reviewed by Council's DA Review team (DART)</td>
</tr>
<tr>
<td>3/09/2018</td>
<td>The application was referred to Council's internal departments for review.</td>
</tr>
<tr>
<td>12/09/2018 to 26/09/2018</td>
<td>The application was publicly notified to adjoining and opposite owners, a notice was placed in the local press and a notice placed on the site for 14 days. In response, 18 submissions including 3 support letters and 15 objections were received.</td>
</tr>
<tr>
<td>8/11/2018</td>
<td>Public information session was held at Cumberland Council.</td>
</tr>
<tr>
<td>4/02/2019</td>
<td>Application was deferred due to non-compliances with SEPP (Educational Establishments and Child Care Facilities) 2017, Child Care Planning Guideline 2017, Holroyd Local Environmental Plan 2013, and Holroyd Development Control Plan 2013.</td>
</tr>
<tr>
<td>4/03/2019</td>
<td>Amended plans and additional information were received by Council.</td>
</tr>
<tr>
<td>8/03/2019 to 22/03/2019</td>
<td>The application was placed on public re-notification for 7 days, during which time 11 submissions were received.</td>
</tr>
<tr>
<td>16/04/2019</td>
<td>Application referred to CLPP for determination.</td>
</tr>
</tbody>
</table>

**Applicant's Supporting Statement**

The applicant provided a Statement of Environmental Effects prepared by Think Planners Pty Ltd dated 2 August 2018 and 7 March 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 development is supportable in regards to overland flood mitigation measure, and on-site detention provision, subject to conditions.
Traffic Engineer

The development application was referred to Council’s Traffic Engineer for comment who has advised that the development is supportable in regards to traffic management, and on-site parking provision in the basement level, subject to conditions.

Parks Officer

The development application was referred to Council’s Parks Officer for comment who has advised that the development is located within the vicinity of Council’s park and is supportable, subject to conditions.

Tree Management Officer

The development application was referred to Council’s Tree Management Officer for comment who has advised that the development is supportable in regards to protection of existing trees on the adjoining properties, subject to conditions.

Waste Management Officer

The development application was referred to Council’s Waste Management Officer for comment who has advised that the development is supportable in regards to provision of bin tug, bin storage room, and waste collection and management plan, subject to conditions.

Environmental Health Officer

The development application was referred to Council’s Environmental Health Officer for comment who has advised that the development is supportable in regards to fit-out for food preparation area, acoustic assessment, noise management plan, noise attenuation measure, soil assessment, and site contamination, subject to conditions.

Children’s Services

The development application was referred to Council’s Children’s Services section for comment who has advised that the development is supportable in regards to compliance with the provisions of Education and Care Services National Regulations and Law, subject to conditions.

External Referrals

N/A

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**

The requirement at Clause 7 of SEPP No. 55 for Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development has been considered in the following table:

<table>
<thead>
<tr>
<th>Matters for consideration</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the application involve re-development of the site or a change of land use?</td>
<td>☒</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?</td>
<td>☒</td>
<td></td>
<td></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>☒</td>
<td></td>
<td></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>☒</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the site listed on Council’s Contaminated Land Database?</td>
<td>☒</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the site subject to EPA clean-up order or other EPA restrictions?</td>
<td>☒</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has the site been the subject of known pollution incidents or illegal dumping?</td>
<td>☒</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the site adjoin any contaminated land/ previously contaminated land?</td>
<td>☒</td>
<td></td>
<td></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>☒</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Details of contamination investigations carried out at the site:**

In relation to clause 7(4) of SEPP 55, the land of concerned is not located within an investigation area (clause 7(4)(a)), development for a purpose referred to in Table 1 of the Contaminated Land Planning Guidelines is not known to have been carried out on the land (clause 7(4)(b), and historic zoning controls of the land did not make lawful the carrying out of activities nominated in Table 1. Based on these considerations, clauses 7(2) and 7(3) of SEPP 55 have no application. The site is not identified in Council’s records as being contaminated. A site inspection reveals the site does not have any obvious signs or history of a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated. On this basis, SEPP 55 has no further application. Notwithstanding, a
Matters for consideration

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>soil assessment report is required in accordance with the Child Care Planning Guideline issued by NSW Department of Planning and Environment. The proposal is considered satisfactory subject to imposition of condition with regard to submission of a soil assessment report prior to issue of construction certificate.</td>
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</tbody>
</table>

(b) State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The relevant provisions of the SEPP have been considered in the assessment of the Application.

It is noted that State Environmental Planning Policy (Educational Establishments And Child Care Facilities) 2017 commenced on 1 September 2017. The SEPP applies to any proposals for new schools or child care centres or proposed alterations and additions to existing centres. The relevant provisions of the SEPP have been considered in the assessment of the Application.

A comprehensive assessment and compliance table is attached to this report in Appendix A, which indicates that there are non-compliances with the SEPP 2017 with regard to number of children proposed and outdoor unencumbered space as under:

<table>
<thead>
<tr>
<th>(c)</th>
<th>Control</th>
<th>(d) Required</th>
<th>(e) Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>(f) Number of children and outdoor unencumbered space (regulation 108 SEPP 2017 and part 4.9 the Guideline)</td>
<td>7m²x 30 = 210m²</td>
<td>The application indicates that an unencumbered area of 210m² is provided. However, this has not taken consideration of OSD pits, open swale channel, retaining walls and dense planting. The assessment officer’s calculation of the unencumbered outdoor space equates to 185.5m². This will accommodate only 26.5 children. This report recommends a condition to be imposed on any consent granted seeking a reduction in number of children to 26.</td>
<td></td>
</tr>
</tbody>
</table>

(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. The proposal does not propose to disturb bushland zoned or reserved for public open space.

(d) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

No vegetation removal is proposed.

Regional Environmental Plans (Deemed State Environmental Planning Policies)

e) 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

(a) Holroyd Local Environmental Plan (LEP) 2013

The proposed development is defined as a ‘centre based child care facility’ under the provisions of Holroyd Local Environmental Plan (LEP) 2013. Centre based child care facilities are a permissible land use with consent under the R2 – Low Density Residential zoning applying to the land under Holroyd LEP 2013.

A comprehensive assessment and compliance table is attached to this report in Appendix B which demonstrates the development proposal’s compliance with the relevant planning controls that are applicable to the site under the Holroyd LEP 2013.

The provisions of any draft Environmental Planning Instruments (EP & A Act Section 4.15(1)(a)(ii))

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

The provisions of any Development Control Plans (Environmental Planning & Assessment Act Section 4.15(1)(a)(iii))

(b) Holroyd Development Control Plan (HDCP) 2013

The Holroyd DCP 2013 provides guidance for the design and operation of development within Holroyd to achieve the aims and objectives of Holroyd LEP 2013.

The proposed development is generally compliant with the relevant provisions. Parts A, B & I apply to the proposal. A comprehensive assessment and compliance table is attached to this report at Appendix C which demonstrates the development proposal’s compliance with the relevant planning controls that are applicable to the site.

The assessment provided in Appendix C indicates that there are some minor non-compliances with the HDCP 2013 with regard to car parking, landscape area, and basement and driveway setbacks, which are discussed in the following section:

<table>
<thead>
<tr>
<th>No.</th>
<th>Clause</th>
<th>Comment</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PART A – GENERAL CONTROLS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Roads and Access</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Car Parking</td>
<td></td>
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<tr>
<td>No.</td>
<td>Clause</td>
<td>Comment</td>
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<tr>
<td>3.1</td>
<td><strong>Minimum Parking Spaces</strong></td>
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<tr>
<td></td>
<td>1 per 4 children &amp; 1 per two employees.</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>No of children – 30/4 = 7.5 (8)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No. of employees = 4/2 = 2</td>
<td></td>
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<td></td>
<td>Total Required: 10</td>
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<td>With the reduction of children: No of children – 26/4 = 6.5 (7)</td>
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<td></td>
<td>10 car parking spaces provided within basement level with the following ratio. Staff = 4 spaces Visitor = 6 spaces</td>
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<td></td>
<td>Condition is to be imposed to ensure the car parking spaces allocation is in accordance to the ratio applies, which is at least 7 spaces for visitor parking and 3 spaces for the employees.</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td>3.5</td>
<td><strong>Access, Manoeuvring and Layout</strong></td>
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<td></td>
<td>Driveways shall be setback a minimum of 1.5m from the side boundary.</td>
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<td>The proposed driveway is setback 1.2m from the eastern side boundary which is less than what is required. Setback shortfall of 0.3m is considered acceptable given the proposed width of the two way driveway will ensure safe vehicular movement.</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td><strong>PART B – RESIDENTIAL CONTROLS</strong></td>
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<tr>
<td>1</td>
<td><strong>GENERAL RESIDENTIAL CONTROLS</strong></td>
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<tr>
<td>1.5</td>
<td><strong>Landscape Area</strong> Min. 20% = 112.04m²</td>
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<td>Area of 13.78% (77.2m²) is provided with min 2m dimension. An additional landscaped area of 3.1% (17.6m²) with dimension less than 2m. This equates to 16.9% (94.8m²).</td>
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<td>Variation to the landscaped area is acceptable given that the rear yard is also required for unencumbered outdoor space for the child care centre.</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td>2.3</td>
<td><strong>Setbacks</strong> - Side: 0.9m</td>
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<td>Minimum 0.9m side setbacks provided on the ground level.</td>
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<td>Basement setback 415mm to the northern side boundary is considered acceptable given that the above ground level setbacks</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
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</tbody>
</table>
Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F (EP & A Act s79C(1)(a)(iiia))

There are no draft planning agreements or planning agreements associated with the subject Application.

The provisions of the Regulations (Environmental Planning & Assessment Act Section 4.15(1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the Environmental Planning & Assessment Regulations 2000.

Section 4.15 (1)(a)(v) - any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)

There is no Coastal Zone Management Plan applicable for the site.

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

The likely impacts of the development have been considered in the assessment of the application and 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 site is considered suitable to accommodate the proposed development. 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.

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

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

In accordance with Part E - Public Participation of the Holroyd DCP 2013, the application was publicly notified to adjoining and opposite owners, a notice was placed in the local press and a notice placed on the site for 14 days from 12 September 2018 to 26 September 2018. In response, 18 submissions including 3 support letters and 15 objections were received. Following the submission of additional information the proposal was re-notified to the objectors and the adjoining and opposite owners for 14 days between 8 March 2019 and 22 March 2019. Eleven (11) additional submissions were received as a result of the re-notification.

The issues raised in the public submissions and public information session are summarised and commented on as follows:
<table>
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<tr>
<th>Concern</th>
<th>Comment</th>
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</table>
| 1. Bulk and scale  
The building is out of character, not consistent with the aesthetic of the street, not located in an appropriate zone for commercial/business use, proposing front fencing, excessive in size, and a large 2 storey with underground parking far exceeds the typical housing in low density area. | The proposed development may not appear as any other dwelling house within the street as it is designed as a childcare centre; however it is not considered out of character with the immediate area. It is noted that the R2 zoned area is undergoing a transition and older housing stock is in the process of being replaced by contemporary-style development.  
The proposed FSR of 0.47:1 does not exceed the maximum FSR of 0.5:1 that applies to housing development in the vicinity and on the subject site. The proposal has been assessed against the Holroyd DCP 2013 Part B controls for dwelling house and it is considered satisfactory, including setbacks. The proposed site coverage and height in conjunction with FSR that nominate the building envelope and bulk and scale thus complies. Refer to compliance table in Appendix B and C.  
The proposed basement parking has been designed to ensure that it will not dominate the building appearance as the basement entry is setback 12.2m from the front boundary.  
The proposal includes the construction of a low fencing to the height of 1.1m within the front boundary, which is generally acceptable for a child care centre. The proposed development will be compatible with the streetscape of the existing low density residential area.  
The proposed development with its commercial nature is a permissible land use within the R2 Low Density Residential zone. The proposed development has demonstrated that it is capable to maintain acoustic and privacy amenity of the neighbouring properties in its operation, subject to conditions. |
<table>
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<th>Concern</th>
<th>Comment</th>
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<tr>
<td>2. Traffic and parking</td>
<td>Under the Holroyd Development Control Plan 2013, the required parking rate for child care centres is 1 space per 4 children and 1 space per 2 staff, which equates to total of 10 spaces required for 30 children. This rate has been provided on site, which takes into account staff and visitor parking demands. It is noted that Council’s rate of 1 car space per 4 children is consistent with the recently introduced NSW State Government document entitled Child Care Planning Guideline, in which the rate of 1 space per 4 children encompasses the whole centre including all staff. Condition is to be imposed to ensure that ratio of staff and visitor parking is allocated accordingly, which is at least 7 spaces for visitor parking based on 26 children. The proposed parking arrangement and swept path have been reviewed by Council’s Traffic Engineer and considered satisfactory, subject to conditions. Updated traffic report has been carried out based on surveys during peak times AM and PM between 7.00am – 9.30am and 2.30pm – 6.00pm on 21 February 2019. Council noted the additional traffic to be generated by the proposal and the findings from the Traffic and Parking Impact Assessment Report. The proposed development is a low trip generator and can be accommodated in the locality without affecting performance of existing 7m width street, delays or queues of nearby intersections, and complies with Council’s parking requirements. With the provision of two way driveway allowing all vehicles to enter and leave in</td>
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</table>
Concern | Comment
--- | ---
a forward direction and a good sight distance, it is envisaged that motorists will be capable of entering and exiting the site in a safe and efficient manner. Additional condition is included to ensure any front fencing will allow clear sightlines for vehicular access. The number of parking spaces provided is considered acceptable and appropriate to meet the parking demand of the proposed centre without placing unacceptable demands on the availability of parking within the locality or on the local street network.

The entry/exit driveway is at an obvious location that will not be missed by parents and caregivers. The parents and caregivers will be regular visitors to the centre knowing in advance the location of car parking. Operational management plan (OMP) and installation of “no stopping” zone by way of conditions are to be imposed to encourage the use of basement parking facility. All pickup and drop-off is expected to take place within the basement and it is not considered to create any adverse impact on the public space.

Given the operation of the child care centre will be wholly contained in the subject site, disruption to any emergency and garbage vehicles access onto Hyacinth Street is not anticipated.

3. Privacy
Top level balcony will overlook adjoining properties and deprived the resident’s privacy.
The first floor windows to the side boundaries have sill height less than 1.5m. The south facing window is setback 6m from the side boundary and the north facing window is to a laundry. Condition is to be imposed for provision of obscure glazing to all first floor windows to a minimum height of 1.5m above finished floor level. The street facing balcony is provided with full height screening on the side boundary, which will maintain privacy.

4. Noise
The proposed child care centre will be
Design of acoustic fencing location, height and thickness, and updated
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<th>Concern</th>
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<tr>
<td>a noise nuisance to surrounding properties. Design of acoustic fencing location, height and thickness are not acceptable. Location of mechanical ventilation will impact neighbouring properties. Noise management plan will not effective in reducing noise.</td>
<td>acoustic assessment report and noise management plan have been reviewed by Council’s Environmental Health officer and are considered satisfactory to comply with the relevant noise control provisions. The acoustic report demonstrates that the proposed centre can be accommodated on the site without noise nuisance to adjoining and surrounding properties, as the noise generated from both indoor and outdoor play activities can comply with the relevant environmental noise guidelines with the imposition of a noise management plan submitted with the application and the installation of relevant noise mitigation measures such as acoustic fencing. The acoustic consultant recommendation is captured within the Noise Management Plan. Further acoustic assessment has been provided on the use of mechanical plant to be mounted on the roof, which could be used only during the operation of child care centre. Conditions are to be imposed in the consent to avoid any breaches to the required noise threshold, including noise management to be incorporated in the OMP.</td>
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5. Disturbance to neighbouring properties - basement excavation, trees outside the subject site during excavation, fencing replacement, vandalism/break in, and devalue properties. Combined environmental factors (traffic, noise, sewage, water, stormwater) with recently approved child care centre at 15 Camellia Street. | The concerns raised have been reviewed in the assessment of the subject application. Excavation of basement is subject to conditions imposed to ensure that structural integrity of the adjoining properties is maintained. The health of existing trees located within the adjoining properties has been considered and conditions are to be imposed to ensure that the integrity of these trees is to be protected during construction. Replacement of dividing fence between the adjoining properties is a civil matter to be determined by the involved parties. |
Concern | Comment
---|---
under the Dividing Fence Act. Additional condition is to be imposed to ensure the construction of acoustic fencing will be situated within the subject site. Criminal activities may occur regardless in any type of development and should be reported to the Police for action. Devaluation of property is not a consideration under Section 4.15 of the EP&A Act.
The child care centre at 15 Camellia Street has addressed the required criteria applying specifically to the site. The subject application has also been submitted with supporting documentation and was found to be satisfactory, as discussed within the body of this report. Cumulative environmental factors are not anticipated from both of child care centres.
Sewerage and water facilities are subject to conditions imposed to ensure adequate facility will be provided.

6. Childcare Planning Guideline
The proposal fails to meet the requirements of the NSW Government Childcare Planning Guideline dated August 2017.
Design of the centre has considered the provision of light and ventilation into indoor play area, including extensive west facing openings into the outdoor play area. The site location proposed permits the construction of the child care centre and the proposed bulk and scale comply with Council’s DCP requirements. Lack of demand for the actual child care centre is not a matter, which would warrant refusal of an application that satisfies the criteria under the relevant regulations.

7. Flooding
Site is not affected by flooding. Overland flood study undertaken applies to site. The application was referred to Council’s Development Engineer, who raised no objection subject to conditions imposed for overland flow mitigation measure. Finished floor level of indoor play area for age 3 – 5 years is to be amended to
CONCLUSION:

The Application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No. 55 – Remediation of Land, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Education and Care Services National Regulations, Holroyd Local Environmental Plan 2013 and the Holroyd Development Control Plan 2013 and is considered to be satisfactory for approval subject to reduction in number of children to 26 (to comply with the outdoor unencumbered space) and the draft 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 2018/284/1 for demolition of existing structures and construction of a two storey, 26 place child care centre over basement parking accommodating 10 parking spaces on land at 15 Hyacinth Street, Greystanes, be Approved, subject to the attached conditions, provided at Attachment 1.

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

ATTACHMENTS

1. Draft Notice of Determination
2. Architectural Plans Internal
3. Architectural Plans External
4. Landscape Plan
5. Acoustic Report
6. Noise Management Plan
7. Redacted Public Submission
8. Locality Map
9. Appendix A - SEPP Educational Establishments and Child Care Facilities 2017
10. Appendix B - HLEP 2013
11. Appendix C - HDCP 2013
12. Appendix D - Child Care Planning Guideline 2017
DOCUMENTS
ASSOCIATED WITH
REPORT ELPP021/19

Attachment 1
Draft Notice of Determination
16 April 2019

Baini Design
PO Box 2402
NORTH PARRAMATTA NSW 1750

Dear Sir/Madam

Pursuant to Section 4.16 of the Act, Council has granted conditional approval to your Development Application described as follows:

PROPERTY: Lot: 29 DP: 239685

STREET ADDRESS: 15 Hyacinth Street GREYSTANES

DEVELOPMENT CONSENT NO: 2018/284/1

DECISION: Cumberland Local Planning Panel

DATE OF EXPIRY OF CONSENT: 16 April 2024

PROPOSED DEVELOPMENT: Demolition of existing structures and construction of a 26 place two storey, child care centre over basement parking accommodating 10 parking spaces

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.
PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced by the date of expiry shown on the front page of this Consent.

2. Development shall take place in accordance with the following endorsed plans and documents:

   - Architectural Plans prepared by Baini Design, Job No. 18156, Drawing No. 05, dated 06/07/17, Drawing No. 06, dated 07/17/18, Drawing No. 03, 07, 10, and 12, dated 08/07/18, Drawing No. 14, dated 02/12/19 – as amended to satisfy Conditions 14 and 15;
   
   - Acoustic fencing/Slimwall prepared by Slimwall Next Generation Fencing, Drawing Nos. S0, S1, S3, S4 & S12 (Rev B dated 31 July 2015) and Nos. S2, S5-S11 inclusive (Rev A dated 25 February 2015);
   
   - Stormwater Management Plans prepared by M.M. Farah Civil/Structural Pty Ltd, Job Nos. SW-15 HYNCINTHT, Sheet No. 1 and 2 of 2, dated 22 February 2019 (OSD Plan No.2019-065);
   
   - Landscape plan prepared by Outside in Design Group Pty Ltd, Drawing No L-01, Issue E, dated 28 February 2019;
   
   - Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180318R2, Revision 1, dated 11 February 2018;
   
   - Noise Management plan prepared by Rodney Stevens Acoustics, Reference R180318NMP1, Revision 0, dated 11 February 2019 – as amended to satisfy Condition 15;
   
   - Arboricultural Assessment and Tree Management Plan prepared by Horticultural Management Services, dated 15 February 2019; and
   
   - Waste management plan prepared by Baini Design, dated 8 August 2018.

   except as otherwise provided by the conditions of this determination and/or amended 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.

Appointment 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 109E 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. The proposed structure/s are to be located clear of existing Council easements. Special footings will be required where the proposed/existing structures are adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. The footing system is to be designed by a practising professional structural engineer.

7. Building materials, builders 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.

**Child Care Centres**

8. An approval shall be obtained from Department of Education and Communities (DEC) prior to commencement of operations. The number of children cared for in the new centre shall not exceed 26 aged up to 5 years.

9. Compliance with the Education and Care Services National Regulations is required.

**N.B.** The subject Development Consent issued by Council does not imply or otherwise verify compliance with the Regulation.

**Demolition**

10. 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.
11. Permission is granted for the nominated demolition works 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 accompanies this Development Consent and demolition works must at all times comply with its requirements.

d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words “DANGER 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 8.00pm. 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) 9996 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 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 by 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.

12. Payment of $470.00 fee for inspection by Council of the demolition site prior to commencement of any demolition works.

Signage

13. No approval is granted or implied for the installation of signage in association with the proposed use. Separate Consent is required.
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:

Amended Plans

14. Amended plans shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate addressing the following issues:

a) Finished floor level of indoor play area for age 3 – 5 years old shall be increased to RL 40.80m AHD minimum.

b) A 2.1m high acoustic fence as measured from the finished floor level of the outdoor play area shall be constructed entirely within the subject property.

c) All boundary fence on top of retaining wall with the fence height exceeding 2.4m as measured from the lower adjacent ground level, shall be constructed of transparent Perspex/lattice type of materials in its place.

d) At least 7 on site car parking spaces are to be allocated to visitors.

15. Prior to the issue of a construction certificate, amended plans/documents are to be submitted to Council’s Manager of Development Assessment to address the following:

a) A soil assessment for the site of the proposed education and care service premises shall be undertaken by an appropriately qualified consultant as required by the Child Care Planning Guideline issued by NSW Department of Planning and Environment.

b) Noise Management plan prepared by Rodney Stevens Acoustics, Reference R180318NMP1, Revision 0, dated 11 February 2019 shall be reviewed and updated to reference the endorsed Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180318R2, Revision 1, dated 11 February 2019.

Payment of Bonds, Fees and Long Service Levy

16. 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.

Damage Deposit

17. 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

18. 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

19. Payment of a $372.00 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

20. Payment of a $609.00 fee for the inspection by Council of the stormwater drainage and Onsite Stormwater Detention System at the key stages, where Council is the Principal Certifying Authority.

21. The applicant shall lodge with Council a $3,000 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.

22. 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.

Construction and Traffic Management Plan

23. 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 a $428.00 fee 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.

24. The applicant shall also provide a Construction and Traffic Management Plan, prepared by a suitably qualified consultant and submitted to Council for approval. The following matters must be specifically addressed in the Plan:

i. A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:

   a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
   b) Signage type and location to manage pedestrians in the vicinity;
   c) The locations of any proposed Work Zones in the frontage roadways – note: Work Zone fees apply in accordance with Council's Fees and Charges;
   d) Locations and type of any hoardings proposed along all street frontages;
   e) Area of site sheds and the like;
   f) Location of any proposed crane standing areas;
   g) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
   h) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;

ii. A Traffic Control Plan for the site must be prepared for approval by Council incorporating the following: -

   a) Traffic control devices proposed in the road reserve must in accordance with the RMS publication “Traffic Control Worksite Manual” and designed by a person licensed to do so with appropriate qualification. The main stages of the development requiring specific construction management measures shall be identified and specific traffic control measures identified for each.

   b) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing: -

      • Light traffic roads and those subject to a load or height limit must be avoided at all times; and
      • A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

   c) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial Road.
d) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements;

Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.

iii. Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing.

iv. Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.

v. Dependent on the circumstances of the site, Council may request additional information to that detailed above.

vi. Subject to an application for the occupation of public roadway or footway (Section 138, Local government Act 1993), and covered by a minimum Public Liability cover of $20,000,000. Cumberland Council shall be named on the certificate of currency as an interested party.

**Traffic Conditions**

25. The applicant shall provide 'No Stopping' parking restrictions along the frontage of the site. The proposed 'No Stopping' parking restrictions is subject to Council's Traffic Committee approval. In this regard, plan shall be provided to Council's Traffic Committee meeting four weeks prior to meeting date.

Note: contact Council's Traffic Engineer to include an item for the proposed 'No Stopping' parking restrictions on Hyacinth Street along the frontage of the site.

26. Any required adjustment to utility services, trees, signs and other street furniture requires approval of the appropriate authority shall be undertaken by the applicant. All cost associated with the proposed works shall be borne from the applicant and at no cost to Council.

27. Any works requiring closure of any road or footway closure will require submission of a Council's Temporary Road Closure application form and payment of fees.

28. Signs and line marking plans for the car parking area (e.g. parking spaces, internal arrows, Give-way signs, pedestrian crossing/walkways etc.) shall be prepared prior to the issue of Construction Certificate and to be in accordance with AS 2890.1-2004, AS 2890.6-2009 and the endorsed plans.

**Sight Distance**

29. 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.

**Basement Drainage**

30. Basement drainage system shall comply with Council’s Stormwater DCP. Basement below ground and above ground storage volumes shall be calculated in accordance with Section 7.3 C12 of the DCP. Detail calculations shall be provided.

31. Submit engineering details and manufacturers specifications for the pumps and switching system including a plot of the system curve against the pump curve.

**Access Ramp**

32. A long section of the access ramps to basements shall be submitted showing all gradients and dimensions. The transitions shall be checked for scraping and bottoming out in accordance with AS2890.1:2004 for B85 vehicles. Also the following shall be addressed:

   i. Boundary line levels at the Hyacinth Street frontage shall be obtained from Council. The levels shall provide adequate protection to the basement from stormwater flows within the road reserve.

   ii. The maximum gradient for the first 6m shall be 5%.

   iii. A minimum clear headroom clearance of 2.2m shall be available for vehicles for the full travel length and manoeuvring areas (including turning area).

   iv. The ramp shall be designed to comply with the relevant Australian Standards.

**On-site detention**

33. 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 2019-065 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. All pipe sizes and grades shall be annotated on the plan.

   ii. 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.

   iii. All mulch to landscaped areas of the above ground basin shall be non-floatable (ie rock/gravel or similar).

   iv. A minimum of 85% of the site area shall be discharged to storage in accordance with Council’s OSD policy.
v. The maximum head to orifice centre and the same for high early discharge as shown in the plan doesn't correspond to the calculations.

Required Submissions to Certifying Authority

34. 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.

35. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

36. 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.

37. Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.

38. Details for compliance with the Disability (Access to Premises - Buildings) Standards 2010 are required to be submitted to the Principal Certifying Authority with the Construction Certificate application.

39. An emergency evacuation plan shall be submitted to the Principal Certifying Authority with the Construction Certificate application.

40. The colour and finishes of the proposed driveway shall be constructed in accordance with Section 2, Part I of Holroyd Development Control Plan 2013 Part I.2.

41. An acoustic report for all associated mechanical ventilation system to be installed on the site outlining acoustic treatment is to be submitted and approved by the Principal Certifying Authority.

Acoustic

42. All recommendations contained in the Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180318R2, Revision 1, dated 11 February 2019 shall be adopted, implemented, and adhered to.

Tree Protection

43. The recommendations stated in the 'Arboricultural Impact Assessment and Tree Management Plan', particularly the 'Tree Management Plan' as per Section 12.0, prepared by Horticultural Management Services, dated 15 February 2019, shall be complied with at all times. Details demonstrating compliance with the recommendations of this report shall be submitted to the Principal Certifying Authority for approval.
Salinity

44. 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 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:
- 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

45. 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.

Fire Safety Upgrading & Essential Services

46. The Construction Certificate is to include a schedule specifying all of the essential fire or other safety measures that are required for the building or premises to ensure the safety of persons in the building in the event of fire.

External Walls and Cladding Flammability

47. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate, the Certifying Authority and Principal Certifying Authority must:

a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and

b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
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

48. 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-BUILDER

49. 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.
Required Submissions to Council or the Principal Certifying Authority

50. To facilitate a complete assessment and enable the Certifying Authority to check compliance on site, truss validation and design, details certified by a qualified practising 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

Photographic Record of Council Property – Damage Deposit

51. 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.

Notification to Relevant Public Authority

52. 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

53. 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

54. 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

55. 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

56. 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

57. 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 City Council’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

58. 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.

59. 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

60. If an excavation associated with the erection or demolition 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).

61. A dilapidation report of adjoining properties/allotments and details of the proposed excavation works in excess of 2m or within the zone of influence of neighbouring building foundations and required underpinning and supportive measures shall be submitted to the Principal Certifying Authority. Any required underpinning and supportive measures shall be designed by a practising structural engineer and details shall be submitted to the Principal Certifying Authority for approval prior to construction works commencing.

Toilet Facilities

62. 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.

Tree Protection

63. The recommendations stated in the 'Arboricultural Impact Assessment and Tree Management Plan', particularly the 'Tree Management Plan' as per Section 12.0, prepared by Horticultural Management Services, dated 15 February 2019, shall be complied with at all times.

64. An Arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all demolition/construction work to ensure the proper protection and management of the tree/s required to be retained/transplanted and that any necessary pruning work within 1m of the building/s approved, is carried out in accordance with Australian Standard 4373-1996 "Pruning of Amenity Trees". This includes on site supervision of the erection of tree protection measures and, where necessary, any works that are required within tree protection zones.

65. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected prior to and throughout the demolition/construction process in accordance with the 'Arboricultural Impact Assessment and Tree Management Plan', particularly the 'Tree Management Plan' as per Section 12.0, prepared by Horticultural Management Services, dated 15 February 2019 for the Protection of Trees On and Adjacent To Demolition/Building sites, and relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to the Principal Certifying Authority by a suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted. A copy of the Certificate is to be issued to Council within seven (7) days of the inspection and prior to any works commencing. Additionally, trees identified for removal are to be retained until immediately prior to works commencing, to assist with soil management and erosion control.

66. Protective fencing is to be installed around the tree/s to be retained/transplanted in line with the outer edge of the canopy which overhangs the site and no further than 0.5m from any buildings. This fencing is to be constructed of chainwire mesh 1.8m high, which is supported by steel stakes or piping and braced to resist impacts. Where appropriate the trunk/s of the tree/s on the site and any street tree/s (which are not to be fenced other than as mentioned above), shall also be protected by vertical timber boards, installed by or under the supervision of a suitably qualified person or the arborist (as appropriate) engaged to ensure the proper protection and management of the trees required to be retained/transplanted to accepted horticultural and TAFE standards.
Note: Removal of the protective fencing or timber boards during construction work, will affect the Bonds and may result in legal proceedings being instigated by Council against the applicant and builder.

Roadworks

67. 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.

68. 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

69. 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.

70. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.

71. 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. Council shall be named on the Certificate of Currency as an interested party.
DURING DEMOLITION/ CONSTRUCTION

The following conditions are applicable during demolition/construction:-

Endorsed Plans & Specifications

72. 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

73. 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

74. 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.

75. 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.

76. 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

77. 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 receive 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

78. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.

79. 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

80. 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

81. 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 (FFL)s and setbacks to boundaries. 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

82. 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

83. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.

84. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected against damage throughout the demolition/construction process in accordance with the ‘Arboricultural Impact Assessment and Tree Management Plan’, particularly the ‘Tree Management Plan’ as per Section 12.0, prepared by Horticultural Management Services, dated 15 February 2019 for the Protection of Trees On and Adjacent to Demolition/Building Sites and relevant conditions of this Consent.

85. A report is to be prepared and submitted to Council by the Arborist engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted that:

i) Sets out maintenance work carried out on tree/s; and
ii) Assesses the health and condition of the tree/s required to be retained/transplanted and protected.

The report should also provide documentary evidence that the tree protection conditions are being complied with in the form of site notes and photographs and be provided at three monthly intervals during construction works that are within 5m of any tree.

86. 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/transplanted 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 mater 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.

87. 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.

88. No works are to occur within the fenced tree protection zone. All authorised works/activities within the fenced tree protection zone/s are to be undertaken by hand held equipment under the supervision of the consulting Arborist. No roots over 50mm in diameter are to be cut within the tree protection zone without prior consultation with Council officers or the consulting Arborist.

All roots over 50mm in diameter which are encountered outside the fenced tree protection zone/s are to be cleanly cut and not ripped.

89. In accordance with the Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180318R2, Revision 1, dated 11 February 2019, the fencing/barrier along proposed external play area shall be constructed to height of 2.1 metres from the finished floor level. The barrier(s) should be of solid continuous construction (i.e. free of gaps) and of masonry or SlimWall type construction at full cost to the developer.

In all other instances, new 1.8m 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 all 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 (including lattice screen where applicable) 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. Details shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
Inspection of On Site Detention Works

90. The stormwater drainage works are to 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:

a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of construction of the detention basin/tank.

b) Prior to landscaping of detention basin or pouring of the roof of the detention tank.

c) After completion of storage but prior to installation of fittings (e.g. orifice plates, screens, flap valves etc.)

d) 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

91. 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”.

92. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

Child Care Centre Kitchen

93. The premises are to be constructed and fitted out strictly in accordance with the Australian/New Zealand Food Safety Standards Code 3.2.3 ‘Food Premises and Equipment’ and Australian Standard 4674.2004 Design, Construction & Fit Out of Food Premises.

Underground Power Connection

94. Where electricity reticulation cannot be obtained directly from the street, power connection is to be underground. No intermediate power pole is permitted.

Alarms

95. With regard to basement level pump out system, a warning system shall be provided to alert occupants of the building that a basement stormwater pump out failure has occurred, which could cause flooding. As a minimum, the system shall include:

- A flashing light with warning sign at each pedestrian and vehicular entrance into the basement from outside the building; and
• a warning system, such as an audible alarm with flashing light and warning sign installed within a common area or areas of the building, such as the ground floor lobby.

Note: Any audible alarms shall be installed within the building.

**Basement Parking**

96. A convex mirror is to be provided so that drivers can see up the driveway from within the basement.

97. An intercom device is to be located:
   i) on the driver’s side wall at the top of the driveway to the basement carpark, so that visitors can access the carparking spaces; and
   ii) within the basement foyer so that disabled persons can contact any unit if the lift is not working.

98. Details of any control device for the roller gates (if proposed) shall be shown on the plans. The control device shall not reduce the width of the access driveway/ramp (i.e. maintain compliance with AS2890.1-2004) and shall not impact on the flow of traffic and road safety.

**Vehicle Cleansing**

99. 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**

100. 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 Construction**

101. Any new information which comes to light during construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council immediately.

**Fitout of Food Preparation Area**

102. A rigid smooth faced impervious ceiling shall be provided over the food preparation, cooking and serving areas. The surface finish shall be free of open joints, cracks, crevices or openings with the intersection of the walls and ceiling being tight jointed, sealed and dustproof.

103. The ceiling shall be painted with a light coloured washable paint.
104. All fluorescent light fittings shall be fitted with a smooth faced diffuser. The light fitting shall be either recessed so that the diffuser is flush with the ceiling, or designed to ensure that no horizontal surface exists which would allow dust and grease to accumulate.

105. Coving is to be provided between all walls and the floor and between the floor and all fittings. This can be achieved by coving tiles, cement render, or by turning vinyl flooring up the walls. In this case a fillet or backing piece is required to support the cove.

106. The floor shall be constructed of a material which is impervious to water, non slip and graded and drained to the floor waste.

107. The walls of food preparation areas to be tiled with close-jointed, glazed tiles of a light colour to a height of 2 metres.

108. The walls of the food preparation areas to be tiled with close-jointed, glazed tiles of a light colour to a height of 450mm above all sinks, tubs, draining boards, wash hand basins and preparation benches.

109. The walls of the food preparation areas to be tiled with close-jointed, glazed tiles of a light colour from the floor to the underside of the exhaust hood.

110. All walls where not tiled shall be cement rendered to a smooth even surface and painted with a light coloured washable paint.

111. Refrigeration, frozen food cabinets, cooking appliances, equipment, fittings, cupboards, and cabinets are to be supported on one of the following systems:-
   - Wheels or casters which allow the fully loaded fitting to be easily moved
   - Legs which provide a minimum 150mm clearance from the floor to the underside of the fitting.

112. All shelving being installed on approved metal brackets and kept at least 25mm clear of wall.

113. Food preparation benches shall be constructed of stainless steel.

114. The top and exposed edges of all benches, counters and shelving shall be finished in a smooth and non absorbent material free of joints.

115. All service pipes and electrical conduits shall be concealed within the floors, plinths, walls or ceilings.

116. All service pipes and electrical conduits which are not capable of being concealed within the walls shall be mounted on brackets so as to provide at least 25mm clearance between the pipe and adjacent (wall) vertical surface and 100mm between the pipe and adjacent (floor) horizontal surface.

117. A freestanding hand wash basin is to be provided in an approved position in the kitchen/food preparation area, which provides a supply of warm water (minimum 40°C) through a single spout. The hand wash basin shall facilitate hands free operation (should a mixer tap be used for this purpose it shall have an extended handle of not less that 250mm
in length), and shall be provided with a mounted liquid soap and paper towel dispenser adjacent to the basin.

118. All openings in the walls, floors and ceiling and all external doors and windows must be vermin proof.

119. All windows and doors to the external air are to be provided with fly screens.

120. All doors be rendered vermin proof by installing a metal strip 150mm wide at the bottom of the door on both sides of the door.

121. A kitchen exhaust hood is to be provided above all appliances of heating capacity greater than 8KW in accordance with AS 1688 Part 2. A test certificate shall be submitted to the Principal Certifying Authority with application for an Occupation Certificate.

General

122. The recommendations of the Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180318R2, Revision 1, dated 11 February 2019; shall be implemented.
PRIOR TO ISSUE OF FINAL OCCUPATION CERTIFICATE

The following conditions are to be complied with prior to the issue of a final occupation certificate:-

Certificates/Documentary Evidence

123. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.

124. A Section 73 Certificate (Sydney Water) must be submitted to the Principal Certifying Authority prior to occupation of the development.

125. 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.

Playground Equipment Certification

126. Certification is to be provided to the Principal Certifying Authority (PCA) from the installer of the playground equipment that the equipment has been constructed and installed in accordance with the relevant Australian Standards. If Council is not the PCA, a copy of this certification is to be provided to Council with the Occupation Certificate.

Landscaping/Tree Protection

127. Certification is to be provided to the Principal Certifying Authority (PCA) from the installer of the playground equipment that the equipment has been constructed and installed in accordance with the relevant Australian Standards. If Council is not the PCA, a copy of this certification is to be provided to Council with the Occupation Certificate.

128. Certification is to be provided to the Principal Certifying Authority (PCA), from the designer of the landscape proposal (as appropriate), 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.

129. The Arborist engaged to ensure the proper protection and management of the trees required to be retained/transplanted is to provide a report to Council concerning the health and condition of the tree/s and if necessary any remedial works required. The report should also provide documentary evidence that the tree protection conditions were complied with throughout the demolition/construction phases, in the form of site notes and photographs. Should the trees require remedial works which are not exempt under Council’s Tree Management Order, an application for General Tree Works will be required to be submitted
and approved before the works are carried out and certified by the Arborist. Remedial works which are exempt under Council’s Tree Management Order will also be required to be completed and certified.

130. As shown on the endorsed plan 1 x Lophostemon confertus is to be planted in the footpath areas of [insert_streetname]. The tree is to come from a minimum 75L container and be planted, so as not to affect existing services, in accordance with the attached guidelines.

131. Boundary and courtyard fences must be erected and finished in a professional manner.

**Parking/Driveway**

132. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.

133. All parking spaces shall be signposted and linemarked in accordance with Australian Standards 2890.1-2004 and 2890.6-2009.

134. All accessible parking spaces shall be provided with a shared area and bollards in accordance with Australian Standard 2890.6.2009.

135. The entry / exit driveway shall be indicated with appropriate signage and linemarking to avoid conflict at the driveway.

136. The height clearance at the entry/exit point of the ramp shall be in accordance with AS 2890.1-2004.

137. Wheel stops shall be provided at appropriate parking locations in accordance with AS 2890.1-2004.

138. The applicant shall install 'No Stopping' signs on Hyacinth Street along the frontage of the site at no cost to Council.

**Operational Management Plan**

139. An Operational Management Plan (OMP) shall be prepared and reviewed in regular basis. The plan shall detail how the Childcare Centre will be managed to minimise impact on neighbouring properties (particularly on-street parking). The OMP should include but not limited to the below:

   a) Drop off / 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) The Noise Management plan prepared by Rodney Stevens Acoustics, Reference R180318NMP1, Revision 0, dated 11 February 2019 – as amended to satisfy Condition 15, and
   f) Any other conditions of this consent relevant to operational management of the centre.
Fire Safety

140. Submission to Council of a Final Fire Safety Certificate pursuant to Clause 170 of the Environmental Planning and Assessment Regulation 2000 in respect of each essential fire or other safety measure listed on the Fire Safety Schedule attached to the Construction Certificate.

NOTE:
1. Such Certificate shall state, pursuant to Clause 80E in relation to each essential fire safety measure mentioned in the certificate:—
   • that the service has been assessed by a properly qualified person (chosen by the owner of the building); and
   • that the service was found to be, when assessed, capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

2. The person who carries out the assessment must inspect and verify the performance of each fire safety measure being assessed, and must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedules for the building.

3. The assessment must have been carried out within the three (3) months prior to the date on which the final fire safety certificate is issued.

141. At least once in each period of twelve (12) months after a Fire Safety Certificate is required to have been furnished to the Council, the owner of the building shall, pursuant to Clause 177 of the Regulation, submit to the Council and the Commissioner of the New South Wales Fire Brigades, an Annual Fire Safety Statement, in respect of each essential fire or other safety measure listed on the current Fire Safety Schedule. A copy of the Certificate and Schedule is to be prominently displayed in the building.

External Walls and Cladding Flammability

142. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate, the Certifying Authority and Principal Certifying Authority must:

(a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and

(b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
On-Site Stormwater Detention, Certification, Covenant and Maintenance Schedule

143. A copy of the as approved stormwater drainage and On Site Detention System 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.

144. The On-site Stormwater Detention design summary calculation sheet using the Works-as-Executed levels shall be provided to Council.

145. A certificate of compliance in accordance with Council's standards and specifications for stormwater drainage and On Site Detention System shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.

146. A certificate of compliance for the pump out drainage system of the basement level shall be issued to the Principal Certifying Authority by the pump installers stating that the pump out system has been installed to operate in accordance with the Council requirements and approved drawings.

147. 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.

148. 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.

149. 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.

150. 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.
Road Works

151. Any works requiring levels within the road reserve will require the submission of Council’s Vehicle Crossing application form.

152. A full width heavy duty vehicular crossing shall be provided opposite each vehicular entrance to the site, with a maximum width of 8 metres and a minimum width of 6.1 metres 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.

153. 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.

154. 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.

155. The removal of existing and construction of footpath paving to the site frontage. The works shall be in accordance with and Council approved design, levels and specifications. These works shall be carried out by a licensed construction contractor at the applicant’s expense and shall address the following:

   i. A minimum 1.8m wide footpath paving, and full width adjoining any potential drop off area, with associated works.

   ii. Street tree planting. In this regard trees shall be sited considering sight lines etc. Trees shall be planted in accordance with Council requirements for street trees eg. Numbers, species, size, guards, surface treatments, root barriers.

   iii. All footpath areas within the road reserves that are not concrete shall be turfed with ST85 Buffalo or ‘Sir Walter’.

156. A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifying Authority.

Child Care Centre Kitchen

157. A certificate shall be submitted to Council for the air conditioning system, together with a copy of the test report done at completion of installation and balancing in accordance with the minimum requirements of AS.1688, Part 1 and 2.

158. Food Business registration shall be obtained from Council, PRIOR to commencement of business operations, in accordance with Council’s adopted policy.

159. To ensure compliance with the Australia/New Zealand Food Safety Standards Code, Food Safety Standards 3.2.3 “Food Premises and Equipment” and Australian Standard
4674.2004 Design, Construction & Fit Out of Food Premises*, Council is to be given forty eight (48) hours notice prior of intention to occupy the premises and commence trade.

160. Certification that the mechanical ventilation system has been tested and found to comply with the approved plans and specification together with a copy of the final test figures shall be submitted to the Principal Certifying Authority.

161. Certification must be provided from a suitably qualified person that all work in connection with the occupation or use of the premises for the preparation, display and storage of food has been carried out in accordance with the terms of this development consent.

162. A notification/registration application shall be submitted to Council’s Compliance & Environment Department for the food business.

Street Number

163. A street number must be displayed on all newly developed properties in accordance with Council's "Policy on the Display of House Numbers".

Air Conditioning

164. Certification that the mechanical ventilation system has been tested and found to comply with the approved plans and specification together with a copy of the final test figures shall be submitted to the Principal Certifying Authority.

Noise Compliance Report

165. The Principal Certifying Authority (PCA) shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180318R2, Revision 1, dated 11 February 2019 have been completed and that relevant noise criteria have been satisfied prior to the issue of any Occupational Certificate.

General

166. 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

167. No signs or goods are to be displayed or trading of any description is to be carried out on the public road, public footpath, utility service land, customer and/or employee parking area, the driveways or pedestrian walkways outside or in the immediate vicinity of the premises.

168. For the purposes of preserving the amenity of neighbouring occupations and residents, hours of operation are to be restricted to between 7.00am and 6.00pm Monday to Friday. All deliveries shall occur only during the approved hours of operation. Any use of the childcare centre outside those hours for meetings, training, early drop-offs, late pick-ups, cleaning, maintenance etc will require an amended acoustic report to be prepared and modification to the Development Consent for the approved hours of use.

169. No use of the premises is permitted on Saturday, Sunday or Public Holidays.

170. No approval is granted or implied to hold events on the site including concerts, recitals, fetes, fairs, markets and the like. Separate approval shall be obtained from Council for these activities.

171. Business is to be conducted and patrons are to be controlled at all times so that no interference occurs to the amenity of the adjoining occupations.

172. The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.

173. 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.

174. Within three months of the premises being occupied by the childcare centre, an acoustic report by a suitably qualified person, is to be submitted to the consent authority demonstrating that the noise emitted from the premises complies with the criteria contained in the acoustic report prepared by Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180318R2, Revision 1, dated 11 February 2019. Where the criteria are not met the acoustic report is to include recommendation of noise control measures that are to be implemented to ensure compliance with the criteria. The report is to include post validation results.

Mechanical Ventilation System

175. Noise and vibration from the use of the air handling system (mechanical exhaust ventilation) system shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy.
Operational Management Plan

176. Compliance with Operational Management Plan (OMP) (refer to Condition 139) throughout the life of this consent.

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

Parking

178. The car parking spaces, driveways and manouevring areas are to be used for employees' and visitors' vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.

179. At least 10 on site car parking spaces numbered and linemarked in accordance with the endorsed plan, are to be made available at all times for employees and visitors' vehicles only in conjunction with the occupation of the building/premises at 15 Hyacinth Street, Greystanes.

180. All vehicles shall enter and leave the site in a forward direction.

Acoustic Measures

181. In reference to the Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180318R2, Revision 1, dated 11 February 2019; the recommendations of the report shall be adhered to at all times.

Hygiene and Food Storage

182. Sufficient provisions must be made for the installation of adequate double bowl wash sinks (or single bowl with dishwasher), food preparation sinks and hand wash basins within all food handling areas including bottle preparation areas.

183. Staff food must be stored in a separate area for food intended for the children. Sufficient space must be available to store any required dry goods for the premises.

Refuse & Trade Waste

184. Waste storage bins must be covered at all times to prevent entry of stormwater or dispersal by wind and must be sealed to prevent leakage.

Emergency Procedures

185. The owner of a building to which an essential fire safety measure is applicable must not fail to maintain each essential fire safety measure in the building premises to a standard not less than that specified in the Fire Safety Schedule.
Air Emissions

186. The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act 1997 and shall be controlled in accordance with the requirements of such Act.

187. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour exiting the premises.

188. Any discharge to the atmosphere must not result in any odour or other air impurity detectable outside the boundaries of the property.

189. In the event of Council receiving complaints regarding excessive odour from the garbage bay area, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the garbage bay area.

Noise - Outdoor play areas at childcare centre

190. To minimise the ongoing impact on the nearby residents:

The Leq, 15min noise level emitted from the outdoor play area shall not exceed the background noise level by more than 5 dB for any outdoor play periods.

The noise level assessment shall be measured at the most affected point on or within any residential receiver property boundary.

Examples of this location may include:
- 1.5 m above ground level;
- On a balcony on the ground or higher floors;
- Outside a window on the ground or higher floors.

191. The operation of all plant and equipment shall not give rise to an equivalent continuous (Lₐₐₜ₉) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background Lₐₐₜ₀ level (in the absence of the noise under consideration).

192. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises.

193. 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.
Clean Water Discharge

194. 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.

Waste Collection

195. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operation Act 1997. Records shall be kept of all liquid and solid waste disposal from the site, and be made available to Council Officers on request.

Lighting

196. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with AS4282-1997 Control of the abrasive effects of outdoor lighting.

Storage

197. Provision shall be made for the storage of cleaning chemicals, equipment and staff personal belongings.

Waste Storage

198. All putrescible waste must be stored in approved, lidded, flyproof containers. Proper arrangements such as waste paper bales and stands are to be provided for any waste paper or cardboard.

199. A sufficient number of approved garbage receptacles must be provided on the premises for the storage of garbage and trade waste. Such receptacles are to be fitted with close fitting and flyproof lids.

Mechanical Ventilation

200. Any discharge to the atmosphere from the subject development shall not result in any odour or other air impurity being detected outside the boundaries of the property.

201. The mechanical exhaust ventilation system effectively capturing and conveying all heat, fumes and other aerosols to the hood exhaust openings, but in a case the capture velocity at any position over the face area of the hood, serving the cooking facilities, being not less than requirement under AS 1668 Parts 1 & 2.

General

202. The number of children cared for in the new centre shall not exceed 26 aged up to 5 years.

203. The first floor shall only be associated with administrative, office, kitchen or storage functions.
204. No retail sales or advertising of retail sales is to be undertaken from the subject site at any time.

205. Identification number/s is/are to be clearly displayed at the front of the premises.

206. All privacy measures shall be maintained in their approved condition for the life of the development and shall not be modified or removed without written consent from 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 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. 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 6 months of the date of determination, or as otherwise prescribed.

C. Section 8.3 of the Act provides that an applicant may request, within 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.

D. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.

E. 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.

F. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.
G. 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 Moody’s 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](http://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 Moody’s [www.moodys.com](http://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.

H. 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.

I. TERMITE PROTECTION

Structural members are to be protected from attacked by subterranean termites in accordance with the requirements of AS3660.1-2000 Protection of building from subterranean termites and a durable notice must be affixed within the metre 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.

J. 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 manufacturer’s specifications.

Note: Any copy of documentary evidence submitted, must be a complete copy of the original report or document.

K. SARKING

To reduce the risk of injury during works to the roof, sarking with fall arresting ability is to be provided to the underside of the roof. Manufacturers specifications for the sarking is to be submitted to Council prior to its installation.

L. 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.

M. SOUND TRANSMISSION AND INSULATION

To ensure the amenity of occupants in multi-residential development (Class 2 and 3 buildings and Class 9c Aged Care buildings), separating walls must be constructed in accordance with Part F5 of the Building Code of Australia.

N. 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”.

O. 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.
P. 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.

Q. 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

Sohail Faridy
COORDINATOR DEVELOPMENT ASSESSMENT
DOCUMENTS ASSOCIATED WITH REPORT ELPP021/19

Attachment 2
Architectural Plans Internal
DOCUMENTS ASSOCIATED WITH REPORT ELPP021/19

Attachment 3
Architectural Plans External
## COMPLIANCE TABLE

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**FOR DA APPROVAL**
SCHEDULE OF MATERIALS AND FINISHES

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<td>DESIGNERS MATERIALS / SIMILAR</td>
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<td>DESIGNERS MATERIALS / SIMILAR</td>
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NOTE: ALL FINISHES ARE SUBJECT TO AVAILABILITY.
**SLIMWALL**

**WIND REGION DESIGN TABLE**

<table>
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</tr>
</tbody>
</table>

* TABLE REPLICATED FROM AS4062:2012, TABLE 2.1A & 2.1B

**Quick Reference Guide:**
1. **Read through SLIMWALL Installation Guide & SLIMWALL Drawing Package.**
2. **Ensure wall type & desired heights are suitable for your location.**
3. **Plan your wall set out, including positions of all posts, gates & unique design features.**
4. **Contact SLIMWALL with your estimated product quantities, sketches & photos.**
5. **24/7 Technical & Installation advice is available on PH: (02) 9540 8886. Select ‘After Hours’ option.**

---

**ACOUSTIMAX50 PANEL**
### TABLE 1 - SUITABILITY OF POST HEIGHT FOR WIND CLASS WITH POST SPACING OF 2.42m

<table>
<thead>
<tr>
<th>Wall Height</th>
<th>Wind Class</th>
<th>Suitability</th>
<th>Note</th>
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<tr>
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<td>OK</td>
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</tr>
<tr>
<td>1200</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
</tr>
<tr>
<td>1575</td>
<td>OK</td>
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</tr>
<tr>
<td>1800</td>
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<td>OK</td>
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<tr>
<td>2000</td>
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Note: The suitability of post height is based on the wind loads and the potential for uplift in the wind. The table does not account for the effect of ground movements or other environmental factors that may affect the performance of the structure.

### TABLE 2 - FOOTING DEPTH FOR 100kPa S.B.C. SOIL WITH STANDARD DIAMETER OF 250mm & POST SPACING OF 2.42m

<table>
<thead>
<tr>
<th>Wall Height</th>
<th>Footing Depth</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>600</td>
<td>500</td>
<td>OK</td>
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<tr>
<td>1200</td>
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<td>1575</td>
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<td>1800</td>
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<td>OK</td>
</tr>
<tr>
<td>2000</td>
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<td>OK</td>
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Note: The footing depth is determined based on the soil-bearing capacity and the structural requirements of the construction. Additional considerations may be necessary for specific site conditions.

### TABLE 3 - FOOTING DEPTH FOR 60kPa S.B.C. SOIL WITH STANDARD DIAMETER OF 250mm & POST SPACING OF 2.42m

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Note: The footing depth is determined based on the soil-bearing capacity and the structural requirements of the construction. Additional considerations may be necessary for specific site conditions.
POST HALF

COMPLETE POST

*ASSEMBLED WITH 10–16X16
MM HEX. HEAD
SELF-DRILLING SCREWS,
CLASS 3 CORROSION
RESISTANCE TO AS3566
* 2 SCREWS SIDE-BY-SIDE
AT BOTH ENDS OF
ASSEMBLED POST, ALL
OTHER SCREWS TO BE IN
OFFSET PATTERN AT

END POST

IN INFILL

TYPICAL PANEL

JOINT DETAIL

CUSTOM FLASHING TO
SUIT BOUNDARY ANGLES
FROM 30°–60° (ON
REQUEST)

BEAD OF PAINTABLE
POLYURETHANE SEALANT
E.G. "SIKAFLEX PRO"

45° POST
**SLIMWALL**

<table>
<thead>
<tr>
<th>PANEL SIZE</th>
<th>POST CENTRES</th>
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<tr>
<td>2400</td>
<td>2420 *</td>
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*SHORTER POST CENTRES WILL REQUIRE PANELS TO BE CUT DOWN. REFER SLIMWALL INSTALLATION GUIDE.*
ALLOW THE CONCRETE TO CURE OVERNIGHT. LONGER CURING MAY BE REQUIRED IN VERY COLD AND OR HOT WEATHER.

MIN. CONCRETE GRADE = 12–15MPa. "QUICKSET" STYLE CONCRETE SHALL NOT BE USED.
OPTION 1
GROUND RAKING ELEVATION
(100mm FALL BETWEEN POSTS)

OPTION 2
GROUND STEPPED ELEVATION
(100mm FALL BETWEEN POSTS)
Extraordinary Cumberland Local Planning Panel Meeting
16 April 2019

**RECEPTOR DETAILS**

**BASE PLATE DETAIL**

---

**SLIMWALL POST**

**TEK SCREW THROUGH FLANGE**

#100 CORE DRILLED HOLE. GROUT INTO POSITION WITH "LANKO 702 DURABED" OR APPROVED EQUIVALENT

**SLIMWALL POST**

**TEK SCREW THROUGH FLANGE**

8 BASE PLATE 4 M16 CHEMSET ANCHORS 20 GROUT
CORNER POST OPTIONS

NOTE: POST TOP AND PANEL CAPPING OMITTED FOR CLARITY

POST/SUPPORT COLUMN

SUPPORT BRACKET

SLIMWALL ASSEMBLY

CORNER AND THREE WAY POSTS
SECTION B (PLAN AT GATE)

TYPICAL GAP FOR
HINGE = 10mm

INSTALL SHS PLASTIC
CAPS HERE.

WS RECOMMENDS
"nClouse" HINGES
PRODUCT CODE TC1RP,
Y D&D TECHNOLOGIES)

90x90x2.5 SHS
(GALVANISED) CAST
INTO FOOTING ALONG
WITH POST

MWS RECOMMENDS
"LOKKLATCH" (PRODUCT
CODE LLDBAR-L, BY
D&D TECHNOLOGIES)

TEK SCREW

90x90x2.5 SHS
(GALVANISED) CAST
INTO FOOTING ALONG
WITH POST

INSTALL ADDITIONAL TEK
SCREWS TO AID SHS
ALIGNMENT (TO STOP
POTENTIAL ROCKING).

SEAL BETWEEN SHS AND POST
WITH A PAINTABLE POLYURETHANE
SEALANT E.G. "SIKAFLAX PRO"

SLIMWALL

SLIMWALL POST HALF

SLIMWALL POST HALF

700 MIN.

600

DEEP FOR WALL
SECTION PLUS
ADDITIONAL 100mm

DRAWING NUMBER: Si

DRAWN: RGS
CHECKED: NH

DATE: 25/5/201

PRODUCT
REFERENCE: SLIMWALL
LIGHTING INTO POST AND ALONG PANEL

NOTES: 1. ANY CUT EDGES SHOULD BE TREATED ACCORDINGLY WITH A ZINC RICH PAINT AND SEALED WITH EXTERIOR GRADE SILICON AFTER THE INSTALLATION IS COMPLETE.

2. SURFACE MOUNT LIGHT TO THE FACE OF THE POST AT YOUR DESIRED POSITION AS ILLUSTRATED ABOVE.

IMPORTANT: CONSULT A LICENCED ELECTRICIAN FOR POWER REQUIREMENTS.
M.W.S RECOMMENDS 12 VOLT LIGHTING.

SLIMWALL

PRODUCT REFERENCE: SLIMWALL

TYPICAL LIGHTING DETAILS

DRAWING NUMBER: S11
DRAWING DATE: 25/05/2015
DRAWING TITLE: TYPICAL LIGHTING DETAILS

ELPP021/19 – Attachment 3
POST TO BE SET WITH VERY SLIGHT INCLINATION AWAY FROM VERTICAL TO ALLOW FOR SETTLEMENT.

SLOPE TOP OF CONCRETE AWAY FROM POST

HIGHER SOIL RETENTION IS POSSIBLE WITH ALTERNATIVE WALL SYSTEMS ONLY. CONSULT SLIMWALL DIRECTLY FOR FURTHER INFORMATION.

REAR OF PANEL AND POSTS TO BE COATED IN BITUMINOUS SEALANT AND PANEL/POST JUNCTIONS CONTINUOUSLY SEALED WITH "SIKAFLEX PRO".

NO MACHINERY, STOCKPILED MATERIALS OR DYNAMIC LOADS (E.G DRVeways) WITHIN 1.5m FROM REAR OF WALL. SOIL MUST BE 100kPa MIN. - CONSULT SLIMWALL OTHERWISE.

TOP SOIL
GEOTEXTILE FABRIC
GRANULAR BACKFILL
AGGREGATE LINE ø75-100 WITH FILTRATION SOCK
FOOTING DEPTH AS PER SLIMWALL RETAINING INSTALLATION GUIDE
MIN. CONCRETE GRADE = 25MPa

500mm MAX HEIGHT RETAINING
2.5kPa MAX SURCHARGED LOADS
*SEE DETAILED RETAINING GUIDE FOR CONSTRUCTION PARAMETERS
DOCUMENTS ASSOCIATED WITH REPORT ELPP021/19

Attachment 4
Landscape Plan
DOCUMENTS ASSOCIATED WITH REPORT ELPP021/19

Attachment 5
Acoustic Report
Proposed Child Care Centre
Acoustic Impact Assessment

15 Hyacinth Street
Greystanes NSW 2145

REPORT R180318R2
Revision 1

11 February 2019
Proposed Child Care Centre
Acoustic Impact Assessment
15 Hyacinth Street, Greystanes NSW 2145

PREPARED BY:
Rodney Stevens Acoustics Pty Ltd

Telephone: 61 2 9643 6057 Facsimile 61 2 9475 1010
Email: mail@roderystevensacoustics.com.au
Website: www.roderystevensacoustics.com.au

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DOCUMENT CONTROL

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<td>Desmond Raymond</td>
<td>Rodney Stevens</td>
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1 INTRODUCTION

Rodney Stevens Acoustics Pty Ltd (RSA) has been commissioned by Baini Design to undertake an acoustical assessment of a proposed 30 place child care centre located at 15 Hyacinth Street, Greystanes NSW 2145. This assessment has been prepared to assist council’s consideration of the submission.

This report details the results of ambient noise measurements, calculations of potential noise emissions and the assessment of operational noise emissions from the proposed facility upon surrounding potentially affected sensitive receivers. The report also addresses the impact of road traffic noise upon the proposed centre.

Council has requested additional information as part of the assessment and this has been included in this version of the report.

A glossary of the acoustical terminology used throughout this report is contained within Appendix A.

2 PROJECT DESCRIPTION

2.1 Proposed Development

The proposal is to build a child care centre to accommodate 30 children. The centre is proposed to operate between 7:00 am and 6:00 pm, Monday to Friday.

The proposed children age groups are:

- 2 years – 3 years: 10 children
- 3 years – 5 years: 20 children

A variety of activities will be provided throughout the day, these activities involve both indoor free-play and structured learning and play.

The times and the number of children engaged in play varies, however, conservative calculations have been based on the assumption that all children may be involved in play in the proposed play areas.

2.2 Site Location

The proposed child care centre (CCC) is located at 15 Hyacinth Street, Greystanes NSW.

The site will be exposed to contributions from local traffic. The surrounding premises are residential and Widermere Public School servicing the area.

The site location is shown in Figure 2-1.
Aerial image of courtesy of © 2018 nearmap ltd
3 ASSESSMENT CRITERIA

3.1 Association of Australian Acoustical Consultants (AAAC)

A guideline for the assessment of noise from child care centres has been prepared by the Association of Australian Acoustical Consultants (AAAC) as a result of a NSW Australian Acoustical Society (AAS) Technical Meeting held in September 2007 on Child Care Noise. The document, AAAC Guideline for Child Care Centre Acoustic Assessment, October 2013, provides criteria for the assessment of noise intrusion into and noise emissions from child care centres and provides recommendations for treatment to minimise acoustical impacts upon neighbouring premises. The guideline has been placed before the Land and Environment Court during matters involving child care centre applications.

3.1.1 Indoor Activities, Mechanical Plant & On-Site Traffic

The AAAC recommended criterion is that the $L_{Aeq(15\text{ minute})}$ noise level emitted from the cumulative operation of indoor activities, mechanical plant and traffic on the site shall not exceed the background noise level by more than 5 dB at the assessment location. The assessment location is defined as the most affected point on or within any sensitive receiver property boundary.

The limiting criterion for continuous operational noise emissions, such as indoor activity noise and mechanical plant is "background noise level by not more than 5 dB" based upon the NPII procedures. However in accordance with NPII principles, where a noise source occurs over a limited duration throughout the day, adjustments are applied to the acceptable noise level at the receiver.

These adjustments generally apply where a single-event noise is continuous for a period less than two and a half hours in any 24-hour period. Applying such an adjustment to the assessment criterion for a CCC carpark operation would not seem unreasonable given the operation of the source of noise is mainly concentrated over a one-hour period (at most) during the morning arrival and afternoon departure periods.
Although it could be argued that this is not a single event noise (since it occurs over two separate periods throughout the day) the essentially (and expected) short duration nature of the activity does not warrant the application of an intrusion-based criterion. In consultation with the NPPI procedures, a more reasonable criterion against which to compare and assess noise emissions associated with a carpark of this nature is an additional 5 dBA increase in the acceptable noise level at the receptor, (ie LAA + 5 dBA).

3.1.2 Outdoor Play

Since the time in which children are involved in outdoor play is limited, the potential impact associated with these noise emissions is minimised. The AAAC consider a total limit of 2 hours outdoor play per day (typically 1 hour in the morning and 1 hour in the afternoon) reasonable to apply a criterion that the L_{Aeq(15minutes)} noise level emitted from the outdoor play area not exceed the background noise level by more than 5 dBA at the assessment location. A “background + 5 dBA” criterion has also been applied in other local government areas within the Sydney Metropolitan area and has been found acceptable within Land and Environment Court hearings.

3.1.3 Noise Intrusion to Child Care Centres

The AAAC child care centre guideline also presents recommendations for external noise impact upon children in child care centres.

- The L_{Aeq(1 hour)} intrusive noise level from road traffic or industry at any location within an outdoor play area should not exceed 55 dBA.
- The L_{Aeq(1 hour)} intrusive noise level from road traffic or industry within the indoor play or sleeping areas should not exceed 40 dBA.

3.2 Operational Noise Criteria

Responsibility for the control of noise emissions in New South Wales is vested in Local Government and the EPA. The EPA oversees the Noise Policy for Industry (NPPI) October 2017 which provides a framework and process for deriving noise criteria. The NPPI criteria for industrial noise sources have two (2) components:

- Controlling the intrusive noise impacts for residents and other sensitive receivers in the short term; and
- Maintaining noise level amenity for particular land uses for residents and sensitive receivers in other land uses.

Intrusiveness Criterion

For assessing intrusiveness, the background noise generally needs to be measured. The intrusiveness criterion essentially means that the equivalent continuous noise level (L_{Aeq}) of the source should not be more than 5 dB(A) above the measured Rated Background Level (RBL), over any 15 minute period.

Amenity Criterion

The amenity criterion is based on land use and associated activities (and their sensitivity to noise emission). The cumulative effect of noise from industrial sources needs to be considered in assessing the impact. The criteria relate only to other industrial-type noise sources and do not include road, rail or community noise. The existing noise level from industry is measured.

If it approaches the criterion value, then noise levels from new industrial-type noise sources, (including air-conditioning mechanical plant) need to be designed so that the cumulative effect does not produce total noise levels that would significantly exceed the criterion.
Area Classification

The NPI characterises the "Suburban" noise environment as an area with an acoustical environment that:

- has local traffic with characteristically intermittent traffic flows or with some limited commerce or industry.
- This area often has the following characteristic: - evening ambient noise levels defined by the natural environment and human activity

The area surrounding the proposed development falls under the "Suburban" area classification.

Project Specific Noise Levels

Having defined the area type, the processed results of the attended noise monitoring have been used to determine project specific noise criteria. The intrusive and amenity criteria for nearby residential premises are presented in Table 3-1.

These criteria are nominated for the purpose of assessing potential noise impacts from the proposed development.

In this case, the ambient noise environment is not controlled by industrial noise sources and therefore the project amenity noise level are assigned as per Table 2.2 of the NPI (Recommended Amenity Noise Levels). For each assessment period, the lower (i.e. the more stringent) of the amenity or intrusive criteria are adopted.

These are shown in bold text in Table 3-1.

Table 3-1: Operational Project Trigger Noise Levels

<table>
<thead>
<tr>
<th>Receiver</th>
<th>Time of Day</th>
<th>ANL (^1) (L_{eq}(5min))</th>
<th>Measured (L_{eq}(5min))</th>
<th>Criteria for New Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Day</td>
<td>55</td>
<td>34</td>
<td>48</td>
</tr>
<tr>
<td>School Classroom</td>
<td>When in use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School Play Areas</td>
<td>When in use</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note 1: ANL = "Amenity Noise Level" for residences in Suburban Areas.
Note 2: RBL = "Raising Background Level".

In summary, the project specific noise level for the assessment of (continuous \(L_{eq}(15min)\)) operational noise emissions between 7:00 am and 6:00 pm, based upon the procedures documented within the NSW NPI, is 39 dBA. The operational noise emissions for school classrooms when in use, based upon the procedures documented within the NSW NPI is 35 dBA inside the classroom. The operational noise emissions for school play areas when in use, based upon the procedures documented within the NSW NPI is 55 dBA.

4 EXISTING NOISE ENVIRONMENT

4.1 Surrounding Environment

The surrounding community consists of residential properties and Wannies Public School. The acoustical environment is generally controlled by noise emissions from vehicular movements largely associated with through and local traffic and other activities associated with residential activity in the area along with activities associated with the aforementioned public school.
The nearest potentially sensitive receiver locations in relation to noise emissions from the proposed development are the properties to the north (13 Hyacinth Street), east (16 Hyacinth Street), south (17 Hyacinth Street) and west (Widernere Public School).

4.2 Ambient Noise Survey

In order to quantify the existing ambient noise environment of the area, noise monitoring was conducted at the proposed development site and is shown in Figure 2-1. This location was selected after a detailed inspection of the project area giving consideration to other noise sources which may influence the readings, the proximity of noise-sensitive receivers, security issues for the noise monitoring device and gaining permission for access from the residents or landowners.

Unattended environmental noise monitoring was conducted between 28 June 2018 and 5 July 2018.

Instrumentation for the survey comprised a Rion NL42 Environmental Noise Logger (serial number 548394) fitted with microphone and windshield. Calibration of the logger was checked prior to and following measurements. Drift in calibration did not exceed ±0.5 dBA. All equipment carried appropriate and current NATA (or manufacturer) calibration certificates.

The measured data was processed according to the NSW EPA’s Noise Policy for Industry (NPI) and the NSW SEPP (Infrastructure) 2007 assessment time periods. The processed noise monitoring results (based upon noise levels recorded during the weekday daytime period) are presented in Table 4-1.

Table 4-1 Measured Ambient Noise Levels Corresponding to NSW NPI Assessment Time Periods

<table>
<thead>
<tr>
<th>Logger Location</th>
<th>Noise Level – dBA re 20 μPa</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Daytime 7.00 am – 6.00 pm</td>
</tr>
<tr>
<td></td>
<td>RBL 1</td>
</tr>
<tr>
<td>15 Hyacinth Street</td>
<td>34</td>
</tr>
</tbody>
</table>

Note 1: The RBL noise level is representative of the average minimum background sound level (in the absence of the source under consideration), or simply the background level.

Note 2: The L\text{A}_{eq} is essentially the average sound level. It is defined as the steady sound level that contains the same amount of acoustical energy as a given time-varying sound.

5 NOISE IMPACT ASSESSMENT

5.1 Noise Emissions from Mechanical Plant

Precise mechanical plant selection has not been determined. It is recommended the selection and its acoustic impact to the nearby sensitive receivers is to be determined prior to the installation of any mechanical plant before the issuing of a Construction Certificate.

Precise size, location and type of mechanical plant has not been finalised. It has been indicated that the external mechanical plant items will be located towards the northern boundary of the development site. The mechanical plant is proposed to consist of ducted air conditioning and other components necessary for the building development type.

The criteria for mechanical plant has been established, any mechanical plant equipment must comply with \text{39 dB(A)} at the nearest sensitive receiver.
5.2 Noise Emissions from Indoor Activities

Noise level predictions for internal noise emissions at the site have been predicted by utilizing NSW EPA recognised and approved computer noise model SoundPlan 8 software. SoundPlan is a fully integrating software suite that specializes in computer simulations of noise situations incorporating over 50 calculation standards. The model calculates overall noise levels at receiver locations considering distance, atmospheric absorption, barriers effects of intervening ground types, source levels, source and receiver locations and topography.

Based on an internal reverberant sound pressure level of 90 dBA within the largest internal play areas, the predicted cumulative $L_{Aeq\text{[internal]}}$ noise level at the residential receivers adjacent to the proposed centre with the proposed internal configuration and associated capacity, is 52 dBA with windows open. Noise emissions to the level at the residential receiver is predicted to be 42 dBA with the glazing closed.

The recommended assessment criterion of 39 dBA will be achieved with the windows closed at all sensitive receivers with recommendations in this report.

5.3 Noise Emissions from Outdoor Play Areas

5.3.1 Outdoor Activity Noise Levels

Noise generated by the children outside in the play area will occur generally after morning arrival, continuing until commencement of the indoor programme (likely to be around 9:00 am), possibly for short periods during the day after morning tea and lunch and again in the later afternoon prior to departure. The number of children involved in outdoor activities outside these main free-play times may vary and would be generally be in smaller groups managed by the centre staff.

The AAAC Child Care Centre guideline recommends the following range of sound power levels for groups of 10 children playing:

- 10 Children aged 2 to 3 years 83 to 87 dBA
- 10 Children aged 3 to 6 years 84 to 90 dBA

Based upon the results of extensive measurements of noise levels associated with a wide range of vocal efforts and of noise emissions from child care centres, it is extremely unlikely that these sound power levels could be sustained over a 15 minute period by a child between the ages of 3 and 6 years, particularly given the Department of Community Services (DOCS) requirements in relation to the management of child care centres and the typical behaviour patterns observed of young children engaged in outdoor play.

Notwithstanding this consideration, we have used these guideline source noise levels in the calculation of noise emissions from the outdoor play area of the CCC.

5.3.2 Assessment of Noise Emissions from Outdoor Play Area

Noise level predictions for external noise emissions at the site have been predicted by utilizing NSW EPA recognised and approved computer noise model SoundPlan 8 software. SoundPlan is a fully integrating software suite that specializes in computer simulations of noise situations incorporating over 50 calculation standards. The model calculates overall noise levels at receiver locations considering distance, atmospheric absorption, barriers effects of intervening ground types, source levels, source and receiver locations and topography.

Calculations have been conducted to determine the expected typical (maximum) noise levels ($L_{Aeq\text{[maximum]}}$) from the outdoor play area at the neighbouring residential properties to the north (13 Hyacinth Street), east (16 Hyacinth Street), south (17 Hyacinth Street) and west (Widemere Public School).

Using the noise levels applied to groups of children located across the overall outdoor play area, the expected maximum $L_{Aeq\text{[maximum]}}$ noise levels have been predicted to the nearest neighbouring residential receivers, including the shielding loss provided by the proposed building itself. The noise source locations representing each group of children have been distributed across the playground area and the cumulative emissions from all children have been calculated to each of the neighbouring residential properties.
With 30 children engaged in outdoor play on the site, the predicted maximum LAeq(15min) noise levels are expected to be in the order of 57 dBA to the north and south, 47 dBA to the west (public school play area) and below 39 dBA to the east site boundaries and school classrooms. Actual levels may at times be expected to vary from these projected levels depending upon the locations of the children and the activities in which they are engaged.

The assessment criterion relative to emissions to residential receivers, based upon the recommendations of the AAAC, is that the LAeq(15min) noise level emitted from the outdoor play area not exceed the background noise level by more than 5 dB at the assessment location. The weekday background level at the site, based upon the ambient noise survey results was 34 dBA during the daytime. The criterion for the assessment of noise emissions from the proposed outdoor play area therefore becomes 39 dBA. The proposed outdoor play area shows compliance with criteria with all children engaged in outdoor play at some of the sensitive receivers with 1.8m standard fencing. The proposed outdoor play area will achieve criteria with recommendations in this report.

5.4 External Noise Intrusion

5.4.1 Indoor Spaces

Based on a daytime road traffic (and other environmental sources) noise level LAeq(15 hour) of 49 dBA, predicted noise intrusion to the indoor play area is 39 dBA with windows open and below 30 dBA with windows closed (assuming standard 4mm glass and seals). The proposed development will meet the recognised criteria for external noise intrusion with windows closed.

5.4.2 Outdoor Spaces

A design limit of 55 dBA is recommended at outdoor play areas and based upon the ambient noise survey results, this level will be achieved with the design proposed. Based on a daytime road traffic (and other environmental sources) noise level LAeq(15 hour) was 49 dBA, predicted noise intrusion to the outdoor play area is 39 dBA.

5.5 Carpark and Road Traffic

Given the location and the times at which vehicles can be expected to arrive (and leave), vehicle and traffic noise is not considered likely to constitute an adverse impact upon the acoustical amenity of neighbouring residents. Vehicular movements associated with the centre will begin to occur around 6:30 am when the first staff arrive and the morning drop-offs commence and will then continue, likely in regular intervals across the period until around 9:00 am.

A similar traffic flow is expected during the afternoon period, commencing from around 3:00 pm with the majority of children likely to be picked up between 4:00 pm and 6:00pm. On-site parking is in the basement. In context with the existing environment, vehicles arriving and leaving the site are comparable with any typical situation and on-street events will not be discernible above the prevailing vehicular activity.

Typical sound power levels for low speed vehicle activities are included in Table 5-1 along with the corresponding predicted noise levels at the identified residential dwellings.

<table>
<thead>
<tr>
<th>Location</th>
<th>Typical Maximum Sound Power Level Lw (dBA)</th>
<th>Predicted Noise Impact</th>
<th>Criteria</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Car Accelerating</td>
<td>Car Starting</td>
<td>Car Door Closing</td>
<td>35 – 39</td>
</tr>
<tr>
<td>Adjacent residents on Hyacinth Street</td>
<td>93 – 98</td>
<td>91 – 97</td>
<td>88 – 93</td>
<td>35 – 39</td>
</tr>
</tbody>
</table>

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The additional traffic generated due to contribution from the proposed centre will result in compliance at all the near sensitive receivers. There will be no appreciable change to existing traffic noise levels currently experienced at the other receivers in the vicinity. The maximum noise levels due to individual vehicular events currently received at surrounding properties will remain unchanged.

5.6 Assessment of Noise from Activities Not Associated with Child Care

Council has requested an additional assessment of the noise impact associated with activities that are not associated with child care. This would include staff meetings and cleaning.

Calculations of the amount of noise transmitted to these receivers from the proposed boarding house have been based on voice levels as referenced in the Handbook of Acoustical Measurements and Noise Control by Cyril M. Harris. This handbook provides voice spectrums for males and females as well as different vocal efforts. The spectrum is given in Table 5-2.

The spectra have been scaled based upon the overall amount of patrons expected to be in the communal areas at any given time.

Table 5-2 Speech Spectrums - Handbook of Acoustical Measurements and Noise Control.

<table>
<thead>
<tr>
<th>Type</th>
<th>Noise Level (dB) at Octave Band Centre Frequency (Hz)</th>
<th>Overall dBA</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>125</td>
<td>250</td>
</tr>
<tr>
<td>Male (Normal)</td>
<td>49</td>
<td>55</td>
</tr>
<tr>
<td>Female (Normal)</td>
<td>37</td>
<td>51</td>
</tr>
</tbody>
</table>

Cleaners will clean the centre after closing time for approximately one hour. Based on a worst case scenario of 2 people cleaning (inside and outside) the centre at one time the predicted noise impact is below 30 dBA to all the remaining receivers.

Meetings will take place inside the centre during operating hours once a week. Based on a worst case scenario of 6 people in the meeting at one time the predicted noise impact is below 30 dBA to all sensitive receivers.

6 RECOMMENDATIONS

The following measures are recommended to be incorporated in the design of the proposed centre in order for the child care centre to operate in an acoustically compliant manner.

- Precise size, location and type of mechanical plant has not been finalised. It has been indicated that the external mechanical plant items will be located towards the northern boundary of the development site. The mechanical plant is proposed to consist of ducted air conditioning and other components necessary for the building development type.

It is recommended a mechanical plant noise assessment for the proposed air conditioning system(s) and site specific plant equipment should be carried out for the proposed development before the issuing of a Construction Certificate.

The accumulative noise impact of all mechanical plant operating at one time cannot exceed the criteria level of 39 dBA @ the boundary of the proposed development site.

- The mechanical plant should not be used, or left on, after the centre’s hours of operation (excluding a window period before and after opening hours) in order to minimise any adverse impacts to nearby sensitive receivers.
- Windows to be upgraded to minimum Rw 26 glazing.
- Windows to be closed to control noise emissions from the centre to nearby sensitive receivers.
- The following rules should be incorporated into the centre’s management plan in order to achieve acoustic compliance:
  - A contact phone number for the centre’s director should be made available to parents and neighbours.
  - Crying children should be taken inside the centre and comforted.
  - The behaviour of children should be monitored and modified as required by adequately trained child care workers.

Parents and guardians should be informed of the importance of noise minimisation when entering the site, dropping off or picking up children.

- A 2.1m barrier should be constructed around the proposed external play area. The barrier(s) should be of solid continuous construction (ie free of gaps) and of masonry or SlimWall type construction. The location of the proposed wall is shown in red below.

Allowance for stormwater openings in the proposed barrier will not have a significant detrimental impact on the performance of the barrier.
7 CONCLUSION

Rodney Stevens Acoustics has conducted an acoustical assessment of a proposed child care centre at 15 Hyacinth Street, Greystanes NSW. The assessment has included acoustical measurements to characterise the ambient noise environment of the area, establishment of noise criteria, and a comparison of predicted noise levels with regard to guidelines established by council.

Noise emissions associated with the proposed development to the surrounding nearest sensitive receivers have been calculated with the noise criteria as established in accordance with the council criteria if recommendations in this report are followed.

Approved:

Rodney Stevens - MAAS.

Principal/Manager
Appendix A – Acoustical Terminology

A-weighted sound pressure

The human ear is not equally sensitive to sound at different frequencies. People are more sensitive to sound in the range of 1 to 4 kHz (1600 – 4000 vibrations per second) and less sensitive to lower and higher frequency sound. During noise measurement an electronic ‘A-weighting’ frequency filter is applied to the measured sound level dB(A) to account for these sensitivities. Other frequency weightings (B, C and D) are less commonly used. Sound measured without a filter is denoted as linear weighted dB(linear).

Ambient noise

The total noise in a given situation, inclusive of all noise source contributions in the near and far field.

Community annoyance

Includes noise annoyance due to:

- character of the noise (e.g. sound pressure level, tonality, impulsiveness, low-frequency content)
- character of the environment (e.g. very quiet suburban, suburban, urban, near industry)
- miscellaneous circumstances (e.g. noise avoidance possibilities, cognitive noise, unpleasant associations)
- human activity being interrupted (e.g. sleep, communicating, reading, working, listening to radio/TV, recreation).

Compliance

The process of checking that source noise levels meet with the noise limits in a statutory context.

Cumulative noise level

The total level of noise from all sources.

Extraneous noise

Noise resulting from activities that are not typical to the area. Atypical activities may include construction, and traffic generated by holiday periods and by special events such as concerts or sporting events. Normal daily traffic is not considered to be extraneous.

Feasible and reasonable measures

Feasibility relates to engineering considerations and what is practical to build; reasonableness relates to the application of judgement in arriving at a decision, taking into account the following factors:

- Noise mitigation benefits (amount of noise reduction provided, number of people protected).
- Cost of mitigation (cost of mitigation versus benefit provided).
- Community views (aesthetic impacts and community wishes).
- Noise levels for affected land uses (existing and future levels, and changes in noise levels).

<table>
<thead>
<tr>
<th>Impulsiveness</th>
<th>Impulsive noise is noise with a high peak of short duration or a sequence of these peaks. Impulsive noise is also considered annoying.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low frequency</td>
<td>Noise containing major components in the low-frequency range (20 to 250 Hz) of the frequency spectrum.</td>
</tr>
<tr>
<td>Noise criteria</td>
<td>The general set of non-mandatory noise levels for protecting against intrusive noise (for example, background noise plus 5 dB) and loss of amenity (e.g., noise levels for various land use).</td>
</tr>
<tr>
<td>Noise level (goal)</td>
<td>A noise level that should be adopted for planning purposes as the highest acceptable noise level for the specific area, land use and time of day.</td>
</tr>
<tr>
<td>Noise limits</td>
<td>Enforceable noise levels that appear in conditions on consents and licences. The noise limits are based on achievable noise levels, which the proponent has predicted can be met during the environmental assessment. Exceedance of the noise limits can result in the requirement for either the development of noise management plans or legal action.</td>
</tr>
<tr>
<td>Performance-based goals</td>
<td>Goals specified in terms of the outcomes/performance to be achieved, but not in terms of the means of achieving them.</td>
</tr>
<tr>
<td>Rating Background Level (RBL)</td>
<td>The rating background level is the overall single figure background level representing each day, evening and night time period. The rating background level is the 10th percentile ( L_{10%} ) noise level measured over all day, evening and night time monitoring periods.</td>
</tr>
<tr>
<td>Receptor</td>
<td>The noise-sensitive land use at which noise from a development can be heard.</td>
</tr>
<tr>
<td>Sleep disturbance</td>
<td>Awakenings and disturbance of sleep stages.</td>
</tr>
<tr>
<td>Sound and decibels (dB)</td>
<td>Sound (or noise) is caused by minute changes in atmospheric pressure that are detected by the human ear. The ratio between the quietest noise audible and that which should cause permanent hearing damage is a million times the change in sound pressure. To simplify this range the sound pressures are logarithmically converted to decibels from a reference level of 2 x 10-5 Pa.</td>
</tr>
</tbody>
</table>

The picture below indicates typical noise levels from common noise sources.
dB is the abbreviation for decibel – a unit of sound measurement. It is equivalent to 10 times the logarithm (to base 10) of the ratio of a given sound pressure to a reference pressure.

Sound power level (SWL)  
The sound power level of a noise source is the sound energy emitted by the source. Notated as SWL, sound power levels are typically presented in dB(A).

Sound pressure level (SPL)  
The level of noise, usually expressed as SPL in dB(A), as measured by a standard sound level meter with a pressure microphone. The sound pressure level in dB(A) gives a close indication of the subjective loudness of the noise.

Statistical noise levels  
Noise levels varying over time (e.g. community noise, traffic noise, construction noise) are described in terms of the statistical exceedance level.

A hypothetical example of A weighted noise levels over a 15 minute measurement period is indicated in the following figure:
Key descriptors:

$L_{Amax}$  Maximum recorded noise level.

$L_A$  The noise level exceeded for 1% of the 15 minute interval.

$L_{A10}$  Noise level present for 10% of the 15 minute interval. Commonly referred to the average maximum noise level.

$L_{Aeq}$  Equivalent continuous (energy average) A-weighted sound pressure level. It is defined as the steady sound level that contains the same amount of acoustic energy as the corresponding time-varying sound.

$L_{A90}$  Noise level exceeded for 90% of time (background level). The average minimum background sound level (in the absence of the source under consideration).

Threshold  The lowest sound pressure level that produces a detectable response (in an instrument/person).

Tonal  Tonal noise contains one or more prominent tones (and characterised by a distinct frequency components) and is considered more annoying. A 2 to 5 dBA penalty is typically applied to noise sources with tonal characteristics.
### Appendix B – Calibration Certificate

---

**Acoustic Research Labs Ltd**

**Sound Level Meter**

**IEC 61672-3:2013**

**Calibration Certificate**

**Calibration Number:** C16717

**Client Details:** Rodney Stevens Acoustics Pty Ltd
1 Majura Close
St Ives Chase NSW 2075

**Equipment Tested/Model Number:** Rain NL-42Ex

**Instrument Serial Number:** 00546394

**Microphone Serial Number:** 152088

**Pre-amplifier Serial Number:** 46606

**Pre-Test Atmospheric Conditions:**
- Ambient Temperature: 23.7°C
- Relative Humidity: 50.3%
- Barometric Pressure: 98.8kPa

**Post-Test Atmospheric Conditions:**
- Ambient Temperature: 24.2°C
- Relative Humidity: 45.3%
- Barometric Pressure: 98.75kPa

**Calibration Technician:** Vicky Jamall
**Calibration Date:** 09/01/2017

**Secondary Check:** Riley Cooper
**Report Issue Date:** 10/01/2017

**Approved Signatory:** Juan Aguiro

---

**Clause and Characteristic Tested**

**Result**

12. Acoustic Sig. tests of a frequency weighting
   - Pass
13. Electrical Sig. tests of frequency weightings
   - Pass
14. Frequency and time weightings at 1 kHz
   - Pass
15. Long Term Stability
   - Pass
16. Level linearity on the reference level range
   - Pass

**Clause and Characteristic Tested**

**Result**

17. Level linearity incl. the level range control
   - Pass
18. Tonal/burst response
   - Pass
19. C Weighted Peak Sound Level
   - Pass
20. Overload Indication
   - Pass
21. High Level Stability
   - Pass

---

**Least Uncertainties of Measurement**

**Acoustic Testing:**
- ±0.12dB
- ±0.18dB
- ±0.24dB

**Electrical Testing:**
- ±0.12dB

---

**Environmental Conditions:**
- Temperature ±0.5°C
- Relative Humidity ±0.6%
- Barometric Pressure ±0.17kPa

---

**NATA Accreditation**

The results of the tests, calibrations and measurements in this document are traceable to Australian national standards.

NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical testing, calibration and inspection reports.
Appendix C – Unattended Noise Monitoring Results

15 Hyacinth St, Greystanes

Thursday 25/04/19

![Graph showing sound pressure levels over time for Thursday.]

Friday 26/04/19

![Graph showing sound pressure levels over time for Friday.]

Rodney Stevens Acoustics
Report Number R160318R2
Revision 1

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15 Hyacinth St, Greystanes

Wednesday 4/7/19

15 Hyacinth St, Greystanes

Thursday 5/7/19

---

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DOCUMENTS ASSOCIATED WITH REPORT ELPP021/19

Attachment 6
Noise Management Plan
Proposed Child Care Centre
15 Hyacinth Street, Greystanes NSW 2145
Noise Management Plan

REPORT R180318NMP1
Revision 0

Prepared for:
Baini Design
1B Villiers Street
PARRAMATTA NSW 2150

11 February 2019
Proposed Child Care Centre
15 Hyacinth Street, Greystanes NSW 2145
Noise Management Plan

PREPARED BY:
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Email: info@rodneystevensacoustics.com.au
Web: www.rodneystevensacoustics.com.au

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DOCUMENT CONTROL

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<th>Prepared</th>
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<td>Revision 0</td>
<td>11 February 2019</td>
<td>Thomas Carney</td>
<td>Desmond Raymond</td>
<td>Rodney Stevens</td>
</tr>
</tbody>
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5 CONCLUSION 7

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Figure 2-2 Floor Plans 5
1 INTRODUCTION

Rodney Stevens Acoustics Pty Ltd (RSA) has been engaged by Baim Design to prepare a noise management plan for the proposed child care centre located at 15 Hyacinth Street, Greystanes NSW.

RSA acoustics prepared an acoustical assessment addressing the noise environment of the centre and surrounding area and the potential acoustical impact on nearby residential receivers associated with the proposed development. RSA report “R180318R1 15 Hyacinth St, Greystanes” dated 9 July 2018 provided recommendations and mitigation measures for the proposed child care centre.

Specific acoustic terminology is used in this report. An explanation of common acoustic terms is provided in Appendix C.

2 PROJECT OVERVIEW

2.1 Project Location

The proposed development is located at 15 Hyacinth Street, Greystanes. The project area and its surrounding environment are presented in Figure 2-1 below.

Figure 2-1 Project Area and Surrounding Environment

Aerial image courtesy of © 2019 Nearmap
The proposed site layout of the development site is presented in Figure 2-2.

Figure 2-2  Floor Plans

3 ASSESSMENT CRITERIA

A comprehensive acoustic assessment has been previously conducted for the proposed development by Rodney Stevens Acoustics Report No. R180318R1 15 Hyacinth St, Greystanes dated 9 July 2018. The report contained the operational noise criteria for the child care centre as:

Table 3-1  Project Specific NPFL Criteria

<table>
<thead>
<tr>
<th>Assessment Period</th>
<th>ANL L_{Aeq}(Period)</th>
<th>Existing Noise Level - dBA</th>
<th>INP Criteria - dBA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td>RBL</td>
<td>LAeq(Period)</td>
</tr>
<tr>
<td>Day</td>
<td></td>
<td>55</td>
<td>34</td>
</tr>
<tr>
<td>School Classroom</td>
<td>When in use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>School Play Areas</td>
<td>When in use</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The limiting criterion for continuous operational noise emissions from the proposed development is 51 dB(A) for residential receivers during the daytime, 35 dB(A) for classrooms when in use and 55 dB(A) for outdoor school play areas when in use.
4  NOISE MANAGEMENT PLAN

One of the most effective measures that should be implemented in conjunction with the physical noise controls is a noise management plan (NMP). The NMP should be incorporated within the child care centre’s overall management plan:

- Child to staff ratios are: 2-3 year olds (2 teachers, 1:5 children); 3-6 year olds (2 teachers, 1:10 children).
- A separate daily program for both the warmer and cooler months should be established in order to regulate the total time spent outdoors and indoors.
- A contact phone number for the centre office should be made available to neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to operation of the child care centre;
- The behaviour of children should be monitored and modified as required by staff during outdoor play;
- Parents and guardians should be informed of the importance of noise minimisation when entering the site, dropping off or picking up children;
- Staff should be educated to control the level of their voice while outside;
- Amplified music should be avoided to meet the noise criteria.
- A system will be put in place where child care staff will actively monitor the children playing outside, any child making excessive noise i.e. crying or screaming will be taken into the child care and once the child has calmed down he/she will be allowed to go to the outdoor area.

In previous developments of Child Care Centres in NSW, Rodney Stevens Acoustics has adopted the following key aspects with regard to acoustic intrusion to nearby and adjoining residential dwellings:

- It is important to balance the operation of child care facilities with community expectations. To achieve this outcome, many councils consider it necessary to seek appropriate acoustic privacy measures that are compatible with the prevailing character of residential areas. This is the preferred outcome rather than resorting to more extreme noise attenuation walls.
- There is also recognition that the good long-term operation and management of child care facilities can help to ensure development continues to harmoniously co-exist with the surrounding residential amenity.
- The location and design of the centre must consider the projection of noise from various activities to avoid any adverse impacts on the residential amenity of adjoining land.

RSA report R180318R1 15 Hyacinth St, Greystanes dated 9 July 2018 provides a number of mitigation measures that must be implemented in conjunction with this noise management plan.
5 CONCLUSION

Rodney Stevens Acoustics has conducted a noise management plan for the proposed child care centre’s site at 15 Hyacinth St, Greystanes NSW. Noise emissions from the outdoor play can be sufficiently mitigated and or controlled with the implementation of recommendations of RSA previous report R180318R1 15 Hyacinth St, Greystanes dated 9 July 2018, its revision (R2) and the recommendations in this noise management plan.

Approved: -

Rodney Stevens - MAAS
Appendix A – Acoustic Terminology

A-weighted sound pressure

The human ear is not equally sensitive to sound at different frequencies. People are more sensitive to sound in the range of 1 to 4 kHz (1000 – 4000 vibrations per second) and less sensitive to lower and higher frequency sound. During noise measurement, an electronic ‘A-weighting’ frequency filter is applied to the measured sound level dB(A) to account for these sensitivities. Other frequency weightings (B, C and D) are less commonly used. Sound measured without a filter is denoted as linear weighted dB(linear).

Ambient noise

The total noise in a given situation, inclusive of all noise source contributions in the near and far field.

Community annoyance

Includes noise annoyance due to:

- character of the noise (e.g. sound pressure level, tonality, impulsiveness, low-frequency content)
- character of the environment (e.g. very quiet suburban, suburban, urban, near industry)
- miscellaneous circumstances (e.g. noise avoidance possibilities, cognitive noise, unpleasant associations)
- human activity being interrupted (e.g. sleep, communicating, reading, working, listening to radio/TV, recreation).

Compliance

The process of checking that source noise levels meet with the noise limits in a statutory context.

Cumulative noise level

The total level of noise from all sources.

Extraneous noise

Noise resulting from activities that are not typical to the area. Atypical activities may include construction, and traffic generated by holiday periods and by special events such as concerts or sporting events. Normal daily traffic is not considered to be extraneous.

Feasible and reasonable measures

Feasibility relates to engineering considerations and what is practical to build; reasonableness relates to the application of judgement in arriving at a decision, taking into account the following factors:

- Noise mitigation benefits (amount of noise reduction provided, number of people protected).
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- Cost of mitigation (cost of mitigation versus benefit provided).
- Community views (aesthetic impacts and community wishes).
- Noise levels for affected land uses (existing and future levels, and changes in noise levels).

<table>
<thead>
<tr>
<th>Impulsiveness</th>
<th>Impulsive noise is noise with a high peak of short duration or a sequence of these peaks. Impulsive noise is also considered annoying.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low frequency</td>
<td>Noise containing major components in the low-frequency range (20 to 250 Hz) of the frequency spectrum.</td>
</tr>
<tr>
<td>Noise criteria</td>
<td>The general set of non-mandatory noise levels for protecting against intrusive noise (for example, background noise plus 5 dB) and loss of amenity (e.g. noise levels for various land use).</td>
</tr>
<tr>
<td>Noise level (goal)</td>
<td>A noise level that should be adopted for planning purposes as the highest acceptable noise level for the specific area, land use and time of day.</td>
</tr>
<tr>
<td>Noise limits</td>
<td>Enforceable noise levels that appear in conditions on consents and licences. The noise limits are based on achievable noise levels, which the proponent has predicted can be met during the environmental assessment. Exceedance of the noise limits can result in the requirement for either the development of noise management plans or legal action.</td>
</tr>
<tr>
<td>Performance-based goals</td>
<td>Goals specified in terms of the outcomes/performance to be achieved, but not in terms of the means of achieving them.</td>
</tr>
<tr>
<td>Rating Background Level (RBL)</td>
<td>The rating background level is the overall single figure background level representing each day, evening and night time period. The rating background level is the 10th percentile min L50 noise level measured over all day, evening and night time monitoring periods.</td>
</tr>
<tr>
<td>Receptor</td>
<td>The noise-sensitive land use at which noise from a development can be heard.</td>
</tr>
<tr>
<td>Sleep disturbance</td>
<td>Awakenings and disturbance of sleep stages.</td>
</tr>
<tr>
<td>Sound and decibels (dB)</td>
<td>Sound (or noise) is caused by minute changes in atmospheric pressure that are detected by the human ear. The ratio between the quietest noise audible and that which should cause permanent hearing damage is a million times the change in sound pressure. To simplify this range the sound pressures are logarithmically converted to decibels from a reference level of 2 x 10^-5 Pa.</td>
</tr>
</tbody>
</table>
The picture below indicates typical noise levels from common noise sources.

dB is the abbreviation for decibel — a unit of sound measurement. It is equivalent to 10 times the logarithm (to base 10) of the ratio of a given sound pressure to a reference pressure.

**Sound Power Level (SWL)**

The sound power level of a noise source is the sound energy emitted by the source. Notated as SWL, sound power levels are typically presented in dB(A).

**Sound Pressure Level (SPL)**

The level of noise, usually expressed as SPL in dB(A), as measured by a standard sound level meter with a pressure microphone. The sound pressure level in dB(A) gives a close indication of the subjective loudness of the noise.

**Statistical noise levels**

Noise levels varying over time (e.g. community noise, traffic noise, construction noise) are described in terms of the statistical exceedance level.

A hypothetical example of A weighted noise levels over a 15 minute measurement period is indicated in the following figure:
Key descriptor

- **LAmax** Maximum recorded noise level.
- **LA1** The noise level exceeded for 1% of the 15 minute interval.
- **LA10** Noise level present for 10% of the 15 minute interval. Commonly referred to the average maximum noise level.
- **LAEq** Equivalent continuous (energy average) A-weighted sound pressure level. It is defined as the steady sound level that contains the same amount of acoustic energy as the corresponding time-varying sound.
- **LA90** Noise level exceeded for 90% of time (background level). The average minimum background sound level (in the absence of the source under consideration).

**Threshold**

The lowest sound pressure level that produces a detectable response (in an instrument/person).

**Tonality**

Tonal noise contains one or more prominent tones (and characterised by a distinct frequency components) and is considered more annoying. A 2 to 5 dBA penalty is typically applied to noise sources with tonal characteristics.
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Attachment 7
Redacted Public Submission
1. This will be the first commercial development in the street with the major implication on the housing valuations.
2. The proposed child care centre raises a number of negative points:
   a. Traffic: additional traffic movements of approx. 70 cars (30 children morning and afternoon, + 4 staff + cook (kitchen?) + director (office?) (6 staff x 2=12).

As the street adjoins the Widemere Primary school, parents park in our street and in Gardenia Parade to drop off, pick up, children on every school day. This is usually on both sides of the street, making it narrow for passing traffic. Additional traffic load from the child care at these times will increase the risk of an accident or child being struck. For example, a car and a bicycle cannot pass within the 1 metre safety space, while cars are parked on both sides of the street as they do now. This zone will be extended down the street if child care patrons park in the street during child care pick up and drop off. This is a real concern to senior drivers.

B. Parking

(i) Please explain the calculation for parking and compliance. The EIS Section 3.1 (page 50) refers to the DCP that requires 7.5 spaces for visitors + 2 for teachers but the plan has 6 for visitors and 4 for the teachers. Also, “All staff parking to be provided onsite” on page 59 of the EIS. I do not see how this complies? Will there be only 4 teachers? Which 2 will park on the street or share a car or catch a bus or cycle? Is there another person who cooks in the kitchen?

(ii) Further 3.2 “In addition, a compliant >1.5m wide landscaped setback will be provided between the driveway and the adjoining common western boundary.” What western boundary?

(iii) The assumption that all parents will drive down the street, enter a tight, below ground parking space, struggle with their children (in cases where there is more than child), proceed to a lift, and sign in, then return to the car, manoeuvre out of the car park is highly questionable in practice. More than likely, as I would do, parents will park at the nearest vacant spot at street level, where there is more door room, and enter at street level. This means additional parking within the street, narrowing the usable width of the street.

c. Setback- the child care centre appears to be closer to the front of the road than other houses, and the common acceptance in the street was that the setback was much further back, than proposed. One neighbour had a DA for a carport rejected due to setback rules.

d. Verandah on front on the first floor- what is this for? This seems to be unnecessary and looking over the neighbour’s property.

e. Waste- the waste management plan refers to Units /Strata and not for this type of development. How much waste will be generated? Where will the waste be stored? It did not appear to be on the plan and there is no space on street for this to be held in non-obtrusive position.
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1. Noise – the acoustic report states

   (i) 5.2 Indoor Play “Based on an internal reverberant sound pressure level of 90 dBA within the largest internal play areas, the predicted cumulative L_{Aeq}(15min) noise level at the residential receivers adjacent to the proposed centre with the proposed internal configuration and associated capacity is 52 dBA with windows open. Noise emissions to the level at the residential receiver is predicted to be 42 dBA with the glazing closed. The recommended assessment criterion of 39 dBA will be achieved with the windows closed at all sensitive receivers with recommendations in this report.”

   Does this mean that the adjoining residents will need to have our windows closed to maintain peace and quiet? Surely this is an unacceptable outcome? The EIS in 4.4 refers to cross ventilation as the centre is designed to have cross ventilation. How will the cross ventilation (assuming this is fresh air) be achieved with the windows closed?

   (ii) 5.3.2 “With 31 children engaged in outdoor play on the site, the predicted maximum L_{Aeq}(15min) noise levels are expected to be in the order of 57 dBA to the north and south, 47 dBA to the west (public school play area) and below 30 dBA to the east site boundaries and school classrooms. The proposed outdoor play area shows exceedance with criteria with all children engaged in outdoor play at some of the sensitive receivers with 1.8m standard fencing.”

   This is not including any noise emanating from the non-described but proposed mechanical plant for the lift, air conditioning etc.

8. Where will the mechanical plant for the child care centre be situated? The car parking plant will be in the basement according to 3.4 EIS page 51. There doesn’t appear to be room at the northern side of the property and would be adjacent to the neighbours’ property, the southern side is an exit passage? Will it located on the 3m roof? The plant cannot be situated at the rear in the playing area. Will it be contained in the car park? Heat extraction and noise issues are?

h. Exit plan- There is no emergency plan attached to the EIS available on the website. What would the exit plan for the children be? The southern side looks narrow and there is no fence shown leaving a unsafe drop near the driveway.

Environmental Impacts: This design will add heat to the street and add stormwater run-off (at least there should be a water tank) as there seems to be an increase in hard surfaces?

Environmental Impacts Statement - errors.

   (i) The site is not opposite Nemesia Street Park as per the Environmental Impacts Statement on page 8. There is a row of houses between the site and the park.

   (ii) The photos on page 13 – southwards and northwards view – this is the same photo!

   (iii) Page 17- refers to direct pedestrian access from Fraser Street?

   (iv) Page 54 Safety and Security - refers to Whitworth street and Fraser Street? This is not accurate and this section must be corrected.

   (v) Page 55 - Waste - refers to “residents” and “location of communal bin storage”

   (vi) No emergency plan attached available.

   (vii) Reference to nappy changing facilities and sleeping for 0-2 year olds?

These errors reflect a major question about how robust this DA has been writ.
Further this street has previously been identified as flood prone location. This has been identified in the "PROSPECT CREEK OVERLAND FLOOD STUDY". Underground parking would be of real concern.

In summary, this will add extra traffic to a narrow street, add noise that cannot be realistically controlled in a quiet street, on a mid-block location in the middle of a residential street, already bearing the noise from the school and adjoining factories at the bottom of the street. The proposed acoustic recommendations are not realistic and unsatisfactory.
We object to development application No 2018/284/1 and submit the following for consideration by Council:

1. We already have significant problems with parking at the top of Hyacinth Street during school times, morning and afternoon and when meetings are on at Wedemere School in the evenings as cars are parked on both sides of the street. When leaving the street during these times we go down to Gardenia Parade as the width of Hyacinth Street does not give easy navigation of a vehicle passed the parked cars. Hyacinth Street is too narrow and when vehicles are parked either side of the street, flow through traffic, emergency service vehicles, garbage collection trucks, street cleaning trucks and recycling trucks will not be able to pass safely, if at all. Approval of this development application will only intensify the problems in an already congested street. People have the attitude "oh I won't be long" and we are sure that parents dropping off children to the child care will probably take this attitude.

2. The proposed building streetscape is not in keeping with the existing dwellings in the street.

3. It is intended to fence the front boundary – there are no front boundary fences to any existing dwelling in Hyacinth Street. This will alter the streetscape in Hyacinth Street.

4. The development application indicates that the vehicles bringing children to the site will be able to egress the building from the basement to the street frontage in a forward manner. The application does not indicate a "turning space" in the basement.
The proposed acoustic fencing does not comply with Cumberland DCP and as noted in the Landscape Concept diagram, the proposed acoustic fencing extends beyond the rear of the development.

There is a balcony on the first level which overlooks the dwellings opposite – this is a privacy issue.

In the winter months when car lights are on, the egress from the basement carpark will mean that the dwellings opposite will be affected by those lights shining into their dwellings.

We moved to Hyacinth Street over 35 years ago for the reason that it was a quiet street. Since moving in we also found that the neighbours were friendly and helpful and happy to assist, if necessary, at any time. This is still continuing today. If the proposed child care is approved the ambience of the street will change.

We wish that Hyacinth Street remains a ‘family home’ street, however understand that in the future, the existing dwellings may be demolished and a new dwelling erected, but hopefully these are residences for families, not businesses.

We hope that Council will take into consideration the objections of the home owners of Hyacinth Street and not give approval to this application.

This development IS NOT FOR OUR STREET.

Statement of Environmental Effects

With respect to the Statement of Environmental Effects submitted with the DA –

Photograph 3 - Shows a view of Nemesia Street park from Nemesia Street. The description "... which is located opposite the subject site on the eastern side of Hyacinth Street." Is incorrect, in fact my property is diagonally opposite the subject site.

Photograph 7 - refers to “viewing southward”. The photo shown is the same for "viewing northward".

Page 17 – incorrect street name in paragraph headed “lift core and internal foyer”.

Page 24 – "Child Care Planning Guideline" – Comment 2\textsuperscript{nd} paragraph "... to be consistent with the evolving two storey-built form character of the subject residential area". There is no two storey dwellings in Hyacinth Street which have a streetscape the same as or similar to that of the proposed purpose-built child care facility.

Page 24 – Comment 3\textsuperscript{rd} paragraph “The development has been designed to minimize adverse impacts on neighbouring properties in terms of privacy,
acoustic and overshadowing.". The residents of dwellings at Nos 13 and 17 will be affected by noise, privacy and overshadowing.

The Acoustic Report

C2 (Page 25) 4th paragraph - "...noting the site is a corner allotment." This description is incorrect. The allotment is in fact in the middle of the street.

C6 The current dwellings in Hyacinth Street do not have fences to the frontages.

C9 The current dwellings in Hyacinth Street do not have front fences.

C12 There are no two storey dwelling in Hyacinth Street which have a streetscape the same as or similar to that of the proposed purpose-buiilt child care facility within the subject area.

C15 There are no two storey dwelling in Hyacinth Street which have a streetscape the same as or similar to that of the proposed purpose-built child care facility.

C33 The width of Hyacinth Street has not been properly considered as if there are vehicles parked opposite each other there is insufficient room for safe passing traffic and especially garbage collection and recycling collection trucks.

C35 "Development site is not within a cul-de-sac or narrow lanes or road. Not applicable"

Hyacinth Street is a narrow road. Measuring approximately 15 metres wide.

If there are cars parked on either side of the road, there is insufficient room for safe passing traffic and especially garbage collection and recycling collection trucks.

4.12 Fencing

There are no front fences on any property in Hyacinth Street.

Holroyd DCP Comment

2 Access C.1 "...with the proposal providing separate egress and exit ramps to and from the basement area...". Egress and exit have the same meaning.

7 Fencing. "Fencing is to be consistent with the character and style of other developments in the area whilst complying with Council requirements. There are no front fences on any property in Hyacinth Street."
- The acoustics fencing does not comply with the Cumberland DCP in that it is proposed to be 2.1 metres in height and as noted on the Landscape Concept diagram it extends beyond the rear of the development.

If the acoustic fence is more than 2 metres it must be contained within the development site with a 1.8m traditional lapped and capped boundary fence. Any 1.6m in height fence is to terminate 1m behind the front façade.

If the existing fencing is to be demolished the cost of such removal and replacement is to be borne entirely by the developer. (Nos 13 and 17)
DOCUMENTS ASSOCIATED WITH REPORT ELPP021/19

Attachment 8
Locality Map
Locality Map – 15 Hyacinth Street Greystanes
State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017

The subject Development Application falls under Part 3 of the SEPP, entitled Early education and care facilities—specific development controls. An assessment against the relevant clauses of the SEPP is provided in the table below:

### Part 3 Early education and care facilities—specific development controls

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required/Permitted</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes</td>
<td>Note 1. A service approval is required to operate an early education and care facility that is an education and care service to which the Children (Education and Care Services) National Law (NSW) applies or a State regulated education and care service to which the Children (Education and Care Services) Supplementary Provisions Act 2011 applies. Approved services are subject to various operational requirements under that legislation, including requirements for the physical environment of the approved service. Note 2. Complying development controls specifically for school-based child care are provided for in clause 40.</td>
<td>A service approval from the NSW Dept. of Education (DEC) is required to be obtained by the operator. To be conditioned.</td>
<td>To condition</td>
</tr>
</tbody>
</table>

22 Centre-based child care facility—concurrency of Regulatory Authority required for certain development

(1) This clause applies to development for the purpose of a centre-based child care facility if:
(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or
(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.
(2) The consent authority must not grant development consent to development to which this clause applies except with the concurrence of the Regulatory Authority.

The proposed development complies with Clause 107 of the National Regulations.

The proposed development does comply with Clause 108 of the National Regulations. Refer to Appendix D for further discussion.

Noted

Noted
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>23 Centre-based child care facility—matters for consideration by consent authorities</td>
<td>Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.</td>
<td>Refer to assessment contained at Appendix D.</td>
</tr>
<tr>
<td>25 Centre-based child care facility—non-discretionary development standards</td>
<td>(1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.</td>
<td>Noted</td>
</tr>
<tr>
<td></td>
<td>(2) The following are non-discretionary development standards for the purposes of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) location—the development may be located at any distance from an existing or proposed early education and care facility,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) indoor or outdoor space</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</td>
<td>The proposed development complies with Clause 107 of the National Regulations.</td>
</tr>
<tr>
<td></td>
<td>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of</td>
<td>The proposed development does not comply with Clause 108 of the National Regulations. Refer to Appendix D for further discussion.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The proposed development complies with Clause 28(2) of the Supplementary</td>
</tr>
</tbody>
</table>
the *Children (Education and Care Services) Supplementary Provisions Regulation 2012* applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,

(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,

(d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.

(3) To remove doubt, this clause does not prevent a consent authority from:

(a) refusing a development application in relation to a matter not specified in subclause (2), or

(b) granting development consent even though any standard specified in subclause (2) is not complied with.

<table>
<thead>
<tr>
<th>Provisions Regulation.</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed development complies with Clause 28(4) of the Supplementary Provisions Regulation.</td>
<td>Noted</td>
</tr>
<tr>
<td>Noted</td>
<td>Noted</td>
</tr>
<tr>
<td>Noted</td>
<td>Noted</td>
</tr>
<tr>
<td>Noted</td>
<td>Noted</td>
</tr>
</tbody>
</table>
| 28 Centre-based child care facility—development control plans | (1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:

(a) operational or management plans or arrangements (including hours of operation),
(b) demonstrated need or demand for child care services,
(c) proximity of facility to other early education and care facilities,
(d) any matter relating to development for the purpose of a centre-based child care facility contained in:
   (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or
   (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

(2) This clause applies regardless of when the development control plan was made. | Noted | Noted |

Consideration of the relevant requirements of the Child Care Planning Guideline is provided at Appendix D to this report.

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**Cumberland Local Planning Panel Agenda**
DOCUMENTS ASSOCIATED WITH REPORT ELPP021/19

Attachment 10
Appendix B - HLEP 2013
APPENDIX B

Holroyd Local Environmental Plan 2013

The proposed development is defined as a ‘centre – based child care facility’ under the provisions of Holroyd LEP 2013. Child care facilities are a permissible land use with consent under the R2 – Low Density Residential zoning applying to the land under Holroyd LEP 2013.

A summary of the relevant provisions applicable to the Application is provided in the following table.

<table>
<thead>
<tr>
<th>Clause</th>
<th>Standard</th>
<th>Comment</th>
<th>Comply?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Part 2 Permitted or prohibited development</td>
<td>Zone R2 - Low Density Residential</td>
<td>The proposed child care centre is considered to be consistent with the objectives of the zone as it provides a service that meets the day to day needs of residents.</td>
<td>No</td>
</tr>
<tr>
<td>Permissible Uses/Development</td>
<td></td>
<td>A childcare centre is a permissible form of development within the R2 – Low Density Residential Zone, and requires the consent of Council.</td>
<td>No</td>
</tr>
<tr>
<td>2.7</td>
<td>Demolition requires consent</td>
<td>Demolition is sought as part of this application.</td>
<td>No</td>
</tr>
</tbody>
</table>

Part 4 Principal development standards

| 4.3 | Height of Buildings | The overall height of the existing building is 8.4m, as measured from natural ground level. | No |
| 4.4 | Floor Space Ratio | Site Area: 560.2m² Maximum FSR: 0.5:1 Maximum GFA: 280.1m² Provided: 268m² (0.47:1) | N/A |

Part 5 Miscellaneous provisions

<p>| 5.9 | Repealed | | No |</p>
<table>
<thead>
<tr>
<th>Clause</th>
<th>Standard</th>
<th>Comment</th>
<th>Comply?</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.10</td>
<td>Heritage conservation</td>
<td>The site is not identified as a heritage item and it is not located within a heritage conservation area and in the vicinity of other heritage item.</td>
<td>☐ ☐ ☒</td>
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<tr>
<td>Part 6 Additional local provisions</td>
<td></td>
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</tr>
<tr>
<td>6.1</td>
<td>Acid Sulfate Soils</td>
<td>The site is not affected by potential acid sulfate soils.</td>
<td>☐ ☐ ☒</td>
</tr>
<tr>
<td>6.4/6.7</td>
<td>Flood planning and Stormwater Management</td>
<td>Site is not affected by flooding. Overland flood study undertaken applies to site. The application was referred to Council's Development Engineer, who raised no objection subject to conditions imposed for overland flow mitigation measure. Finished floor level of indoor play area for age 3 – 5 years is to be amended to comply accordingly.</td>
<td>☒ ☒ ☒</td>
</tr>
<tr>
<td>6.5</td>
<td>Terrestrial Biodiversity</td>
<td>The site is not identified as being affected by biodiversity.</td>
<td>☐ ☐ ☒</td>
</tr>
<tr>
<td>6.7</td>
<td>Riparian land and watercourses</td>
<td>N/A</td>
<td>☐ ☐ ☒</td>
</tr>
<tr>
<td>6.8</td>
<td>Salinity</td>
<td>The site is located on lands identified as being affected by moderate salinity potential. Standard conditions have been included within the Draft Notice of Determination.</td>
<td>☒ ☒ ☒</td>
</tr>
</tbody>
</table>
DOCUMENTS ASSOCIATED WITH REPORT ELPP021/19

Attachment 11
Appendix C - HDCP 2013
### APPENDIX C

**Holroyd Development Control Plan 2013**

The relevant objectives and provisions of Holroyd Development Control Plan 2013 have been considered in the following assessment table:

<table>
<thead>
<tr>
<th>No.</th>
<th>Clause</th>
<th>Comment</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
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<tbody>
<tr>
<td></td>
<td><strong>PART A – GENERAL CONTROLS</strong></td>
<td></td>
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<tr>
<td>2.4</td>
<td>Access: Vehicular Crossings, Splay Corners, Kerb &amp; Guttering</td>
<td>VC to be reconstructed if in poor condition, damaged or design doesn't comply. Existing VC to be demolished and a new 7.2m wide VC proposed to be constructed. Council's development engineering department have reviewed this arrangement and have no objections.</td>
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<td></td>
<td></td>
<td>Avoid services/facilities in road reserve, existing trees, pedestrian crossing, pram ramps etc. There are no services that would be affected by the proposed driveway. The proposed existing street tree to be removed has been reviewed by Council's Tree Management section and supported subject to condition.</td>
<td></td>
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<td></td>
<td></td>
<td>Corner sites VC to be min. 6m from the tangent point. Not Applicable.</td>
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<td></td>
<td></td>
<td>Corner sites require 3m x 3m (residential) and 4m x 4m (commercial) splay corner to be dedicated. Not Applicable.</td>
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<tr>
<td>2.7</td>
<td>Road Widening</td>
<td>Not Applicable.</td>
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<tr>
<td>3</td>
<td>Car Parking</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>3.1</td>
<td>Minimum Parking Spaces</td>
<td>1 per 4 children &amp; 1 per two employees.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>No of children = 30/4 = 7.5 (8) No. of employees = 4/2 = 2</td>
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<tr>
<td></td>
<td></td>
<td>Total Required: 10</td>
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<td></td>
<td></td>
<td>With the reduction of children: No of children = 26/4 = 6.5 (7) To be conditioned</td>
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<tr>
<td></td>
<td></td>
<td>10 car parking spaces provided within basement level with the following ratio. Staff = 4 spaces Visitor = 6 spaces</td>
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<tr>
<td></td>
<td></td>
<td>Condition is to be imposed to ensure the car parking spaces allocation is in accordance to the ratio applies, which is at least 7 spaces for visitor parking and 3 spaces for the employees.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>To be conditioned</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.3</td>
<td>Car Parking, Dimensions &amp; Gradient</td>
<td>Min. clear length 5.5m (5.4m AS2890.1-2004). Min. clear width 2.4m for open space; 3m for The application was referred to Council's Traffic Engineer, who raised no objections subject to conditions.</td>
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</tbody>
</table>

**Cumberland Local Planning Panel Agenda**
### Extraordinary Cumberland Local Planning Panel Meeting  
16 April 2019

<table>
<thead>
<tr>
<th>No.</th>
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<td></td>
<td></td>
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<td></td>
<td>between walls.</td>
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<td></td>
<td>- Min. clearance height</td>
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<tr>
<td>2.9m</td>
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<tr>
<td>3.5</td>
<td><strong>Access, Maneuvering and Layout</strong></td>
<td>Driveways shall be setback a minimum of 1.5m from the side boundary.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>The proposed driveway is 1.2m from the eastern side boundary which is less than what is required. Setback shortfall of 0.3m is considered acceptable given that the proposed width of the two way driveway will ensure safe vehicular movement while entering and exiting the subject site.</td>
<td></td>
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</tr>
<tr>
<td>3.6</td>
<td><strong>Parking for the Disabled</strong></td>
<td>2 spaces per 100 spaces up to 400, and 1 per 100 thereafter, or part thereof.</td>
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<td></td>
<td></td>
<td>1 disabled car parking space provided. Given the relatively low number of parking spaces in total this has been considered acceptable by Council’s Traffic Engineer department.</td>
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<tr>
<td>4</td>
<td><strong>Tree and Landscape Works</strong></td>
<td>Council’s Tree Management Officer has assessed the submitted plans and documentation and advised the proposal is acceptable, subject to conditions.</td>
<td></td>
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<tr>
<td>5</td>
<td><strong>Biodiversity</strong></td>
<td>The land is not environmentally sensitive and is not zoned E2 Environmental Conservation.</td>
<td></td>
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</tr>
<tr>
<td>6.1</td>
<td><strong>Retaining Walls</strong></td>
<td>Retaining walls are associated with the basement</td>
<td></td>
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</tr>
<tr>
<td>6.3</td>
<td><strong>Erosion and Sediment Control Plan</strong></td>
<td>The applicant has submitted an erosion and sediment control plan which is satisfactory.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td><strong>Stormwater Management</strong></td>
<td>The application was referred to Council’s Development Engineer, who raised no objection, subject to conditions.</td>
<td></td>
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<tr>
<td>8</td>
<td><strong>Flood Prone Land</strong></td>
<td>Site is not affected by flooding. Overland flood study undertaken applies to site. The application was referred to Council’s Development Engineer, who raised no objection subject to conditions imposed for overland flow mitigation measure. Finished floor level of indoor play area for age 3 – 5 years is to be amended to comply accordingly.</td>
<td></td>
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</tr>
<tr>
<td>9</td>
<td><strong>Managing External Road Noise and Vibration</strong></td>
<td>The site is not affected by road or rail noise.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td><strong>Safety and Security</strong></td>
<td>The design is considered to be</td>
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</tr>
<tr>
<td>No.</td>
<td>Clause</td>
<td>Comment</td>
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<td>satisfactory from a safety and security perspective. A satisfactory level of passive surveillance to Austral Avenue is provided. The proposed treatment of the front setback areas allows visibility and discourages concealment, whilst front landscaping provides an appropriate demarcation of public and private space.</td>
<td></td>
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<tr>
<td>11</td>
<td>Waste Management</td>
<td>Waste Management Plan submitted and considered satisfactory. The development proposes a private collection. The application was referred to Council's Waste Management Section and no objection was raised to the proposed waste management arrangements.</td>
<td></td>
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</tbody>
</table>

**PART B – RESIDENTIAL CONTROLS**

<table>
<thead>
<tr>
<th>1</th>
<th>GENERAL RESIDENTIAL CONTROLS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Building Materials</td>
<td>A variety of construction materials proposed as well as finishing materials and colours provides a good variety of finishes for the building. The proposed childcare facility should add visual interest to the street and locality.</td>
</tr>
<tr>
<td>1.2</td>
<td>Fences</td>
<td>Front fence with max height of 1.1m proposed. Transparency of the front fence is subject to condition. Side and rear fencing of 2.1m high is proposed to be erected in accordance with acoustic recommendations around the outdoor play area. To be conditioned</td>
</tr>
<tr>
<td>1.3</td>
<td>Views</td>
<td>The proposed development does not impede existing views currently enjoyed by neighbouring properties.</td>
</tr>
<tr>
<td>1.4</td>
<td>Visual Privacy</td>
<td>• The proposed 1.8m - 2.1m high fence will maintain visual privacy at ground level.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• The first floor windows to the side boundaries have sill height less than 1.5m. The south facing window is setback 6m from the side boundary and the north facing window is to a laundry. Condition is to be</td>
</tr>
</tbody>
</table>
### Cumberland Local Planning Panel Agenda

#### Extraordinary Cumberland Local Planning Panel Meeting  
16 April 2019

<table>
<thead>
<tr>
<th>No.</th>
<th>Clause</th>
<th>Comment</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
</table>
|     |                                             | imposed for provision of obscure glazing. **To be conditioned**  
- The first floor street facing balcony will be provided with full height screening on the side boundary. Satisfactory.                                                                 |     |    |     |
| 1.5 | Landscape Area                              | Area of 13.78% (77.2m²) is provided with min 2m dimension. An additional landscaped area of 3.1% (17.6m²) with dimension less than 2m. This equates to 16.9% (94.8m²).  
Variation to the landscaped area is acceptable given that the rear yard is also required for unencumbered outdoor space for the child care centre. |     |    |     |
|     | Min. 20% = 112.04m²                         | Max. 50% of provided landscaped area shall be forward of the front building line  
54.8m² or 48.9%                                                                                                                                                   |     |    |     |
| 1.6 | Safety & Security                           | Safety and security has been maintained to an acceptable level, as identified above in Part A, Section 10.                                                                                             |     |    |     |
| 1.8 | Sunlight Access                             | Adequate solar access to proposed child care centre and surrounding dwellings. The shadow diagrams indicate that the eastern or western adjoining dwellings would not be unreasonably affected.       |     |    |     |
| 1.9 | Cut and Fill                                | Cut and fill associated with basement.                                                                                                                                                                  |     |    |     |
| 1.11| Vehicular Access and Driveways              | 1 x 7.2m wide in/out driveway proposed.  
Refer to comments by Council's Development Engineering and Traffic Section – satisfactory subject to conditions.  
1 VC in total proposed.                                                                                                                                            |     |    |     |
<table>
<thead>
<tr>
<th>No.</th>
<th>Clause</th>
<th>Comment</th>
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<tbody>
<tr>
<td>2.2</td>
<td>Site Coverage</td>
<td>Max. 60% of the site area 175.9m² or 31.4%</td>
</tr>
</tbody>
</table>
| 2.3 | Setbacks | - Principal St: 6m (articulation zone max. 25% of the building width and 1.5m in length)  
- Side: 0.9m  
- Rear: 3m to single storey component; 7m to 2 storey component 6m from the building line from Austral Avenue.  
Minimum 0.9m side setbacks. Basement setbacks 415mm to the northern side boundary are considered acceptable given that the above ground setbacks still comply.  
9.5m rear setbacks from ground and first floor. |
| 2.4 | Building Height | Max. 2 storey and 9m; if single storey max. 7m (this also applies to attics)  
Min. 2.4m floor to ceiling height 8.4m total building height.  
Ground floor: 3m floor to ceiling height.  
First floor: 2.7m floor to ceiling height. |
|     | Building Appearance | Design: Have regard to the size/shape/orientation of lot; style not to be in strong visual contrast to locality  
Comment on streetscape  
Bulk and scale: Max. 10m blank wall on first floor side; min. 1m wide indent.  
The appearance of the building as seen from the street is acceptable. The proposal is considered to be compatible with a number of newer-style residential developments in the locality. In addition, it is important to note that the proposed development is commercial in nature, and in this regard, the architecture is considered to depict this function.  
Satisfactory presentation, the front door faces the principal street. |
|     | Proposed building articulation is considered to be satisfactory. |
### Part E – Public Participation

**Notification Requirements**

The application was publicly notified to adjoining and opposite owners, a notice was placed in the local press and a notice placed on the site for 14 days from 12 September 2018 to 26 September 2018. In response, 18 submissions including 3 support letters and 15 objections were received. Following the submission of additional information the proposal was re-notified to the objectors and the adjoining and opposite owners for 14 days between 8 March 2019 and 22 March 2019. Eleven (11) additional submissions were received as a result of the re-notification.

The grounds of objections raised in the submissions have been addressed elsewhere in this report and are not considered sufficient to warrant refusal of the DA.

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<tr>
<th>No.</th>
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<th>N/A</th>
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<tr>
<td></td>
<td>reduce the appearance of bulk and express the elements of the buildings architecture.</td>
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</table>

### Part I – Childcare Centres

**Size, Density and Location**

<table>
<thead>
<tr>
<th>No.</th>
<th>Clause</th>
<th>Comment</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
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<tbody>
<tr>
<td></td>
<td>SIZE AND DENSITY</td>
<td>Any proposed Child Care Centres in R2 zones should be limited in size to accommodate not more than forty-five (45) children. Capacities of child care centres located in other zones will be assessed on the merits of each application.</td>
<td></td>
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<td>Development in residential zones shall have an appropriate size, scale, bulk, etc sympathetic to the surrounding residential development.</td>
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<td></td>
<td></td>
<td>The proposed two storey building is consistent with other newer-style two-storey dwellings in the locality.</td>
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<td>30 children proposed. Refer to recommendation for further reduction in the number of children.</td>
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<tr>
<td>No.</td>
<td>Clause</td>
<td>Comment</td>
<td>Yes</td>
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<tr>
<td></td>
<td>The general design requirements for Child Care Centres located within R2 and R3 zones, should comply with the standards outlined in Part B of this DCP relating to one and two storey residential development.</td>
<td>The design illustrates consistency with Part B.</td>
<td></td>
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<td></td>
<td>Note: If the proposed child care centre has a common boundary with an existing child care centre, the applicant must demonstrate that the new centre is not an addition to the existing centre by way of illustrating that the centre cannot be combined at a later stage.</td>
<td>There are no child care centres located on the adjoining lots.</td>
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<tr>
<td></td>
<td>If the proposed child care centre is to be located in a building consisting of more than one level, the child care centre component must be located on the ground floor of the buildings with office and storage space permitted on the upper level.</td>
<td>The first floor will be used for kitchen and for staff facilities. The laundry for the childcare centre is also proposed to be located at first floor level. The site has a frontage of 20.4m.</td>
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<td></td>
<td>The minimum site frontage for a child care centre is 20 metres.</td>
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<td></td>
<td><strong>LOCATION</strong></td>
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<td>The site must not be 300m from hazardous industries, LP gas sites, mobile telephone base stations and towers, and safe from any other environmental health hazards, such as high lead levels, chemical spraying in rural areas, or proximity to cooling tower drift in high rise building areas.</td>
<td>The subject site is located in a low density residential area and is surrounded by single and two storey detached and multi-dwelling residential developments within a 300m radius. An environmental site and locality analysis has not been undertaken, however, all development within the 300mm radius is residential, and in this regard, it is considered that there are no hazardous land uses within this locality.</td>
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<tr>
<td></td>
<td>Child care centres should not be located having frontage to</td>
<td>The proposed development has been assessed by Council's</td>
<td></td>
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</tbody>
</table>
### CUMBERLAND LOCAL PLANNING PANEL

#### Extraordinary Cumberland Local Planning Panel Meeting
16 April 2019

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<td></td>
<td>any road, which in the opinion of Council, is unsuitable for the establishment of a child care centre having regard to: (a) prevailing traffic conditions; (b) pedestrian and traffic safety; and (c) the likely impact of development on the flow of traffic on the surrounding street system.</td>
<td>Traffic Section, and is considered to be satisfactory from a locational perspective. The site does not have frontage to an arterial or sub-arterial road. The site / road is not listed within Appendix 1 or 2 of Part I of the HDCP 2013.</td>
</tr>
<tr>
<td></td>
<td>In this regard child care centres should not be located having frontage to an arterial or sub-arterial road (see Appendix 1 to Part I of HDCP 2013). As a general guide the roads identified in Appendix 2 are also considered by Council to be generally unsuitable for the establishment of child care centres, without special consideration firstly being given to the prevailing traffic conditions. All applications are to be supported by a Traffic and Parking Report prepared by a suitably qualified person addressing the above issues to Council’s satisfaction.</td>
<td>The proposed development was accompanied by a traffic and parking study which has been reviewed and deemed acceptable by Council’s Traffic Engineering department.</td>
</tr>
</tbody>
</table>

#### 2 VEHICULAR ACCESS AND PARKING

**ACCESS**

|     | Separate entry and exit driveways shall be provided where safe and convenient on street parking is not otherwise available, to Council’s satisfaction, for the setting down and picking up of children. The design of such driveways shall ensure that inbound and outbound vehicles are separated and that vehicles enter and leave the site in a forward direction. | Whilst separate entry/exit driveways are not proposed, the proposed driveway is a 7.2m wide two-way driveway. The proposed development has been assessed by Council’s Traffic Section, and is considered to be satisfactory. |

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Cumberland Local Planning Panel Agenda 14

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<table>
<thead>
<tr>
<th>No.</th>
<th>Clause</th>
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<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td></td>
<td>Applications for Child Care Centres will not be favourably considered where the site has frontage to an arterial road, sub-arterial road or where the development would be contrary to the environmental capacity of the street or contrary to the traffic movement on the surrounding street system.</td>
<td>As discussed above, the site does not have frontage to an arterial or sub-arterial road. The application is supported by a Traffic and Parking Impact Assessment, which has been assessed by Council’s Traffic Section as satisfactory.</td>
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<td></td>
<td>PARKING</td>
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<tr>
<td></td>
<td>All staff parking shall be provided on-site in any event.</td>
<td>The development is compliant with regard to the minimum number of parking spaces to be provided, subject to condition.</td>
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<tr>
<td></td>
<td>To eliminate the possibility of frontages and access ways containing expanses of plain cement, decorative pavement treatment shall be provided to all driveways and parking areas. That is, the use of decorative paving materials such as exposed aggregate or pattern stamped and coloured concrete and paving bricks. Plain cement or coloured cement will not be accepted for driveways and parking areas for aesthetic and amenity purposes.</td>
<td>Driveway finishes to be conditioned.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>ACOUSTIC AND VISUAL PRIVACY</td>
<td>Acoustic assessment and noise management plan in support of the proposal have been assessed by Council’s EHU and is considered satisfactory subject to conditions. Visual privacy of the adjoining properties has been maintained to an acceptable level through the use of hi-light windows.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

Cumberland Local Planning Panel Agenda
### Extraordinary Cumberland Local Planning Panel Meeting

16 April 2019

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<table>
<thead>
<tr>
<th>No.</th>
<th>Clause</th>
<th>Comment</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>outdoor play areas and seasonal play times</td>
<td>boundary fencing and appropriate side and rear setbacks.</td>
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<td></td>
<td></td>
<td>A landscape buffer has been continuously provided.</td>
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<td></td>
<td>Noise abatement measures are to be undertaken to ensure that inside noise levels do not exceed 40dB(A) (Leq 24). Assessments should take background noise levels into account</td>
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<td></td>
<td>A landscape buffer with suitable screening plants and a minimum width of 1 metre shall be provided along the side and rear boundaries of the development to help minimise overlooking.</td>
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<td>4</td>
<td>INDOOR SPACES</td>
<td>All indoor play spaces are provided with good access to direct sunlight.</td>
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<td></td>
<td>Where achievable, windows of indoor play areas are to be located with a northern orientation and should receive at least three hours of sunlight between the hours of 9am and 3pm on June 21.</td>
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<td></td>
<td>For locations where a northern orientation for indoor play areas is not achievable, they should be located where they will receive a minimum of 3 hours of sunlight, where possible</td>
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<td>5</td>
<td>OUTDOOR SPACES</td>
<td>a) The outdoor play areas are located away from the main entrance to the childcare centre, car parking areas and vehicle circulation areas.</td>
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<td></td>
<td>b) The indoor spaces lead onto the outdoor play area which provides a transitional space between the two areas.</td>
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<td></td>
<td></td>
<td>c) The levels proposed between the indoor areas and outdoor areas will enable sightlines to be maintained to allow direct staff supervision.</td>
<td></td>
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<td></td>
<td></td>
<td>d) The outdoor area is located away from existing and potential noise sources as it is located at the rear of the site.</td>
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**CUMBERLAND LOCAL PLANNING PANEL**

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<tr>
<th>No.</th>
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<th>Yes</th>
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<tr>
<td></td>
<td>and environmental health sources;</td>
<td>e) The outdoor areas are located away from the bedrooms/living area of surrounding dwellings, and any potential noise impacts will be mitigated by way of recommendations made within the acoustic report and conditions of consent.</td>
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<td></td>
<td>e) If the child care centre is located in a predominantly residential area, outdoor spaces are to be located away from the living/bedroom windows of surrounding dwellings;</td>
<td>f) The proposed outdoor areas are inaccessible from public areas outside of the child care centre.</td>
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<td></td>
<td>f) Inaccessible from public areas outside of the child care centre, except in the case of an emergency evacuation or deliveries such as sand replacement;</td>
<td>g) Considered satisfactory.</td>
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<td></td>
<td>g) Located away from areas where objects can be projected down onto play areas; and</td>
<td>h) The facility is considered to be adequately fenced.</td>
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<td></td>
<td>h) Adequately fenced on all sides</td>
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<td></td>
<td>Transitional Areas</td>
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<td></td>
<td>a) A transitional area between the building and the play area supporting space for both indoor and outdoor activities is to be provided. It is space additionally required for the building and the playground and may only be included as either the outdoor or indoor space requirement, not both. It may comprise of a verandah;</td>
<td>b) The roof area of the transitional area must be a minimum of 4 meters in width to ensure sufficient activity zones with access space around them;</td>
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<td></td>
<td>b) The roof area of the transitional area must be a minimum of 4 meters in width to ensure sufficient activity zones with access space around them;</td>
<td>c) The transitional area must be designed in a manner that offers protection from unfavourable weather conditions, including strong winds and rainfall;</td>
<td></td>
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<td></td>
<td>c) The transitional area must be designed in a manner that offers protection from unfavourable weather conditions, including strong winds and rainfall;</td>
<td>d) The transitional area must be designed in a manner that utilises natural temperature controlling measures,</td>
<td></td>
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<tr>
<td></td>
<td>d) The transitional area must be designed in a manner that utilises natural temperature controlling measures,</td>
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<tr>
<th>No.</th>
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<tr>
<td></td>
<td>including cross ventilation.</td>
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</tr>
<tr>
<td>6</td>
<td>LANDSCAPING</td>
<td>A detailed landscape plan prepared by a suitably qualified landscape professional should be submitted with all development applications for child care centres and should demonstrate the following: &lt;br&gt; a) Separation of outdoor space into active quiet areas; &lt;br&gt; b) Proposed planting, with a variety of trees and plants to be used which create visual interest for children, and can provide shading where appropriate; &lt;br&gt; c) Locations of play equipment; &lt;br&gt; d) Separation of outdoor space according to age ranges, including the locations of lower fencing or other structures which divide the outdoor spaces; and &lt;br&gt; e) Outdoor spaces which include a variety of surfaces such as grass, soft porous paving and the like</td>
</tr>
<tr>
<td>7</td>
<td>FENCING</td>
<td>Outdoor space is required to be fenced on all sides with a height of at least 1.8m. Acoustic fences should not be higher than 2m. If a fence higher than 2m is unavoidable it must be contained within the development site with a 1.8m traditional lapped and capped boundary fence and the remaining height to be of thick, transparent perspex to ensure any views are maintained.</td>
</tr>
<tr>
<td>8</td>
<td>FIRE SAFETY AND EMERGENCIES</td>
<td>An evacuation plan complying with AS3745-2002</td>
</tr>
</tbody>
</table>
### ACCESSIBILITY

<table>
<thead>
<tr>
<th>No.</th>
<th>Clause</th>
<th>Comment</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
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<tr>
<td>9</td>
<td>All new child care centres, building conversions and additions to existing premises shall comply with the minimum access requirements outlined in Part D3 of the Building Code of Australia and AS 1428.1 Design for Access and Mobility – General Requirements for Access – New Building Work. Details are to be included on plans to be submitted with the application for development consent.</td>
<td>An accessibility report was submitted in support of the application. It is recommended that a standard condition of consent be imposed upon any development consent that requires compliance with the BCA and Australian Standards –</td>
<td>☒</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DOCUMENTS ASSOCIATED WITH REPORT ELPP021/19

Attachment 12
Appendix D - Child Care Planning Gideline 2017
APPENDIX D– CHILD CARE PLANNING GUIDELINE 2017

The Guideline establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based child care facilities in NSW. Consent Authorities must consider Parts 2, 3 & 4 of the Guideline.

An assessment against Parts 2, 3 & 4 of the Guideline is provided in the tables below:

Part 2 – Design quality principles

The design quality principles establish the broad design context guide of all new proposals for child care facilities, regardless of whether they are stand alone, part of a mixed-use development, modifications or retrofits of existing buildings or seeking to occupy premises without incurring new building works.

Good design is integral to creating sustainable and liveable communities. There is growing appreciation of the significant role that good design can play in education with increasing evidence that learning outcomes are closely related to the quality of learning environments.

Factors such as air quality, ventilation, natural lighting, thermal comfort and acoustic performance have been shown to have a profound impact on learning, engagement, social interactions and competencies. They also contribute to wellbeing through creating a sense of belonging, self-esteem and confidence.

Comment:

The 7 design quality principles have been considered within the DCP assessment sections of this report, as well as in detail in Part 3 below, entitled Matters for consideration, which provide specific design controls and criteria to support the overarching design quality principles.

The proposed development is considered to have been designed having regard to the 7 design quality principles, however, additional detail is required to demonstrate full compliance, as outlined below.

Part 3 Matters for consideration

The considerations give guidance to applicants on how to design a high-quality proposal that takes account of its surroundings and any potential environmental impacts the development may cause and to be mindful of potential impacts that may arise from existing uses and conditions within a locality.

The matters support the design principles and must be considered by the consent authority when assessing a DA for a child care facility. Child care facilities can be developed in a broad range of locations and need to be flexible in how they respond to the requirements and challenges this brings.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1 Site selection and location</td>
<td>Acoustic report submitted. Refer to discussion provided under Appendix C. Visual privacy considered satisfactory, subject to conditions.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>the setbacks and siting of buildings within the residential context</th>
<th>Setbacks and siting of the building comply with HDCP requirements. Traffic and parking report submitted. Refer to discussion provided under Appendix C.</th>
</tr>
</thead>
<tbody>
<tr>
<td>traffic and parking impacts of the proposal on residential amenity.</td>
<td></td>
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</tbody>
</table>

### 3.2 Local character, streetscape and the public domain interface

The proposed development should:

- contribute to the local area by being designed in character with the locality and existing streetscape
- reflect the predominant form of surrounding land uses, particularly in low density residential areas
- use landscaping to positively contribute to the streetscape and neighbouring amenity
- integrate car parking into the building and site landscaping design in residential areas.

- It is considered that the proposed contemporary design will enhance the locality.
- The proposed design is similar in form to a number of newer-style detached dwellings in the locality.
- It is considered that the landscaping proposed will contribute positively to the visual amenity of the site and locality.
- Basement car parking provided.

Create a threshold with a clear transition between public and private realms, including:

- fencing to ensure safety for children entering and leaving the facility
- windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community

- Low height front fencing proposed.
- The centre provides a satisfactory level of passive surveillance to the street.

### 3.3 Building orientation, envelope and design

- Orient a development on a site and design the building layout to ensure visual privacy and minimise potential noise and overlooking impacts on neighbours.
- optimise solar access to internal and external play areas

- Visual privacy considered to be satisfactorily maintained, subject to conditions.
- Solar access to indoor and outdoor space is optimised.
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| • avoid overshadowing of adjoining residential properties | The proposed development does not overshadow adjoining properties. |
| • minimise cut and fill | The extent of cut and fill is considered satisfactory. |
| • building height should be consistent with other buildings in the locality | The height of the building is 2 storey / 8.4m and is consistent with surrounding dwellings and complies with HLEP height standard. |
| • building height should respond to the scale and character of the street | Setbacks comply with HDCP controls for child care centres and are considered satisfactory. |
| • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility | Adequate access is provided. |
| • setbacks should provide adequate access for building maintenance | Setbacks comply with HDCP controls for buildings in a residential zone and are consistent with new residential development. |
| setbacks to the street should be consistent with the existing character | Accessible design can be achieved by: |
| | • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry | All areas of the site are accessible through the use of lifts and ramps. |

#### 3.4 Landscaping

| • Appropriate planting should be provided along the boundary integrated with fencing. |
| • Screen planting should not be included in calculations of unencumbered outdoor space. |
| Incorporate car parking into the landscape design of the site by: |
| • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings |
| • taking into account streetscape, local character and context when siting car parking areas within the front setback |
| • using low level landscaping to soften and screen parking areas. |
| Appropriate landscaping is provided. |
### 3.5 Visual and acoustic privacy

Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:

- appropriate site and building layout
- suitably locating pathways, windows and doors
- permanent screening and landscape design.

| The amended design of the facility facilitates the maintenance of privacy. | ☒ | ☐ | ☐ |
| ☒ | ☐ | ☐ |
| The provision of 1.8m high acoustic boundary fencing will eliminate any potential overlooking from the outdoor play area. | ☒ | ☐ | ☐ |
| ☒ | ☐ | ☐ |

A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:

- provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).
- ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.

A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:

- identify an appropriate noise level for a child care facility located in residential and other zones
- determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use
- determine the appropriate height of any acoustic fence to enable the noise criteria to be met.

| Acoustic report submitted which recommends the installation of acoustic fencing. | ☒ | ☐ | ☐ |
| ☒ | ☐ | ☐ |
| Type and location of mechanical plant provided. Satisfactory. | ☒ | ☐ | ☐ |
| ☒ | ☐ | ☐ |
| Acoustic report submitted. | ☒ | ☐ | ☐ |
| ☒ | ☐ | ☐ |
| Projected noise levels identified. | ☒ | ☐ | ☐ |
| ☒ | ☐ | ☐ |
| Background noise levels identified. | ☒ | ☐ | ☐ |
| ☒ | ☐ | ☐ |
| Heights of acoustic fences recommended. | ☒ | ☐ | ☐ |
| ☒ | ☐ | ☐ |

### 3.6 Noise and air pollution

An acoustic report should identify appropriate noise levels for

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<table>
<thead>
<tr>
<th>sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</th>
<th>Acoustic report submitted. The site is not affected by external noise or vibration.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• on industrial zoned land</td>
<td>☒</td>
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<tr>
<td>• where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000</td>
<td>☐</td>
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<tr>
<td>• along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • on a major or busy road</td>
<td>☐</td>
</tr>
<tr>
<td>• other land that is impacted by substantial external noise.</td>
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<tr>
<th>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</th>
<th>The site is not located adjacent to a major road and is not affected by air pollution.</th>
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### 3.7 Hours of operation

<table>
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<tr>
<th>Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</th>
<th>The core operating hours for the centre proposed are contained to between 7.00am and 6.00pm.</th>
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### 3.8 Traffic, parking and pedestrian circulation

<table>
<thead>
<tr>
<th>Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</th>
<th>Parking complies with HDCP 2013.</th>
</tr>
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</table>

A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:

- the amenity of the surrounding area will not be affected
- there will be no impacts on the safe operation of the surrounding road network.

A traffic and parking report has been submitted which has indicated that the proposed development is a low trip generator and can be accommodated in the locality without affecting performance, delays or queues of nearby intersections, and complies with Council’s parking requirements.

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### Alternative vehicular access should be provided where child care facilities are on sites fronting:
- a classified road

| Not applicable. |

### The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:
- separate pedestrian access from the car park to the facility
- delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities
- vehicles can enter and leave the site in a forward direction.

| Pedestrian access is separate from vehicular access.  
  The proposed facility does not include a loading area. It is considered that, given the nature of the use, delivery trucks would not be servicing the site. At most, light commercial vans would deliver any required products to be used, if not brought to the centre by the operator. 
  Vehicles can enter and exit the site in a forward manner. Refer to traffic comments. |

### Car parking design should:
- include a child safe fence to separate car parking areas from the building entrance and play areas
- provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards
- include wheelchair and pram accessible parking.

| The basement car parking area is separated from the main building entrance and foyer area. The car parking area is also separated from any indoor and outdoor play areas.  
  1 accessible space is provided, which is clearly marked.  
  Lift access is provided. |

### Part 4 – Applying the National Regulations to development proposals

#### 4.1 Indoor space requirements

| (Regulation 107) | Required: 30 x 3.25sqm = 97.5sqm | Provided 97.5sqm  
  The area provided is a bare minimum without indicating shelving, etc. Refer to |

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<table>
<thead>
<tr>
<th>- Min. 0.2m³ per child of internal storage</th>
<th>recommendation to reduce number of children.</th>
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<tbody>
<tr>
<td>30 x 0.3m³ = 9m³</td>
<td>Provided</td>
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<tr>
<td>30 x 0.2m³ = 6m³</td>
<td>Provided</td>
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**4.2 Laundry and hygiene facilities**

(Regulation 108)

On-site laundry facilities should contain:
- a washer or washers capable of dealing with the heavy requirements of the centre
- a dryer
- laundry sinks
- adequate storage for soiled items prior to cleaning.

Laundry is located upstairs. BCA compliance of size is required. To be conditioned

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**4.2 Laundry and hygiene facilities**

(Regulation 109)

Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants. Design considerations could include:
- junior toilet pans, low level sinks and hand drying facilities for children
- a sink and handwashing facilities in all bathrooms for adults
- direct access from both activity rooms and outdoor play areas
- windows into bathrooms and cubicles without doors to allow supervision by staff
- external windows in locations that prevent observation from neighbouring properties or from side boundaries

Achievable

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**4.4 Ventilation and natural light**

(Regulation 110)

Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.

The activity room contains a large skylight window, which would allow adequate direct and indirect lighting to penetrate the room.

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</table>
Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.

Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.

<table>
<thead>
<tr>
<th>4.5 Administrative space</th>
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<tr>
<td>(Regulation 111) A service must provide adequate area or areas for the purposes of conducting administrative functions of the service, consulting with parents of children and conducting private conversations.</td>
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<tr>
<th>4.6 Nappy change facilities</th>
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<tr>
<td>(Regulation 112) Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</td>
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<tr>
<th>4.7 Premises designed to facilitate supervision</th>
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<tr>
<td>(Regulation 115) A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.</td>
</tr>
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</table>
Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the *National Construction Code*.

<table>
<thead>
<tr>
<th>4.8 Emergency and evacuation procedures</th>
<th>Condition accordingly for compliance with the BCA. To be conditioned.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Regulation 168) Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including:</td>
<td>Information provided.</td>
</tr>
<tr>
<td>• instructions for what must be done in the event of an emergency</td>
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</tr>
<tr>
<td>• an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit</td>
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<tr>
<td>• a risk assessment to identify potential emergencies that are relevant to the service</td>
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<tr>
<th>4.9 Outdoor space requirements</th>
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<tbody>
<tr>
<td>(Regulation 108) Min. 7sqm of unencumbered outdoor space per child.</td>
<td>The application indicates that an unencumbered area of 210m² is provided. However, this has not taken consideration of storage shed, OSD pits, open swale channel, retaining walls and dense planting.</td>
</tr>
<tr>
<td>30 x 7sqm = 210sqm</td>
<td>The assessment officer’s calculation of the unencumbered outdoor space equates to 185.5m². This will accommodate only 26.5 children. This report recommends a condition to be imposed on any consent granted seeking a reduction in number of children to 26. To be conditioned.</td>
</tr>
<tr>
<td>Where a covered space such as a verandah is to be included in outdoor space it should:</td>
<td>The perimeter is fully open.</td>
</tr>
<tr>
<td>• be open on at least one third of its perimeter</td>
<td></td>
</tr>
<tr>
<td>• have a clear height of 2.1 metres</td>
<td>&gt;3m</td>
</tr>
</tbody>
</table>
## 4.10 Natural environment

(Rule 113)
The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.

<table>
<thead>
<tr>
<th>Satisfactory</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑</td>
</tr>
</tbody>
</table>

## 4.11 Shade

(Rule 114)
Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. Outdoor play areas should be provided with controlled solar access throughout the year.

Outdoor play areas should:

- have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered.
- provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area
- have evenly distributed shade structures over different activity spaces.

The rear outdoor areas face north-west.

The shade structures totalling 92.8sqm in area, which equates to approximately 50% coverage (i.e. 92.8sqm / 185.6sqm).

Shade structures and shade trees are provided.

## 4.12 Fencing

(Rule 104)
Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.

At least 1.8m high fencing is proposed for the boundaries, whilst secure fencing is now provided at the front of the site to stop children from escaping or people entering from the sides.

## 4.13 Soil Assessment
<table>
<thead>
<tr>
<th>(Regulation 25)</th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure consistency between the development consent and the service approval application, a soil assessment should be undertaken as part of the development application process. Where children will have access to soil the regulatory authority requires a preliminary investigation of the soil.</td>
</tr>
</tbody>
</table>

| A soil assessment report is required in accordance with the Child Care Planning Guideline issued by NSW Department of Planning and Environment. The proposal is considered satisfactory subject to imposition of condition with regard to submission of a soil assessment report prior to issue of construction certificate. To be conditioned. |

| ☒ | ☐ | ☐ |
PLANNING PROPOSAL REQUEST FOR 2-22 WILLIAM STREET, GRANVILLE

Responsible Division: Environment & Planning
Officer: Manager Strategic Planning
File Number: SC183

<table>
<thead>
<tr>
<th>Lodged</th>
<th>Revised Planning Proposal submitted on 16 October 2018.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proponent</td>
<td>Sid Arida C/O PTI Architects Pty Ltd</td>
</tr>
<tr>
<td>Owner</td>
<td>Sid Arida</td>
</tr>
<tr>
<td>Description of Land</td>
<td>2-22 William Street, Granville (Lots 18 to 21 in DP 2371 and SP 31488)</td>
</tr>
<tr>
<td>Site Area</td>
<td>Approximately 3,700m²</td>
</tr>
<tr>
<td>Site Description and Existing Use</td>
<td>The Site comprises 15 allotments containing seven (7) buildings with primary frontage on William Street, comprising of detached residential dwellings, a two storey residential flat building and a commercial warehouse.</td>
</tr>
</tbody>
</table>
| Proposal Summary | Seeks to amend the Parramatta Local Environmental Plan 2011 (Parramatta LEP 2011) by:  
- increasing the maximum building height from 14m to 20m (five storeys),  
- increasing the floor space ratio (FSR) from 1:1 to 1.7:1,  
- removing the local heritage item no. I205 known as 10 William Street (Lot 27 DP 2371) from Schedule 5 of the Parramatta LEP 2011. |
| Existing and Proposed Planning Controls | Planning Controls (Parramatta LEP 2011) | Existing controls | Proposed controls |
| Height of Building | 14m | 20m (five-storeys) |
| Floor Space Ratio | 1:1 | 1.7:1 |
| Heritage | Seeks to remove the local heritage item no. I205 from the Parramatta LEP 2011 as outlined above. |
| Disclosure of political donations and gifts | Nil |
| Previous Consideration | This planning proposal was previously considered by the Cumberland IHAP on 13 September 2017. |

SUMMARY:

This report provides an overview of a revised planning proposal submitted to Council on 16 October 2018 that addresses recommendations made by the Cumberland
IHAP at its 13 September 2017 meeting. The revised planning proposal seeks to amend the height and FSR controls for the subject site, and remove the existing heritage item at 10 William Street. This report outlines the findings of the additional expert heritage peer review and FSR modelling advice undertaken on behalf of Council in response to the 2017 recommendations of the Cumberland IHAP. The report recommends proceeding with an FSR control of 1.7:1, a lower maximum building height of 16m, and removal of the heritage item as outlined in the independent heritage advice.

The status of the planning proposal is outlined in Figure 1.

![Figure 1: Planning Proposal Status](image)

**REPORT:**

**Background**

On 15 December 2015, a Planning Proposal Request (the Proposal) was lodged with Parramatta Council for 2-22 William Street, Granville by Sid Arida C/- PTI Architects. This Proposal originally sought to amend the development standards in the Parramatta LEP 2011 to achieve a greater height and density on the site to enable the development of a seven (7) storey residential development.

The original proposal (December 2015) sought an increase in FSR from 1:1 to 2.3:1 and an increase in maximum building height from 14m to 23m (approximately seven storeys). The original proposal also included the removal of Heritage Item I205 (No. 10 William Street) from Schedule 5 of the Parramatta LEP 2011.

This planning proposal was transferred to Cumberland Council following the May 2016 Council amalgamations and a revised concept scheme was lodged with Cumberland Council in September 2016. The revised proposal sought a lower maximum FSR of 1.7:1 and a maximum height of 19.2 metres (five storeys), in an attempt to address the overshadowing of adjoining properties to the south of the site. It also sought the removal of the heritage item at 10 William Street.

Preliminary public exhibition of the revised September 2016 concept scheme was undertaken by Cumberland Council between 10 April 2017 and 12 May 2017, in accordance with Council’s notification policy.

An assessment of the submissions received and the proposal was undertaken, and this was reported to the Cumberland IHAP meeting on 13 September 2017 (Attachment 1).
The Cumberland IHAP recommended that the proposal be deferred to a future IHAP meeting (now Cumberland Local Planning Panel) meeting and for Council to undertake the following (Attachment 2):

- obtain an additional independent heritage opinion on the proposed demolition of the heritage item;
- undertake a study of whether the FSR is appropriate while satisfying the outcomes required in the ADG, particularly transition to the R2 zoned land immediately to the south; and
- consideration be given to any community benefit in the proposed increased FSR and height.

These recommendations are discussed further throughout this report.

In October 2018, the proponent submitted a revised planning proposal request (Attachment 3) on 16 October 2018 responding to the concerns raised by the Cumberland IHAP. This revised proposal sought a maximum FSR of 1.7:1 and a maximum height of 20 metres, and like the previous proposal, it also sought the removal of the heritage item.

**The site and its context**

The Site is located on the southern side of William Street, and is bound by William Street, Clyde Street, Factory Street and a rear access laneway.

![Figure 2: The Site and surrounds](image)

The area of the Site is approximately 3,700m$^2$. It comprises fifteen allotments containing seven detached dwellings with frontage to William Street and a two storey strata subdivided residential flat building. The Site also contains a commercial building used for warehousing at the western end of the block, and includes the heritage item at 10 William Street.

The applicant owns the site at 10-22 William Street (Site 1) and has instigated the LEP amendment. The remaining portion of the Site is known as 2-8 William Street (Site 2) and comprises seven allotments held under private ownership and strata title (Figure 3).
Figure 3: Overall site ownership plan

Local Context

The Site is bound to the north by the Granville RSL Club and existing industrial buildings (towards Clyde Railway Station). These buildings are accessed from and have frontage to, Memorial Drive with no vehicular access or active frontages to William Street, facing the Site.

To the east of the Site is an industrial precinct zoned IN1 General Industrial. The lots to the south of the Site fronting First Street (and backing onto the rear lane) are established detached residential dwellings within an R2 Low Density Residential zone with a maximum FSR of 0.5:1 and a 9m height limit. Allotments to the west of Clyde Street are residential flat buildings varying from two to four storeys.

The Site is located approximately 150m from Clyde Railway Station and about 500-600 metres from Granville Station and the Granville shopping area located along Mary Street and South Street.

Regional Context

The site is located in the suburb of Granville within the Local Government Area of Cumberland Council approximately 3km south of Parramatta CBD and 20km west of the Sydney CBD.
**Planning Controls**

**Existing Planning Controls (Parramatta LEP 2011)**

The existing planning controls for the site are outlined below.

<table>
<thead>
<tr>
<th>Planning Control</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Use Zoning</strong></td>
<td>The site is currently zoned R4 High Density Residential</td>
</tr>
<tr>
<td><img src="image" alt="Figure 4: Existing Land Use Zoning" /></td>
<td></td>
</tr>
<tr>
<td><strong>Floor Space Ratio Control</strong></td>
<td>A FSR control of (N) 1.0:1 applies to the site</td>
</tr>
<tr>
<td><img src="image" alt="Figure 5: Existing Floor Space Ratio" /></td>
<td></td>
</tr>
<tr>
<td><strong>Height of Building Control</strong></td>
<td>A Height of Building control of (N2): 14 metres applies to the site</td>
</tr>
<tr>
<td><img src="image" alt="Figure 6: Existing Height of Building" /></td>
<td></td>
</tr>
</tbody>
</table>
Proposed Planning Controls (Parramatta LEP 2011)

The proposed planning controls for the site are outlined below.

<table>
<thead>
<tr>
<th>Land Use Zoning</th>
<th>The Proposal does not propose a change to the land use zoning control that applies to the site.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Floor Space Ratio</strong></td>
<td>The proposal seeks an FSR control of (S2): 1.7:1.</td>
</tr>
<tr>
<td><strong>Height of Building Control</strong></td>
<td>The proposal seeks a height of Building control of (Q2) 20 metres, however a height of 16m (O2) is recommended.</td>
</tr>
</tbody>
</table>

![Figure 7: Proposed FSR control](image)

![Figure 8: Proposed height of building control](image)
**Strategic Merit**

**Land is currently zoned for High Density**

There is merit in progressing the Proposal to the next phase of assessment as the area is already zoned to permit the development of residential flat buildings. The planning proposal is seeking to amend the current built form controls and to remove the heritage item.

**Cumberland IHAP recommendations**

There is merit in progressing the Proposal to the next phase of assessment as the proposal has been revised to address the recommendations of the CIHAP.

**Community Benefit**

The CIHAP required consideration be given to any community (public) benefit in the proposed increase in height and FSR. The uplift in residential floor space as a result of an increase in FSR and height for Site 1 is approximately 1530m². Under Council’s Planning Agreements Policy, Council seeks to capture 50% of the value uplift. It is recommended that Council commence discussion with the proponent on community (public) benefit arising from the proposal.

**Heritage**

The is strategic merit in progressing the proposal to the next phase of assessment, as the consultants engaged to provide independent heritage advice for Council concluded that the proposed demolition of 10 William Street, Granville, could occur:

- as the cottage is the only remaining item of the group of three (both 6 and 8 William Street have been compromised with the demolition of the original cottages and replacement with new dwellings on both sides), and it is an ordinary example of a weatherboard cottage. Retention and conservation works including adaptive reuse or restoration would increase its aesthetic value as an item, but would not significantly add to its contribution to the wider streetscape, where as an example of historic values, it is quite isolated;

- two other groups of weatherboard cottages at 115-119 and 170-178 William Street are in intact condition, and each group is cohesive in its contribution to the streetscape, providing better examples of interpretation of the residential context of the area. Therefore, the retention of the cottage at 10 William Street, which is the only remaining house of the original group of three cottages, does not represent an intact group of cottages as in the case of the other two groups, nor provide enough evidence for interpretation of the former group;

- if archival recording of the cottage at 10 William Street is undertaken prior to any demolition approved and allowed as per the NSW OEH Guideline How to prepare archival records of Heritage Items;
if an interpretation strategy be prepared by a qualified heritage consultant for the group of three cottages at 6, 8 and 10 William Street, which reflects the historical, social and cultural significance of the group, and this strategy be integrated into any proposed development. The strategy should also refer to the other weatherboard cottage groups along William Street. The interpretation strategy should be prepared in accordance with The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013, and the NSW OEH documents namely Interpreting Heritage Places and Items Guidelines 2005, and the Heritage Interpretation Policy 2005. The interpretation strategy should be prepared and submitted at the same time as the Development Application for the proposed development at 2-22 William Street is submitted to Cumberland Council; and

if all demolition works undertaken consider salvage of any original elements of the building. The list of items and materials to be salvaged should be developed by a qualified heritage consultant. Any material which is identified for salvaging should be photographed, tagged and catalogued by a heritage consultant and stored until reused in a secure, weather-proof location. The location of the storage should be ascertained by the proponent in consultation with Cumberland Council. It is also recommended that the interpretation strategy integrate the reuse of any salvage material.

The independent heritage advice on the proposal is provided in Attachment 5.

In addition to the specialist heritage peer review advice provided to Council, opportunities to incorporate a mechanism to capture the requirements outlined above will be explored as part of the new comprehensive Cumberland LEP.

Overshadowing

The proposed height control of 20 metres is not supported due to overshadowing impacts on land directly to the south. However, there is merit in progressing the proposal to the next phase of assessment with a 16 metre Height of Building control as:

- the FSR study that was undertaken to address the Cumberland IHAP (Attachment 6) concluded that an FSR of 1.7:1 and a height of 16.2m will deliver good amenity outcomes for the residents of the buildings and its neighbours, particularly the properties to the south;

- the study demonstrated that a compliant ADG and DCP option would ensure that there is no additional overshadowing impact to Nos. 11 and 13 First Street after 1pm, which is an improvement on the impacts generated by planning proposal request at a proposed height of 20m; and

- 16 metres is comparable with many other areas zoned R4 across Cumberland, and is considered to provide an appropriate scale of development in this location.
Central City District Plan

There is strategic merit in forwarding this proposal to DP&E for a Gateway Determination as the proposal can be considered to be consistent with the following Planning Priorities of the Central City District Plan:

- **C5. Providing housing supply, choice and affordability, with access to jobs and services:** the proposal provides for additional dwellings in close proximity to a large range of employment and services in Parramatta CBD

- **C6. Creating and renewing great places and local centres, and respecting the District’s heritage:** the proposal facilitates redevelopment of an existing urban site including communal open space areas, presenting opportunities for renewal and social interaction; and

- **C9. Delivering integrated land use and transport planning and a 30-minute city:** the proposal supports this priority by placing housing in a location less than 30 minutes by public transport (bus) from Parramatta CBD.

Greater Sydney Region Plan

There is strategic merit in forwarding this proposal to DP&E for a Gateway Determination as the proposal can be considered to be consistent with the following Planning Directions of the Greater Sydney Region Plan:

- **A City for People and Housing the City:** the proposal provides additional housing capacity in Granville and will contribute to supply and diversity of housing in the area; and

- **A well-connected city:** the proposal supports this objective by placing new housing in a location less than 30 minutes by public transport from jobs and services; and

Summary of Planning Proposal Controls

A summary of the evolution of the proposed planning proposal controls to this point is provided below.

<table>
<thead>
<tr>
<th></th>
<th>Existing Controls (Parramatta LEP)</th>
<th>Planning Proposal (Cumberland September 2016)</th>
<th>Revised Planning Proposal (October 2018)</th>
<th>Recommended Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>FSR</td>
<td>1:1</td>
<td>1:7:1</td>
<td>1:7:1</td>
<td>1:7:1</td>
</tr>
<tr>
<td>Height</td>
<td>14m</td>
<td>19.2m</td>
<td>20m</td>
<td>16m</td>
</tr>
<tr>
<td>Heritage</td>
<td>10 William Street listed as Heritage item I205 in</td>
<td>Remove 10 William Street from Schedule 5 of the</td>
<td>Remove 10 William Street from Schedule 5 of the</td>
<td>Remove 10 William Street from Schedule 5 of the</td>
</tr>
</tbody>
</table>
CONCLUSION:

It is recommended that the proposal be reported to Council seeking a resolution that the proposal be forwarded to DP&E for a Gateway Determination. This recommendation is being made as:

- the area is currently zoned to permit the development of residential flat buildings. The planning proposal is purely seeking a better urban design outcome by amending the current built form controls and removing the heritage item; and
- the recommended height of 16 metres is considered to generate an appropriate scale of development in this location.

The proposal is also generally consistent with the strategic directions set by the Central City District Plan and the Greater Sydney Region Plan.

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:

This report recommends that this matter be reported to Council for further consideration.

Should Council resolve to forward this planning proposal to the DP&E for a Gateway Determination, there will be a number of policy implications associated with the subsequent stages of the planning proposal process. These will be outlined in subsequent Council reports.

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:

That:

1. Council proceed with the preparation of a Planning Proposal for 2-22
William Street, Granville (Lots 18 – 31 DP 2371 and SP 31488), with the following development standards:

- a floor space ratio of 1.7:1; and
- a maximum building height of 16m;

2. That the proponent undertake the following, prior to any demolition approval if allowed:

- prepare an archival recording of the heritage item at 10 William Street as per the NSW OEH Guideline *How to prepare archival records of heritage items*;
- organise for an interpretation strategy to be prepared by a qualified heritage consultant for the group of three cottages at 6, 8 and 10 William Street, and for this strategy to be integrated into any proposed development in accordance with *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013*, and the NSW OEH documents namely *Interpreting Heritage Places and Items Guidelines 2005*, and the *Heritage Interpretation Policy 2005*. The interpretation strategy should also integrate the reuse of any salvaged material; and

- organise for a qualified heritage consultant to prepare a list of items and materials to be salvaged. Any material identified for salvaging should be photographed, tagged and catalogued by a heritage consultant and stored until reused in a secure, weather-proof location. The location of the storage should be ascertained by the proponent in consultation with Cumberland Council.

**ATTACHMENTS**

1. Cumberland IHAP Report – 13 September 2017 📂
2. Cumberland IHAP Recommendations - 13 September 2017 📂
3. Revised planning proposal request report by Ethos Urban submitted to Cumberland Council on 16 October 2018 📂
4. Revised planning proposal request concept scheme prepared by PTI Architects submitted to Cumberland Council on 16 October 2018 📂
5. Heritage Advice provided by Extent Heritage on behalf of Council on 4 December 2018 📂
6. FSR study prepared by Design Inc on behalf of Council on 27 February 2019 📂
7. Heritage Impact Statement prepared by Archnex Designs 📂
8. Peer Heritage Review prepared by Heritage 21/Rappoport 📂
DOCUMENTS
ASSOCIATED WITH
REPORT ELPP022/19

Attachment 1
Cumberland IHAP Report – 13 September 2017
### Planning Proposal for 2-22 William Street, Granville - Preliminary Revised Development Concept Report

**Responsible Division:** Environment & Infrastructure  
**Officer:** Group Manager - Planning  
**File Number:** HC-23-08-25  
**Application lodged with Parramatta Council:** 15 December 2015  
**Revised Concept Scheme submitted:** 2 September 2016  
**Applicant / Proponent:** Sid Arida C/O PTI Architects Pty Ltd  
**Owners:** Sid Arida  
**Description of Land:**  
- **Street Address:** Legal Description  
  - 22 William Street: Lot 18 in DP 2371; Lot 19 in DP 2371  
  - 12 William Street: Lot 21 in DP 2371; Lot 22 in DP 2371; Lot 23 in DP 2371; Lot 24 in DP 2371; Lot 25 in DP 2371; Lot 26 in DP 2371  
  - 10 William Street: Lot 27 in DP 2371 (PLEP Heritage Item)  
  - 8 William Street: Lot 28 in DP 2371  
  - 6 William Street: Lot 29 in DP 2371  
  - 4 William Street: Lot 30 in DP 2371; Lot 31 in DP 2371  
  - 2 William Street: SP 31488  

**Site Area / Description of existing use:** The site (2,175m²) comprises 15 allotments containing seven buildings with primary frontage to William Street. Existing buildings include detached residential dwellings, as well as a two storey residential flat building (strata subdivided, 6 units), and a commercial warehouse at the western end of the block.

**Existing Zoning and Planning Controls:**  
- **Land Use Zoning:** R4 High Density Residential  
- **Maximum Building Height:** 14m  
- **Max Floor space Ratio (FSR):** 1:1  
- **Minimum Lot Size:** 1,500m²

**Proposed Zoning and Planning Controls:**  
- **Land Use Zoning:** R4 High Density Residential  
- **Maximum Building Height:** 16m (five storeys)  
- **Floor Space Ratio (FSR):** 1:7:1  
- **Minimum Lot Size:** 1,500m²

**Heritage:** Proposed removal of Local Heritage Item No. 205 under Parramatta LEP 2011: 10 William Street (Lot 27 DP 2371).

**Disclosure of political donations/gifts:** Nil

**Previous Considerations:** Nil

### Summary:

A planning proposal request was lodged with Parramatta Council for 2-22 William Street, Granville on 15 December 2015 that sought to increase the building height and floor space ratio (FSR) and to remove a heritage item from Parramatta LEP 2011. Assessment
C035/17 Cumberland Council

of the planning proposal request is now the responsibility of Cumberland Council, following Council amalgamations.

Preliminary community consultation was undertaken in relation to the planning proposal request between 10 April 2017 and 12 May 2016. A total of seven submissions were received.

The purpose of this report is to provide an assessment of the planning proposal request and to respond to the submissions received during the preliminary community consultation period.

Report:

Background

On 15 December 2015, a planning proposal request was lodged with Parramatta City Council for 2-22 William Street, Granville by ARIDA C/- PTI Architects. This original planning proposal request sought to amend the development standards to achieve a greater height and density on the site in order to enable redevelopment for a seven (7) storey residential development.

The original planning proposal request proposed an increase in FSR from 1:1 to 2.3:1 and a proposed increase in maximum building height from 14m to 22.7m. The proposal included the removal of Heritage item 205 (10 William Street) from Schedule 5 of the Parramatta LEP 2011.

A revised planning proposal request was submitted to Cumberland Council in September 2016 (Attachment 1 contains revised plans, however a revised version of the PP Report document at Attachment 2 was not provided). The revised proposal sought a lower maximum FSR of 1.7:1 and a maximum height of 16.2 metres, in an attempt to address overshadowing of adjoining properties to the south of the subject site. It also sought the removal (ie demolition) of the heritage item. The issue of overshadowing is discussed in this report.

The proposed removal of the local heritage item (10 William Street) remains a concern. Heritage was assessed in the planning proposal request prepared by JBA (Attachment 2), as well as the Heritage assessment by Archnex Designs (Attachment 3), and a peer review commissioned by the proponent (by Heritage 21/Rappoport at Attachment 4). All of these assessments concluded that the removal of the item from the Parramatta LEP 2011 (ie demolition) was reasonable. However their conclusions were inconsistent with the opinion of Parramatta Council's Heritage Officer, and preliminary advice received by Cumberland Council's heritage advisory consultant (Attachment 6). Subsequently, demolition of the heritage item remains an issue of contention. This is discussed further in this report.
Site and Surrounds

The site is the block on the southern side of William Street, and is bound by William Street, Clyde Street, Factory Street and First Laneway. The subject site is located approximately 150m from Clyde Train Station.

The area of the subject site is 2,175m². It comprises 15 allotments containing seven buildings with a frontage to William Street (detached residential dwellings, and a two storey strata subdivided residential flat building (comprising six (6) apartments). The site area also contains a commercial building used for warehousing at the western end of the block. The subject site includes the heritage item at 10 William Street.

The site is bound to the north by the Granville Diggers Club and existing industrial buildings (towards Clyde Train Station). These buildings are accessed from, and have
frontage to, Memorial Avenue with no vehicular access or active frontages to William Street facing the site.

To the east of the site is an industrial precinct zoned IN1 General Industrial. The lots to the south of the site fronting First Street (and backing onto First Lane) are established detached residential dwellings within an R2 Low Density Residential Zone with a FSR control of 0.5:1 and 9m height limit. Allotments to the west of Clyde Street are residential flat buildings varying from two (2) to four (4) storeys.

There are a range of recreational facilities within walking distance of the site, including the Granville RSL Club, Granville Town Centre, public open space, and sporting ovals. The Granville Town Centre also provides a range of educational facilities.

The surrounding road network includes Parramatta Road which provides the key east-west road linking Parramatta CBD, Granville, and the Sydney CBD.

Bold Street, Railway Parade, Memorial Drive and Clyde Street (all RMS Regional Roads) provide the key north-south road linking Parramatta Road to Rawson Road/Wellington Road/Ferns dell Street. William Street and Factory Street are local with kerbside parking generally permitted along both sides of both roads.
Preliminary Exhibition of Planning Proposal and Submissions received

On 19 September 2016, a revised Planning Proposal request was lodged with Cumberland Council and preliminary public exhibition of the revised concept scheme was undertaken by Cumberland Council between 10 April 2017 and 12 May 2017, in accordance with Council's notification policy.

Seven submissions were received; two individual submissions and five identical form letters. Key issues raised in submissions included concerns about overshadowing, overlooking, potential loss of privacy, noise, loss of property value, traffic congestion and parking.

The issue of overshadowing is addressed in a subsequent section of this report. A number of the above concerns raised related to the specific building design illustrated on the proponent’s plans. It is noted that this planning proposal seeks to increase the maximum permissible height and FSR, and assessment of the proposal’s strategic merit is undertaken. Such concerns relate to Development Application aspects and will be considered at the DA stage, should the proposal progress to that point. Any detailed building plans submitted as part of a planning proposal are indicative only.

One submission also raised a number of environmental concerns including the presence of fuel storage tanks on site, asbestos. Should the planning proposal proceed to Gateway, it is anticipated that a Phase 1 Contamination report would be required at that stage. Proximity to the Clyde flying fox colony and retention of the trees within the subject site as a food source for the flying foxes was also raised. This aspect is noted and it could be addressed at DA stage via the inclusion of specific conditions and setback requirements, should the planning proposal proceed to that point.

The five form letter submissions requested that the block immediately south of the subject site be rezoned to R4 High Density Residential (from R2 Low Density Residential), suggesting that First Street would provide greater separation between the two zones, than the narrower First Lane. It also seeks the same controls sought by the subject site be applied to this land immediately to the south. The subject site is currently zoned R4, and seeks only to increase the maximum building height and FSR by a relatively small proportion (14m to 16.2m and 1:1 to 1.7:1). The request to rezone the land immediately to the south would be a significant change by comparison. Council is not in a position to review the zoning on the periphery of its major centres at present (this work is
C035/17 Cumberland Council

programmed for a subsequent timeframe). As such it is not recommended that the block immediately to the south be rezoned incrementally as part of this planning proposal.

Traffic and parking issues are addressed in the following section.

A summary of the key issues raised in submissions is provided at Attachment 7.

Review of Planning Proposal

The original planning proposal request sought to amend the development standards to increase the maximum building height 34m to 22.7m, and the maximum FSR from 1:1 to 2.3:1. The proposal included the removal of Heritage Item 205 (No. 10 William Street) from Schedule 5 of the Parramatta LEP 2011.

The revised planning proposal proposed a reduced maximum FSR and height relative to the original proposal, seeking a maximum building height of 16.2m and an FSR of 1.7:1. The revised proposed amendments seek to address solar access issues.

It is recommended that the proposed height of 16.2m sought by the proponent not be supported at this stage, as there is no height limit of 16.2m in the current Parramatta LEP 2011. Instead, it is recommended that a height limit of 16m be applied as part of any planning proposal for the site to ensure consistency with existing height limit controls within the Parramatta LEP.

Overshadowing

Concern was originally raised by Parramatta City Council regarding the built form (height, bulk and scale) of the original proposal which was considered would result in an excessive FSR, and combined with a 5m rear setback, the proposal would result in significant environmental impact upon the surrounding residential privacy and amenity (in particular upon the low rise dwellings to the south with frontages to First Street).

The current proposal seeks a maximum building height just over 2m higher than the existing building height permitted under Parramatta LEP 2011. The Sun Study Drawings (13G - 27G in Attachment 1) illustrate the shadow cast by the proposed height/FSR controls versus the shadow cast by the maximum height/FSR permitted under the existing controls in Parramatta EP 2011, indicating that the majority of the shadow cast would arise under the existing LEP controls. As such, the proposed increase in height is supported in principle, albeit with a recommendation that it be 16m rather than 16.2m.

Heritage

On 26 April 2017, a peer review of the Archnex Designs Heritage Impact Statement was submitted by the proponent. The peer review was prepared by Heritage 21 (Reppopart Pty Ltd) which incorrectly made reference to a Development Application, rather than a Planning Proposal Request, and also made reference to the higher, original proposal of December 2015. The Heritage 21 recommendations were consistent with that of Archnex Designs and concluded that the removal (ie demolition) of the heritage item was reasonable in this circumstance.
C035/17 Cumberland Council

No. 10 William Street is significant for the local area as an example of c.1900 weatherboard cottages and was originally part of a group of three single fronted single storey cottages. There is limited information available relating to the architectural elements of this item apart from that of the Office of Environment and Heritage, which states the following:

"The cottage at 10 William Street is of significance for the local area for historical and reasons of representativeness, as an example of modest workers cottages in the area built c. 1900.

Originally a group of three single fronted single storey cottages, now only No. 10 survives. No. 10 is a weatherboard cottage with hipped roof clad with corrugated iron and bullnosed front verandah. The verandah is supported on turned timber posts, and has concrete floor and corrugated iron roof. Weatherboards are partly replaced with vinyl cladding. Timber picket fence and gate. Front door is modern."

Reference is made to the architectural features of the dwelling, which appear to be more a description of its current form rather than a pure justification for its listing. The description seems to place more emphasis on the dwelling's historical significance, being an example of a cottage from that era (1900s), especially as it was originally part of a group of three (3) cottages, however does not specify information about the architectural elements.

The site is also located in proximity to the locally listed heritage item shop at No. 6-8 Factory Street (109) known as the Granville Multicultural Centre which is a two storey masonry structure with painted murals on the facades.

The proponent states that subject to a 2012 Council review of the Heritage Schedules in the Parramatta LEPs, amendments to consolidate and amend the heritage listed items included the removal of the heritage listing of No.8 William Street (as Council had previously approved its demolition). However, the heritage listing of No. 10 William Street was maintained albeit with its heritage fabric substantially altered.

The Statement of Heritage Impact prepared by Archnex (Attachment 3) and peer review by Heritage 21 (Attachment 4) considered the history and contribution of the group towards the significance of the area, in an aim to assess the heritage impacts of the proposed redevelopment. The information submitted contended that the existing cottage has little heritage value as a result of the extensive modification to the site.

The submitted information also indicates that due to the age, construction and aesthetic of the existing area, the cottage at No.10 William Street is not considered to relate to or enhance the surrounding streetscape's architectural character, or contribute to the heritage significance of nearby Heritage Conservation Areas. As a result, the proponent argues that the site makes a low contribution towards the heritage setting of the wider area generally.

City of Parramatta Council does not have a register of remaining similar cottages within the LGA (including their former area prior to amalgamation). Subsequently, the importance of the loss of the last dwelling of the group is unknown. The site does however, contribute to the overall historical development of the area as an example of previous development type.
As previously indicated, the proponent’s recommendation that the heritage item be removed is inconsistent with the recommendation of City of Parramatta Council’s heritage officer who advised that removal of the heritage listing on 10 William Street (1205) is not appropriate as the item retains a sufficient degree of integrity and ability to interpret historical themes to warrant retention of its heritage status. In addition, it is considered that this proposal presents an opportunity for this item to be retained, and the greater consideration for its integration into the proposal should be given unless the property is incapable of reasonable use. This is supported by preliminary advice provided by Cumberland Council’s consultant heritage advisor (Form Architects, Attachment 6) which indicates:

“In my opinion, as the last remaining cottage of a group it should be retained and adapted for reuse as part of the proposed development. It is an important interpretive item in maintaining understanding of the social, cultural and demographic context of the suburb of Granville”.

The indicative development concept illustrates a degree of effort to minimise the visual impacts on the surrounding area through sympathetic design with regards to built form (height, bulk and scale), use of materials and new planting/buffer vegetation, however removal of the item may not be necessary.

It is considered that the proponent has not sufficiently demonstrated within either of the two the heritage reports nor the JBA statement, an adequate reason for complete demolition of the item. An assessment of the site’s constraints and opportunities including strengths, weaknesses, opportunities and threats with regards to interpretation should be made.

The Heritage Impact Statement does not demonstrate why the building is not capable of retention or re-use, nor does it include a statement from a quantity surveyor comparing the cost of demolition versus the cost of retention which can assist when demolition is recommended primarily on economic grounds. Additional reports which would be helpful may include a structural engineering report and a pest inspection report – to assess safety and a pest inspection report for termite damage.

The most important question is whether removal of the heritage item is in the public interest and although there may be little visible fabric that dates from the presumed period of construction (with alterations being made to the building including chimney removal), the building could still be retained and restored/repairs. Subsequently, the issue of retention of the heritage item may also be addressed in a revised scheme. The concept could respectfully addresses the heritage item by either integrating the item into the new design or a suitable heritage interpretation strategy.

Traffic Assessment

The proponent submitted a Traffic Study prepared by Varga Traffic Planning Pty Ltd (Reference 15644, Attachment 5) which concluded that the projected increase in the traffic generation potential of the site as a consequence of the planning proposal is minimal, consistent with the Council’s zoning objectives and will not have any unacceptable traffic implications in terms of road network capacity.
C035/17

Cumberland Council

The submissions were received during public consultation raising concern in relation to traffic and parking as well as garbage collection from the rear southern laneway.

Council's engineers have undertaken a preliminary review of traffic and parking associated with the planning proposal request. A one-way laneway could be sufficiently wide enough to cater for vehicles to safely manoeuvre around the site and enter the basement level to collect waste from a dedicated garage room. The existing width is not sufficient for two way moments if pedestrian access is incorporated. Should the planning proposal proceed to DA stage, it is likely that Council would seek to impose specific conditions relating to traffic circulation.

Next Steps

If Cumberland IHAP supports the recommendations in this report for the Planning Proposal request affecting land situated at 2-22 William Street, Granville, the matter will be reported to Council for endorsement and a resolution. The Planning Proposal could then be forwarded to the Department of Planning and Environment (DP&E) for Gateway Determination, subject to receipt of the additional heritage analysis.

Conclusion:

From analysis of the information and revised planning proposal request submitted, it is recommended that the proposed amendments to the height and FSR may be supported in principle (albeit with a 16m maximum height limit); subject to further analysis and assessment relating to the heritage item (10 William Street). Specifically, further analysis of the appropriateness of demolition versus retention of the heritage item is recommended. Additional reports such as a structural engineering report and a pest inspection report, to assess safety and a pest inspection report for termite damage, would assist in this analysis. It is recommended that the additional analysis should specifically demonstrate how the heritage items could be respectfully addressed, either by integrating the item into a future design concept for the site; or by a suitable heritage interpretation strategy, appropriately acknowledging its heritage, supported by sound justification.

Consultation:

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

Financial Implications:

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

Policy Implications:

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

Communication / Publications:

There are no communication / publications implications for Council associated with this report.
C035/17 Cumberland Council

Report Recommendation:

That the Cumberland Independent Hearing and Assessment Panel (Cumberland IHAP)

Recommend:

1. That the proponent submit the following additional information in relation to the Planning Proposal Request for 2-22 William Street, Granville prior to a Planning Proposal being forwarded to the DP&E for Gateway Determination:
   a. A revised proposal which respectfully addresses the heritage item by either integrating the item into the new concept; or by a suitable heritage interpretation strategy, supported by sound justification.

2. If the information submitted by the proponent is considered satisfactory by the General Manager, Council proceed with the preparation of a Planning Proposal for 2-22 William Street, Granville proposing additional height and density of Lots 18 – 31 DP 2371 and SP 31488, with the following development standards:
   a. A maximum floor space ratio of 1.7:1
   b. A maximum building height of 16m.

3. If the information submitted by the proponent be considered unsatisfactory by General Manager, the matter be reported back to Cumberland IHAP outlining the reasons why the information was considered unsatisfactory.

Attachments:

1. Amended Planning Proposal concept scheme prepared by PTI Architects.
2. Original Planning Proposal Report JBA. (Note: revised version of this report was not provided)
4. Heritage Peer Review prepared by Heritage 21 (Rappoport Pty Ltd).
5. Traffic Study prepared by Varga.
7. Summary of Submissions received during the preliminary consultation period.
DOCUMENTS ASSOCIATED WITH REPORT ELPP022/19

Attachment 2
Cumberland IHAP
Recommendations - 13 September 2017
Extraordinary Cumberland Local Planning Panel Meeting
16 April 2019

Minutes of the Cumberland Independent Hearing & Assessment Panel Meeting

Wednesday, 13 September 2017

f) The proximity of the driveway and the narrowness of the pathway between the driveway and unit 16 results in unacceptable amenity to its habitable rooms.

g) The location and width of the basement driveway to Burnett Street results in unacceptable streetscape impacts.

h) The development fails to provide for acceptable access. In particular, from the basement to the ground floor of the townhouses and from either street frontage to the ground floor of the townhouses.

i) The development fails to comply with the following provisions of the Holroyd DCP 2013:

   i. Minimum Parking Spaces (Part A - Control 3.1)
   ii. Lot size and frontage (Part B - Control 5.1 Lot Size and Frontage)
   iii. Building Appearance (Part B - Controls 5.3 Height and 5.4 Building Appearance)
   iv. Front Setback (Part B - Controls 5.2 Setbacks)
   v. Waste Management (part A - Control 11.3 Residential Land Use Waste Management)

For: Julie Walsh (Deputy Chairperson), Gabrielle Morrish, Brian Kirk, and Paul Moulds AM

Against: Nil

Reasons for decision:

- The Panel disagrees with the recommendation in the officer’s report and finds the proposed development unsatisfactory for the reason listed above.

ITEM C035/17 - PLANNING PROPOSAL FOR 2-22 WILLIAM STREET, GRANVILLE - PRELIMINARY REVISED DEVELOPMENT CONCEPT REPORT

Note: Mr. Birol Salisoglu addressed the panel on this item.

Recommended unanimously by the Cumberland Independent Hearing and Assessment Panel (CIHAP) that this item be deferred to a future CIHAP meeting and in the meantime:

1. Council obtain an additional independent heritage opinion on the demolition of the heritage item.
2. Council undertake an urban design study of whether the FSR is appropriate while satisfying the outcomes required in the ADG including but not limited to floor to floor height, appropriate amenity to all habitable rooms, transition to R2 Zone to the south, separation to side boundary setbacks between site 1 and 2.
3. Consideration be given to any community benefit in the proposed increased FSR and height.

For: Julie Walsh (Deputy Chairperson), Gabrielle Morrish, Brian Kirk, and Paul Moulds AM

Against: Nil
Minutes of the Cumberland Independent Hearing & Assessment Panel Meeting

Wednesday, 13 September 2017

Reasons for decision:

- The Panel is not satisfied that there is adequate justification for the demolition for heritage item.
- The question of whether the heritage item is retained or not would have a direct impact on the appropriateness of the FSR on the site.
- The indicative concept proposal provided as part of the planning proposal is not satisfying the current standards within the Apartment Design Guide (SEPP 65).

ITEM C036/17 - DRAFT DEVELOPMENT CONTROL PLAN FOR, 246-264 WOODVILLE ROAD (FORMER JOHN COOTES WAREHOUSE SITE), 244 WOODVILLE ROAD AND 2, 4, 6, 8-8A, 10, 12 AND 14-16 LANSDOWNE STREET AND 19 HIGHLAND STREET, MERRYLANDS

Note: Mr. Ronald Maginness addressed the panel on this item and tabled a document.

Recommended unanimously by the Cumberland Independent Hearing and Assessment Panel (CIHAP) that the exhibition of the Draft Development Control Plan and updated Planning Proposal be deferred to a future CIHAP meeting at the request of the applicant to enable staff to consider the material tabled by the applicant at the Cumberland Independent Hearing and Assessment Panel meeting of 13 September 2017.

For: Julie Walsh (Deputy Chairperson), Gabrielle Morrish, Brian Kirk, and Paul Moulds AM;

Against: Nil

Reasons for decision:

- The Panel considered it reasonable to allow Council staff time to consider the implications of the issues raised by the applicant in relation to the street alignment.
DOCUMENTS
ASSOCIATED WITH
REPORT ELPP022/19

Attachment 3
Revised planning proposal request report by Ethos Urban submitted to Cumberland Council on 16 October 2018
Planning Proposal

2-22 William Street, Granville
Residential Development

Submitted to Cumberland Council
On behalf of Sid Arica

09 November 2018 | 218755
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   Archmix Designs

C  Proposed LEP Height and FSR Maps
   Ethos Urban

D  Traffic Report
   Vange Traffic and Planning

Ethos Urban
1.0 Introduction

This report has been prepared by Ethos Urban on behalf of Sid Aida in support of a Planning Proposal to amend the Parramatta Local Environmental Plan 2011 (Parramatta LEP) to increase the maximum height and Floor Space Ratio (FSR) control that applies to the site at 2-22 William Street Granville (the site).

The site to which the Planning Proposal applies comprises a consortium of land owners including seven properties and 15 parcels of land, being the entire street block bound by William Street, Clyde Street, Factory Street and a rear access laneway, hereafter referred to as the site. The Planning Proposal applies to the entire street block to ensure that the LEP amendment establishes a consistent planning framework for the street block, rather than a single land holding.

Sid Aida (the applicant) owns the site at 10-22 William Street and has amalgamated the majority of the street block to facilitate the redevelopment of the site in accordance with the built form controls envisaged under this Planning Proposal. Although the remaining properties in the street block are not owned by Sid Aida, they have been included in the Planning Proposal to ensure that the amended planning controls establish a consistent built form pattern across the street block. The inclusion of these sites in the Planning Proposal was requested by Parramatta Council in the initial project meeting (which occurred prior to LGA boundary adjustments, when the site was within the Parramatta Council LGA), as outlined in Section 1.1.

The Planning Proposal responds to the site’s strategic location close to transport infrastructure and services. The site represents a significant land holding in excess of 3,700 m², that will support its redevelopment. The site is located in close proximity to significant public transport infrastructure, jobs, services and recreation facilities. The site is already identified for high density residential uses through its R4 zoning, the Planning Proposal seeks to facilitate a built form outcome that will be more consistent with the zoning of the site.

The Planning Proposal will facilitate the future development of the site to accommodate a mixed use building of five storeys plus plantroom with a total of approximately 46 apartments. The proposed scheme is described in more detail in Section 3.0 and is illustrated in the Concept Design Scheme prepared by PTI Architects, which is provided at Appendix A. The design of the development has been prepared to provide a detailed design response to the site owned by Sid Aida with the detailed design of the site at 2-8 William Street to be determined at a later stage after the sites are amalgamated.

To facilitate the proposed scheme, this Planning Proposal seeks to amend the height and FSR control for the site under the Parramatta LEP as well as remove the site at 10 William Street from the heritage schedule as set out in Table 1 below.

### Table 1  Summary of Existing and Proposed LEP Controls

<table>
<thead>
<tr>
<th>Control</th>
<th>Existing</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>FSR</td>
<td>1:1 across the site</td>
<td>1:7.1 across the site</td>
</tr>
<tr>
<td>Building Height</td>
<td>14m across the site</td>
<td>20m across the site</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Five storeys</td>
</tr>
<tr>
<td>Heritage</td>
<td>10 William Street listed as heritage item 1205 in Schedule 5 of the Parramatta LEP.</td>
<td>Remove heritage item 205 from Schedule 5 of the Parramatta LEP.</td>
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This Planning Proposal describes the site, the proposed changes to the Parramatta LEP and provides a justification for the proposal. It has been prepared in accordance with the Department of Planning and Environment’s (DPE) publication A Guide to Preparing a Planning Proposal (October 2012) and A Guide to Preparing Local Environmental Plans (April 2013), and provides strategic justification for the project based on relevant strategic and statutory planning documents.
1.1 Consultation

In addition to the formal consultation and advertising requirements to be completed after a Gateway determination, Sid Aida undertook preliminary consultation with Parramatta Council in order to determine their requirements for the Planning Proposal.

The applicant (Sid Aida) and relevant consultants initially met with Parramatta City Council Planning staff in April 2015 to discuss the preparation of a Planning Proposal for the site at 10-22 William Street Granville. The applicant met with Parramatta Council as at the time of original preparation and lodgement of this Planning Proposal, the site was within the Parramatta LGA.

At this meeting, Parramatta Council requested that the following be given consideration:

- A heritage analysis of the building at 10 William Street is undertaken;
- The inclusion of the entire street block in the Planning Proposal and massing diagrams. This request was made to demonstrate that the entire block can be developed to ensure an appropriate Urban Design outcome can be achieved;
- Three hours of solar access is maintained to the dwellings to the south of the site, in accordance with the controls in the Parramatta DCP; and
- The building interface with the dwellings to the south is appropriately set back to transition the scale and mass of the high density building to the low density zone. Council identified the Woodville Road Study as a reference guide for transitioning between the two zones.

In 2016, the site was transferred from Parramatta City Council to Cumberland as a result of amendments to local government boundaries. In the transfer of the planning proposal to Cumberland Council, a number of revisions were requested by Parramatta City Council:

- Reduction in the proposed building height to 16.2m to accommodate a 5 storey building with two levels of basement parking
- Reduction in the FSR to 1.7:1
- Cumberland Council form the opinion that the existing heritage item at 10 William Street be demolished.
- Update of the planning proposal to reflect the above changes and the new local government boundaries.

It is understood that Cumberland Council has advised that they are of the opinion that the house at 10 William Street could be demolished.
2.0 The Site

2.1 The Locality

The Site is located within the Cumberland Local Government Area (LGA), within the Granville Town Centre. Granville is located in close proximity (2.4km) to Parramatta, Sydney’s Second CBD and the Parramatta Road Urban Renewal Corridor. Granville is well serviced by public transport with Granville station and Clyde station both located in close proximity to the town centre. Granville is characterised as a mixed use town centre with a commercial retail core and community facilities located in close proximity to Granville station and surrounded predominantly by residential development. Commensurate with its strategic location close to transport and the Parramatta CBD, the centre also includes a range of education facilities including the Granville TAFE and College campus, Granville Boys High, Granville Public School and the Unique International College. A range of other community and recreational facilities are also located in the centre including the Granville Medical centre, Granville Swimming Centre, the Granville Multicultural Community Centre and numerous areas of public open space.

The Granville Centre is anticipated to accommodate significant growth on the northern side of the train line, identified under the Parramatta Road Urban Renewal Strategy. Additionally, the growth of Greater Parramatta and the significant increase in employment, education, health and services is anticipated to encourage growth in the Granville centre, due to its significant transport infrastructure and access to education, jobs and services.

The site is located on the south-eastern edge of the Granville Town Centre in a transitional high-density residential zone between commercial and industrial zones and lower density residential zones. The site is located in close proximity to the Clyde train station (130m) and the Granville Town centre and associated facilities and services.

A site plan is provided below at Figure 1.

![Figure 1 Location plan](image)

Source: Google Maps and Ethos Urban
2.2 Site Description

The site to which this Planning Proposal applies is known as 2-22 William Street, Granville and comprises the street block bound by William Street, Clyde Street, Factory Street and a rear access laneway. The site has an area of approximately 3,700m² and comprises 15 parcels of land, as identified below:

- 22 William Street:
  - Lot 18 in DP2371;
  - Lot 19 in DP2371;
  - Lot 20 in DP2371;
- 12 William Street:
  - Lot 21 in DP2371;
  - Lot 22 in DP2371;
  - Lot 23 in DP2371;
  - Lot 24 in DP2371;
  - Lot 25 in DP2371;
  - Lot 26 in DP2371;
- 10 William Street;
  - Lot 27 in DP2371;
- 8 William Street;
  - Lot 28 in DP2371;
- 6 William Street;
  - Lot 29 in DP2371;
- 4 William Street;
  - Lot 30 in DP2371;
  - Lot 31 in DP2371;
- 2 William Street; and
  - SP 31488.

The site is identified in Figure 2 below.
Sid Aida (the applicant) owns the site at 10-22 William Street (Site 1) and has instigated the LEP amendment process for the site. The remaining portion of the site is known as 2-8 William Street (Site 2) and comprises seven allotments held under private ownership and strata title. The amalgamation pattern of the site is shown in Figure 3 below.

The site has a frontage to William Street and the rear access laneway of approximately 105m, with Site 1 comprising 60m and Site 2 comprising 40m. The site has a depth (frontage to Clyde Street and Factory Street) of approximately 36m.
2.3 Existing Development

Currently the site contains seven buildings with primary frontage to William Street and rear access to the service lane. The buildings on the site generally comprise standalone detached residential dwellings. A number of the dwellings have garages adjoining the service lane. A two-storey residential flat building is located at 2 William Street containing approximately 8 apartments and owned under strata title. The building has frontage to both William Street and Factory Street and provides rear at grade car parking area. A large commercial warehouse building is located at 12 William Street. The building is two storeys in height and occupies a significant portion of the street block. The building is currently used for storage and has access to both William Street and the access laneway.

Photos of the existing development on the site are provided below at Figure 4 to Figure 9.
Figure 4  Commercial warehouse building located at 12 William Street, viewed from William Street
Source: Ethos Urban

Figure 5  Rear of the commercial warehouse building at 12 William Street, viewed from the access lane
Source: Ethos Urban
Figure 6  Dwelling houses at 6 and 8 William Street, viewed from William Street
Source: Ethos Urban

Figure 7  Residential flat building at 2 William Street, viewed from William Street
Source: Ethos Urban
Figure 8  William Street, facing west
Source: Ethos Urban

Figure 9  Rear access lane, facing east
Source: Ethos Urban
2.4 Development and Facilities in the Surrounding Area

There are a range of facilities and services in walking proximity to the site within the Granville Town Centre. As illustrated below in Figure 10, there are a number of areas of public open space and sporting ovals within the locality of the site. The Granville Town Centre provides a range of educational facilities including the Granville TAFE and College campus, Granville Boys High, Granville Public School and the Unique International College. The Granville Town centre also provides a range of retail shops and facilities. A range of other community and recreational facilities are also located in the centre including the Granville Medical centre, Granville Swimming Centre, the Granville Multicultural Community Centre and numerous areas of public open space.

The site is located in close proximity (130m) to the Clyde and Granville train stations as well as regional bus routes. The site is also within close proximity (approximately 5 minutes by train) to Parramatta, Sydney’s Second CBD. Parramatta will provide significant employment opportunities and is anticipated to provide up to 100,000 jobs by 2031. The Greater Parramatta region will provide health, employment, services, education and recreational facilities at a Metropolitan level.

**Figure 10** Locational context plan

Source: Edosia Urban
The development surrounding the site includes a range of residential, commercial, industrial, recreational and community uses. Residential uses to the west of the site generally comprise three storey residential flat buildings approximately 14m in height. The residential flat buildings generally provide aboveground car parking. Residential development to the south of the site is generally lower density and comprises detached single dwelling houses.

Industrial uses surround the site to the north and east. Development to the north of the site comprises two large industrial buildings with at grade car parking. The buildings are accessed from and have frontage to Memorial Avenue with no vehicular access or active frontages to William Street, facing the site. To the east of the site is another large industrial building with an Australia Post dispatching facility and Truck depot located to the south west of the site.

There is a range of recreational facilities surrounding the site, including the Granville RSL Club, located to the north-west of the site. The RSL club includes community services such as a childcare facility. The Granville Multicultural Community Centre and Pre-School are also located in close proximity to the south of the site, on the opposite side of the access laneway.

Photos of the development surrounding the site are provided at **Figure 11** to **Figure 14** below.

![Residential flat building at 14 William Street, to the west of the site](image)

**Figure 11** Residential flat building at 14 William Street, to the west of the site

*Source: Ethos Urban*
Figure 12  Industrial building at 1 Memorial Avenue, to the north of the site
Source: Ethos Urban

Figure 13  Granville Multicultural Community Centre
Source: Ethos Urban
2.5 Transport and Access

2.5.1 Public Transport
The site is well located to public transport facilities including Clyde Station (130m) and Granville Station (530m). These stations are both serviced regularly by the following lines:

- T1 North Shore, Northern and Western line;
- T2 Airport Inner West and Southern line; and
- T6 Canterbury Line.

The site is also located in close proximity to bus stops located along both sides of Blaxcell Street (400m). These bus stops are frequently serviced by the intra-regional M81 service to Parramatta and Hurstville which operates seven days per week with services arriving every 10 minutes in morning and afternoon peaks.

2.5.2 Vehicular Access
The site currently has vehicular access from both William Street and the rear access lane. Vehicular access is predominantly provided from the access lane to rear garages. Individual vehicular access is provided to each property with the suite currently accommodating five different vehicular access points. The proposed development seeks to consolidate access for the entire site along William Street however this is a concept design only and assumes consolidation of the site at 2-8 William Street. Vehicular access is discussed further at Section 6.1.3.

2.6 Current Planning Controls
The Parramatta LEP is the primary Environmental Planning Instrument (EPI) applying to the site. The existing planning controls that apply to the site under the Parramatta LEP are outlined below.
2.6.1 Land Use Zoning

The site is zoned R4 High Density Residential under the Parramatta LEP. The R4 zone permits a range of residential and associated non-residential uses including residential flat buildings, dwellings, shop top housing, neighbourhood shops and child care centres. The site’s zoning is shown below in Figure 15. This Planning Proposal seeks to retain the R4 zoning. The proposed residential flat building is permissible with consent in the zone.

![Existing zoning map](source: Parramatta LEP)

2.6.2 Height of Buildings

The existing building height control for the site under the Parramatta LEP is 14m, as shown in Figure 16 below. This Planning Proposal seeks to amend the building height control across the site to 20m.
Figure 16 Existing height of buildings map
Source: Parramatta LEP

2.6.3 Floor Space Ratio

The FSR control that currently applies to the site is 1:1, as shown below in Figure 17. This Planning Proposal seeks to amend the Parramatta LEP to increase the FSR control to 1.7:1 across the site.
2.7 Heritage

The site includes a locally listed heritage item at 10 William Street (item No. 205), as illustrated in Figure 18 and Figure 19 below. A Statement of Heritage Impact (SoHI) has been prepared for the site by Archmix Designs and is provided at Appendix B. The heritage item is a single dwelling house and is described as:

Originally a group of three single fronted single storey cottages, now only No. 10 survives. No. 10 is a weatherboard cottage with hipped roof clad with corrugated iron and buttressed front verandah. The verandah is supported on turned timber posts and has concrete floor and corrugated iron roof. Weatherboards are partly replaced with vinyl cladding. Timber picket fence and gate. Front door is modern.

The SoHI identifies that the heritage statement of significance for the item is:

The cottage at 10 William Street is of significance for the local area for historical and reasons of representativeness, as an example of modest workers cottages in the area built c. 1900.

As outlined above, the heritage item on the site was originally part of a group of three cottages however is the only listed item remaining on the site. A review of the Heritage Schedules in the Parramatta LEPs was conducted by Parramatta City Council in 2012 which informed an LEP amendment to consolidate and amend the heritage listed items (PP_2012_PARRA_001_00). The heritage listing of 8 William Street was removed from the Parramatta LEP under this Planning Proposal as Parramatta Council had previously approved its demolition. At the time of the review, the heritage listing on the item at 10 William Street was maintained however the heritage fabric of the site has substantially degraded since this time. A photo of the building is provided in Figure 19 below.

The SoHI provides a detailed assessment and analysis of the heritage item on the site and identifies that it has been significantly altered and no longer demonstrates heritage significance. Accordingly, this Planning Proposal seeks to delist the heritage item and remove it from Schedule 5 of the Parramatta LEP.
The site is also located in proximity to the locally listed heritage item at 6-8 Factory Street (1109). The heritage item is identified as a former shop however is known as the Granville Multicultural Centre. The building is a two storey masonry structure with painted murals on the facades.

Figure 18  Existing Heritage map
Source: Parramatta LEP

Figure 19  10 William Street, heritage item
Source: Archinex
3.0 Proposed Development

The Planning Proposal seeks to amend the Parramatta LEP to provide additional height and density on the site to support a high quality residential development. The Planning Proposal seeks to take advantage of the benefits afforded by the large site area and the site’s proximity to Clyde and Granville train stations as well as its strategic location close to employment, services and recreation facilities.

The following sections outline the indicative development concept for the site and the built form principles that have been applied in developing an appropriate height and density for development on the site.

3.1 Proposed Development

PTI have developed a concept scheme for the site (Appendix A) which provides for a mixed use development on the site that is consistent with the maximum height and floor space sought as part of this Planning Proposal. The concept scheme represents a reference design for the site and demonstrates a high quality built form outcome that is capable of providing appropriate residential amenity and good street level activation within minimal adverse impacts on the surrounding environment. A numeric summary of the proposed future development on the site is provided below in Table 2.

<table>
<thead>
<tr>
<th>Component</th>
<th>Car Park</th>
<th>Residential</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height (levels)</td>
<td>2 basement levels</td>
<td>16.2m Five levels</td>
<td>20m (inc lift overrun)</td>
</tr>
<tr>
<td>Total GFA</td>
<td>0m2</td>
<td>3,777m²</td>
<td>3,777m²</td>
</tr>
<tr>
<td>(FSR)</td>
<td>n/a</td>
<td>1.7:1</td>
<td>1.7:1</td>
</tr>
<tr>
<td>Indicative Yield</td>
<td>60</td>
<td>46 units</td>
<td></td>
</tr>
</tbody>
</table>

An illustration of the potential future built form on the site has been prepared by PTI is provided below in Figure 20.
3.1.1 Built form

The proposed built form for the 10-22 William Street component of the site is illustrated in the concept design drawings prepared by PTI (Appendix A). The scheme consists of a five storey residential flat building, set back 6 metres from William Street and the laneway frontage at the ground level. The ground level setbacks provide space for landscaping and vegetation screening and include 305m² of deep soil on the site at 10-22 William Street. The area of deep soil could increase to approximately 500m² across the entire site.

The Concept Scheme establishes a five storey building form which is higher than the existing 14m building height limit on the site and the height of the surrounding residential flat buildings to the west of the site on the opposite side of Clyde Street. The existing residential flat buildings in the locality are generally three storeys in height however include roof structures that are generally an additional storey in height, hence appearing as four storey buildings from the street frontage. It is considered that the increase in height is not out of scale with the surrounding development and represents a reasonable outcome given the site’s closer proximity to Clyde Rail Station.

Dwellings

As illustrated in the concept design scheme (Appendix A) the proposed development on the 10-22 William Street part of the site will comprise a five-storey residential flat building. The remainder of the street block will also be capable of accommodating residential flat building(s). The indicative number of dwellings on each of the sites is outlined in Table 3 below.
Table 3  Indicative dwelling summary

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>10-22 William Street</th>
<th>2-8 William Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1 bedroom</td>
<td>12</td>
<td>6</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>28</td>
<td>17</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>46</td>
<td>28</td>
</tr>
</tbody>
</table>

3.1.2  Vehicular Access and Parking

Shared vehicular access to the site will be provided from William Street, as shown in the Concept Scheme (Appendix A). The shared entrance will provide access to the basement structure on the site at 10-22 William Street as well as the future development of the site at 2-8 William Street.

The Sd Anda Site provides two levels of basement car parking which will accommodate the parking, servicing and loading requirements of the building. While the detailed design of the basement will be refined at the DA stage, Varga Traffic recommends that a minimum of 114 parking spaces are required for the site, comprising 69 parking spaces for the site at 10-22 William Street and 42 spaces for the development of the site at 2-8 William Street. The car parking numbers are in accordance with the Apartment Design Guide (ADG) for sites located within 800m of a train station. Car parking and traffic are discussed further in Section 6.1.3.

3.2  Public Benefits

The Planning Proposal will deliver a public benefit through locating additional residential density in a location with excellent access to public transport, services, employment, education and recreation facilities. The proposal will provide a benefit to the public through providing additional high quality housing with a high level of amenity in a highly desirable location.

Additionally, the proposal will enable the redevelopment of the entire street block which will enable an improved built form outcome.
4.0 Planning Proposal

4.1 Explanation of Provisions

The Planning Proposal seeks to amend the Parramatta LEP to facilitate the proposed development outlined above in Section 3.0, as well as to enable increased building height and FSR on the site and remove the heritage listing of the site at 10 William Street from the heritage schedule of the LEP.

The existing and proposed LEP controls, as well as the recommended amendments are outlined in Table 4 below.

<table>
<thead>
<tr>
<th>Control</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>FSR</td>
<td>1.1 across the site</td>
<td>1.7:1 across the site</td>
</tr>
<tr>
<td>Building Height</td>
<td>14m across the site</td>
<td>20m across the site Five storeys</td>
</tr>
</tbody>
</table>

4.1.1 Building Height

It is proposed to increase the maximum building height control across the site to 20m by amending the Height of Buildings Map as shown at Appendix C.

It is noted that the concept design scheme prepared by PTI has a maximum building height of 16.2m to the parapet. However, a maximum LEP height of 20m is sought to provide flexibility for floor to ceiling heights and building plant to be determined in the detailed design stage.

4.1.2 Floor Space Ratio

It is proposed to establish an FSR of 1.7:1 across the site. This will be achieved by amending the Parramatta LEP FSR Map as shown in the FSR Map at Appendix C.

4.1.3 Heritage

It is proposed to delist the locally listed heritage item (1205) at 10 William Street from Parramatta Council’s heritage Schedule to facilitate the redevelopment of the site. It is proposed that Schedule 5 of the Parramatta LEP be amended to delete the following heritage item.

<table>
<thead>
<tr>
<th>Suburb</th>
<th>Item Name</th>
<th>Address</th>
<th>Property Description</th>
<th>Significance</th>
<th>Item No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Granville</td>
<td>William Street Cottages Group</td>
<td>10 William Street</td>
<td>Lot 27, DP 2371</td>
<td>Local</td>
<td>1205</td>
</tr>
</tbody>
</table>
5.0 Strategic Justification

This section demonstrates the need for the proposal and its relationship with the strategic planning framework. The environmental, social and economic impacts of the proposal are considered in Section 7.0.

5.1 The Need for a Planning Proposal

The current applicable development controls contained within the Parramatta LEP for the site do not align with the significant transport infrastructure or the strategic location of the site, near Clyde Rail Station, the Granville Town Centre and in close proximity to the Parramatta CBD.

The site is zoned R4 High Density Residential, commensurate with its location 130m from a train station and in close proximity to significant education, recreation, employment and services in the Granville Town Centre. Notwithstanding this, the site is afforded FSR and building height controls that reflect low to medium density development. An FSR control of 1:1 and building height control of 14m does not facilitate a scale of development that appropriately utilises the investment in transport infrastructure that is available in close walking distance to the site nor do they reflect the close proximity of the site to employment, education and recreation facilities in the locality of the site.

The Parramatta LEP is seven years old; it was prepared and gazetted prior to the release of A Metropolis of Three Cities – The Greater Sydney Region Plan and the Central City District Plan, which have increased Sydney’s projected number of new residents. The current planning controls for the site therefore do not reflect the strategic importance of the site, located in close walking proximity to a train station, employment, education, entertainment and community facilities and services, which are identified in The Greater Sydney Region Plan and District Plan as catalysts for locating new housing.

The population of the Central City, in which the site is located, is projected to grow by more than 400,000 people over the next 20 years generating the need for an additional 207,500 additional dwellings. More specifically, the Parramatta Road Urban Transformation Strategy identifies that the Granville Precinct will grow by 10,700 people creating 5,400 new dwellings and 7,200 new jobs by 2050. The dwelling projections established under The Central City District Plan and the Parramatta Road Urban Transformation Strategy establishes a demand for an increase in dwelling numbers. It must therefore be demonstrated that the site provides a suitable location to accommodate this increase in density; this is demonstrated in Section 5.1.1 below.

5.1.1 Strategic Location

At a macro level, the site is located in close proximity to the Parramatta CBD (approximately 5 minutes by train) and is on the fringe of Greater Parramatta. The site is therefore located in close proximity to the anticipated 55,000 new jobs and significant education, recreation, retail, health and services that will be accommodated in Greater Parramatta by 2036. The site is located in the Granville Town Centre which accommodates a range of education facilities including Granville TAFE campus, Granville Boys High, Granville Public School and the Unique International College. A range of other community and recreational facilities are also located in the centre including the Granville Medical centre, Granville Swimming Centre, the Granville Multicultural Community Centre and numerous areas of public open space. The site is located in very close proximity to Clyde Station (130m) and is also within walking distance to the Granville Centre.

The site is located in close proximity to the Parramatta Road Urban Transformation Strategy, in which Granville is identified as a precinct for major growth due to its close proximity to Parramatta. While it is noted that the Draft Parramatta Road Strategy does not apply to the site or to Clyde station precinct, it provides a framework for significant growth in Granville which is of a far greater density and height than is proposed in this Planning Proposal.

The Greater Sydney Region Plan identifies employment, education, entertainment and community facilities and services as catalysts for locating new housing. In addition to the range of services and catalysts for housing growth, the site is located in very close proximity the Clyde train station and therefore promotes sustainable housing growth. The site is considered to be very well located to accommodate additional housing growth.
5.2 Consistency with Strategic Planning Framework

5.2.1 State and Regional Strategic Framework

NSW Future Transport 2056 Strategy

The NSW Future Transport 2056 Strategy has the aim of better integrating land use and transport. The Greater Sydney Region Plan has been prepared to integrate with the Transport Strategy.

The Planning Proposal will serve the objectives of the Transport Strategy by locating increased residential density immediately adjacent to a rail station and in close proximity by public transport to Parramatta CBD. This will promote the use of public transport and reduce reliance on private motor vehicles.

The Greater Sydney Region Plan

In March 2018 the Greater Sydney Commission released The Greater Sydney Region Plan. It sets out the 40 year vision, objectives, strategies and actions for developing a three city metropolis model for Greater Sydney comprising the Western Parkland City (near the future Western Sydney Airport), the Central River City (Parramatta) and the Eastern Harbour City (Sydney). In the context of these three cities, the metropolitan area is divided into six districts. The site is within the Central City District which is focused on Greater Parramatta.

The Plan's vision for 2056 promotes the '30 minute city' concept across greater metropolitan Sydney, allowing people to live, work and access amenities within close distances of each other. The plan also advocates for more housing in the right location and encourages urban renewal of well-placed locations benefiting from existing and proposed infrastructure. The Plan emphasises the importance of aligning growth with infrastructure investment to create liveable cities.

The Plan identifies Granville as being within the Central River City and on the edge of the Greater Parramatta Growth Area Investigation Area which is forecasted for significant additional growth given its proximity to the Parramatta's metropolitan centre. The area will also be supplemented by new infrastructure to augment growth. Objective 19 within the Plan is to ensure Greater Parramatta is stronger and better connected. The strategic location of the site offers opportunities to provide additional housing in proximity to new infrastructure investment and jobs growth.

The Plan includes metrics to assess and track growth across the next 20 and 40 years. A metric for both productivity and liveability is the percentage of dwellings located within 30 minutes by public transport of a Metropolitan City Centre and Strategic Centre.

Central City District Plan

The site is within the Central City District. In March 2018, the Greater Sydney Commission endorsed the Central City District Plan which sets ten Directions for the future planning and development in the District and aims to support substantial growth in population and employment, capitalising on the Districts location close to the geographic centre of Greater Sydney. Key to the District plan is the Greater Parramatta and Olympic Peninsula (GPOP) which is identified as a significant urban renewal corridor. Granville Town Centre is on the edge of the GPOP.

This Planning Proposal is consistent with the Central City District Plan for Growing Sydney, in that it will:

- Enable increased residential density on the site in a building form that is able to achieve a high level of residential amenity and as such contribute to the significant growth targets for the District.
- Enable additional residential floor space on a site that is in close proximity to regionally significant and existing transport infrastructure including Clyde Station and the Granville Station Bus Interchange.
- Facilitate a residential development that is in close proximity to community, civic, education and health facilities within the Granville Town Centre and Parramatta CBD.
- Facilitate an increase in residential density that is in close proximity to jobs provided by the Granville Town Centre and throughout the growing Parramatta CBD.
• Revitalise an underutilised street block by enabling a built form outcome that reflects the high density zoning and encourages amalgamation to redevelop the site.

In particular the proposal is consistent with achieving the following Planning Priorities for the District:

• Planning Priority C5 – Providing Housing Supply, choice and affordability with access to jobs, services and public transport;
• Planning Priority C9 – Delivering integrated land use and transport planning and a 30-minute city.

5.2.2 Local Strategic Framework

Cumberland Community Strategic Plan 2017-2027

The Cumberland Community Strategic Plan 2017-2027 sets the community goals and aspirations for the development of the Cumberland LGA over the next decade. The plan sets out the community’s vision for the future; the strategies in place to achieve it, and how progress towards or away from the vision will be measured.

This plan includes six strategic goals for the LGA:

• A great place to live;
• Safety and access;
• Cumberland is clean and green;
• Strong local economy;
• Resilient built environment; and
• We have positive leadership.

The proposed development of the site facilitated by this Planning Proposal will achieve many of these goals. It will facilitate redevelopment that will provide for increased residential density in close proximity to existing transport networks, as well as employment, cultural and sporting facilities.

5.3 Relationship to Statutory Planning Framework

5.3.1 Relevant Legislation and Regulations

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (the EPA Act) and the Environmental Planning and Assessment Regulation 2000 (EPA Reg) set out amongst other things the:

• requirements for rezoning land;
• requirements regarding the preparation of a local environmental study as part of the rezoning process;
• matters for consideration when determining a development application; and
• approval permits and/or licences required from other authorities under other legislation.

This Planning Proposal has been prepared in accordance with the requirements set out in Section 3.33 of the EP&A Act in that it explains the intended outcomes of the proposed instrument. It also provides justification and an environmental analysis of the proposal.

Section 9.1 Directions

Ministerial directions under Section 9.1 of the EP&A Act require Councils to address a range of matters when seeking to rezone land. A summary assessment of the Planning Proposal against the Directions issued by the Minister for Planning and Infrastructure under Section 9.1 of the EP&A Act is provided in Table 6 below.
<table>
<thead>
<tr>
<th>Direction</th>
<th>Consistency</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Employment and Resources</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 Business and Industrial Zones</td>
<td>✓</td>
<td></td>
<td>The Planning Proposal does not seek to rezone the land or change the range of permitted uses on the site. The proposal will not erode any business or industrial zoned land.</td>
</tr>
<tr>
<td>1.2 Rural Zones</td>
<td>✓</td>
<td></td>
<td>Not applicable</td>
</tr>
<tr>
<td>1.3 Mining, Petroleum Production and Extractive Industries</td>
<td>✓</td>
<td></td>
<td>Not applicable</td>
</tr>
<tr>
<td>1.4 Oyster Aquaculture</td>
<td>✓</td>
<td></td>
<td>Not applicable</td>
</tr>
<tr>
<td>1.5 Rural Lands</td>
<td>✓</td>
<td></td>
<td>Not applicable</td>
</tr>
<tr>
<td>2 Environment and Heritage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1 Environmental Protection Zones</td>
<td>✓</td>
<td></td>
<td>Not applicable</td>
</tr>
<tr>
<td>2.2 Coastal Protection</td>
<td>✓</td>
<td></td>
<td>Not applicable</td>
</tr>
<tr>
<td>2.3 Heritage Conservation</td>
<td>✓</td>
<td></td>
<td>The proposal seeks to remove the heritage listing of the site at 10 William Street. As outlined in Section 4.1.3 and Appendix B, the building does not exhibit any heritage significance and should not be considered as an item of heritage significance. The proposal is consistent with the direction as the building is not considered to be an item of heritage significance and therefore does not warrant heritage protection.</td>
</tr>
<tr>
<td>2.4 Recreational Vehicle Area</td>
<td>✓</td>
<td></td>
<td>Not applicable</td>
</tr>
<tr>
<td>3. Housing, Infrastructure and Urban Development</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1 Residential Zones</td>
<td>✓</td>
<td></td>
<td>The site is zoned R4 High Density Residential with residential development permitted. The planning proposal is consistent with this direction as it seeks to increase the residential density on the site which will make better use of infrastructure and services. The proposal will also increase the choice of building and housing types, in an area that is strategically located close to transport, services, employment and the Parramatta CBD.</td>
</tr>
<tr>
<td>3.2 Casemore Parks and Manufactured Home Estates</td>
<td>✓</td>
<td></td>
<td>Not applicable</td>
</tr>
<tr>
<td>3.3 Home Occupations</td>
<td>✓</td>
<td></td>
<td>Not applicable</td>
</tr>
<tr>
<td>3.4 Integrating Land Use and Transport</td>
<td>✓</td>
<td></td>
<td>The Planning Proposal, through unlocking the development potential of the site, will facilitate an increase in residential density on the site to support the existing transport infrastructure and improve access to housing, jobs and services by walking, cycling and public transport. The proposal utilises the significant public transport infrastructure and capacity by increasing the residential density in close proximity. In light of this it is expected that the proposal will reduce travel demand including the number of trips generated by the development and the distances travelled, especially by car.</td>
</tr>
</tbody>
</table>
4. Hazard and Risk

4.1 Acid Sulfate Soil

- The site is identified a potential class 5 Acid Sulfate Soil.

Parramatta LEP contains acid sulphate soils provisions and this Proposal does not seek to amend them. This will be considered in detail at the DA stage.

4.2 Mine Subsidence and Unstable Land

- Not applicable

4.3 Flood Prone Land

- The site is not flood prone.

4.4 Planning for Bushfire Protection

- Not applicable

5. Regional Planning

- Not applicable

6. Local Plan Making

6.1 Approval and Referral Requirements

- No new concurrence provisions are proposed.

6.2 Reserving Land for Public Purposes

- No new road reservation is proposed.

6.3 Site Specific Provision

- The LEP amendment does not impose any restrictive site specific provisions.

7. Metropolitan Planning

7.1 Implementation of the Greater Sydney Metropolitan Plan

- Refer to Section 6.2.1.

5.3.2 State and Regional Statutory Framework

The consistency of the Planning Proposal with the relevant State Environmental Planning Policies (SEPPs) is addresses in Table 7 below.

---

### Table 7 Consistency with State Environmental Planning Policies

<table>
<thead>
<tr>
<th>SEPP</th>
<th>Consistency</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPP No. 1 Development Standards</td>
<td></td>
<td></td>
<td>The Provisions of SEPP 1 are replaced with Clause 4.6 of the Parramatta LEP and does not apply to the Planning Proposal.</td>
</tr>
<tr>
<td>SEPP No 4 Development Without Consent and Miscellaneous Exempt and Complying Development</td>
<td></td>
<td></td>
<td>SEPP (Exempt and Complying Development Codes) 2008 applies to the site however is not relevant to the Planning Proposal.</td>
</tr>
<tr>
<td>SEPP No 6 Number of Storeys</td>
<td></td>
<td></td>
<td>The Parramatta LEP definition for the number of storeys applies.</td>
</tr>
<tr>
<td>SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)</td>
<td></td>
<td></td>
<td>The planning proposal is consistent with SEPP 32 in providing for the opportunity for the development of additional housing in an area where there is existing public infrastructure, transport, and community facilities, and is close to employment, leisure and other opportunities.</td>
</tr>
<tr>
<td>SEPP No</td>
<td>Consistency</td>
<td>N/A</td>
<td>Comment</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>SEPP No 55 Remediation of Land</td>
<td>✓</td>
<td></td>
<td>The site has been used for residential and warehouse purposes for a number of years. This type of use is not listed in Table 1 to the Contaminated Land Planning Guidelines. The site is unlikely to be contaminated. Notwithstanding this, contamination will be further addressed at the DA stage.</td>
</tr>
<tr>
<td>SEPP No 60 Exempt and Complying Development</td>
<td></td>
<td>✓</td>
<td>SEPP (Exempt and Complying Development Codes) 2008 applies to the site however is not relevant to the Planning Proposal. The SEPP may be relevant to future DAs.</td>
</tr>
<tr>
<td>SEPP No 64 Advertising and signage</td>
<td></td>
<td>✓</td>
<td>SEPP 64 is not relevant to the Planning Proposal. The SEPP may be relevant to future DAs.</td>
</tr>
<tr>
<td>SEPP No 65 Design Quality of Residential Apartment Development</td>
<td>✓</td>
<td></td>
<td>Detailed compliance with SEPP 65 will be demonstrated in a future DA for the building facilitated by this Planning Proposal. Detailed testing of SEPP 65 and the Residential Flat Design Code was conducted throughout the design of the scheme which is capable of satisfying the SEPP and associated Apartment Design Guide. As outlined in Section 6.2.1 and Appendix A, the proposal is capable of achieving solar access and natural ventilation requirements of the ADG and will not have an adverse impact on the amenity of the surrounding residential development. It is demonstrated that a high level of residential amenity can be achieved on the site under the Planning Proposal.</td>
</tr>
<tr>
<td>SEPP No.70 Affordable Housing (Revised Schemes)</td>
<td></td>
<td>✓</td>
<td>SEPP 70 is not relevant to proposed amendment.</td>
</tr>
<tr>
<td>SEPP (Affordable Rental Housing) 2009</td>
<td></td>
<td>✓</td>
<td>SEPP (Affordable Rental Housing) is not relevant to proposed amendment.</td>
</tr>
<tr>
<td>SEPP (BASIX) 2004</td>
<td>✓</td>
<td></td>
<td>Detailed compliance with SEPP (BASIX) will be demonstrated in a future development application for the scheme facilitated under this Planning Proposal.</td>
</tr>
<tr>
<td>SEPP (Exempt and Complying Development Codes) 2008</td>
<td>✓</td>
<td></td>
<td>SEPP (Exempt and Complying Development Codes) may apply to the future development of the site.</td>
</tr>
<tr>
<td>SEPP (Infrastructure) 2007</td>
<td>✓</td>
<td></td>
<td>SEPP (Infrastructure) may apply to the future development of the site.</td>
</tr>
<tr>
<td>SEPP (State and Regional Development) 2011</td>
<td>✓</td>
<td></td>
<td>The future development of the site is likely to be deemed as 'regional development' (meeting the relevant thresholds under Schedule 4A of the EP&amp;A Act), with the JRPP acting as the determining authority.</td>
</tr>
<tr>
<td>Sydney Regional Environmental Plan No 18...Public Transport Corridors</td>
<td>✓</td>
<td></td>
<td>The proposal facilitates the aims of the SREP to make provision for increased use of public transport to improve accessibility. The proposal does not reserve land for a Public transport corridor.</td>
</tr>
<tr>
<td>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</td>
<td>✓</td>
<td></td>
<td>The proposed development is not located directly on the Sydney Harbour Catchment foreshore. Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage.</td>
</tr>
</tbody>
</table>
### 5.3.3 Local Statutory Framework

**Parramatta LEP 2011**

The Proposal’s consistency with the overall aims of the Parramatta LEP is demonstrated in Table 8 below.

<table>
<thead>
<tr>
<th>Aim</th>
<th>Proposal</th>
<th>Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) to encourage a range of development, including housing, employment and recreation, that accommodates the needs of the existing and future residents, workers and visitors of Parramatta,</td>
<td>The proposal seeks to increase the permitted residential density on the site in close proximity to jobs and transport which will increase the range of housing choices and needs of the residents, workers and visitors.</td>
<td>✓</td>
</tr>
<tr>
<td>(b) to foster environmental, economic, social and physical wellbeing so that Parramatta develops as an integrated, balanced and sustainable city,</td>
<td>The proposal will foster economic wellbeing by enabling the highest and best use of the site. The proposal will increase the permitted residential density on a site close to transport infrastructure, employment and recreation and will therefore improve the environmental, social and physical wellbeing of Parramatta.</td>
<td>✓</td>
</tr>
<tr>
<td>(c) to identify, conserve and promote Parramatta’s natural and cultural heritage as the framework for its identity, prosperity, liveability and social development,</td>
<td>The proposal seeks to remove the heritage listing of the site at 10 William Street as it does not portray the heritage significance of Parramatta. Therefore, the proposal will not undermine the role of heritage as the framework for identity, prosperity, liveability and social development. Refer to Section 4.1.3 and Appendix B for more detail.</td>
<td>✓</td>
</tr>
<tr>
<td>(d) to improve public access to the city and facilitate the maximum use of improved public transport, together with walking and cycling,</td>
<td>The proposal will facilitate public access to the city and use of public transport as it seeks to increase the permitted residential density on the site, located in close walking distance to high capacity public transport.</td>
<td>✓</td>
</tr>
<tr>
<td>(e) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by restricting development in sensitive areas,</td>
<td>The site is appropriate for increased residential density as it is not land that is affected by bushfire or flooding constraints.</td>
<td>✓</td>
</tr>
<tr>
<td>(f) to protect and enhance the natural environment, including areas of remnant bushland in Parramatta, by incorporating principles of ecologically sustainable development into land use controls,</td>
<td>The proposal will not require the removal of any remnant bushland and will not have any significant adverse impact on the natural environment, as outlined in Section 6.1.</td>
<td>✓</td>
</tr>
<tr>
<td>(g) to improve public access along waterways where natural values will not be diminished,</td>
<td>The site is not located in proximity to a waterway and therefore will not restrict public access to any waterway.</td>
<td>✓</td>
</tr>
<tr>
<td>(h) to enhance the amenity and characteristics of established residential areas,</td>
<td>The proposal will increase the residential density on a site that is capable of achieving a high level of residential amenity without having any substantial adverse impacts on the amenity of the surrounding properties.</td>
<td>✓</td>
</tr>
<tr>
<td>(i) to retain the predominant role of Parramatta’s industrial areas,</td>
<td>The proposal does not seek to rezone or erode any areas of industrial zoned land. The site is zoned for high density residential uses and therefore is appropriately located to accommodate a higher density building form.</td>
<td>✓</td>
</tr>
<tr>
<td>(j) to ensure that development does not detract from the economic viability of Parramatta’s commercial centres,</td>
<td>The proposal seeks to increase the residential density of a site zoned for residential uses on the edge of the Granville Town Centre. Accordingly, the proposal will support the economic strength and viability of the Granville commercial centre.</td>
<td>✓</td>
</tr>
<tr>
<td>(k) to ensure that development does not detract from the operation of local or regional road systems,</td>
<td>As outlined in Section 6.1.3 and Appendix D, the proposal will not have any significant adverse impacts on the surrounding local or regional road network.</td>
<td>✓</td>
</tr>
<tr>
<td>(l) to ensure development occurs in a manner that protects, conserves and enhances natural resources, including waterways, riparian land, surface and groundwater quality and flows and dependant ecosystems,</td>
<td>The site does not contain any significant natural resources or ecosystems and is therefore appropriately located to accommodate higher density residential development.</td>
<td>✓</td>
</tr>
</tbody>
</table>
Consistency with Building Height Objectives

The proposal’s consistency with the objectives for building heights under the Parramatta LEP is demonstrated in Table 9 below.

<table>
<thead>
<tr>
<th>Objective</th>
<th>Proposal</th>
<th>Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>The proposed increase in building height will transition heights up towards the Clyde rail station and will represent the expected higher density development located in close proximity to a train station. As outlined in Section 5.2.2, the proposal will appropriately transition building heights from the lower density residential dwellings to the south of the site through building separation.</td>
<td>✓</td>
</tr>
<tr>
<td>(b)</td>
<td>The proposed increase in building height will not result in the loss of any significant views, privacy or solar access. The building includes large setbacks to the surrounding residential dwellings and will maintain 3 hours of natural sunlight to the areas of open space for the dwellings to the south of the site. Refer to Section 6.1.4.</td>
<td>✓</td>
</tr>
<tr>
<td>(c)</td>
<td>The proposal seeks to remove the heritage listing of the site at 10 William Street as it does not represent heritage characteristics. As such the proposal will not have any adverse impacts on the setting of this building. Additionally, the height of the concept scheme will not have any adverse impacts on the heritage significance or setting of the locally listed heritage item at 6-8 Factory Street. Refer to discussion in Section 4.1.3.</td>
<td>✓</td>
</tr>
<tr>
<td>(d)</td>
<td>The site is not located within any identified historic view corridors and will not block any significant views.</td>
<td>✓</td>
</tr>
<tr>
<td>(e)</td>
<td>As outlined in Section 5.2.2, the proposal is appropriately set back and transitions building heights down to the lower density dwellings to the south of the site. The site is zoned for high density residential uses and is therefore expected to accommodate a development of higher density.</td>
<td>✓</td>
</tr>
</tbody>
</table>

Consistency with FSR Objectives

The proposal’s consistency with the objectives for FSR under the Parramatta LEP is demonstrated in Table 10 below.

<table>
<thead>
<tr>
<th>Objective</th>
<th>Proposal</th>
<th>Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>The proposal seeks to increase the permitted residential density of a site in close walking proximity (130m) to a train station and will therefore promote the use of public transport. Additionally, as outlined in Section 6.1.3 and Appendix D, the proposal will not have any significant adverse traffic impacts on the surrounding road network.</td>
<td>✓</td>
</tr>
<tr>
<td>(b)</td>
<td>The proposal will transition the scale and density of development up towards the Clyde train station. The site is zoned for high density residential uses and is located in close proximity to a train station and is therefore expected to accommodate a development of a higher density.</td>
<td>✓</td>
</tr>
<tr>
<td>(c)</td>
<td>The proposal seeks to remove the heritage listing of the site at 10 William Street as it does not represent heritage characteristics. As such the proposal will not have any adverse impacts on the setting of this building. Additionally, the height of the concept scheme will not have any adverse impacts on the heritage significance or setting of the locally listed heritage item at 6-8 Factory Street. Refer to discussion in Section 4.1.3.</td>
<td>✓</td>
</tr>
<tr>
<td>(d)</td>
<td>As outlined in Section 5.2.2, the proposal does not present a building bulk or scale that will adversely impact on the character and scale of the low density dwellings to the south of the site. The building is appropriately set back from these dwellings. The site is zoned for high density residential uses and therefore is expected to accommodate a development of higher density. Notwithstanding this, the concept scheme has been designed specifically to transition building scale and maintain solar access to the dwellings to the south.</td>
<td>✓</td>
</tr>
</tbody>
</table>
6.0 Environmental, Social and Economic Impacts

6.1 Environmental Impacts

This chapter of the report draws on the work undertaken by specialist consultants and summarises the existing environment of the site. The purpose is to provide an understanding of how the existing physical conditions and features of the land have shaped and informed the rezoning proposal and how, in turn, the rezoning proposal potentially impacts on these environmental features and conditions. The management response to any issues and impacts identified in the environmental analysis is discussed.

6.1.1 Built Form

As illustrated in the concept scheme (Appendix A) and in Figure 21 below, the concept scheme is a highly articulated and provides balconies as ‘pop-out’ elements to break up the mass of the façade. Additionally, louvres and balustrades are used to establish a fine grain and high quality character for the building. The future design of the site at 2-8 William Street is yet to be resolved in detail however is likely to maintain the same fundamental building massing principles to transition heights and building bulk down towards the dwellings to the south, as shown in Appendix A.

6.1.2 Residential Amenity

The future residential development on the site is capable of achieving a high level of residential amenity through building separation and a significant northern aspect. The setbacks from the street frontages and landscaped areas including deep soil zones afford a high level of amenity to the ground floor apartments.

As illustrated in Appendix A, only the site at 10-22 William Street has been subject to detailed design and assessment against SEPP 65 and the ADG. Notwithstanding this, the concept scheme for the site at 10-22 William Street demonstrates that a high level of amenity can be achieved on the site with approximately 85% of apartments achieving solar access compliance. Additionally, 72% of apartments achieve natural cross ventilation and all apartments are provided with a balcony. As shown in the concept scheme (Appendix A), the scheme maximises apartments with a northern aspect to ensure a high level of solar access is achieved and demonstrates that the future development on the site provides a very high level of amenity.

The location of the building on the site is appropriately set back from the surrounding residential dwellings to the south and the residential flat building to the west of the site, across Clyde Street.
6.1.3 Traffic

A Traffic Impact Assessment has been prepared by Varga Traffic Planning Consultants to determine the appropriateness of the proposal from an access, traffic and parking perspective (refer to Appendix D). The results of the assessment indicate that the impacts of traffic generated by the additional density created by the proposal are considered relatively minor with respect to the existing road network, the existing traffic generated on the site and close proximity to significant public transport. Furthermore, it is considered that the proposal will not compromise the safety or function of the road network.

The proposal will need to provide a minimum of 136 parking spaces to satisfy the Parramatta DCP car parking requirements. However, Clause 30 of SEPP085 provides that a development cannot be refused if it complies with the car parking guidelines established in Part3J of the ADG. Part 3J identifies that sites within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area, 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. Based on this provision, Varga Traffic Planning recommends that a minimum of 114 car parking spaces be provided in accordance with relevant RMS guidelines. The development of the site is anticipated to generate approximately 31 peak hour vehicle trips. The Assessment identifies that this number is likely to be reduced by the existing 17 vehicle trips however a conservative approach has been applied and the reduction in existing trips to the site has not been considered.

The Assessment identifies that this traffic generation is minimal and is consistent with the high density zoning of the site. The Assessment considers that the signalised traffic intersection with William Street, Clyde Street and Memorial Drive is currently operating at a Level of Service (LoS) B. This will not change under the proposal, with an average increase in vehicle delays of less than 1 second per vehicle expected at this intersection as a result of the development in accordance with the Planning Proposal. In light of the site's close proximity to public transport, in particular Clyde Station and Granville Station, it is considered that the proposal is appropriate from a traffic, access and parking perspective.
6.1.4 Overshadowing

A detailed shadow analysis of the site and the dwellings to the south of the site is provided in the concept scheme (Appendix A). The shadow studies demonstrate that the proposal will not cause any significant adverse overshadowing impact on areas of public open space to the dwellings to the south of the site.

Part 3 of the Parramatta DCP provides that the adjoining properties are to receive a minimum of 3 hours of sunlight to habitable rooms and to at least 50% of private open space (POS) areas between 9am and 3pm on 21 June. Detailed shadow analysis and building design work has been undertaken to ensure that the dwellings to the south of the site maintain 3 hours solar access requirements. The shadow analysis provided at Appendix A has been informed by site surveys of each of the dwellings to the south to ensure an accurate representation of the shadow impacts can be assessed.

Table 11 below identifies each of the dwelling houses to the south of the site that are overshadowed by the proposal and identifies the number of hours of direct solar access to habitable rooms and the percentage of POS that receives direct sunlight. As stated above, the Parramatta DCP requires that habitable rooms and 50% of POS areas are to receive three hours of sunlight between 9am and 3pm. The compliance row of the table provides an assessment against these requirements.

<table>
<thead>
<tr>
<th>% of POS with access to sunlight</th>
<th>No.19</th>
<th>No.17</th>
<th>No.15</th>
<th>No.13</th>
<th>No.11</th>
<th>No.9</th>
<th>No.7</th>
<th>No.5</th>
<th>No.3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours of sunlight to habitable rooms</td>
<td>100%</td>
<td>98%</td>
<td>92%</td>
<td>77%</td>
<td>79%</td>
<td>84%</td>
<td>97%</td>
<td>100%</td>
<td>99%</td>
</tr>
<tr>
<td>Compliance</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
</tbody>
</table>

* Refer below

As identified in Table 11 above, the proposal maintains a suitable level of solar access to both the habitable rooms and the POS of the dwellings to the south of the site. The dwelling at 17 First Street, does not comply with the DCP control however this is due to the dwelling overshadowing its own windows and POS during 9am and 3pm. With the exception of the dwelling at 17 First Street, which does not currently achieve the solar access controls, the proposal complies with the DCP requires access to sunlight controls and maintains a significant level of amenity to these dwellings. Maintaining three hours of sunlight to these buildings is considered an optimal outcome granted their positioning directly adjacent to a high density residential zone in a dense urban area.

The areas of POS with direct access to sunlight for the dwellings to the south of the site are illustrated in Figure 22 below.

![Figure 22 Map of solar access to POS areas for dwellings to the south of the site](Image)

Source: PTP
The overshadowing impacts of the proposal are considered to achieve the optimal outcome for the redevelopment of the site and will not have any significant adverse overshadowing impacts on the dwellings to the south of the site.

6.1.5 Heritage

The Statement of Heritage Impact provided at Appendix B has assessed the proposed removal of the locally listed heritage item at 10 William Street from the heritage schedule of the Parramatta LEP. The assessment identifies that:

*The cottage has been comprehensively altered to a point whereby it no longer demonstrates the nature of a modest workers cottage, for which the item is identified as being of significance.*

Additionally, the assessment identifies that most of the original heritage fabric has been replaced with new materials such as colour bond gutters and roof, vinyl siding around the entire cottage, original doors replaced with replicas and the internal portions of the building clad with plasterboard. SoHl considers that there is sparse resemblance of the original heritage fabric and as such a conservation management plan would be of no value to the site. The original three cottages have been eroded and the cottage at 8 William Street has been demolished in accordance with Parramatta Council's consent. The building at 10 William Street does not possess heritage fabric that warrants heritage listing and as such its continued listing will undermine the heritage qualities and significance of other heritage items in the area. It is proposed to remove the heritage listing from Schedule 5 of the Parramatta LEP to enable the demolition of the building and the redevelopment of the site.

The SoHl also provides an assessment of the potential impacts of the development facilitated under this planning proposal on the heritage items surrounding the site. The assessment considers the impact on the locally listed heritage items at 6-8 Factory Street (109) the Granville Multicultural Centre and the Granville RSL Club (152) located at 5 Memorial Drive. The assessment considers that, during the winter solstice, there will be some overshadowing of the site Granville Multicultural Centre site however the heritage item will not be affected by shadow. The Assessment considers that the indicative building envelope on the site maintains appropriate architectural treatments by stepping the building form back at the upper levels. This will minimise the perceived building bulk and the legibility of the heritage item will be maintained at the street levels. The assessment considers that the overall impact of the proposal on the RSL Club will be relatively benign due to the scale of the surrounding development and the distance of the site to the heritage item.

The SoHl concludes that there is no evidence of any assets of the current building at 10 William Street that would currently meet the entry threshold for LEP listing on the basis of the NSW Heritage Assessment Criteria. Accordingly, there is insufficient significance for either building to be retained on the heritage schedule of the relevant Parramatta LEP. Additionally, the assessment considers that the future development on the site that is enabled by the planning proposal will not have any significant adverse impacts on the setting or significance of the surrounding heritage items.

6.2 Economic and Social Impacts

6.2.1 Economic Impacts

The proposed development will result in positive economic and social flow on effects for the local area. The Planning Proposal will facilitate the redevelopment of a street block to better align with its high density residential zoning and promote growth of a modest scale in close proximity to a train station. The development facilitated under this Planning Proposal will encourage the further amalgamation of properties in the site to facilitate the rejuvenation of an underutilised the street block.

The residential development of the site will contribute to employment due to the site’s location close to transport and jobs in Granville and in Greater Parramatta. The proposal will facilitate a development that delivers valuable housing in a well-serviced location and will provide flow on economic benefits for the surrounding businesses with the addition of approximately 74 new residential apartments and therefore residents.

Overall, the proposed development will support and improve the economic viability of the locality and will provide much needed residential accommodation and services in the area.
6.2.2 Social Impacts

The proposal will deliver a high quality residential development on the site that will result in a high level of amenity for the future residents of the site. The proposal will facilitate the delivery of residential dwellings in high demand and will not cause any significant adverse environmental impacts.

Housing Supply and Affordability

Sydney is anticipated to accommodate an additional 725,000 new dwellings by 2056. Housing affordability in Sydney is a significant issue with supply being a key affordability factor. The proposal will increase the supply of residential accommodation in a strategic location proximate to high capacity public transport.

The growth of the Greater Parramatta Region and the Parramatta Road Urban Transformation Strategy area will require the delivery of high quality residential dwellings to facilitate the high levels of demand and growth projections. Currently an undersupply of housing is driving property prices upwards and forcing many prospective buyers out of the market. This Planning Proposal will facilitate a supply of housing in an appropriate location which is considered to help ameliorate this undersupply and as such will result in an improved social outcome. The proposal will have a positive social impact through locating additional housing in close proximity to transport, jobs, education and recreation facilities.
7.0 Assessment of Planning Proposal against NSW Department of Planning and Infrastructure Guidelines

The following section includes an assessment against the requirements in *A guide to preparing planning proposals* published by the Department of Planning and Infrastructure in October 2012.

7.1 Parts 1 and 2

Parts 1 and 2 of the guide have been covered in Sections 3.0 and 4.0, which outlines the objectives and intended outcomes of the proposal, as well as how the intended outcomes can be achieved through amendments to the LEP.

7.2 Part 3 – Justification

7.2.1 Need for a Planning Proposal

Q1 – Is the planning proposal a result of any strategic study or report?

This Planning Proposal is not the result of any site specific study or report however has been prepared in response to the strategic significance of the site and location in very close proximity to a train station. The site is well located in close proximity to education, employment and recreation facilities, which are identified in The Greater Sydney Region Plan as catalysts for growth.

Q2 – Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This Planning Proposal is the best means of achieving the intended outcome of the development, which is to facilitate a residential development on the site with a maximum building height of 20m and FSR of 1.7:1. The current height and FSR controls do not permit the desirable redevelopment of the site whilst providing an appropriate built form or residential amenity outcome as outlined in Section 6.1.1.

7.2.2 Relationship to strategic planning framework

Q3 – Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Greater Sydney Region Plan does not specifically identify Granville as a strategic centre however it does identify the significant growth of Greater Parramatta and identifies the need to locate additional housing proximate to transport and employment. The site provides an opportunity to locate additional housing of a modest scale close to public transport, jobs, education and community services. Consistency with the strategic plans and policies is discussed further in Section 5.0.

Q4 - Is the planning proposal consistent with a council’s local strategy or other local strategic plan?

The Planning Proposal is consistent with the Cumberland Community Strategic Plan 2017-2027. The plan outlines a series of goals for Cumberland’s economy, environment, connectivity, people, culture and leadership. The proposed development will help to achieve these goals by facilitating an integrated mixed-use development in close proximity to public transport and employment.

Q5 – Is the planning proposal consistent with applicable State Environmental Planning Policies?

An assessment of the Planning Proposal against applicable State Environmental Planning Policies (SEPPs) is provided in Section 5.3.2.

Q6 – Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with the relevant directions for planning proposals issued by the Minister for Planning under Section 9.1(2) of the EP&A Act. A full assessment is included Section 5.3.1.
7.2.3 Environmental, social and economic impact

Q7 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats, given the site’s urban location.

Q8 – Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

A detailed assessment of the environmental impacts of the Planning Proposal is provided in Section 6.0. No unacceptable impacts will result from the proposal.

Q9 – Has the planning proposal adequately addressed any social and economic effects?

The social and economic impacts of the proposal are addressed in Section 6.2.

7.2.4 State and Commonwealth Interests

Q10 – Is there adequate public infrastructure for the planning proposal?

The site is located in an established urban area and has access to a range of existing services. Further investigations will be undertaken as part of the preparation of the DA material to determine whether any upgrade of existing facilities is required.

Q11 – What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

State and Commonwealth authorities will have the opportunity to provide comment on the planning proposal as part of its formal exhibition. Any future DA will be referred to the relevant authorities as required.

7.3 Part 4 – Mapping

Maps of the proposed amendments to the LEP height controls applying to the site have been provided and are located at Appendix C.

7.4 Part 5 – Community Consultation

It is noted that confirmation of the public exhibition period and requirements for the planning proposal will be given by the Minister as part of the LEP Gateway determination.

Any future DA for the site would also be exhibited in accordance with Council requirements, at which point the public and any authorities would have the opportunity to make further comment on the proposal.
8.0 Conclusions and Recommendations

This Planning Proposal seeks to amend the LEP height and FSR control for the site to facilitate a future high quality residential development. Additionally, the proposal seeks to remove the building at 10 William Street from the heritage schedule of the Parramatta LEP. In order to provide an appropriate built form and residential amenity outcome for the site, an increase in the height and FSR controls are required along with the removal of the heritage item.

The site is strategically located in close proximity to the Clyde railway station and regionally significant education, recreation and entertainment facilities as well as the Parramatta CBD. The site demonstrates satisfaction of the requirements for additional residential dwellings under the Greater Sydney Region Plan and Central City District Plan and it provides catalysts such as transport, employment, recreation and education facilities that present opportunities for additional housing supply.

This will enable the development of four separate structures in a comprehensive and consistent building form across the entire street block. The residential development will achieve a height of 20m and FSR of 1.7:1 rather than the existing LEP controls which underutilise the site and fail to recognise the public transport facilities and significant amenities of the location.

The concept scheme demonstrates that the proposed development of the site will achieve a high level of residential amenity and will minimise the impacts on adjoining residential buildings. Additionally, the proposal will not have any significant adverse environmental impacts with respect to, overshadowing, traffic, heritage or urban design.

The Planning Proposal is consistent with relevant strategic and statutory planning documents and will deliver a number of public benefits, including revitalising an underutilised site and increasing housing and employment opportunities in the Granville Town Centre. An environmental assessment of the impacts of the proposed built form facilitated by the Planning Proposal has been undertaken, and it is concluded that the planning proposal will not result in any unacceptable environmental impact.
Attachment 4

Revised planning proposal request concept scheme prepared by PTI Architects submitted to Cumberland Council on 16 October 2018
<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>00</td>
<td>COVER SHEET</td>
</tr>
<tr>
<td>01</td>
<td>LOCATION PLAN</td>
</tr>
<tr>
<td>02</td>
<td>SITE ANALYSIS</td>
</tr>
<tr>
<td>03</td>
<td>BASEMENT 2 PLAN</td>
</tr>
<tr>
<td>04</td>
<td>BASEMENT 1 PLAN</td>
</tr>
<tr>
<td>05</td>
<td>GROUND FLOOR PLAN</td>
</tr>
<tr>
<td>06</td>
<td>LEVEL 1 FLOOR PLAN</td>
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<td>07</td>
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**PLANNING PROPOSAL**

2-22 WILLIAM STREET, GRANVILLE

**REVISION: H**

[PTI Logo]

Prepared for

SID ARIDA
Extraordinary Cumberland Local Planning Panel Meeting
16 April 2019

SHADOW STUDY SUMMARY

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### GFA & FSR Calculations

**Project No.: PP43**  
**Address:** 22 William Street  
**Revision/Dated:** 05.09.2018

#### Apartments (qty)

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#### Car Parking Calculation

| Total | 55 | 14 | 46 |

#### Site Area Calculation

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**AREA SCHEDULE (m²)**

**SOLAR ACCESS SCHEDULE (qty)**

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**Extraordinary Cumberland Local Planning Panel Meeting**

16 April 2019

**ELPP022/19 – Attachment 4**

**Page 457**
DOCUMENTS ASSOCIATED WITH REPORT ELPP022/19

Attachment 5
Heritage Advice provided by Extent Heritage on behalf of Council on 4 December 2018
2-22 William Street
Granville

Heritage Advice

Prepared for Cumberland Council

December 2018
Document Control Page

CLIENT: Cumberland Council

PROJECT NAME: Heritage Advice

SITE NAME: 2-22 William Street Granville

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<td><strong>DATE</strong></td>
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<td>08 May 2018</td>
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<tr>
<td>Vidhu Gandhi</td>
<td>20 September 2018</td>
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<td>03 December 2018</td>
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03 December 2018

Cumberland Council

Attn: Ms Neelam Pradhananga
Strategic Planner
c/o. Neelam.Pradhananga@cumberland.nsw.gov.au

Dear Neelam,

Heritage Advice ref. # SC183

Extent Heritage were commissioned by Cumberland Council to provide Heritage Advice regarding the proposed development of the subject site at 2-22 William Street, Granville affecting a listed local heritage item at 10 William Street. This includes reviewing the statement of heritage impact (SoHI) by Archnex Design which accompanied the planning proposal, and the peer review of the SoHI by Heritage21, both prepared for the proponent, as requested by Council.

In order to undertake this assessment, Council provided Extent with a suite of supporting documentation relating to the project, including:

- Consultant Project Brief prepared by Cumberland Council;
- Amended Concept Scheme prepared by PTI Architecture;
- Planning Proposal prepared by JBA Urban Planning Consultants Pty Ltd;
- Statement of Heritage Impact prepared Archnex Designs;
- Peer review: Statement of Heritage Impact prepared by Heritage21;
- Preliminary Heritage Advice by Paramatta Council’s Heritage Officer, along with heritage advice from Form Architects;
- Cumberland Independent Hearing and Assessment Panel (Cumberland IHAP) report;
- Cumberland IHAP minutes of meeting;
- Inventory Sheet for 10 William Street, Granville.

We have reviewed the above suite of documents in order to assist in our heritage assessment of the subject site, and of the SoHI and the SoHI peer review.

Project Background

The planning proposal which was lodged with Cumberland Council on 15 December 2015, sought to increase the building height and floor space ratio (FSR) to enable a new residential flat development at 2-22 William Street. To accommodate the proposal, approval was sought for the removal of the local listed heritage item at 10 William Street from the Parramatta Local Environmental Plan (LEP) 2011, and its subsequent demolition.
This matter was considered by the Cumberland Independent Hearing and Assessment Panel (Cumberland IHAP) in September 2017. The Cumberland IHAP recommended that an independent heritage opinion on the proposed demolition of the heritage item be obtained prior to the proposal proceeding further.

A Statement of Heritage Impact was originally submitted as part of the proposal, and a peer review of the SoHI was undertaken by Heritage21 in April 2017. Both assessments recommended that the removal from the local heritage schedule and ultimate demolition of the heritage item at 10 William Street was an acceptable outcome.

Project Brief

Provide specialist heritage advice on the heritage significance and value of the heritage item at 10 William Street, Granville. The advice will involve the following tasks, as set out by the Request for Proposal.

- Undertake a review of the proponent’s SoHI and peer review.
- Assess the heritage value of the item.
- Provide a revised determination on the viability (with regards to heritage impact) of removing and demolishing the building at 10 William Street.
- Identify potential costs and opportunities for future re-development of the site including retention of the heritage item.
- Recommend the preferred option for the heritage item outcome i.e. validity of the appropriateness of demolition versus retaining/restoring and integrating the item into a revised concept.

The intent of the advice is fundamentally for the above to be easily understood and readily incorporated into the planning proposal assessment or as grounds supporting a refusal or request to amend the planning proposal by Council.

This advice was prepared by Vidhu Gandhi and Kylie Christian of Extent Heritage.

Subject Property

The subject site comprises of a consortium of land owners of seven properties and 15 parcels of land from 2-22 William Street. The subject site includes 10 William Street legally defined as Lot 27, DP 2371. The building is listed as a heritage item in the Parramatta Local Environmental Plan (LEP) 2011, Item #1205, part of the William Street Cottages Group. The owner of the parcels of 10-22 William Street is Sid Arida who is also the applicant of the planning proposal in question.
Summary of Historical Context

As extracted from the City of Parramatta Heritage Study Inventory Form number 621 for William Street Cottages Group:

*Land auctioned for Hudson Brothers as "Clyde" in December 1884. An earlier building had been erected on lot 29 by 1914. Between 1914 and 1929, this building was removed and all three cottages built. Lots 27 & 28 held by John Fergus until his death in 1919. Lot 29 devised to Roseanna Young, wife of D'arcy Young, Leichhardt, tram driver in 1915. She took out two mortgages over the land in April 1916 which probably financed the erection of the cottage (No. 6 - not included in listing) The other two cottages appear to have been built for Fergus at the same time. National Trust (Parramatta Branch).*

Statement of Significance

As extracted from the NSW Office of Environment & Heritage (NSW OEH) listing for William Street Cottages Group, which notes that the group included three single fronted, single storey cottages, of which now only 10 William Street survives:

*The cottage at 10 William Street is of significance for the local area for historical and reasons of representativeness, as an example of modest workers cottages in the area built c. 1900.*
Figure 2. Heritage items in the vicinity of 10 William Street

<table>
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<tr>
<th>Item Name</th>
<th>Item Number</th>
<th>Address</th>
<th>Lot and DP</th>
<th>Significance</th>
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<td>I109</td>
<td>6–8 Factory Street</td>
<td>Lot 1, DP 844490</td>
<td>Local</td>
</tr>
<tr>
<td>Granville Swimming Pool</td>
<td>I150</td>
<td>1 Memorial Drive</td>
<td>Lot 1, DP 430693; Lot 1, DP 510570; Lots 21–34, DP 17572; Lot 9, DP 262830</td>
<td>Local</td>
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<tr>
<td>Granville War Memorial</td>
<td>I151</td>
<td>1 Memorial Drive</td>
<td>Lot 1, DP 430693</td>
<td>Local</td>
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<tr>
<td>Granville RSL Club</td>
<td>I152</td>
<td>5 Memorial Drive</td>
<td>Lot 100, DP 813998</td>
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While items of significance in the vicinity of the subject site include a shop, a swimming pool, a war memorial and a RSL club, there are heritage items along William Street which better represent the kind of early housing in the area than the existing cottage on the subject site. These include the group of cottages at 115, 117 and 119 William Street located at 800-850m from the subject site, and another group from 170-178 William Street located at a distance of 1.4km.
Assessment of heritage significance 10 William Street

The cottage at 10 William Street as discussed in the previous heritage assessments has been altered considerably in terms of its interior, as well as its exterior. While the cottage is listed as a weatherboard cottage, vinyl sidings have replaced the weatherboard, and changes to original fabric including to the hipped roof, front fence, verandah posts, and removal of the original chimney have attributed to a reduction in the significance of the cottage itself.

The setting of the cottage as a group of three cottages including 6, 8 and 10 William Street has been compromised with the demolition of the original cottages at 6 and 8 William Street and replacement with new dwellings on both sites. Comparing the images of the group from 1992 and 2018 (Figure 3) highlights that the changes are evidenced not only in terms of materials and building elements, but also in terms of the scale of the group and its character as representative of early housing in the area. The overall contribution of 10 William Street as part of a group that contributes to the streetscape has been compromised.

![Figure 3. Comparing 1992 (left) and 2018 images of the group of cottages (right)](image)

Planning Proposal 2-22 William Street, Granville

The original Planning Proposal Request for the site submitted in 2015 included seven stories to the proposed residential flat building. The proposal was amended and resubmitted in 2016. The amended Planning Proposal Request seeks approval for proposed amendments to the Parramatta LEP to provide additional height and density for the subject site at 2-22 William Street. The amended development concept for the site involves a five-storey residential flat building, which is indicated as comprising of 2 different blocks on 2-8 and 10-22 William Street. The indicative concept plans prepared by PTI Architecture show the layout for 10-22 William Street, with an indicative block built form for 2-8 William Street.

The development for 10-22 William Street includes:

- Amalgamating ten parcels of land including 10 William Street.
- The proposed construction of a five-storeyed development, which will accommodate 46 units, and two-levels of basements.
• The overall height of the building exceeds the existing LEP control of 14m for the area, but it has been set back at subsequent levels such that its overall bulk and massing is reduced.
• The proposed FSR of 1.7:1 exceeds the existing LEP control of 1:1 in LEP, and the argument for this is that it provides housing in the area.
• The construction will involve demolition of all existing buildings and structures on the amalgamated site, including the heritage listed cottage at 10 William Street.

Assessment of the previous reports

The Planning Proposal Request seeks to delist and subsequently demolish the heritage listed cottage at 10 William Street, on the basis that the significance of the cottage has been reduced, given its altered state. It has been presented in the SoHI by Archnex Design, and in the peer review of the SoHI by Heritage21, that the cottage has been altered considerably internally and externally and therefore its delisting and demolition is supported.

Justifying the demolition of the cottage at 10 William Street on the basis of lack of original fabric and a reduced level of significance has been found to be lacking by the former City of Parramatta Council’s heritage officer and Cumberland Council’s heritage advisor. The Cumberland IHAP recommended a peer review. The Council Officer and Council heritage advisors’ central argument to retain the cottage is that it presents an opportunity for interpreting the social, cultural and demographic context of the suburb of Granville. Cumberland IHAP has noted that, “An assessment of the site’s constraints and opportunities including strengths, weaknesses, opportunities and threats with regards to interpretation should be made”.

We concur with the findings of Archnex Design and Heritage21 in terms of the reduced significance of the cottage, but also agree with Council’s recommendations that further examination of the constraints and opportunities pertaining to the site need to be undertaken prior to any decision being made about the demolition of the building.
Figure 4. Indicative site plan for proposed works
Figure 5. Indicative ground floor plan for development of 10-22 William Street, Granville
Figure 6. Indicative level 1 plan for development of 10-22 William Street, Granville
Figure 7. Indicative level 2,3 plan for development of 10-22 William Street, Granville
Figure 8. Indicative level 4 plan for development of 10-22 William Street, Granville
Figure 9. Indicative north elevation development of 10-22 William Street, Granville
Figure 10. Indicative section of development at 10-22 William Street, Granville
Figure 11. Indicative section of development at 10-22 William Street, Granville
Analysis

In accordance with the Parramatta LEP 2011, the subject site is zoned as R4 High Density Residential, which allows for residential flat buildings. The permissible maximum building height is 14m and the Floor Space Ratio (FSR) is 1:1. The site is located 300m to the east of the Granville Conservation Area – Residential Precinct, which forms part of the larger context of the site. There are four heritage items in the vicinity of the site – one at 6–8 Factory Street, two at 1 Memorial Drive and one item at 5 Memorial Drive.

While the cottage at 10 William Street had demonstrated heritage significance as a group of three cottages which represented early housing in the area, the loss of historic fabric to 8 and 8 William Street and to the streetscape integrity as a cohesive group has resulted in reduced significance of the individual property at 10 William Street. Furthermore, there are more intact examples of such groups of cottages along William Street, to the west of the subject site. One of these groups is 115-119 William Street – a group of three timber cottages listed in the Parramatta LEP 2011 as local heritage, which are considered “as a representative example of early houses that makes a notable contribution to townscape due to similarities in age, design and materials”. The other group includes five cottages at 170, 172, 174, 176 and 178 William Street, which are all individually listed as heritage items in the LEP and are weatherboard cottages, which collectively known also as the William Street Group, are recognised as being significant. In fact, the listing for each of the five cottages notes that “its ability to interpret history is enhanced by the adjacent four houses of same date, style and original detail”. It should be noted that in both the case of 115-119 and 170-178 William Street, significance as a group is based on similarities in age, architectural styles, building details and materials. This is missing in the case of 10 William Street due to the lack of historic fabric, which is also evidenced in the following excerpt from the Council officer’s report to the Cumberland IHAP:

Reference is made to the architectural features of the dwelling, which appear to be more a description of its current form rather than a pure justification for its listing. The description seems to place more emphasis on the dwelling’s historical significance, being an example of a cottage from that era (1900s), especially as it was originally part of a group of three (3) cottages, however does not specify information about the architectural elements.

There is also inconsistency in the history of the heritage listing for 10 William Street as the cottage is assessed as being representative “as an example of modest workers cottages in the area built c.1900”, but the historical notes in the listing state that, “An earlier building had been erected on lot 29 by 1914. Between 1914 and 1929, this building was removed and all three cottages built”. This implies that the date of construction of the cottage at 10 William Street would be between 1914 and 1929 and not c.1900.
Furthermore, the cottage at 10 William Street is an ordinary example of a weatherboard cottage and its retention would require conservation works to be undertaken to restore original elements to the building including the weatherboard cladding to the entire building, the hipped roof, front fence, verandah posts and chimney. While the conservation works would be beneficial in restoring the aesthetic value of the cottage, its representativeness as a worker's cottage would be at best tokenistic, as other groups of cottages as in the case of 115-119 and 170-178 William Street present better conserved examples of such cottages in the area.

Another limitation of the site at 10 William Street is that it is a narrow lot of only 6m width, and retaining the cottage and its lot would entail a compromised curtilage, which would fail to indicate the full extent of the group of three cottages and would therefore be insubstantial in terms of interpretation of the heritage significance of the site.

In light of the assessment of the heritage significance and condition of 10 William Street, and the constraints and opportunities of the site, it was found that given the reduced heritage
significance of the site, engagement of a structural engineer and quantity surveyor by Extent Heritage to assess the structural integrity of the building was considered unnecessary.

Assessment Summary

The proposed redevelopment of the subject site involves delisting and the subsequent demolition of the heritage listed cottage at 10 William Street, on the basis that the cottage has reduced significance. Concerns raised by both Cumberland and the City of Parramatta Councils, and the Cumberland IHAP relating to the demolition of the cottage centre on the argument that it is the remaining one of a group of three such cottages which formed the original listing, and therefore is important as an interpretive item to better understand the cultural, social and demographic context of the larger suburb.

While the cottage is the only remaining item of the group of three, it is an ordinary example of a weatherboard cottage. Retention and conservation works including adaptive reuse or restoration would increase its aesthetic value as an item, but would not significantly add to its contribution to the wider streetscape, where as an example of historic values, it is quite isolated.

Two other groups of weatherboard cottages at 115-119 and 170-178 William Street are in intact condition, and each group is cohesive in its contribution to the streetscape, providing better examples of interpretation of the residential context of the area. Therefore, the retention of the cottage at 10 William Street, which is the only remaining house of the original group of three cottages, does not represent an intact group of cottages as in the case of the other two groups, nor provide enough evidence for interpretation of the former group.

The Planning Proposal Request includes an indicative concept for a five-storey residential flat building on the site with an estimated 46 units and a proposed overall height of 16.2 m and an FSR of 1.7:1. As the indicative development will be 5 storeys high, it will be visible from the Granville RSL Club at 5 Memorial Drive which lies to the north of the site, and the former shop at 6-8 Factory Street which lies to its south.

However, the reduction in the overall building mass and envelope on floors 2, 3 and 4 as indicated in the proposal will mitigate the visual impact on these items considerably. The Granville Swimming Pool and theGranville War Memorial, both located at 1 Memorial Drive, are not visible from William Street, so the impact on these items will be negligible. While the planning proposal will alter the existing character of the eastern end of William Street, it is in keeping with the emerging character of the area.
Recommendations

It is advised that in terms of heritage conservation, it is recommended that the proposed demolition of 10 William Street can occur subject to the following conditions:

- Cumberland Council should consider delisting 10 William Street, and this change should be reflected in Council documents namely Schedule 5 of the Parramatta LEP 2011. The NSW OEH should also be alerted to the delisting.

- An archival recording of the cottage at 10 William Street be undertaken prior to any demolition approved and allowed as per the NSW OEH Guideline ‘How to prepare archival records of heritage items’.

- An interpretation strategy be prepared by a heritage consultant for the group of three cottages at 6, 8 and 10 William Street, which reflects the historical, social and cultural significance of the group, and this strategy be integrated into any proposed development. The strategy should also refer to the other weatherboard cottage groups along William Street. The interpretation strategy should be prepared in accordance with The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013, and the NSW OEH documents namely Interpreting Heritage Places and Items Guidelines 2005, and the Heritage Interpretation Policy 2005. The interpretation strategy should be prepared and submitted at the same time as the Development Application for proposed development on the subject site of 2-22 William Street is submitted to Cumberland Council.

- All demolition works undertaken should consider salvage of any original elements of the building. The list of items and materials to be salvaged should be developed by a heritage consultant. Any material which is identified for salvaging should be photographed, tagged and catalogued by a heritage consultant and stored until reused in a secure, weather-proof location. The location of the storage should be ascertained by the proponent in consultation with Cumberland Council. It is also recommended that the interpretation strategy integrate the reuse of any salvage material.

In terms of the Planning Proposal Request, the following recommendations can help enable heritage sensitive design interventions for the future development of the site at 2-22 William Street:

- The Design Context: Guidelines for Infill Development in the Historic Environment prepared by the Royal Australian Institute of Architects NSW Chapter and NSW OEH be referred to for future development of the site.
• These guidelines outline the need for new, mostly infill development, to address and respond to heritage concerns whether in terms of an existing building or designing within a heritage context.

• Design for the subject site should consider the Design Criteria set out in the Guidelines pertaining to character of the area, and to the predominant scale, form, siting, materials, colours and detailing of built fabric in and around the site.

We hope this assessment suffices in terms of providing specialist heritage advice on the heritage significance and value of the heritage item at 10 William Street, Granville, as requested by Cumberland Council, and assists Council in reaching a decision about the proposed development.

Yours sincerely,

[Signature]

Dr MacLaren North

Managing Director | Extent Heritage
Attachment 6
FSR study prepared by Design Inc on behalf of Council on 27 February 2019
DesignInc

2-22 William Street, Granville

Urban Design Study
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1.0 Study Background
A planning proposal request for 2-22 William Street, Granville, the Site, was lodged with Parramatta Council on 15 December 2015. The proposal sought to increase the building height and floor space ratio (FSR) to enable a new residential flat development at 10-22 William Street. The proposal included a 2.3:1 FSR with 23 metre (7 storeys) building height. The proposal included the removal of Heritage Item No. 205 (10 William Street from Schedule 6 of the Parramatta LEP 2011. Following Council amalgamations, assessment and approval of the planning proposal request became the responsibility of Cumberland Council.

A revised planning proposal concept scheme was submitted to Cumberland Council in September 2016. This was subsequently updated and submitted on the 16th October 2018 after Planning Panel comments. The proposal reduced the building height and FSR of the original planning proposal to address overshadowing of adjoining properties to the south of the Site. The revised scheme sought to increase the height of building control to 20 metres (6 storeys) and an FSR of 1.7:1. The amended proposal also proposed the demolition of the heritage item located at 10 William Street.

1.1 Study Objective and Methodology
DesignInc has been engaged by Cumberland Council to provide an urban design study for a proposed development site at 2-22 William Street. The study will develop a preferred urban design built form outcome that is contextually appropriate and delivers good amenity outcomes for residents of the building itself and its neighbours. The study will recommend appropriate LEP and DCP controls to enable this outcome. The built form outcome will comply with Apartment Design Guide (ADG) and State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development (SEPP 65).

The study comprises context analysis, development of an urban design framework and testing of an FSR of 1.7:1 and HOB of 16 metres development scenario. Note the urban design study development scenario assumes testing that the heritage item at 10 William Street is demolished. Refer to heritage discussion in this report.

1.2 Site Location and Description
Refer Figure 1: Site Location
The Site is located at 2-22 William Street, Granville and comprises an entire street block bound by William Street, Clyde Street, Factory Street with a rear access lane (First Lane). The Site has an area of approximately 3,700m2 and comprises 15 allotments. The street block dimensions are approximately 104 metres wide by 36 metres in depth. The Site is located approximately 150 metres from Clyde Train Station and about 600-800 metres from Granville Station and Granville Shopping Area located along Mary Street and South Street.
2.0 Context Analysis

2.1 Ownership Patterns

Refer Figure 2: Overall Site Plan

The current ownership comprise multiple private lots with a consolidated ownership of lots 10-22 William Street. For the purpose of this Study, Site 1 comprises 10-22 William Street and Site 2 comprises 2-8 William Street.

Figure 2: Overall Site Plan

2.2 Heritage

No. 10 William Street is a listed heritage item. Cumberland Council has obtained independent heritage advice, which states that the retention of the heritage item at 10 William Street is not necessary to demonstrate the historic built character of the area. As such it is assumed for the purposes of this study that the heritage item is not retained.

There are several other heritage items in the vicinity of the Site including Granville RSL, Granville Swimming Centre and Granville Memorial Park and to the rear on the corner of First Street and Factory Street, the Granville Multicultural Centre.
2.3 Existing Built Form

Existing built form on the Site comprises low scale detached residential dwellings, a two storey strata titled residential flat building and a commercial building used for warehousing at the western end of the block. All buildings front William Street and have vehicle access off the rear lane.

Surrounding the Site, there is a diverse mix of built form and land use character. Larger footprint 1-2 storey commercial, industrial and entertainment and community uses are located to the north and east. Granville RSL, Granville Swimming Centre and Granville Memorial Park are to the north of William Street. Granville Industrial Area is located to the east along Duck River. To the south and west, there is a mix of lower scale 1-2 storey residential detached dwellings and 2-4 storey residential apartment buildings. A new apartment building at No.39-43 William Street is 6 storeys in height.
2.4 Topography, Views and Vistas

The topography is gently sloping varying by 2 metres over the 104.5 metre width block. Views are confined to local features surrounding the Site such as Clyde Railway Station, Granville Industrial Area and Granville Diggers. Longer distance views are to Granville Town Centre.
2-22 William Street, Granville - Urban Design Study

3.0 Current Planning Controls

The Site is zoned R4 (High Density Residential) and has a maximum building height control of 14 metres and a maximum FSR of 1.1. The residential to the south is zoned R2 Low Density Residential with an FSR control of 0.5:1 and a 9m height limit.

The FSR zoning and height changes to the west of the Site, on William Street closer to the Granville Shopping Area, to 1.7:1 FSR and 20 metres maximum building height control. The land use zoning is still R4. A new apartment building has been built at No.39-43 William Street and is 6 storeys in height.

3.1 Parramatta DCP Controls

Relevant Parramatta DCP controls to this site development include:

3.1.2 Height Transition

- Where there is a common boundary between areas where a different height limit is specified, the top storey on the land with the higher height limit is to be stepped back to fit within a plane projected at a 45 degree angle from the floor below the topmost floor.

3.3.2 Private and Communal Open Space

- C.7 A minimum of 10 square metres per dwelling with minimum dimensions of 2.5 metres.
- C.8 A minimum of 10 square metres per dwelling with minimum dimensions of 2.5 metres.
- Table 3.1.3.7 Provide a deep soil zone of a minimum 30% of the Site, of which at least 50% is to be located at rear of site, with minimum dimensions of 4m x 4m.
- Table 3.1.3.7 Provide a landscaped area of minimum 40% of the Site (including deep soil zone).

3.3.7 Setbacks

- Provide a front setback on the primary frontage of William Street of minimum 5 – 9 metres.
- Provide a secondary street frontage of minimum 3 – 5 metres.
- Provide a rear setback on the lane of a minimum 15% of length of site.
- C.4.1.6 C1 For developments in the R4 High Density Housing Zone, south of the railway line, setbacks apply to the first 4 storeys of development. Remaining storeys are to be set back an additional 3 metres. Balconies may encroach the upper level setback (levels 5 and 6 only) for a maximum depth of 1 metre.

3.3.3 Visual and Acoustic Privacy

- C.10 The minimum separation between habitable rooms/balconies is 12m.
- C.11 For flat dwellings facing rear lanes, the minimum separation between habitable rooms/balconies is 6m.
- C.12 The minimum separation between habitable rooms/balconies is up to 12m and including the third storey and 18m above the third storey.

3.3.5 Solar Access and Cross Ventilation

- C.8 The minimum floor to ceiling height is 2.7m.
- C.9 80% of dwellings are to be naturally cross ventilated. (Note the ADG requirement is less than this and supersede this requirement).
- C.10 Single aspect dwellings are limited in depth to 8m from a window.
- C.11 The maximum building depth is 18m, subject to showing that the building can provide acceptable amenity outcomes.
- P.2 Adjoining properties are to receive a minimum of 3 hours sunlight in the primary living area, and in at least 50% of the private open space between 8am and 2pm on 21 June. Where existing development currently receives less sunlight than this requirement, this should not be unreasonably reduced.

3.4.4 Safety and Security

- C.1 Buildings should contain multiple stair/ lift cores which limit the number of dwellings with access from the circulation core.
- C.2 Individual dwellings should be designed to overlook communal areas such as play areas, and gardens.
- C.4 Frontages of development should face other frontages rather than their backs or sides.
- C.5 Where developments have a car park or laneway for access to a car park, building layouts should provide some windows, lighting or secondary access doors that address the car park.
- C.6 Access from car parks to dwellings should be direct and safe for residents day and night.

3.6.2 Parking and Vehicular Access

- C.21 Car parking spaces are to be located in a basement.
3.2 Apartment Design Guide Controls

Relevant ADG controls to this site include:

- **3.D.1** Communal open space to be 25% of the Site area with 50% of the principal usable open space to receive a minimum of 2 hours of direct sunlight in midwinter (9am – 3 pm).

4A Solar and daylight access

- **4A.1.1** 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 in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.

- **4A.1.3** A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.

4B Natural Ventilation

- **4B.3.1** At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.

- **4B.3.2** Overall depth of a cross-over or cross-through apartment does not exceed 15m, measured glass line to glass line.
4.0 Analysis of Compliance Issues with Current Planning Proposal

Refer Figure 4: Site 1 Typical Floor Plan Compliance Comments - Level 3 (Fourth Storey) shown.

The diagram below illustrates compliance issues with the built form provided for Site 1 in the current planning proposal. These include:

- Overall height including lift overrun is 20m.
- 45 degree upper level setback not met.
- Inadequate deep soil zone for tree planting as carpark extends under communal open space.
- Rear setback is non-compliant with DCP.
- Some apartments do not meet cross flow ventilation requirements.
- Does not meet ADG separation requirements on eastern boundary.
- Room dimensions do not meet ADG requirements.
- Building does not step with topography.

Note: Details have not been provided for Site 2 by the proponent. As the Planning Proposal is for both sites, testing of an FSR of 1.7:1 and height of building of 16 metres has been done for Site 2 as well in this Report.
5.0 Urban Design Framework

Refer Figure 5: Site Masterplan

The redevelopment of the William Street Site will provide an appropriately scaled vibrant, liveable new residential development with a high quality public and private domain. High quality built form, articulated facades and tree planting will improve the amenity, appearance and streetscape character. Development will address all street frontages and provide space between buildings to open up north-south views, enable visual permeability, provide privacy between habitable spaces and solar access to the communal open spaces at ground level.

Design Principles

Refer Figure 5: Site Masterplan

Setting and Topography

- Enable north-south visual permeability by providing mid-block views through to William Street.
- Provide better east-west and north-south pedestrian permeability, providing connections to Clyde Station and Granville Town Centre.
- Provide a high quality public domain, including good pedestrian amenity, by providing street trees and pavement treatments.
- Extend street tree planting on William, Clyde and Factory Street, to match the existing, where practical.
- Step building form to follow the Site topography.

Private and Communal Open Space

- Three hours of solar access is maintained to the dwellings to the south of the Site.
- Provide a greater building setback to Clyde Street to provide better solar access and enable a ground floor communal open space in preference to locating on the roof.
- Provide private gardens for ground floor units adjacent the building.

Built Form

- Design buildings to align to the street at ground level, have adequate building separation within the requirements of SEPP 65 and retaining landscaped setbacks at ground level.
- Ensure new development provides an active street address for residential, locating and designing entries to be clear, inviting and safe. Provide building access from William, Clyde and Factory Street.
- Ensure the built form façade addresses the street with openings (windows and street entries) and lighting to the public domain, providing opportunity for passive surveillance, and for a direct relationship between building entries and the street.
- Provide a flexible 3.3 metre floor to floor height for the ground floor apartments.
- Provide apartment buildings that maximise northern and eastern aspect as far as possible.
- Encourage a high quality of design for buildings, appropriate to their high visibility and the desired future character of the area as a model for best practice, sustainable urban design.
- Encourage modulation and articulation of the horizontal and vertical proportions of facades including change in materials.
- Provide a rear building setback to the laneway to transition the scale and mass of the higher-density buildings to the lower density dwellings to the south.
- Design rear of buildings adjacent the laneway to address and overlook the lane to improve safety and security.
- Provide underground car parking and parking / service access from William Street for Site 1 and Factory Street for Site 2. This will maximise the areas with the best solar amenity. It will also ensure that the communal open spaces are continuous and cohesive without driveways bisecting these spaces.
6.0 Masterplan Options

6.1 Site 1
Refer Figures 6 - 17.
The following diagrams compare the current planning proposal (which is not compliant with the height control) against the preferred site development scenario.

Figure 6: Site 1 Planning Proposal Envelope 3D massing - elevated view from Granville Diggers

Figure 7: Site 1 Planning Proposal Ground Floor Building Footprint - Setbacks
Figure 8: Site 1 ADG & DCP Compliant Envelope 3D massing - elevated view from Granville Diggers

Figure 9: Site 1 ADG & DCP Compliant Ground Floor Building Footprint - Setbacks

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Figure 10: Site 1 Planning Proposal Envelope

1073QM DEEP SOIL
107/2173*100=4.9%

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FSR 1.74:1

* Does not meet DCPIADG requirement
Figure 11: Site 1 ADG & DCP Compliant Envelope

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* Meets DCP/ADG requirement
2-22 William Street, Granville - Urban Design Study

Figure 12: Site 1 William Street Elevation: Planning Proposal

Figure 13: Site 1 William Street Elevation: Option: ADG + DCP Compliant
Overshadowing on neighbouring properties

Refer Figure 16 and Figure 17.

Figure 16 shows that properties at No.6, 8, 11, 13 and 15 First Street have existing rear buildings that already significantly overshadow their own rear open spaces. Looking at the existing shadow diagrams for the 21 June, for No.6, 8, 11, 13 and 15 it is arguable whether they currently achieve the DCP requirement.
Figure 17 shows that the Planning Proposal will further decrease sunlight access for Nos 11 and 13 due to the lift overrun and because no upper level floor setback has been provided.

Figure 17 also shows that the compliant ADG and DCP option in this report would ensure that there is no additional overshadowing impact to Nos 11 and 13 after 1pm which is an improvement to the Planning Proposal. This is primarily as there is a greater building setback to the upper floor and no lift overrun.

---

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6.2 Site 2

Refer Figures 18 to 23.

Site 2 has a different layout to Site 1. The major communal open space that obtains the best solar access for the 2 hour ADG requirement is located adjacent to the side boundary of Site 1. Driveway access is located off Factory Street.
Extraordinary Cumberland Local Planning Panel Meeting
16 April 2019

2-22 William Street, Granville - Urban Design Study

GFA CALCULATION

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FSR 1.71:1

470 SQM DEEP SOIL

470 SQM DEEP SOIL FULLY EXPLODED OUT

PLAN PART 3.1 TABLE 3.3.3.7

DEEP SOIL, 30% OF SITE AREA OF WHICH 60% TO BE LOCATED TO REAR DEEP SOIL MINIMUM 500MM DEEP AND 1.5M WALL

DEEP SOIL DEFINED PER PLAN 3.3.3 PLAN 3.3.3.7 & ADJACENT PLANS 3.3.1 3.3.5.1 3.3.6.1 3.3.7.1

AGD 35-1.2% OF SITE AREA OR DEEP SOIL ZONE WITH A MINIMUM CONTINUITY OF 6 METRES

Deep Soil Zone 470m² 30.5% *
Communal Open Space 541m² 35% *

* Meets DCP/ADG requirement

Figure 20: Site 2 ADG & DCP Compliant Envelope

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2-22 William Street, Granville - Urban Design Study

Figure 21: Site 2 William Street Elevation: Option: ADG + DCP Compliant

Figure 22: Site 2 Section North South - Option: ADG & DCP Compliant
Figure 23: Site 2 Shadow Analysis at mid winter
7.0 LEP and DCP Recommendations

Height
In order to enable a 3.3m flexible ground floor height it is recommended that the overall height control for the block be set at 16.2 metres.

FSR
The preferred site envelope options developed for this study enabled an FSR of 1.72:1 for Site 1 and an FSR of 1.71:1 for Site 2. It is recommended that 1.7:1 FSR be adopted for the Planning Proposal.

Communal Open Space
It is noted that you cannot have the communal open space on the roof and meet the 16.2m height limit due to the lift needing to extend up 3 metres to provide roof access. It is recommended that the communal open space be provided at ground level as both Sites have sufficient width and area to achieve this. This will also be more sympathetic with the existing residential context that has rear yards.

Overshadowing on neighbouring properties
Properties at Nos 5, 9, 11, 13 and 15 First Street have existing rear buildings that already significantly overshadow their own rear open spaces and it is arguable whether they currently achieve the DCP requirement.

The Planning Proposal will further decrease sunlight access for Nos 11 and 13 First Street due to the lift overrun and because no upper level floor setback has been provided.

The compliant ADG and DCP option in this report would ensure that there is no additional overshadowing impact to Nos 11 and 13 First Street after 1pm which is an improvement to the Planning Proposal.

Variations to the DCP
The proposed building envelope for the masterplan maximises solar access to the communal open space and ensures that the open space is provided at ground level in preference to a roof communal open space. The building depth has been allowed to be maximised to 22 metres in depth as an indicative floor plan layout has shown that acceptable amenity can still be achieved.
Attachment 7
Heritage Impact Statement prepared by Archnex Designs
Statement of Heritage Impact

2-22 William Street Granville

for

Project Tourism International Pty Ltd

Prepared by:

Archmor Designs

10 William Street Granville

December 2015
2-22 William Street Granville
(Planning Proposal)

Statement of Heritage Impact
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Statement:

A. Purpose of Statement Page 1.
B. Grounds of Statement Page 1.
C. Limits of Statement Page 1.
D. Location Page 1.
E. Context Page 2.
G. Heritage Impacts Page 8.
H. Conclusion Page 15.

Appendix: Documents

(i) Inventory Sheet: William Street Cottages Group
(ii) Inventory Sheet: Meredith Walker Study 1993
(iii) Inventory Sheet: 6-8 Factory St Granville ["Shop (Former)]
(iv) Inventory Sheet: Granville RSL Club
(v) Primary Application 7198
(vi) DP 2371
(vii) CT 1072-164
(viii) CT 1082-79
(ix) CT 6757-99
(x) CTRH FI 27/2/2371
STATEMENT OF HERITAGE IMPACT [SoHI]:

Date: 4 December 2015

Premises: 2-22 William Street Granville

Property Description: FI 18-34/2/2371

Prepared By: Greg Patch
B Sc Arch, B ARCH (Hons), M Heritage Cons (Hons), AIA
14 Winchcombe Ave,
Haberfield NSW 2045

For: Project Tourism International Pty Ltd (PTI)

A. PURPOSE OF STATEMENT

This statement has been prepared to assess potential heritage impacts of a planning proposal for a new residential flat development on the land.

B. GROUNDS OF STATEMENT

10 William Street Granville is listed as part of a heritage item. This has been established through a search Schedule 5 of Parramatta LEP 2011. There are also items within the vicinity at 6-8 Factory St, and the Granville RSL Club on Memorial Drive.

C. LIMITS OF STATEMENT

This statement is based on SHI data sheets 2240621, 2240176, 2245078, the material at Part E1 and an inspection of the site on 3 occasions in May, June and December 2015.

D. LOCATION

![Location of 10 William Street Granville (Source: SIX Maps © NSW Lands 2015).]
E. CONTEXT

E1. DOCUMENTARY

10 William St Granville Inventory Sheet 2240621

The item is described as:

Originally a group of three single-fronted single storey cottages, now only No. 10 survives. No. 10 is a weatherboard cottage with hipped roof clad with corrugated iron and bullnosed front verandah. The verandah is supported on turned timber posts, and has concrete floor and corrugated iron roof. Weatherboards are partly replaced with vinyl cladding. Timber picket fence and gate. Front door is modern.

Its significance is stated as:

The cottage at 10 William Street is of significance for the local area for historical and reasons of representativeness, as an example of modest workers cottages in the area built c. 1900.

The historical notes are:

Land auctioned for Hudson Brothers as “Clyde” in December 1884. An earlier building had been erected on lot 29 by 1914. Between 1914 and 1929, the building was removed and all three cottages built. Lots 27 & 28 held by John Fergus until his death in 1919. Lot 29 deeded to Rosanna Young, wife of D’arcy [sic] Young, Leachhardt, train driver in 1915. She took out two mortgages over the land in April 1916 which probably financed the erection of the cottage (No. 6 – not included in listing) The other two cottages appear to have been built for Fergus at the same time. National Trust ( Parramatta Branch); Land auctioned as “Clyde” in December 1884. An earlier building had been erected on lot 29 by 1914. Between 1914 and 1929, this building was removed and all [sic] three cottages built. Lots 27 and 28 held by John Fergus until his death in 1919. Lot 29 deeded to Rosanna Young, wife of D’arcy [sic] Young, Leachhardt train driver in 1915. She took out two mortgages over the land in April 1916 which probably financed the erection of the cottage (No 6 not included in listing.) The other two cottages appear to have been built by Fergus at the same time.

Land Titles

The land is part of a 250 acre grant to William Lawson and William Charles Wentworth of 29th January 1840.

It was converted to Real Property by Henry Hudson, Robert Hudson and William Hudson under Primary Application No. 7198, dated 14th December 1887. It was subsequently subdivided under Deposited Plan 2371, dated 6th Sept 1889.

The land of which the subject property forms part was transmitted to The Perpetual Trustee Company in October 1892 (Certificate of Title Volume 1072 Folio 164 [CT 1072-164]), and Lots 27 and 28, Section 2 sold to John Fergus of Clyde, storekeeper, in January 1893. CT 1089-72 was issued to Fergus in January 1893 and he held the land until it was transmitted to his widow, Margaret Fergus, in September 1919. It was transmitted to Mary Josephine Anschau in November 1942, and then transmitted to Constance Helen Denning and Margaret Caroline Fergus in October 1948. It was sold to Ernest William Saunders of 2-22 William St Granville - SHI
Tumamurr, freeholder, in April 1950 and then sold to Eileen Floyd in October 1953. Floyd sold Lot 28 to Vinny Jessie Young in October 1953, but held Lot 27 for which CT 6757-99 was issued in December 1953. Lot 27 was transmitted to Douglas Eric Floyd in November 1982 and he sold it to Douglas Campbell Laughton in May 1984.

The title was converted to Computer Folio in November 1989, and the property was again transmitted in September 1991. There have been 5 transfers since, the most recent being in January 2015.

**Sands Directory**

John Fergus is listed as residing in William St as of the alphabetical listing of 1898, though the precise location is difficult to determine. There were three residents between Factory and Clyde Streets, and he was the middle one. He is listed as resident on the south side of William St as of 1900, but appears to have moved to Factory Street (on the corner of William Street) Granville by 1905.

**6-8 Factory Street Granville - Inventory Sheet 2240176**

This item is described as:

*The building is a two-storey former shop, now occupied as two dwellings, built of brick rendered and ashlar worked to front facades, with side walls of brick in garden bond. Its features include a gabled roof covered with new galvanised iron, facade with evidence of former painted advertising signage, the roof lipped to front and gabled and with an extended eaves beam, clad in corrugated iron. An external brick chimney with stop spire. Windows have soldier brick flat arches. The doors to front and side have soldier flat arches and transom lights.*

The historical notes are:

*Land auctioned as "Clyde" on 13 December 1884 for the Hudson Brothers, who built their engineering works adjacent. Land sold in late 1890 to Charles Augustus Runge, tobacconist, of Granville who built this shop with a mortgage for £300 taken out in October 1890. Runge had been one of the butchering partnership known as Runge Brothers in the 1880s, but had withdrawn from the firm by 1890. Occupied by 1912 as dining rooms by Mrs Maria Bower & George Bonnor. National Trust (Parramatta Branch): Land auctioned as "Clyde" 13th December 1884 for Hudson Bros, who built their engineering works adjacent. Land sold in 1890 to C. Runge who built this shop in 1890. Occupied by Mrs. Maria Bower and George Bonnor as dining rooms.*

Its significance is stated as:

*The former shop at 6 Factory Street is of significance for Parramatta for historical and aesthetic reasons, and as a representative example of Victorian shops in the area. The building is very prominent in the streetscape and strongly contributes to its character.*

No image is provided, but the following were taken on 1 December 2015:

- **4.** The former shop from cur. Factory and First Sts.
- **5.** The former shop (rear) from Factory Street.

The building is currently in use as the Granville Multicultural Centre, and has been painted externally in a polychromatic mural depicting various cultural items.
Granville RSL- Inventory Sheet 2245078

This item is described as:

The RSL building was built on a curvilinear/circular plan form with domed concrete roofs influenced by free organic planned concrete buildings of 1930s. Sloping walls are overscaled by bevelled concrete roofs with plain wall areas and clerestory lights. The building has a later porte cochere addition [sic]. The property [sic] features modern metal fencing.

The historical notes are:

Construction commenced in 1951. It was opened on 22 September 1954 followed by the official opening on 14 November 1954.

Its significance is stated as:

Granville RSL is of significance for Parramatta LGA for its social importance to the local residents and for its association with the returned servicemen.

An image is provided:

![Image of Granville RSL Club](image_url)

6. Granville R.S.L Club
Image copyright owner: National Trust of Australia (NSW Parramatta Region)

E2. PHYSICAL

The place was inspected on the 15th and 22nd May and 1 December 2015, when the following photographs were taken:

![Image of Granville RSL Club](image_url)

7. 10 William St- entry gate and side passage.

8. 10 William St- picket fence and verandah.
The cottage has been clad in vinyl siding, the roof and rainwater goods re-done in colorbond, the windows replaced and introduced in clear anodised aluminium, the doors have been replaced in replica panelled leaves, and the interior lined in plasterboard.

There are fragments of what appear to be original fabric in one remaining turned timber post to the verandah (reproduction?), possibly the verandah beam and the western verandah lining.

Presumably the frame may be original, though this is difficult to assess without intrusive investigation.

The white picket fence to the street boundary is a reproduction fence that is currently in a state of decay, and was erected in the past 20-25 years.
All internal linings are relatively recent, and there are no fireplaces/ copper chimney stacks which would have been the sole source of heating/ cooking/ washing for a cottage of the era attributed.

It also appears that the room layouts have been changed, together with the fenestration to the east wall, and the bedroom entrances- which are sets of double sliding doors.

There are also no remnant fitments or joinery trim.
F. PROPOSED DEVELOPMENT

I have examined drawings Nos. P343.1/01D to -39D (inclusive) prepared by PTI and dated 22/10/2015.

They depict a proposed residential development of 7 storeys over an excavate basement carpark over Lots 18-34 Sec 2, DP 2371 (inclusive):

25. Computer model of the proposed development.

26. Site of the proposed development.


2-22 William St Granville- SoHs Issue: (09/12/19)
G. IMPACT OF THE PROPOSED DEVELOPMENT

The subject property and items within the vicinity are heritage listed as:

**Paramatta Local Environmental Plan 2011**

**Schedule 5 Environmental heritage**

**Part 1 Heritage items**

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They are mapped as:

28. *Clip from Paramatta LEP 2011 Map HER 011. Granville RSL, Subject property, Shop (former).*

The relevant provisions of the Paramatta LEP are:

**5.10 Heritage conservation**

*Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.*

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<tr>
<td>The objectives of this clause are as follows: (a) to conserve the environmental heritage of Paramatta; (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views;</td>
<td></td>
</tr>
</tbody>
</table>
(c) to conserve archaeological sites,
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

<table>
<thead>
<tr>
<th>Development consent is required for any of the following:</th>
</tr>
</thead>
</table>
| (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
|   | |
| (i) a heritage item, |
| (ii) an Aboriginal object, |
| (iii) a building, work, relic or tree within a heritage conservation area, |
| (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, |
| (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, |
| (d) disturbing or excavating an Aboriginal place of heritage significance, |
| (e) erecting a building on land: |
|   | |
| (i) on which a heritage item is located or that is within a heritage conservation area, or |
| (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, |
| (f) subdivide land: |
|   | |
| (i) on which a heritage item is located or that is within a heritage conservation area, or |
| (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, |
| (e) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, |
| (d) disturbing or excavating an Aboriginal place of heritage significance, |
| (e) erecting a building on land: |
|   | |
| (i) on which a heritage item is located or that is within a heritage conservation area, or |
| (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, |
| (f) subdivide land: |
|   | |
| (i) on which a heritage item is located or that is within a heritage conservation area, or |
| (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, |
| (g) subdivide land: |
|   | |
| (i) on which a heritage item is located or that is within a heritage conservation area, or |
| (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, |
| (h) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, |
| (i) disturbing or excavating an Aboriginal place of heritage significance, |

It is proposed to demolish a building that is listed as part of a heritage item, “William Street Cottages Group”.

The place is not identified as having archaeological potential.

The place is not identified as one of Aboriginal heritage significance.

It is proposed to amalgamate the lots.

(3) When consent not required

Consent is required for non-heritage related matters.

However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

(f) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal
<table>
<thead>
<tr>
<th>(4) Effect of proposed development on heritage significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The consent authority must, before granting consent under</td>
</tr>
<tr>
<td>this clause in respect of a heritage item or heritage</td>
</tr>
<tr>
<td>conservation area, consider the effect of the proposed</td>
</tr>
<tr>
<td>development on the heritage significance of the item or</td>
</tr>
<tr>
<td>area concerned. This subclause applies regardless of whether</td>
</tr>
<tr>
<td>a heritage management document is prepared under</td>
</tr>
<tr>
<td>subclause (3) or a heritage conservation management plan</td>
</tr>
<tr>
<td>is submitted under subclause (6).</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>The effect of the proposed development will</td>
</tr>
<tr>
<td>effectively remove the heritage listed building. The one</td>
</tr>
<tr>
<td>remaining cottage of the “William Street Cottages Group”</td>
</tr>
<tr>
<td>has been comprehensively altered to a point whereby it no</td>
</tr>
<tr>
<td>longer demonstrates the nature of a modest workers cottage.</td>
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<th>(5) Heritage assessment</th>
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<tr>
<td>The consent authority may, before granting consent to any</td>
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<td>development:</td>
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<tr>
<td>(a) on land on which a heritage item is located, or</td>
</tr>
<tr>
<td>(b) on land that is within a heritage conservation area, or</td>
</tr>
<tr>
<td>(c) on land that is within the vicinity of land referred to</td>
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<tr>
<td>in paragraph (a) or (b),</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Part of the land is the site of a building</td>
</tr>
<tr>
<td>identified as a heritage item.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>The land is ostensibly “within the vicinity”</td>
</tr>
<tr>
<td>of the Shop (Former) at 6-8 Factory Street, and the</td>
</tr>
<tr>
<td>Granville RSL at 5 Memorial Drive. (Please see discussion</td>
</tr>
<tr>
<td>below at pp. 12-14)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>This document has been prepared having</td>
</tr>
<tr>
<td>general regard to the guideline document</td>
</tr>
<tr>
<td>“Statements of Heritage Impact” as</td>
</tr>
<tr>
<td>published by the Heritage Branch of the</td>
</tr>
<tr>
<td>NSW Office of Environment &amp; Heritage.</td>
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<table>
<thead>
<tr>
<th>(6) Heritage conservation management plans</th>
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<tbody>
<tr>
<td>The consent authority may require, after considering the</td>
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<tr>
<td>heritage significance of a heritage item and the extent of</td>
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<tr>
<td>change proposed to it, the submission of a heritage</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>The diminished nature of the heritage item is such that</td>
</tr>
<tr>
<td>there is virtually nothing to conserve.</td>
</tr>
<tr>
<td>Conservation management plan before granting consent under this clause.</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>(7) Archaeological sites</td>
</tr>
<tr>
<td>The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the <em>Heritage Act 1977</em> applies):</td>
</tr>
<tr>
<td>(a) notify the Heritage Council of its intention to grant consent; and</td>
</tr>
<tr>
<td>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</td>
</tr>
<tr>
<td>The subject place is not identified as being of archaeological significance.</td>
</tr>
<tr>
<td>(8) Aboriginal places of heritage significance</td>
</tr>
<tr>
<td>The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:</td>
</tr>
<tr>
<td>(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</td>
</tr>
<tr>
<td>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</td>
</tr>
<tr>
<td>The subject place is not identified as being of Aboriginal significance.</td>
</tr>
<tr>
<td>(9) Demolition of nominated State heritage items</td>
</tr>
<tr>
<td>The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:</td>
</tr>
<tr>
<td>(a) notify the Heritage Council about the application, and</td>
</tr>
<tr>
<td>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</td>
</tr>
<tr>
<td>The subject place is not identified as being of State significance.</td>
</tr>
<tr>
<td>(10) Conservation incentives</td>
</tr>
<tr>
<td>The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:</td>
</tr>
<tr>
<td>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</td>
</tr>
<tr>
<td>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</td>
</tr>
<tr>
<td>Conservation incentives are not sought.</td>
</tr>
</tbody>
</table>
(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

Heritage Items within the Vicinity

Shop (Former) at 6-8 Factory Street

The site of the proposed development is physically removed from that of both items: “Shop (Former)” at 6-8 Factory Street; and “Lidcombe RSL Club” at 5 Memorial Drive.

The “Shop (Former)” is to the south/south-west on the corner of Factory and First Streets, and is separated from the subject site by a lane approximately 6.55 metres wide (20 feet).

An historical aerial of the area shows the development on the site at the time:

29. 1948 “From the Skies” series aerial photograph, 6-8 Factory Street. (Source: SIX Maps © NSW Lands 2015).

The what appear to be outbuildings to the Factory St / Lane frontages have since been removed and the rear of the site given over to carparking.

A pre-school child care facility has also been built on the land to the west of the Shop (former),

Page: 12
The shadow analysis at PT1 drawings P343.1/07D to -21D indicate that there will be partial shadowing of the rear lane end of the site (noted as “3 First Street” on the drawings), with the most impact arising from the proposed building on Site 2 at 10 a.m. on 21st June.

While the site of the heritage item is partially shaded at the winter solstice, the item itself is not, and the shadow diagrams show that there are lesser shadow impacts at other times of the day and year.

The potential physical impacts are a matter of geophysical analysis and site management in terms of potential vibration, and it is highly improbable there will be adverse physical impacts.

There will be some visual impact by virtue of the size and height of the proposed development as it will be seen in the background of the item when viewed from the station point of images 4 and 31, above. The architectural expression of the proposal is relatively simple and recessive, and the legibility of the item in street views will remain. Views from the item will be similarly affected by the size of the proposed development, but such views are limited.

Granville RSL Club

This item is located to the north-west of the subject site, diagonally across the intersection of William Street and Memorial Drive/Clyde Street.

The main entrance of the Club is from the carpark to the north of the club building itself, with the subject site located in the order of 110 metres to the south east.
Views along William Street from the west include existing residential flat buildings (RFBs):

The proposed development, at 7 levels, will be a significant increase in height when compared to the existing former factory building on the site and the RFBs to the west, but the latter, at 3 levels above a part excavated basement (effectively 3.5 level in height), will provide an appropriate transition in scale, and the overall impact on the club will be relatively benign.

Again, the proposed development employs mitigating measures such as stepping the volume of the levels, and as can be seen in the photomontage (which is a view from the west on William Street) - see Image 27, p7, above), where the first 4 levels have a vertical façade, with those levels above stepping back progressively.

The architecture, and proposed materials, finishes and colours are relatively simple and recessive and the overall impact, both visually and physically will be minimal.

City of Parramatta Heritage Study 1992

The “William Street Cottages Group” was initially identified as a heritage item following the City of Parramatta Heritage Study of 1992 by Meredith Walker. It is described, at Inventory Number 621 as:

Three single fronted single storey cottages.

Nos [sic]. 8 Weatherboard cottage with western wall replaced with fibro. Verandah filled in. Hipped roof clad with corrugated iron.

No. 10 Weatherboard cottage. Hipped roof clad with corrugated iron. Front verandah supported on open work cast iron verandah supports.

An image is provided:
H. CONCLUSION

The above analysis has shown that the potential visual and physical impacts on the heritage items within the vicinity will be minimal.

The item "William Street Cottages Group" no longer exists in any meaningful sense and the sole survivor has been so altered that it no longer demonstrates the nature of modest workers cottages.

There is virtually no extant visible fabric that dates from the presumed period of construction, with the works seemingly having been done comprehensively sometime in the late 20th early 21st centuries. The sub-floor is of limited access, and it is well-nigh impossible to gain a proper understanding of what has happened to the cottage without substantial intrusive investigation. In the event that the changes can be determined, the extent and degree of introduction of new material to "reconstruct" the cottage is such that it cultural value would be negligible.

The resultant building would be something of a variant of Theseus’s paradox as represented in the apocryphal George Washington’s axe, wherein an item is presented as George Washington’s axe with an explanation to the effect that the head has been replaced twice and the handle, thrice (or variations on this) since in the possession of George Washington [see “The Same Ax, Twice- Restoration and Renewal in a Throwaway Age” by Howard Mansfield (ISBN 1-58465-028-1)]. The question is: is it still George Washington’s axe? The answer would logically be no- as is the case with the validity of the reconstruction of the subject cottage.

In my opinion, the building could possibly be earlier than the c.1900 date attributed to it on Inventory Sheet 2240621, as the Sands directory evidence points to the site being occupied as early as 1893, although the 1992 heritage study attributes a post-1916 construction date.

Notwithstanding this, the physical cultural value of the building has been totally obliterated and in my view it would be just as instructive to record the cottage and allow its removal, rather than present it as a sham item, which has no ability to demonstrate its former nature.

Prepared by

Dated 16 April 2019
Appendix: Documents

10 William St Granville- SoHi3

App.
William Street Cottages Group

Item details

Name of item: William Street Cottages Group
Type of item: Complex / Group
Group/Collection: Residential buildings (private)
Category: Cottage
Primary address: 10 William Street, Granville, NSW 2142
Local govt. area: Parramatta

Property description

<table>
<thead>
<tr>
<th>Lot/Volume Code</th>
<th>Lot/Volume Number</th>
<th>Section Number</th>
<th>Plan/Folio Code</th>
<th>Plan/Folio Number</th>
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All addresses

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<th>Suburb/town</th>
<th>LGA</th>
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<th>County</th>
<th>Type</th>
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<tbody>
<tr>
<td>10 William Street</td>
<td>Granville</td>
<td>Parramatta</td>
<td></td>
<td></td>
<td>Primary Address</td>
</tr>
</tbody>
</table>

Statement of significance:

The cottage at 10 William Street is of significance for the local area for historical and reasons of representativeness, as an example of modest workers cottages in the area built c. 1900.

Date significance updated: 08 Mar 02

Note: There are incomplete details for a number of items listed in NSW. The Heritage Branch intends to develop or upgrade statements of significance and other information for those items as resources become available.

Description

Construction years: 1900-
Physical description: Originally a group of three single fronted single story cottages, now only No. 10 survives. No. 10 is a weatherboard cottage with hipped roof clad with corrugated iron and bullnosed front verandah. The verandah is supported on turned timber posts, and has concrete floor and corrugated iron roof. Weatherboards are partly replaced with vinyl cladding. Timber picket fence and gate. Front door is modern.

Physical condition and/or Archaeological potential:
National Trust (Parramatta Branch): Good. No. 8: DEMOLISHED

Modifications and dates:
National Trust (Parramatta Branch) supplied Year Started.

Further information:
Water Board plans, Subd plans (ML) - Clyde; C. T. 1082 f. 79; C. T. 1237 f. 199; C. T. 2580 f. 199

History

Historical notes:
Land auctioned for Hudson Brothers as "Clyde" in December 1884. An earlier building had been erected on lot 29 by 1914. Between 1914 and 1929, this building was removed and all three cottages built. Lots 27 & 28 held by John Fergus until his death in 1919. Lot 29 devised to Rosanna Young, wife of D'Arcy Young. Leichhardt, from driver in 1915. She took out two mortgages over the land in April 1916 which probably financed the erection of the cottage (No. 6 - not included in listing). The other two cottages appear to have been built for Fergus at the same time. National Trust (Parramatta Branch): Land auctioned as "Clyde" in December 1884. An earlier building had been erected on lot 29 by 1914. Between 1914 and 1929, this building was removed and all three cottages built. Lots 27 & 28 held by John Fergus until his death in 1919. Lot 29 devised to Rosanna Young, wife of D'Arcy Young, Leichhardt tram driver in 1915. She took out two mortgages over the land in April 1916 which probably financed the erection of the cottage (No 6 not included in listing). The other two cottages appear to have been built by Fergus at the same time.

Assessment of significance
Extraordinary Cumberland Local Planning Panel Meeting
16 April 2019

SHR Criteria a) [Historical significance]
This item historically significant.

SHR Criteria g) [Representativeness]
This item is representative.

Assessment criteria: Items are assessed against the State Heritage Register (SHR) Criteria to determine the level of significance. Refer to the Listings below for the level of statutory protection.

<table>
<thead>
<tr>
<th>Listings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heritage Listing</td>
</tr>
<tr>
<td>Local Environmental Plan</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Study details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
</tr>
<tr>
<td>City of Parramatta Heritage Study</td>
</tr>
<tr>
<td>Parramatta Heritage Review</td>
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References, internet links & images
None

Note: internet links may be to web pages, documents or images.

Data source
The information for this entry comes from the following source:
Name: Local Government
Database number: 2240621

(Click on thumbnail for full size image and image details)
Extraordinary Cumberland Local Planning Panel Meeting
16 April 2019

CITY OF PARRAMATTA HERITAGE STUDY: INVENTORY FORM

<table>
<thead>
<tr>
<th>Present name</th>
<th>Inventory number</th>
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<tr>
<td>William Street Cottages Group</td>
<td>621</td>
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<table>
<thead>
<tr>
<th>Address</th>
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</tr>
</thead>
<tbody>
<tr>
<td>8,10</td>
<td>William Street Granville</td>
</tr>
</tbody>
</table>

**Description**
Three single fronted single storey cottages.
Nos. 8 Weatherboard cottage with western wall replaced with fibro. Verandah filled in. Hipped roof clad with corrugated iron.
No. 10 Weatherboard cottage. Hipped roof clad with corrugated iron. Front verandah supported on open work cast iron verandah supports.

**Historical details**
Land auctioned for Hudson Brothers as "Clyde" in December 1884. An earlier building had been erected on lot 29 by 1914. Between 1914 and 1929, this building was removed and all three cottages built. Lots 27 & 28 held by John Fergus until his death in 1919. Lot 29 devised to Roseanna Young, wife of D'arcy Young, Leichhardt, tram driver in 1915. She took out two mortgages over the land in April 1916 which probably financed the erection of the cottage (No. 6 - not included in listing) The other two cottages appear to have been built for Fergus at the same time.

**Historical themes**
3.2.2 Factory Towns
3.2.3 Private housing

**Evaluation criteria**
- Historic
- Rare
- Aesthetic
- Representative
- Social
- Associative
- Scientific
- Other

**Significance**
Early houses in major subdivision associated with location of industry away from Sydney
These cottages are also in a fairly intact condition.

**Information sources**
Water Board plans; Subd plans (ML) - Clyde; C. T. 1082 f. 79; C. T. 1237 f. 199; C. T. 2580 f. 199

**Category**
Group of buildings

**Neighbourhood**
Clyde/Camellia/Granville

**Field survey number**
1201
Shop (Former)

Item details

Name of item: Shop (Former)
Type of item: Built
Group/Collection: Retail and Wholesale
Category: Shop
Primary address: 6-8 Factory Street, Granville, NSW 2142
Local gov't. area: Parramatta

Property description

<table>
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<tr>
<th>Lot/Volume Code</th>
<th>Lot/Volume Number</th>
<th>Section Number</th>
<th>Plan/Folio Code</th>
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<td>6-8 Factory Street</td>
<td>Granville</td>
<td>Parramatta</td>
<td></td>
<td></td>
<td>Primary Address</td>
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</table>

Statement of significance:

The former shop at 6 Factory Street is of significance for Parramatta for historical and aesthetic reasons, and as a representative example of Victorian shops in the area. The building is very prominent in the streetscape and strongly contributes to its character.

Note: There are incomplete details for a number of items listed in NSW. The Heritage Branch intends to develop or upgrade statements of significance and other information for these items as resources become available.

Description

Construction years: 1890-
Physical description: The building is a two-storey former shop, now occupied as two dwellings, built of brick rendered and ashlar marked to front facade, with side walls of brick in garden bond. Its features include a gabled roof covered with new galvanised iron, facade with evidence of former painted advertising signage, the roof hipped to front and gabled and with an extended skillion at rear, clad in corrugated iron. An external brick chimney with step survives. Windows have Soldier brick flat arches. The doors to front and side have Soldier flat arches and transom lights.
Physical condition and/or Archaeological potential: National Trust (Parramatta Branch): Good.
Modifications and dates: National Trust (Parramatta Branch) supplied Year Started.
Further information: Fowilo, I, 259-60; C. T. 992 f. 158; Daleing 173862; Sands, Directory, 1912, 380.

History

Historical notes: Land auctioned as "Clyde" on 13 December 1884 for the Hudson Brothers, who built their engineering works adjacent. Land sold in late 1890 to Charles Augustus Runge, tobacconist, of Granville who built this shop with a mortgage for £300 taken out in October 1890. Runge had been one of the butchering partnership known as Runge Brothers in the 1880s, but had withdrawn from the firm by 1890. Occupied by 1912 as dining rooms by Mrs Maria Bower & George Bonnor. National Trust (Parramatta Branch): Land auctioned as "Clyde" 13th December 1884 for Hudson Bros, who built their engineering works adjacent. Land sold in 1890 to C. Runge who built this shop in 1890. Occupied by Mrs. Maria Bower and George Bonnor as dining rooms.

Assessment of significance

SHR Criteria a) [Historical significance] This item historically significant.
SHR Criteria c) [Aesthetic significance] This item is aesthetically significant.
SHR Criteria (g) [Representativeness]

Assessment criteria: This item is representative.

Items are assessed against the State Heritage Register (SHR) Criteria to determine the level of significance. Refer to the Listings below for the level of statutory protection.

### Listings

<table>
<thead>
<tr>
<th>Heritage Listing</th>
<th>Listing Title</th>
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<td>Local Environmental Plan</td>
<td>177</td>
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### Study details

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<td>1993</td>
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<td>Meredith Walker</td>
<td>Yes</td>
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<td>Parramatta Heritage Review</td>
<td>2004</td>
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<td>National Trust (Parramatta Branch)</td>
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### References, internet links & images

None

Note: internet links may be to web pages, documents or images.

### Data source

The information for this entry comes from the following source:

**Name:** Local Government

**Database number:** 2240178
Granville Rsl Club

Item details

Name of item: Granville Rsl Club
Other names: Granville R.S.L Club
Type of item: Built
Group/Collection: Community Facilities
Category: Hall RSL
Primary address: 5 Memorial Drive, Granville, NSW 2142
Local gov't. area: Parramatta

Property description

<table>
<thead>
<tr>
<th>Lot/Volume Code</th>
<th>Lot/Volume Number</th>
<th>Section Number</th>
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</table>

Statement of significance:

Granville RSL is of significance for Parramatta LGA for its social importance to the local residents and for its association with the returned servicemen.

Note: There are incomplete details for a number of items listed in NSW. The Heritage Branch intends to develop or upgrade statements of significance and other information for those items as resources become available.

Description

Construction years: 1961-

Physical description: The RSL building was built on a curvilinear/circular plan form with domed concrete roofs influenced by free organic planned concrete buildings of 1950s. Sloping walls are overlaid by bevelled concrete roofs with plain wall areas and clerestory lights. The building has a later porte cochere addition. The property features modern metal fencing.

Physical condition and/or Archaeological potential: National Trust (Parramatta Branch): Good.

Modifications and dates: National Trust (Parramatta Branch) supplied Year Started.

History

Historical notes: Construction commenced in 1961. It was opened on 22 September 1964 followed by the official opening on 14 November 1964.

Assessment of significance

SHR Criteria a) [Historical significance] This item is historically significant

SHR Criteria b) [Associative significance] This item has a significant level of association

SHR Criteria d) [Social significance] This item is of social significance

SHR Criteria g) [Representativeness] This item is representative

Assessment criteria: Items are assessed against the State Heritage Register (SHR) Criteria to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Listings
### Study details

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<th>Title</th>
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#### References, internet links & images

None

Note: internet links may be to web pages, documents or images.

(Click on thumbnail for full size image and image details)

### Data source

The information for this entry comes from the following source:

- **Name:** Local Government  
- **Database number:** 2245078

---

Granville R.S.I Club  
Image copyright owner: National Trust of Australia (NSW Parramatta Region)
And I further declare that:—

And I further declare that the stated Schedule, to which any person or persons is or are averse, and which is to be taken as part of the Declaration, contains a full and correct list of all settlements, deeds, documents, or inducements, maps, plans, and papers relating to the land comprised in this application, on the basis that any person or persons as being in any part thereof, or in any part thereof, so far as known to me, any other thereof are desirous: Also, that there does not exist any fact or circumstance whatsoever material to the title, which is not hereby fully and fairly disclosed to the utmost extent of my knowledge, information, and belief; and that there is not, to my knowledge, and belief, any action or suit pending affecting the said land, nor any person who has or claims any estate, right, title, or interest therein, or in any part thereof, otherwise than by virtue and to the extent of some lease or tenancy hereby fully disclosed (except as follows).

And I make this solemn Declaration, conscientiously believing the same to be true.

DATED this 14th day of October 1889.

[Signature]

[Signature]

In the presence of:

[Signature]

To the Register General—

[Signature]

Dated this 14th day of October 1889.

Witness to Signature:

[Signature]
# EXTRAORDINARY CUMBERLAND LOCAL PLANNING PANEL MEETING

16 April 2019

---

**PRES.**

**PAYMENT OF THESE MUST ACCOMPANY THE APPLICATION.**

1st—Where the Applicant is the Original Owner from the Crown.

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<th>Certificate Fee</th>
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2nd—Where the Applicant is not the Owner from the Crown, or being the Owner, the Property has been dealt with by any Registered Instrument.

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In addition to the amount of £5 in the £ on the valuer, and the £5 in the solicitor, if the value of a Crown Grant.

F State to whom all correspondence relating to this Application should be sent, with address, as under, viz.—

J. P. Powenig

Solicitor

Sydney

---

ELPP022/19 – Attachment 7 Page 543
EXTRAORDINARY CUMBERLAND LOCAL PLANNING PANEL MEETING
16 APRIL 2019

S E R Y

ELLEZ FLOYD OF Granville, Married Woman, is now the proprietor of an estate in Fee Simple, subject nevertheless to the reservations and conditions, if any, contained in the Grant hereinafter referred to, and also subject to such encumbrances, liens, and interests as are notified hereto, in that piece of land situated at Clyde in the City of Parramatta Parish of Liberty Plains, and County of Cumberland containing 54 perches or thereabouts as shown in the plan hereto and therein edged red being Lot 27 of Section 2 in Deposited Plan No. 2371 and being part of Portion 2 granted to William Lawen and William Charles Wentworth on 29th January 1840.

In witness whereof I have hereunto signed my name and affixed my seal this Eighteenth day of December, 1943.

Signed in the presence of

William St.

Regist. Gen.

S. HILLS

Registered Proprietor

Dinham Cricket LEVEL

In the presence of

By: P. H. U. POWERS, REGISTRAR GENERAL

NOTIFICATION AFFORRED TO

REGISTRAR GENERAL

NO FURTHER DEALINGS TO BE REGISTERED.
LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE
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9/6/2015 1:16PM

FOLIO: 27/2/2371

First Title(s): SEE PRIOR TITLE(S)
Prior Title(s): VOL 6757 PGL 99

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*** END OF SEARCH ***

Archmos Designs

PRINTED ON 9/6/2015

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DOCUMENTS ASSOCIATED WITH REPORT ELPP022/19

Attachment 8
Peer Heritage Review prepared by Heritage 21/Rappoport
PEER REVIEW:
STATEMENT OF HERITAGE IMPACT

Proposed development at
2-22 William Street
GRANVILLE

Job No. 2854
April 2017

Heritage 21
CULTURAL BUILT HERITAGE IN THE 21ST CENTURY

RAPPOPORT PTY LTD ©
CONSERVATION ARCHITECTS AND HERITAGE CONSULTANTS
Suite 48, 20-28 Maddox Street, Alexandria, NSW 2015
(02) 9519 2521
reception@heritage 21.com.au

<table>
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<td>Heritage Approvals &amp; Reports</td>
<td>Schedules of Conservation Work</td>
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3.3 INTERIORS
3.4 CONDITION & INTEGRITY
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5.0 REVIEW OF STATEMENT OF HERITAGE IMPACT
   
5.1 CONCLUSIONS OF REPORT
5.2 RESPONSE TO REPORT
5.3 OTHER CONSIDERATIONS

6.0 CONCLUSION
The following table forms part of the quality management control undertaken by Heritage 21 regarding the monitoring of its intellectual property as issued.

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1.0 INTRODUCTION

1.1 Background and Purpose

This report has been prepared on behalf of Project Tourism International Pty Ltd ('PTI') in the context of a development application lodged with the Council of the City of Parramatta.

The purpose of this report is to provide a peer review of the Statement of Heritage Impact which accompanies the development application, so as to allow Council to ascertain whether the SOHI submitted with the application has provided a thorough analysis and assessment of the proposed works – which entail the demolition of a site listed as an item of environmental heritage in Schedule 5 of the Parramatta Local Environmental Plan 2011 (PLEP) – from a heritage perspective.

1.2 Site Identification

The subject site is located at 10 William Street, Granville, which falls within the boundaries of the Parramatta Local Government Area. It is located on the southern side of William Street, as indicated in Figure 1 below. The site comprises Lot 27, Section 2 of DP 2371 and is zoned as R4 (High Density Residential).

![Figure 1. Aerial view of the subject site with the boundaries of the subject site outlined in red. Source: NSW Land & Property Information, "Six Maps", r.d., http://maps.sl.nsw.gov.au/).](image-url)
1.3 Heritage Status

The subject site at 10 William Street is listed as an item of environmental heritage in Schedule 5 of the PLEP. The details of this listing are as follows:

<table>
<thead>
<tr>
<th>Item Name</th>
<th>Address</th>
<th>Significance</th>
<th>Item Number</th>
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<tr>
<td>William Street Cottages Group</td>
<td>10 William Street</td>
<td>Local</td>
<td>1205</td>
</tr>
</tbody>
</table>

The “Group” of cottages which comprise the listing refers to three detached dwellings located at 6, 8, and 10 William Street. Today, the only surviving property of the original group of three is the subject site, located at number 10 William Street.

The subject site is listed in the vicinity of the following items of environmental heritage, as found in Schedule 5 of the PLEP:

<table>
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<th>Item Name</th>
<th>Address</th>
<th>Significance</th>
<th>Item Number</th>
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<td>Former Shop</td>
<td>6-8 Factory Street</td>
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<td>Granville Swimming Pool</td>
<td>1 Memorial Drive</td>
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<td>Granville War Memorial</td>
<td>1 Memorial Drive</td>
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<tr>
<td>Granville RSL Club</td>
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1.4 Methodology

This report has been informed by a review of the documentation provided to Heritage 21 by Project Tourism International Pty Ltd on 23 January 2017, phone conversations between the proponent and Heritage 21 on 04 and 10 April 2017, a physical inspection of the subject site which was undertaken by Heritage 21 on 06 April 2017, and additional research as required.

The following documentation was reviewed:

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<th>Document</th>
<th>Produced by</th>
<th>Date</th>
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<td>Archnex Designs</td>
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<tr>
<td>‘Planning Proposal 2-22 William Street, Granville’</td>
<td>Project Tourism International Architecture Pty Ltd</td>
<td>26 September 2016</td>
</tr>
</tbody>
</table>

Additionally, this report has been prepared in accordance with the principles contained in the most recent edition of The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance.

1.5 Authors

This report has been prepared by Anthony Klias and overseen by Paul Rappoport of Heritage 21, Heritage Consultants.
1.6 Limitations

- This report is based on an assessment of heritage issues only and does not purport to have reviewed or in any way endorsed decisions that are of a planning or compliance nature. Similarly, this Report does not purport to determine or assess any BCA requirement, services related issue, contamination issue, structural integrity issue, legal matter or any other non-heritage issue.
- This report essentially relies on secondary sources with historical research limited to that which had already been undertaken by Architectural Projects Pty Ltd. Primary research has not necessarily been included in this report, other than the general assessment of the physical evidence on site.
- It is beyond the scope of this report to address Indigenous associations with the subject site.
- It is beyond the scope of this report to locate or assess potential or known archaeological subsurface deposits on the subject site.
- Heritage 21's assessment is based on a physical inspection of the subject site with regard to its setting and exterior views. An inspection of the interior and views from within the buildings was not undertaken.

1.7 Copyright

Heritage 21 holds copyright for this report. Any reference to or copying of the report or information contained in it must be referenced and acknowledged, stating the report's name, date and Heritage 21's authorship.
2.0 HISTORICAL EVIDENCE

In order to thoroughly analyse and assess the conclusions of the Statement of Heritage Impact, it is necessary to first understand the historical, physical, and heritage context of the subject site. This background is provided in the following section.

2.1 Local History

The area now known as Granville is part of the traditional lands of the Burramattagal people of the Dharug nation. For much of the early Colonial period, Granville remained a peripheral, sparsely populated and undeveloped locality. Settlement patterns and land use only intensified in the wake of the construction of the Sydney to Parramatta railway over the 1850s. By the late nineteenth century, Granville had emerged as a centre of industry and developed into a blue-colour working-class township. During the Post War period, Granville's built environment expanded rapidly to meet the housing needs of the baby-boomer generation as well as British and 'New Australian' migrants. Since the late-twentieth century, much of the Granville's industrial presence has retracted and the suburb has witnessed several phases of infilling, consolidation and, in some parts, gradual gentrification. During the 2000s, perceived civic and amenity deficiencies across the suburb have been targeted by several revitalisation schemes.


2.2 Site History

The following history is taken from the listing sheet for the subject site on the NSW State Heritage Inventory.\(^3\)

Land auctioned for Hudson Brothers as "Clyde" in December 1884. An earlier building had been erected on lot 29 by 1914. Between 1914 and 1929, this building was removed and all three cottages built. Lots 27 & 28 held by John Fergus until his death in 1919. Lot 29 devised to Roseanna Young, wife of D'arcy Young, Leichhardt, tram driver in 1915. She took out two mortgages over the land in April 1916 which probably financed the erection of the cottage (No. 6 - not included in listing) The other two cottages appear to have been built for Fergus at the same time.

The following land title history of the site is taken from the Statement of Heritage Impact:\(^4\)

The land is part of a 250 acre grant to William Lawson and William Charles Wentworth of 29th January 1840.

It was converted to Real Property by Henry Hudson, Robert Hudson and William Hudson under Primary Application No 7198, dated 14th December 1887. It was subsequently subdivided under Deposited Plan 2371, dated 6th Sept 1889.

The land of which the subject property forms part was transmitted to The Perpetual Trustee Company in October 1892 (Certificate of Title Volume 1072 Folio 164 [CT 1072-164]), and Lots 27 and 28, Section 2 sold to John Fergus of Clyde, storekeeper, in January 1893. CT 1089-72 was issued to Fergus in January 1893 and he held the land until it was transmitted to his widow, Margaret Fergus, in September 1919. It was transmitted to Mary Josephine Anschar in November 1942, and then transmitted to Constance Helen Denning and Margaret Caroline Fergus in October 1948. It was sold to Ernest William Saunders of Turramurra, freeholder, in April 1950 and then sold to Eileen Floyd in October 1953. Floyd sold Lot 28 to Vinny Jessie Young in October 1953, but held Lot 27 for which CT 6757-99 was issued in December 1953. Lot 27 was transmitted to Douglas Eric Floyd in November 1982 and he sold it to Douglas Campbell Laughton in May 1984.

The title was converted to Computer Folio in November 1989, and the property was again transmitted in September 1991. There have been 5 transfers since, the most recent being in January 2015.

---


3.0 SITE INVESTIGATION

3.1 Setting

10 William Street is located approximately in the centre of the southern side of William Street, on the block bound to the east by Factory Street and to the west by Memorial Drive and Clyde Street. William Street itself runs east-west and has a varied streetscape. The section of the street that is the subject of the current development proposal contains both low-scale residential properties and large factory buildings. The residential properties seem to date from various periods of the twentieth century. One factory, located to the west of the subject site, seems to date from the 1960s-70s, while the other factory building directly opposite the subject site was likely constructed in the later decades of the twentieth century.

This block is in close proximity to Clyde and Granville train stations and to other main roads in the area and is a somewhat prominent thoroughfare. The streetscape is well-treed with grassed verges on the north and south sides of the street.

(The images of the site presented in Sections 3.1, 3.2, and 3.3 below were taken by Heritage 21 during a site inspection undertaken on 06.04.17.)

Figure 5. William Street, as viewed facing east from the intersection with Memorial Drive. The approximate location of the subject site is indicated by the red arrow.
3.2 Exteriors

The listing sheet for the subject site on the State Heritage Inventory describes the dwelling as follows:

*Originally a group of three single fronted single storey cottages, now only No. 10 survives. No. 10 is a weatherboard cottage with hipped roof clad with corrugated iron and bullnosed front verandah. The verandah is supported on turned timber posts, and has concrete floor and corrugated iron roof. Weatherboards are partly replaced with vinyl cladding. Timber picket fence and gate. Front door is modern.*

The rear yard has a path of brick pavers leading to a rear access lane, and an enclosed, flat-roof Colorbond shed.
Figure 8. Subject site as viewed facing west on William Street.

Figure 9. Front veranda displaying bullnose roof, turned timber post, and latticework on eastern side.

Figure 10. View towards William Street from front veranda.

Figure 11. Side access at east of dwelling.

Figure 12. Detail of front elevation.

Figure 13. View facing north from side access.
3.3 Interiors

The eastern side of the front of the dwelling contains a hallway, off which two sizeable bedrooms open. The rear of the dwelling contains a living room which spans the width of the building, and at the rear a kitchen and bathroom.

It is noted that the interior of the dwelling does not form part of the property’s listing as an item of environmental heritage under Schedule 5 of the PLEP.
Figure 18. Hallway at front of dwelling, facing towards rear.

Figure 19. Floor of hallway.

Figure 20. Fenestration in front bedroom.

Figure 21. Ceiling of front bedroom.
Figure 22. Second bedroom.

Figure 23. Ceiling of second bedroom.

Figure 24. Ceiling in hallway.

Figure 25. Hallway, facing towards front of dwelling.
Figure 26. Living room.

Figure 27. Living room ceiling.

Figure 28. Kitchen at rear.

Figure 29. Fenestration in kitchen.
3.4 Condition & Integrity

3.4.1 Subject Site

The dwelling at 10 William Street seems to be in fair condition. There is some mould on some upper walls and ceilings, which suggests some moisture retention within the structure.

The exterior of the dwelling – which constitutes the site’s listing as a heritage item in the PLEP – has been modified over time. These modifications have rendered the dwelling’s original form and presentation only partly legible. Modifications to the property include:

- Replacement of original hip-roofed front and flat-roofed rear with new hipped roof throughout;
- Removal of original chimney from rear flat roof;
- New timber picket fence at front of property (earlier fence was timber frame and chainwire);
- Replacement of some original weatherboards with vinyl cladding; and
- Original or early ‘open-work’ veranda posts with turned timber posts.

It was noted at Heritage 21’s site visit that much of the internal fabric has also been progressively modified, such that evidence of the original materiality of the residence no longer remains. As mentioned above, the interior of the residence does not form part of the site’s listing as a heritage item on the PLEP, as and such is not relevant for the purposes of this report and this proposal.
3.4.2 William Street Cottages Group

Of the three original cottages which form part of the "William Street Cottages Group" listing, only the dwelling at 10 William Street – the subject site – remains. The William Street Cottages Group no longer exists in any meaningful sense.

Figure 32: 1943 aerial image of subject site (indicated by red arrow), displaying hip-roofed front and likely flat-roofed rear with chimney. The neighbouring dwelling in the cottages group, no. 8 William Street, is indicated by the blue arrow. 6 William Street [indicated by yellow arrow] is no longer extant by this date (Source: NSW Land & Property Information, 'Six Maps').
Figure 33. Recent image of subject site (indicated by red arrow), now displaying hip roof throughout structure. Note also the disappearance of the neighbouring cottage at no. 8 William Street (indicated by blue arrow), as well as the original third cottage at no. 6 William Street (indicated by orange arrow) (Source: NSW Land & Property Information, ‘SIX Maps’).

Figure 34. 1992 image of the three properties comprising the original “William Street Cottages Group”. The subject site (indicated by red arrow) still displays original or early features at this time, including roofing, chimneys, front fence, and verandah posts. The neighbour cottage at no. 8 William St (indicated by blue arrow) is still extant at this time, although the original cottage at 6 William St [indicated by orange arrow] had been demolished (Source: City of Parramatta, 8-10 William Street, Heritage Study, 1992).
3.5 Established Heritage Significance

The following Statement of Significance for the site is taken from the listing card available on the State Heritage Inventory.\(^5\)

*The cottage at 10 William Street is of significance for the local area for historical and reasons of representativeness, as an example of modest workers cottages in the area built c. 1900.*

The site has been assessed as fulfilling the criteria for *historical* and *representative* significance, although no discussion is provided as to how the site specifically meets these criteria.

As mentioned above, the interior of the dwelling *does not* form part of this listing.
4.0 WORKS PROPOSED

It is understood from the Planning Proposal prepared by PTI that the following works are proposed as part of the development:

- Demolition of all structures located between 10 and 22 William Street (inclusive); and
- Construction of new 7-level (excluding basements) residential building, including landscaped areas

Figure 35. Photomontage of proposed development, as viewed facing east on William Street from the Granville RSL Club, near the intersection with Memorial Drive (Source: PTI, Dwg. P343.1/30D).
5.0 REVIEW OF STATEMENT OF HERITAGE IMPACT

As indicated in Section 3.0 above, the proposed development would entail the demolition of a heritage item – the subject site at Number 10 William Street. The demolition of a heritage item which is statutorily protected is a delicate matter, and should only be permitted if the approval authority is satisfied that the place no longer has the potential to display the significance which has led to its listing, whether such significance is tangible or intangible.

The following section of this report responds to the conclusions reached in the Statement of Heritage Impact prepared for the proposal by Archnex Designs in December 2015, and is based on the site investigation presented in Section 2.0 of this report.

5.1 Conclusions of Report

The Statement of Heritage Impact prepared by Archnex Designs made the following conclusions regarding the proposed demolition of the subject site:

The item “William Street Cottages Group” no longer exists in any meaningful sense and the sole survivor has been so altered that it no longer demonstrates the nature of modest workers cottages.

There is virtually no extant visible fabric that dates from the presumed period of construction, with the works seemingly having been done comprehensively sometime in the late 20th/early 21st centuries. The sub-floor is of limited access, and it is well-nigh impossible to gain a proper understanding of what has happened to the cottage without substantial intrusive investigation. In the event that the changes can be determined, the extent and degree of introduction of new material to “reconstruct” the cottage is such that it cultural value would be negligible.

The resultant building would be something of a variant of Theseus’s paradox as represented in the apocryphal George Washington’s axe, wherein an item is presented as George Washington’s axe with an explanation to the effect that the head has been replaced twice and the handle, thrice (or variations on this) since in the possession of George Washington [see "The Same Ax, Twice: Restoration and Renewal in a Throwaway Age" by Howard Mansfield (ISBN 1-58465-028-1)]. The question is: Is it still George Washington’s axe? The answer would logically be no as is the case with the validity of the reconstruction of the subject cottage.

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In my opinion, the building could possibly be earlier than the c.1900 date attributed to it on inventory Sheet 2240621, as the Sands directory evidence points to the site being occupied as early as 1893, although the 1992 heritage study attributes a post-1916 construction date.

Notwithstanding this, the physical cultural value of the building has been totally obliterated and in my view it would be just as instructive to record the cottage and allow its removal, rather than present it as a sham item, which has no ability to demonstrate its former nature.

5.2 Response to Report

On the whole, Heritage 21 can agree with the conclusions made in the Archnex report, which has assessed that the demolition of the existing dwelling is an acceptable outcome. Our response is based on two aspects of the site in its present state: its setting within the "William Street Cottages Group", and its extant fabric.

5.2.1 Setting

The subject site at 10 William Street is the last remaining of a group of three cottages, the "William Street Cottages Group". Figures 32, 33, and 34 above show the site together with its neighbouring cottages at 6 and 8 William Street, most recently in 1992. The cottages at 6 and 8 William Street have, however, since been demolished, and new constructions now stand in their place. These new residences show no relationship to the remnant cottage at Number 10 William Street, nor do they display any evidence of ever having been part of a group of neighbouring workers' cottages. As such, Heritage 21 can support the finding from the Archnex report that "the item 'William Street Cottages Group' no longer exists in any meaningful sense".

Figure 36. Subject site (indicated by red arrow), 8 William Street (indicated by blue arrow), and 6 William Street (indicated by orange arrow). These three properties form the original 'William Street Cottages Group' (Source: Google Maps). http://maps.google.com.
5.2.2 Extant Fabric

The Archnex report found that "there is virtually no extant visible fabric that dates from the presumed period of construction". The images and discussion presented in Section 3.0 of this report indeed illustrate that there is little, if any, remnant original fabric in the dwelling. The house shows signs of internal and external modification which date from around the mid-twentieth century to the present day.

Importantly, the external modifications – which form the material basis for the site's listing as a heritage item in the PLEP – have altered the site to the extent that there are virtually no individual elements or components at the exterior which are in themselves of any heritage significance (notwithstanding the dwelling’s continued presentation as a modest cottage). These changes, which are detailed in Section 3.4 above, have greatly diminished the site's heritage significance, inasmuch as the original character of the dwelling is no longer readily legible.

As previously mentioned in this report, the interior of the residence does not form part of the site's listing as a heritage item. Heritage 21 can confirm that the majority, if not all, of the internal fabric is not original, and as such the absence of the interior from the listing is warranted, as these spaces do not display heritage significance.

Given the demonstrably diminished significance of the property as a result of extensive modifications over time, Heritage 21 can support the finding that the site as a whole is no longer of any meaningful heritage significance.

5.3 Other Considerations

5.3.1 Design

The report produced by Archnex is supportive of the design of the proposed development at the subject site. Heritage 21 is equally satisfied that the proposal would, from a design perspective, not be detrimental to the surrounding streetscape. As outlined in Section 2.2.1 of this report, the locale is characterised by wide streets and other large structures, of both a residential and an industrial nature. Generally speaking, the design proposed by PTI would be easily readable as contemporary and generally responsive to the surrounding built forms.

5.3.2 Shadow Impact

The report produced by Archnex contains discussion about shadow impact as a result of the proposed development on the heritage item in the vicinity of the subject site, the former shop located at 6-8 Factory Street. The report finds that there would be some shadowing on this nearby item, although the distance between the location of the proposed development and the location of the former shop on Factory Street is sufficient that the impact would be minimal. Heritage 21 can support this finding.
5.3.3 Views

The Archnex report makes mention of the views that exist between the heritage items in the vicinity of the subject site, namely the Granville RSL Club at 5 Memorial Drive and the former shop at 6-8 Factory Street. It is established that no significant views exist between these two items – owing mainly to the large distance between them – and as such the proposed development would not have any impact from this aspect.

The proposed design is assessed in the Archnex report as using appropriate stepbacks of the upper levels in order to reduce the bulk of the building, and to minimise the visual impact of the new structure from the perspective of the two nearby heritage items.

Following a site visit on 06.04.17, Heritage 21 can confidently agree with the above analysis, and can similarly assess that the impact on views between nearby heritage items would not be impacted by the proposed development, owing to the distance between them and to the appropriate mitigating aspects of the proposed design.
6.0 CONCLUSION

The purpose of this report has been to review the Statement of Heritage Impact prepared by Archnex Designs pertaining to the proposed development at 2-22 William Street, Granville, which would entail the demolition of a building which is listed in Schedule 5 of the Parramatta Local Environmental Plan 2011 as an item of environmental heritage (the subject site, located at 10 William Street). The Archnex report supports the demolition of this property as part of the proposed development.

This report, prepared by Heritage 21, has produced the following findings:

- The listed item, “William Street Cottages Group”, no longer meaningfully exists, due to the demolition of the original cottages at numbers 6 and 8 William Street;
- Little, if any, original fabric remains at the subject site, and as such its significance has been greatly diminished;
- Views between nearby heritage items would not be impacted as a result of the proposed demolition of the extant property, or as a result of the proposed new structure; and
- The proposed design of the new building is assessed as being appropriately responsive to the surrounding streetscape.

For these reasons, Heritage 21 is satisfied that the Statement of Heritage Impact produced by Archnex Designs – which has made largely the same findings as those outlined in this report – has adequately assessed the potential heritage impact that would be a result of the proposed development. Heritage 21 can therefore support the proposed development, and the resultant demolition of the heritage item located at number 10 William Street.